

MEDIA SUSTAINABILITY INDEX

2009

**The Development
of Sustainable
Independent Media
in Europe and Eurasia**



MEDIA SUSTAINABILITY INDEX 2009

The Development of Sustainable Independent Media in Europe and Eurasia

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Implementing Partners

IREX wishes to thank the following organizations that coordinated the fieldwork for and authored a number of the studies herein:

Marketing Communications Research Company (Armenia) <http://www.tns-global.am>

Women's Media Watch Azerbaijan <http://www.wmw-az.org/>

Mediacentar Sarajevo <http://www.media.ba/mediacentar/compiled/p882.htm>

BTC ProMedia (Bulgaria) <http://www.btcpromedia.org>

Institute for Advanced Studies GAP (Kosovo) <http://www.gapinstitute.org/>

Media Development Center (Macedonia)

Independent Journalism Center (Moldova) <http://ijc.md/eng/>

Media LTD (Montenegro) <http://www.media.cg.yu/index.htm>

Center for Independent Journalism (Romania) <http://www.cji.ro/>



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& EURASIA**

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The MSI reflects the expert opinions of media professionals in each country and its results inform the media community, civil society, and governments of the strengths and weaknesses of the sector. IREX continues to encourage professionals in their vital efforts at developing independent and sustainable media in their own countries or, in many cases, preserving alternative voices in the face of repressive governments.



I am pleased to introduce the Media Sustainability Index (MSI) 2009. The MSI provides an analysis of the media environment in 21 countries of Europe and Eurasia during 2008 and also shows trends in the media sector since 2001. The MSI was first conceived in 2000 and launched in 2001, in cooperation with the United States Agency for International Development (USAID). Since that time, it has become a universally recognized reference for benchmarking and assessing changes in media systems across Europe and Eurasia.

The MSI allows policymakers and implementers to analyze media systems and determine the areas in which media development assistance can improve citizens' access to news and information. Armed with knowledge, citizens can help improve the quality of governance through participatory and democratic mechanisms, and help government and civil society actors devise solutions to pervasive issues such as poverty, healthcare, conflict, and education.

The MSI also provides important information for the media and media advocates in each country and region. The MSI reflects the expert opinions of media professionals in each country and its results inform the media community, civil society, and governments of the strengths and weaknesses of the sector. IREX continues to encourage professionals in their vital efforts at developing independent and sustainable media in their own countries or, in many cases, preserving alternative voices in the face of repressive governments.

IREX would like to thank all those who contributed to the publication of the Media Sustainability Index 2009. Participants, moderators, authors, and observers for each country, listed after each chapter, provided the primary analysis for this project. At IREX, Leon Morse managed the MSI with editorial and administrative assistance from Blake Saville. IREX staff in the region provided important logistical support and guidance. USAID has been a consistent supporter of the MSI, helping to develop the project and ensure its ongoing implementation.

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

Sincerely,



W. Robert Pearson

President, IREX

This year's study also shows how growth is fragile in the media sector, particularly in Objective 1, freedom of speech. While a government's commitment to a free media should not hinge on the quality of journalism present, biased reporting and polarization in the media can often be used as a motivation or justification for government antipathy toward a free press.



The 2009 edition of the Europe and Eurasia Media Sustainability Index (MSI) reveals a mixture of progress and regression in the region. On the one hand, measures for business management were mostly up compared to last year; on the other, additional countries joined the ranks of those showing deteriorating scores since the baseline study in 2001. The Southeastern Europe and Caucasus sub-regions suffered losses overall, while Russia and Western Eurasia gained, as did Central Asia to a certain degree.

This year's study also shows how growth is fragile in the media sector, particularly in Objective 1, freedom of speech. While a government's commitment to a free media should not hinge on the quality of journalism present, biased reporting and polarization in the media can often be used as a motivation or justification for government antipathy toward a free press. Unfortunately, Objective 2, professional journalism, is the worst performing objective on average across the region. Objective 5, supporting institutions, the strongest objective in the region since 2002, fell overall this year. The change can be explained by reports from many countries of polarization and competition that preclude cooperation, coupled with difficulty achieving sustainability in the face of decreased international donor support.

IREX does not provide exhaustive analysis of regional, sub-regional, or individual country developments in the chapters that follow. The MSI is designed to serve as a summary of overall developments and a starting point for local media practitioners, international media development workers, academics, and others for further research. IREX intends for the results of the Media Sustainability Index to serve as one tool in the conversation about media development and to support advocacy efforts aimed at improving media ability to inform the public in the countries under study. To that end, IREX provides all previous editions of the Media Sustainability Index and spreadsheets with combined scoring data on its website, www.irex.org/msi.

Developments in the Sub-Regions

Observers should use a level of caution when assessing averages and trends of the sub-regions within Europe and Eurasia. Sometimes close neighbors, such as Ukraine and Belarus or Kyrgyzstan and Uzbekistan, are heading in opposite directions. Nonetheless, using sub-regional groupings can be a convenient way to focus attention on developments and trends, contrast performance to highlight opportunities or threats, and/or identify problems or successes.

Southeastern Europe as a whole suffered decreases in all objectives for the second year in a row. Particularly noteworthy were the setbacks in Objective 1, freedom of speech; Objective 2, professional journalism; and Objective 5, supporting institutions.

Political turmoil caused Macedonia to return the largest loss in both Southeastern Europe and the whole region. Its overall drop of 0.57 reflects serious problems that will likely impact the development of its media for some time. For the past few years, Macedonia scored solidly in the “near sustainability” category, even though it had lost some ground recently. However, the fall to 1.71 sets it back into the “unsustainable, mixed system” category. Panelists described a situation in which both the government and the media abandoned commitments to a free press, objectivity, and professionalism as a political expedient. This situation highlights the difference between “sustainability” and “near sustainability.” The Southeastern European experience is showing how difficult it can be to achieve the kind of development necessary to resist regression in a very short period of time under political or other pressures.

While Macedonia may be the most striking example of media fragility in southeastern Europe, it is not alone. Croatia is in danger of falling below its baseline scores after a few years in a row of decreasing assessments by panelists there. From its high in 2005, when it was showing nearly 25 percent growth from 2001, it is now at only 1 percent. More troubling is that only Objective 3 (plurality of news) and Objective 5 (supporting institutions) contribute to net positive growth. Objective 1 (freedom of speech), Objective 2 (professional journalism), and Objective 4 (business management) all received lower scores this year than in 2001. Panelists expressed shock at the assassination of publisher Ivo Pukanić, and certainly that contributed to the lower score. But, as poor a sign that was, the Objective 2 score now stands at 2.00, down from 2.50 in 2001. Panelists blamed the small size of the Croatian market that squeezes out “serious” news sources in favor of sensational news outlets.

Bosnia also has demonstrated difficulties moving ahead in recent years. Bosnia is still the leader in improvement since

2001, with an overall increase in score of 68.9 percent. However, this is down from the 2006/2007 study, led by decreased scores for the professional journalism and freedom of speech objectives. Panelists noted that the small decrease in freedom of speech is mainly due to lingering ethnic divisions in society. The fall in professional journalism was summed up by one panelist, who said, “We have to admit that our journalism is preoccupied by subjectivism.”

Likewise, Montenegro still shows an improvement of 35.7 percent since 2001, but the 2006/2007 scores showed nearly 60 percent growth. Panelists there decried the poor implementation of recent legislative changes, high damages awarded in libel suits, poor adherence to journalism ethics, and lack of sophistication in reporting.

European Union member Romania also suffers from stagnation in the media sector and has only managed an increase in overall score of 8.2 percent since 2001. Politicization of the media and a kind of cynicism by politicians about the role of media in society culminated in July 2008, with a Senate measure designed to force broadcasters to air “good” and “bad” news equally. Fortunately, the law was not enacted in the end.

The Caucasus returned overall negative scores as well. Armenia remained more or less the same, and has scored in the upper half of an “unsustainable, mixed system” since IREX first studied its media in 2001. Developments in Georgia and Azerbaijan, however, brought down the regional score.

Azerbaijan was not much of a surprise, as development there had never been significant and the government has consistently made a concerted effort to control information and maintain its grip on power. Continued jailings—thought to be perpetrated by the government—of critical media professionals and harassment of journalists make journalism a very difficult profession. Also this past year, the government took further steps to decrease the plurality of news sources by banning the use of domestic FM frequencies by foreign broadcasters, such as Radio Free Europe, Voice of America, and the BBC.

Unfortunately, Georgia also took further steps backward again this year after peaking in 2006/2007. Especially troubling is the drop of 0.87 points in the freedom of speech objective since then, and the 0.71 loss in plurality of news sources is also telling of Georgia’s problems. The political crisis of early 2008 and the tensions with Russia over South Ossetia that erupted into war damaged press freedom and the media itself, as it increasingly became a means for political ends, following the trend reported last year. Complicated ownership structures of some of the most influential media seem to lead back to politicians and their close associates. During the war, the government blocked Russian media and websites. Panelists observed that media are not run for the purpose of making

a profit; rather, they often receive cash injections from their owners and must operate in an environment of politicization in advertisement placement.

Russia and Western Eurasia showed some improvement, due mainly to better performance of the business management objective and overall progress recorded in Ukraine. Ukraine's media continue to develop, but the pace of improvement in professional journalism is not keeping up with other areas. Panelists were critical of the ability of much of the Ukrainian media to provide the public with objective information, and pointed out in particular the adverse effect of "advertorial" content and other hidden advertisements.

Russia still falls short of its 2001 scores in all objectives except Objective 4, business management. Efforts by the government to control news and information have negatively impacted both the freedom of speech and plurality of news sources objectives. Perhaps most troubling are reports from panelists that the lack of diversity in news sources and abbreviated freedom of the press is not of particular concern to the public at large.

Central Asia managed to show some improvements despite the inclusion of Turkmenistan and Uzbekistan in the regional average. Uzbekistan continued to worsen, if only slightly, and is the leader in negative change since 2001, losing 48 percent. Turkmenistan, new to the MSI last year, also suffered losses and achieved the worst score in the history of the Europe and Eurasia MSI and one of the worst in the roughly 80 countries studied worldwide by the MSI.

Kazakhstan moved from a position of net loss to net gain this year. Overall, many problems persist, as the score of 1.68 implies. In particular, the freedom of speech and plurality of news objectives languish below 1.50. However, panelists awarded higher scores for professional journalism this year, and stronger economic performance helped improve the business management score as well.

Kyrgyzstan leads Central Asia in improvement since 2001, with an increase of 49.5 percent. It advanced somewhat again this year as panelists upgraded their assessments of freedom of speech and professional journalism. However, despite being arguably the freest country in Central Asia, Kyrgyzstan's scores for professional journalism and business management prevent it from entering the "near sustainability" category. Lack of development in these two objectives can create mutually reinforcing challenges, as a lack of resources at media outlets precludes quality, which in turn hinders the value of media in the eye of the consumer.

The MSI is showing that overall, despite some improvements, media development throughout the Europe and Eurasia region is difficult, particularly in the face of political turmoil and government animus toward transparency, critical opinions,

and plurality in the media. Although Kazakhstan moved from a position of overall loss to overall gain, it was offset by two countries, Macedonia and Azerbaijan, plus Turkmenistan in the second iteration of the MSI there. What used to be the province of only the most repressive in the region, the list of overall backsliders has increased to include nearly one-third of the 21 countries studied by IREX in the region.

Developments in the Objectives

A few trends presented themselves within the objectives and deserve some attention. While not an exhaustive treatment of the developments throughout the region, these are common themes that were observed across different sub-regions.

Panelists from many countries complained of various pressures, such as lawsuits, threats against journalists, and uneven playing fields in the market. The result is often self-censorship, one-sided coverage, and abandonment of ethics, as described in discussions of **Objective 2, professional journalism**. The irreconcilable political polarization in many of these societies, from Albania to Azerbaijan to Kazakhstan, is reflected in the media. Many outlets become beholden to one faction or another, and the media as a whole—including the few that can claim to be independent—are seen as fair game in political machinations.

While governments must not be allowed to justify repressive measures under the guise of "media here are not yet responsible enough," media can protect themselves by adhering more closely to accepted journalism standards and ethics. In the end, the decision to follow ethical practices must be made at the local level. Panelists in Kosovo made a good point that could be one step in the right direction. In a discussion of Objective 1 and attacks on journalists, one panelist said, "When five or six newspapers write on a hot topic, the threat against the journalists is minimal." If more media cover controversial topics, and cover them fairly, they may well put the sector on firmer footing.

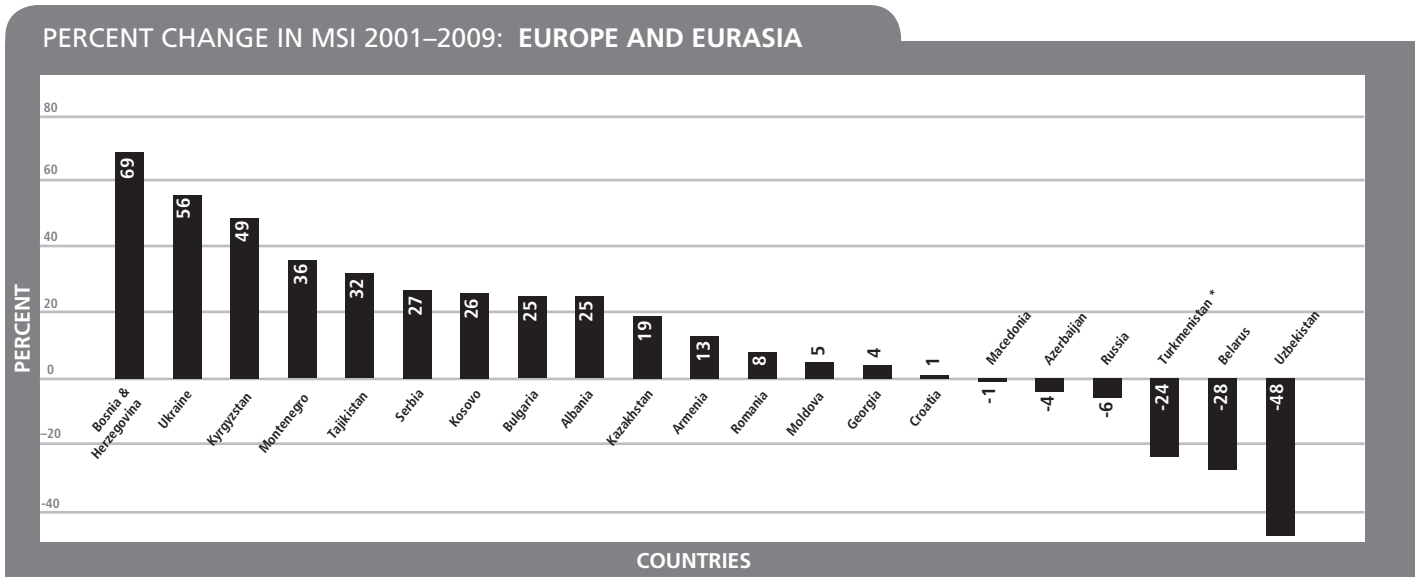
Despite lingering poverty in many of the countries in the region, panelists reported that overall, 2008 was good for business. Scores for **Objective 4, business management**, increased noticeably in 11 countries, while decreasing in only six. A number of elections resulted in more cash outlays for advertising and public relations, and many panelists also described increases in the advertising market. Further, media businesses are adopting increasingly better management practices, including wider use of market research and reliance on audience measurements—absent in most of the countries that IREX studies in other regions. Online media are beginning to make money. Finally, print media are better balancing advertising revenues and not relying on subscriptions as they once did.

On the down side, many of the countries—particularly those with small populations and a unique language—suffer from too much competition in the market. Montenegro, with about 670,000 people, is an extreme example. But Kosovo, Croatia, Macedonia, Albania, and Moldova all have fewer than 5 million people. The relatively large media markets in these countries may hurt the overall sustainability of the media and its ability to inform the public. For example, panelists in Croatia complained about the print media’s reliance on kiosks for sales and the therefore requisite “screaming headlines” that entice consumers away from more news-oriented media. Sustainability issues might become more acute as countries open up digital frequencies.

Objective 5, supporting institutions, has been a historic leader among the five objectives in the Europe and Eurasia region. In last year’s discussion of developments in Objective 5, the MSI reported, “The relative strength of this sector in 2008 and the growth since 2001 is cause for optimism for the development of the sector...” However, this year Objective 5 suffered the largest decrease of any objective. It was down noticeably in seven countries, while increasing in five and remaining more or less the same in nine. Its overall regional average fell below 2.00 for the first time since 2002.

Some panelists point to diminished involvement of international donors as a reason for Objective 5’s overall decrease. However, more is going on: in many cases, donors left seemingly strong, sustainable organizations. Polarization in the media and increasing competition have undermined cooperative spirit. In many countries, panelists report a lack of commitment by local media professionals to sustain such organizations. Further, efforts to date to improve journalism education have not paid dividends, although in many countries, panelists are hopeful that recent developments will change this trend.

Some positive examples can be found, such as the Croatian Journalists’ Association. Nonetheless, local communities of media professionals must take ownership of their supporting institutions, and recognize the need for solidarity in order to resist pressures from the government and business and improve professionalism.



* Data for Turkmenistan is since 2008

MEDIA SUSTAINABILITY INDEX 2009: OVERALL AVERAGE SCORES

<ul style="list-style-type: none"> ☐ Turkmenistan (0.32) ☐ Uzbekistan (0.45) 	<ul style="list-style-type: none"> ▲ Belarus (0.84) 	<ul style="list-style-type: none"> ▼ Tajikistan (1.46) 	<ul style="list-style-type: none"> ▼ Azerbaijan (1.67) ▲ Kazakhstan (1.68) ▼ Macedonia (1.71) ☐ Moldova (1.81) ☐ Armenia (1.86) ☐ Russia (1.88) ▼ Georgia (1.89) ▲ Kyrgyzstan (1.93) 	<ul style="list-style-type: none"> ▲ Ukraine (2.14) ▼ Montenegro (2.15) ☐ Albania (2.20) ☐ Serbia (2.35) ▲ Kosovo (2.38) ▼ Croatia (2.46) 	<ul style="list-style-type: none"> ☐ Romania (2.57) ☐ Bulgaria (2.78) ▲ Bosnia & Herzegovina (2.81) 		
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

MEDIA SUSTAINABILITY INDEX 2009: FREE SPEECH

<ul style="list-style-type: none"> ☐ Turkmenistan (0.30) ☐ Uzbekistan (0.44) 	<ul style="list-style-type: none"> ☐ Belarus (0.58) 	<ul style="list-style-type: none"> ▲ Kazakhstan (1.47) 	<ul style="list-style-type: none"> ▲ Tajikistan (1.64) ▼ Macedonia (1.65) ☐ Moldova (1.78) ▼ Armenia (1.82) ▲ Russia (1.84) ▼ Georgia (1.86) ☐ Azerbaijan (1.94) 	<ul style="list-style-type: none"> ▲ Kyrgyzstan (2.02) ☐ Ukraine (2.02) ▼ Montenegro (2.17) ☐ Serbia (2.21) ☐ Kosovo (2.37) ☐ Albania (2.38) ▼ Croatia (2.50) 	<ul style="list-style-type: none"> ☐ Romania (2.61) ▲ Bulgaria (2.69) ☐ Bosnia & Herzegovina (2.94) 		
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

CHANGE SINCE 2008

▲ (increase greater than .10) ☐ (little or no change) ▼ (decrease greater than .10)

Annual scores for 2001 through 2008 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

MEDIA SUSTAINABILITY INDEX 2009: PROFESSIONAL JOURNALISM

<ul style="list-style-type: none"> ▼ Uzbekistan (0.64) □ Turkmenistan (0.74) □ Belarus (0.98) 	<ul style="list-style-type: none"> ▼ Azerbaijan (1.60) ▼ Macedonia (1.66) ▲ Russia (1.72) ▲ Kazakhstan (1.74) ▼ Georgia (1.77) ▲ Ukraine (1.77) ▲ Kyrgyzstan (1.81) ▲ Moldova (1.82) □ Serbia (1.89) ▲ Armenia (1.90) □ Montenegro (1.91) ▼ Croatia (2.00) □ Tajikistan (1.46) 	<ul style="list-style-type: none"> □ Albania (2.22) □ Kosovo (2.23) □ Romania (2.26) □ Bosnia & Herzegovina (2.30) □ Bulgaria (2.50) 					
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

MEDIA SUSTAINABILITY INDEX 2009: PLURALITY OF NEWS SOURCES

<ul style="list-style-type: none"> ▼ Turkmenistan (0.21) ▲ Uzbekistan (0.39) □ Belarus (0.75) 	<ul style="list-style-type: none"> ▼ Tajikistan (1.70) □ Moldova (1.71) ▼ Azerbaijan (1.78) □ Russia (1.84) ▼ Georgia (1.91) ▼ Macedonia (1.93) ▲ Kazakhstan (1.43) □ Armenia (1.96) 	<ul style="list-style-type: none"> □ Ukraine (2.18) □ Kyrgyzstan (2.25) □ Albania (2.26) □ Montenegro (2.41) ▼ Croatia (2.45) ▲ Kosovo (2.59) ▲ Serbia (2.64) ▼ Romania (2.77) 	<ul style="list-style-type: none"> ▲ Bosnia & Herzegovina (3.02) □ Bulgaria (3.03) 				
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

CHANGE SINCE 2008

▲ (increase greater than .10) □ (little or no change) ▼ (decrease greater than .10)

Annual scores for 2001 through 2008 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

MEDIA SUSTAINABILITY INDEX 2009: BUSINESS MANAGEMENT

<p>▼ Turkmenistan (0.11)</p> <p>□ Uzbekistan (0.41)</p>		<p>▲ Belarus (1.03)</p> <p>▼ Tajikistan (1.22)</p> <p>□ Azerbaijan (1.44)</p> <p>▼ Kyrgyzstan (1.48)</p>	<p>▼ Macedonia (1.61)</p> <p>▲ Moldova (1.65)</p> <p>▲ Armenia (1.74)</p> <p>▲ Albania (1.87)</p> <p>▲ Kazakhstan (1.90)</p> <p>▲ Georgia (1.94)</p>	<p>▲ Russia (2.12)</p> <p>□ Montenegro (2.22)</p> <p>▲ Kosovo (2.40)</p> <p>▲ Ukraine (2.43)</p> <p>▼ Serbia (2.45)</p>	<p>▼ Croatia (2.51)</p> <p>□ Romania (2.70)</p> <p>▲ Bulgaria (2.78)</p> <p>▲ Bosnia & Herzegovina (2.82)</p>		
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

MEDIA SUSTAINABILITY INDEX 2009: SUPPORTING INSTITUTIONS

<p>□ Turkmenistan (0.23)</p> <p>▼ Uzbekistan (0.38)</p> <p>▲ Belarus (0.88)</p>		<p>▼ Tajikistan (1.30)</p>	<p>▼ Azerbaijan (1.60)</p> <p>▼ Macedonia (1.71)</p> <p>□ Kazakhstan (1.85)</p> <p>▼ Armenia (1.88)</p> <p>□ Russia (1.88)</p> <p>▼ Georgia (1.99)</p>	<p>▼ Montenegro (2.04)</p> <p>▲ Kyrgyzstan (2.08)</p> <p>□ Moldova (2.11)</p> <p>□ Albania (2.28)</p> <p>□ Kosovo (2.32)</p> <p>▲ Ukraine (2.32)</p>	<p>□ Romania (2.52)</p> <p>□ Serbia (2.58)</p> <p>▲ Croatia (2.86)</p> <p>□ Bulgaria (2.88)</p> <p>▲ Bosnia & Herzegovina (2.97)</p>		
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

CHANGE SINCE 2008

▲ (increase greater than .10) □ (little or no change) ▼ (decrease greater than .10)

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The 2009 edition of the Europe and Eurasia Media Sustainability Index reveals a mixture of progress and regression in the region. On the one hand, measures for business management were mostly up compared to last year; on the other, additional countries joined the ranks of those showing deteriorating scores since the baseline study in 2001.



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 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, 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 between seven and nine indicators, which determine how well a country meets that objective. The objectives, indicators, and scoring system are presented below.

The scoring is done in two parts. First, a panel of local experts is assembled in each country, drawn from the country’s media outlets, nongovernmental organizations (NGOs), professional associations, and academic institutions. Panelists may be editors, reporters, media managers or owners, advertising and marketing specialists, lawyers, professors or teachers, or human rights observers. Additionally, panels comprise the various types of media represented in a country. The panels also include representatives from the capital city and other geographic regions, and they reflect gender, ethnic, and religious diversity as appropriate. For consistency from year to year, at least half of the previous year’s participants are included on the following year’s panel. IREX identifies and works with a local or regional organization or individual to oversee the process.

Panel participants are provided with a questionnaire that explains the objectives, indicators, and scoring system. Each panelist individually reviews the questionnaire and scores each indicator. Descriptions of each indicator explain their meaning and help organize the panelist’s thoughts. For example, the questionnaire asks the panelist to consider not only the letter of the legal framework, but its practical implementation, too. A country without a formal freedom-of-information law that enjoys customary government openness may well outperform a country that has a strong law on the books that is frequently ignored. Furthermore, the questionnaire does not single out any one type of media as more important than another; rather it directs the panelist to consider the salient types of media and to determine if an underrepresentation, if applicable, of one media type impacts the sustainability of the media sector as a whole. In this way, we capture the influence of public, private, national, local, community, and new media.

The panelists then assemble to analyze and discuss the objectives and indicators. While panelists may choose to change their scores based upon discussions, IREX does not promote consensus on scores among panelists. The panel moderator, in most cases a representative of the host-country institutional partner or a local individual, prepares a written analysis of the discussion, which is subsequently edited by IREX editorial staff. Names of the individual panelists and the partner organization or individual appear at the end of each country chapter.

IREX editorial staff reviews the panelists' scores, and then score the country independently of the MSI panel. This score carries the same weight as an individual panelist. The average

of individual indicator scores within each objective determines the objective score, and the average of the five objectives determines the overall country score.

In some cases where conditions on the ground are such that panelists might suffer legal retribution or physical threats as a result of their participation, IREX will opt to allow some or all of the panelists and the moderator/author to remain anonymous. In severe situations, IREX does not engage panelists as such; rather the study is conducted through research and interviews with those knowledgeable of the media situation in that country. Such cases are appropriately noted in relevant chapters.

I. Objectives and Indicators

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

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).

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.

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.

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

II. Scoring System

A. Indicator Scoring

Each indicator is scored using the following system:

0 = Country does not meet the 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.

B. Objective and Overall Scoring

The averages of all the indicators are then 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:

Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.



**SOUTHEAST
EUROPE**

Albanian media did not have an easy year in 2008. In addition to the global economic crisis affecting Albania, political parties have returned to trying to control and misuse the media to support narrow political ambitions. As the parliamentary elections of June 2009 draw closer, such attempts are becoming more visible.



ALBANIA

Albanian media did not have an easy year in 2008. In addition to the global economic crisis affecting Albania, political parties have returned to trying to control and misuse the media to support narrow political ambitions. As the parliamentary elections of June 2009 draw closer, such attempts are becoming more visible. Many television stations and newspapers have already aligned with one political faction, the voices of independent media are fewer and fewer, and independence is increasingly less welcome in the media. While all political factions are endeavoring to control the media, hegemony belongs to the two main parties: the ruling Democratic Party (DP) and the opposition Socialist Party (SP).

In 2008, the government's retribution against media and journalists criticizing the government, particularly over allegations of corruption, became more severe. There has been pressure on critical journalists and even cases of their family members being fired from public service. The journalists' community in Albania, the Union of Albanian Journalists, and other associations found themselves protesting against the January 2009 eviction and police siege instigated by Prime Minister Sali Berisha and Minister of Economy Genc Ruli against the daily newspaper *Tema*, which had recently run a number of articles that were rather critical of Prime Minister Berisha and his relatives over alleged corruption. Against this backdrop of political pressure, the phenomenon of self-censorship by media and journalists has become more evident.

Political developments have not favored freedom, either. In April 2008 Albania received an invitation for NATO membership. However, contrary to government claims, conventional wisdom in the country holds that this was more a function of the strategic needs of NATO in the still turbulent Balkans region than of democratic reforms. The March 2008 explosion at a military depot that was dismantling old ammunition resulted in the deaths of 26 people and the devastation of several villages—adding to existing skepticism of government competence, particularly because of allegations that some of the ammunition was being illegally trafficked instead of being dismantled.

To this day, several sudden amendments to the constitution remain quite controversial. These amendments, backed by both SP and DP but opposed by smaller parties, lacked transparency or opportunity for public input. By severely affecting the separation of power, these amendments have led to a fear that the formula to be implemented will tend to favor an autocratic political establishment at the expense of freedoms and rights—media freedom and free speech included.

In general, MSI panelists' scores show little to no change this year. The overall score is nearly the same as last year, with some movement in individual objectives. All objectives except Objective 4 (business management) fell very slightly, but none more than 0.10 points. A slight gain of 0.16 in Objective 4 allowed the overall score to remain unchanged.

ALBANIA AT A GLANCE

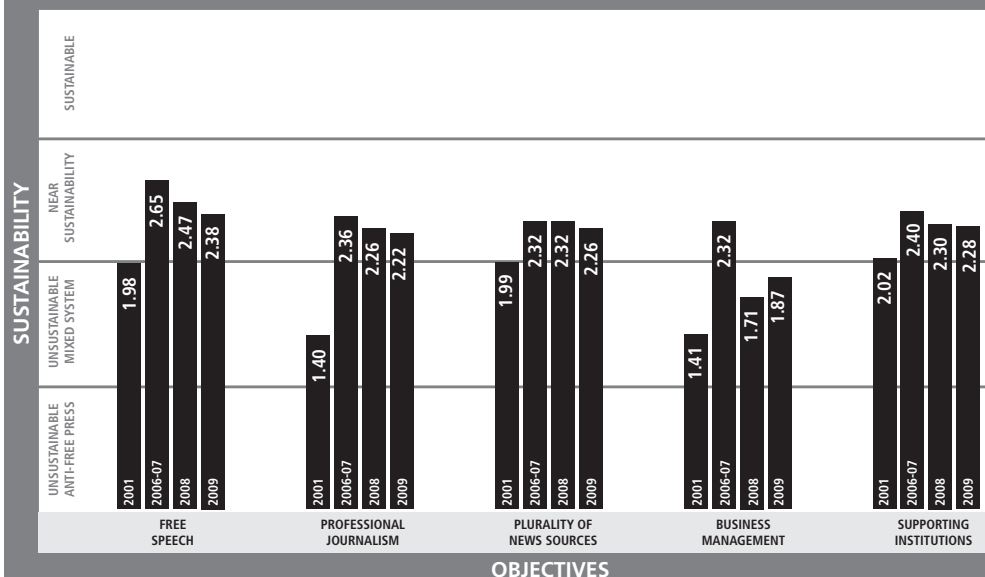
GENERAL

- > **Population:** 3,619,778 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Tirana
- > **Ethnic groups (% of population):** Albanian 95%, Greek 3%, other 2% (Vlach, Roma, Serb, Macedonian, Bulgarian) (1989 est., *CIA World Factbook*)
- > **Religions (% of population):** Muslim 70%, Albanian Orthodox 20%, Roman Catholic 10% (*CIA World Factbook*)
- > **Languages (% of population):** Albanian (official – derived from Tosk dialect), Greek, Vlach, Romani, Slavic dialects (*CIA World Factbook*)
- > **GNI (2007-Atlas):** \$10.46 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$6,580 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 98.7% (male 99.2%, female 98.3%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President of the Republic Bamir Topi (since July 24, 2007)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 27; Radio: 53; Television Stations: 67 (Source: Albanian Media Institute, National Council of Radio-Television)
- > **Newspaper circulation statistics:** Total yearly circulation is about 25.5 million; individual circulation statistics for newspapers not available (Albanian Media Institute)
- > **Broadcast ratings:** N/A
- > **News agencies:** Albanian Telegraphic Agency (state owned), Tir-Fax (private), AFP (French Representative Office), Associated Press (Representative Office), Reuters (Representative Office) (OSCE Office, Tirana)
- > **Annual advertising revenue in media sector:** Approximately \$28 million
- > **Internet usage:** 471,200 (2006 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ALBANIA



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Albania Objective Score: 2.38

Most Objective 1 indicators showed little change compared to last year; however, Indicator 4, crimes against journalists, did show a significant drop. Minor improvements in other indicators resulted in an overall objective score of 2.38, slightly lower than last year's 2.47. As with last year, a particular weakness was Indicator 5 (preferential legal treatment for state media)—its score was more than a point lower than the overall objective score. Also similar to last year, panelists gave scores nearly a full point higher to Indicators 8 and 9, media access to foreign news sources and access to the journalism profession.

The panelists stated that 2008 brought no changes to the social and legal norms that guarantee freedom of expression on the one hand and their implementation on the other. The constitution protects freedom of expression and legislation meets European standards. However, the panelists stated that there has been no progress regarding several old proposals on the improvement of the law on access to information or criminal libel.

The panelists also stated that any assessment of freedom of speech in Albanian society must include how society and its institutions react to the problems addressed in the media. "Press and media in general investigate and denounce corruption and other affairs, and then nothing happens," stated a concerned Iliri Yzeiri.

This statement, also supported by other panelists, addresses the issue that media success in an open society hinges upon larger systemic issues. For example, if law enforcement institutions do not follow up on crimes addressed in the media, then not only is the fight against corruption in danger, but the public may begin to lose faith in the media.

Unfortunately, this is precisely what is happening in Albania. Civil discourse is currently suffering from the lack of an active struggle against corruption by prosecutors and judges. However, a survey of public perception carried out by the Institute for Development Research and Alternatives in 2008 indicated that Albanians rank the media as the institution that is at the top of the fight against corruption, while law enforcement and the judiciary themselves continue to be perceived as some of the most corrupt institutions in the country.

Last year, the licensing of TV Ora was broadly regarded as a pro-government act by the licensing and regulatory body, the National Council of Radio and Television (KKRT). However, panelists showed no concerns regarding media

licensing in 2008. This is also due to the simple fact that no licensing took place. Meanwhile, the relations between KKRT and some media outlets opposing the government became strained. This led panelists to perceive a strong influence by the authorities on KKRT's decision-making. A typical example was that of the fine that KKRT imposed on News 24 television for broadcasting an advertisement by political movement G99. The content of this advertisement opposed another broadcast by the government. The "counter-advertisement" was broadcast by other television stations but the fine was only imposed on News 24. This sparked accusations, including by the Union of Albanian Journalists (UGSH), that KKRT was being used as a government tool for punishing a media outlet that criticized the government. According to Aleksandër Çipa, journalist and chairman of the UGSH, "KKRT has fallen prey to politics and other influences." To Çipa, the fact that TV Arbëria (which has ceased broadcasting for some time and fired its whole staff of reporters) continues to have a national broadcasting license is another strike against KKRT. According to the law on radio and television, KKRT should have transferred this license to another station that meets the legal requirements on broadcasting and programming.

However, most of the panelists said that from the legal point of view there is no discrimination and there are no market entry barriers for independent media. "In order to start a newspaper, you only need a simple registration; there is no other obligation," said Musa Ulqini, opposition MP and member of the Parliamentary Media Commission.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

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With regard to the tax regime, the panelists did not note any discrimination towards the media compared to other businesses. However, Genc Demiraj, owner of Amantia TV in the city of Vlora, said that the tax treatment of local media is not fair. "It is a well-accepted fact that media in Albania is not a profitable business. Nonetheless, it is taxed the same way as other profitable businesses. This puts media, especially the local ones, in a rather discriminated position and jeopardizes its survival," he said.

The local media representatives on the panel complained about the law on salaries. According to them, the fixed salary floors and social security payments for journalists well exceed what media outlets in small towns and rural areas can afford. They noted that this adds to the existing financial hardship of local media. Last year some panelists indicated that this law would help alleviate financial pressure on journalists and therefore they viewed it favorably. The law's down side is that in tough economic times, it eliminates one way that a media outlet can cut costs.

Criticism was more pronounced with regard to Indicator 4, crimes against journalists. In spite of the abovementioned promises of Prime Minister Berisha that no journalists would be punished by his administration, pressure on journalists and media criticizing the government has increased and comes in different forms. The panel denounced the cases of physical violence on journalists, such as the March 2008 assault on a journalist by SP MP Tom Doshi over the investigation of Doshi's academic credentials. Panelists noted that although assaults against the media are not perceived positively, public reaction against these cases remains muted.

Panelists also expressed alarm over cases of revenge dismissals of civil servants related to journalists who criticized the government. In Ilir Yzeiri's opinion, "The powers that be are attempting to increase the burden on journalists by exerting silent violence and sophisticated pressure." Remzi Lani, director of the Albanian Media Institute (AMI), said that

although there have been no cases of murdered journalists in Albania, the existence of different forms of violence on journalists renders their situation insecure.

The most spectacular case of abuse of power by the government against the media involved the daily newspaper *Tema*. This case led many panelists to decrease their score for this indicator. In the last months of 2008, the Berisha government started an open conflict with *Tema* and its publisher Mero Baze, due to the latter's denouncement of significant corruption involving members of Berisha's cabinet and his family members. According to articles published in *Tema* and other media, the corruption involved illegal ammunition trafficking and money laundering.

The reaction of the Berisha government was harsh. Minister of Economy Genc Ruli ordered its immediate eviction and an annulment of the 20-year lease that *Tema* had with the government for its printing facilities and newsroom. Although disguised as "state reasons," the order of minister Ruli was clearly perceived as political revenge. This became even more obvious when, although the newspaper won a court ruling against the government, police prevented journalists from reentering the newspaper premises. The journalists' associations, the UGSH, and international organizations such as Transparency International protested and demanded that the government cease its pressure on *Tema*, respect the court decision, and allow the normal work of journalists.

This event was evocative of the grave situations of 1997. At that time it was the same Berisha, then president, who instigated violence and pressure on media that criticized him. This reached its peak when journalists of *Koha Jonë* were imprisoned and its newsroom premises were torched.

With regard to the public broadcast media, Albanian Radio and Television (RTSH), panelists spoke almost unanimously of its continuous and absurd insistence on remaining unchanged since the fall of Communism. Each time a new party is elected to power, one of the first actions of the party is to change RTSH directing staff and replace persons loyal to the old government with persons loyal to the new government. "So, legally the television is public, while traditionally it has never been public," said Thanas Goga, media marketing analyst with A&R Advertising.

Although commercial broadcasting and newspapers have been established for years, politicians' attention to RTSH editorial policy has not diminished. According to the panelists, this is partially because RTSH continues to enjoy the widest signal coverage in the country, including remote areas where national commercial stations cannot penetrate. "Politicians are sensitive to RTSH because in a considerable portion of rural areas, newspapers do not reach the population, and

commercial stations have no interest in reaching them and do not invest in expanding their signal there," Ulqini said. "Hence, RTSH remains a quite important and influential propaganda tool for every government."

RTSH would have difficulty becoming independent from political parties and government, due to the heavy political pressure in place, according to panelist Lutfi Dervishi, a journalist and, until recently, director of news at RTSH. He was dismissed by order of ruling DP officials.

Such conditions prevent a public service media outlet from informing citizens on the issues that are not addressed by commercial media. For example, many commercial stations hesitate to broadcast investigative programs that expose corruption. Even when they show such programs, they are careful to not criticize businesses that buy their advertising time. A public service broadcaster should compensate for such shortcomings. Another unfortunate example took place in 2005, when the DP came to power and appointed new TVSH directors. One of their first actions was to cancel *Hapur*, the only investigative program that was broadcast for some years on TVSH, with the support of USAID.

Parliament has had multiple opportunities to pass proposed amendments to the penal code and civil code that would decriminalize libel and defamation. To some of the panelists, this is not a coincidence or error of omission. According to lawyer Genti Ibrahim, "It is time for us to lose our doubts of [the existence of] an intentional obstruction by the political class, because it has been years now that there has not been any progress on these proposals."

To Lani, criminal punishment for defamation and libel "constitutes a strong element of self-censorship" for journalists. This opinion was also supported by Ulqini: "The reasons that lead the Democrats to not approve the amendments to the penal code presently are the same that prevented the SP from passing the same amendments previously. Politicians of the past and present find it convenient to have the threat of punishment in the penal code as a pressure tool against the media."

No lawsuits were brought against journalists for defamation or libel in 2008. However, this is not a result of improved legislation—it is due to the public promise that Prime Minister Berisha made that no one from his administration would sue a journalist. Although this promise was welcome at first, now it is being increasingly perceived as an above-the-law solution rife with negative consequences.

"I would prefer the liberalization of the law in favor of free speech, coupled to the ethical standardization of free speech by the journalists' profession themselves, rather than a populist order of the prime minister. Even though on

first blush this order seems to protect the media, in fact it breaches the law and human rights," Yzeiri said.

The panelists noted that it is no coincidence that freedom of speech in Albania continues to suffer from abuse. "The concept of freedom of expression is different from the mess and anarchy resulting from a misuse of freedom of speech and a divorce of the truth and from facts," said Iliri Yzeiri, professor of journalism at the University of Elbasan. "The freedom of speech, unregulated by ethical norms that link it to the truth, degenerates into freedom of lies."

Panelists noted that in cases of libel and defamation against journalists, the burden of proof is placed on the plaintiff, although in past cases the reverse prevailed in practice. Administrative courts have left the issue of burden of proof to the judges. But when judges have had difficulties discovering the truth, and they have left the burden of proof to journalists. "All these cases are a perversion of the law, which supposes the opposite," Ibrahim said.

The panelists also complained about accessing public information. "Only the fact that a good law on access to public information is in place, but it is not implemented, prevents me from scoring this indicator a 0," Lani said. In general, the discussions revealed that although Albania has a law on access to public information, journalists encounter many obstacles from the government and are not allowed to access information that they are entitled to by law. According to Yzeiri, the chief obstacle is that the DP government continues to implement an executive order, issued years ago by SP ex-Prime Minister Fatos Nano, which mandates that information may only be released to the media via designated spokespersons. This order, criticized at the time as bordering on censorship and a way of centralizing the flow of information, continues to be implemented today by those politicians who, until recently, voiced those same criticisms as members of the opposition.

Yzeiri, who also contributes to the investigative, anti-corruption program *Hapur*, said that he is alarmed that some government decisions related to widely discussed scandals are not available at the website of the government. In his work as a reporter, he encounters a number of obstacles with the ministries—information that should be made available to journalists (and consequently to the public) is considered a state secret. "It is absurd to think that, [for example], the government is still keeping secret a decision on land prices for the compensation of ex-owners," Yzeiri said as an example.

Goga shared this point of view. "The opposition has just denounced the fact that a series of important decisions related to controversial affairs has not been published in the official gazette," he said.

The panelists gave positive scores related to the access of journalists and media outlets to international sources of information. Currently Albania has no limitation on accessing foreign news sources; they are accessible by almost all media. Even financial barriers to access are not an issue. Access is becoming easier due to the quick spreading of Internet service, which is no longer limited to Tirana and is available in most other Albanian cities. The panelists also deemed entrance into the journalism profession to be free, lacking any obstacles.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Albania Objective Score: 2.22

Most indicator scores in this objective remained much the same as last year, although drops occurred in indicators 4 and 5 (coverage of key events and salaries of media professionals). This was offset by an increase in Indicator 1, fair and objective reporting.

On the surface it may not seem as though this indicator deserves an increased score (indeed, the overall objective score did remain nearly the same). But according to the panelists, professional knowledge of news reporting and ethical standards of journalism are on the increase; the issue is that politicians, economic lobbies, and media owners with political or economic interests interfere with editorial policy and hamper overall quality. Diminishing or stagnating journalism standards in Albania are no longer a consequence of ignorance, but rather an effect of various pressures and curtailed freedom.

Compared to the overall objective score, only a few indicator scores deviated noticeably. Indicators 3 and 5, self-censorship and salaries of media professionals, were a little more than a half point lower. Indicator 6, balance of entertainment and news programming, scored nearly a point higher.

It has been some years now since the code of ethics for journalists was drafted in Albania, and it meets all Western standards. However, its enforcement has been rarely observed. An Order of Journalists, established to implement the code of ethics, has done almost nothing to disseminate and impose these standards within the profession. The Order of Journalists has the power to hear cases of ethics violations; last year's panel reported that it had not heard a single case and that remains true this year as well. According to Lani, "[Albania] has drafted a code of ethics that is... violated, and we must admit that we do not have very ethical journalism." Lani said that implementation of the code and even the establishment of an Order of Journalists demands as

pre-conditions journalist associations and trade unions that are genuine and active—not just existing on paper—and that establish an environment for ethical standards in journalism. Panelists said also that professional ethical standards must be implemented in order to prevent punishment of journalists and media in court.

As noted above, the current government has vowed not to sue journalists or media outlets. Seemingly an act of tolerance, the prime minister's order has not contributed to improving the situation regarding ethical standards. In the absence of any legal action related to freedom of speech, there is no energetic self-regulatory response from the very institutions of the journalism community to implement the code of ethics. It is supposed that with the decriminalization of defamation and libel, abuse of free speech would become equally threatening and harmful to the right to freedom of speech without proper oversight of the self-regulating bodies. Ethical centers that serve to prevent abuse would be more effective with less severe, non-criminal punishment schemes in place.

There is no censorship in Albania, but self-censorship among members of the media is increasingly present. The fight of the political world against free speech is entering a new, more sophisticated age. Whether from political alignments, economic interests, or pressure from important advertisers, journalists and media minimize to the point of censorship various aspects of the news, or overstress what is in harmony with their interests. The pressure is so strong and progressively increasing that media that are independent and open to any news item or source are rapidly disappearing. "We can state that press in Albania is pluralistic, but not independent. Do we have any newspaper that once you read it, you no longer need to read the others? No, we have to

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

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- > 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).

buy three or four newspapers to be informed of an event in all its aspects," Lani said.

This conclusion was also supported by other panelists and applied to the broadcast media. "You have to watch at least three newscasts on different television stations to make sure you have received the full information on an event," Dervishi said.

The interference of mobile phone companies in the media serves as a good example of how large businesses exert influence on editorial policy. These companies have succeeded in blocking all critical coverage of them in both print and broadcast, in spite of the near-monopoly in its sector and various reports indicating that Albanians pay the highest mobile phone rates in Europe.

In 2008, as the June 2009 parliamentary elections got closer, political pressure on the media and television especially increased visibly. Part of this pressure came from the leadership of SP, the largest opposition party. Even stations that until recently had a reputation of being independent positioned themselves to more visibly favor one political force or the other. News 24 television, perceived for many years as independent, became closer to SP, to the point of censoring even other opposition parties or civic movements that engaged in actions or expressed opinions that were not agreeable to the SP leadership.

Political pressure manifests not only in the way news is reported, but in political debate programs, which continue to be among the most watched broadcasts in the country. Many of the moderators of these programs or the hosting media outlet have started to select or avoid those whose opinions do not fit with the party or leader who influences the station's editorial policies, and even the program moderator directly. This self-censorship is currently one of the most dangerous phenomena to media freedom in Albania. It is a silent and non-confrontational threat, disguised as the freedom and right of program directors to choose whom to invite to their programs. Being a self-applied censorship, it is more difficult for the public to detect and the profession at large to fight.

Other reasons are behind self-censorship by reporters and even columnists, commentators, and editors. Journalists that maintain independence and criticize the government and powerful people or expose their misdeeds are risking their jobs and those of their relatives employed in the public sector. Last year, the UGSH lodged protests over several cases where family members of well-known journalists who criticized the government were fired from government jobs. These acts clearly constituted political vengeance against the journalists over their opinions.

Iris Luarasi, professor in the Journalism Faculty at the University of Tirana, discussed the [salary] situation outside Tirana. "Salaries of journalists in the districts are absolutely scandalous and do not exceed €200 per month," she said.

In the context of a poor country such as Albania, where salaries are low and unemployment is high, the threat of unemployment remains an effective pressure tool for the government against free speech and media. "In the context where independent media have almost ceased to exist, the fact that the space for independent journalists and commentators on TV screens and newspaper pages has narrowed significantly is a disturbing one," Çipa said.

Cooperation with the government leads to a series of privileges for editors and journalists, starting with coveted jobs for their family members to lucrative tenders and different investments with public funds. These privileges are among the strongest government weapons for corrupting and controlling a part of the commercial media. According to Çipa, "Conversations among the community of journalists indicate that there are professional journalists that receive payments or gifts in exchange of some articles made by order." The other panelists did not disagree with this assessment.

Panelists also noted an increasing tendency to act as "parasites" when plying the journalism trade. Reporters in general are content to cover press conferences and relay press releases of political parties or associations and fail to further investigate the issues. "In the case of an explosion similar to that of Gërdec, which destroyed several villages and killed 26 persons, it is impossible for the event and the ensuing statements of the government and political parties on the tragedy to not be covered in the media," Dervishi said. "However, investigation into the causes of the event, beyond the political statements, is almost absent." This phenomenon is present in other problems, such as the debate on the fuel market monopoly or corruption in privatization.

Even though media in Albania are not prevented from covering events related to national or international security, covering certain issues can bring negative repercussions to the media outlet or journalists. The panelists referred to the example of the *Tema* newspaper, which was persecuted by the government and finally besieged by the police, precisely for daring to inform the public on allegations of corruption.

The current government has vowed not to sue journalists or media outlets. Seemingly an act of tolerance, the prime minister's order has not contributed to improving the situation regarding ethical standards. In the absence of any legal action related to freedom of speech, there is no energetic self-regulatory response from the very institutions of the journalism community to implement the code of ethics.

With a few special exceptions, journalism in Albania does not rank among those professions that guarantee a sufficient and secure income. What can be called a polarization of salaries is present in Albanian media. The salaries of journalists are higher in Tirana but extremely low in other cities. Similarly, there is a large gap between salaries of reporters and those of directors, both in newspapers and in television programs. "There are some newspaper or TV directors that receive from €2,000 to €5,000 per month, while reporters in Tirana are paid from €400 to €600 per month," said Andi Tela, currently editor-in-chief of the largest newspaper in the country, *Panorama*.

This has been the level of salaries for some time now. However, against the current backdrop of rising prices and economic crisis, the real value of salaries is even lower. Meanwhile, the tendency of newspaper, radio, and television owners to lower costs continues, and some have resorted to hiring journalism students and paying them even less.

Iris Luarasi, professor in the Journalism Faculty at the University of Tirana, discussed the situation outside Tirana. "Salaries of journalists in the districts are absolutely scandalous and do not exceed €200 per month," she said. According to Luarasi, this is one of the reasons many journalism students major in a second degree as well. In sum, they do not think of journalism as their lifelong profession. Dervishi further confirmed this finding, noting, "People that started in journalism in 1991 right after the fall of Communism and are still in the profession can be counted with fingers of both hands." Many journalists entered politics, public administration, or other professions—a tendency that continues to this day.

In general, the panelists gave high marks to the role of the news editions in media programming and their ratio

to entertainment programs. They even emphasized that not only are news and news-related programs not eclipsed by entertainment, the opposite is true. According to Genc Ymeraj, the problem of Albanian media is precisely the absence of movies and the excess of news or political debates.

With regard to the equipment and premises for news gathering and production, panelists stated that the situation is the same as a year ago: a wide gap between capital-based media and district media is still visible. While Tirana has commercial media of excellent technological quality (such as Top Channel or Vizion+, which have invested in terrestrial and satellite digital platform, as well as in high definition), stations in the districts are usually located in sub-par premises and still make use of VHS technology. With regard to print media, the difference is also evident in the capital. (Local print media failed many years ago.) There are several well-equipped print media, such as *Shqip*, *Panorama*, and *Shekulli*, while other newspapers have very poor equipment and technology.

The panel expressed the concern that investigative reporting is not developing properly. There are only two investigative programs: *Hapur*, supported by the United Nations Democracy Fund (UNDEF) and broadcast in 15 local stations; and *Fix Fare* by Top Channel. However, many other media are not developing this kind of reporting at all. According to Luarasi, the problem is that investigation demands time and expenses at a time when many stations tend to burden journalists with preparing a couple of routine daily news stories and cannot invest in more in-depth or long-term investigations.

The lack of variety and creativity in news, along with overcrowding of broadcasting with press conferences of politicians and bureaucrats, is an increasingly pervasive phenomenon in Albanian media today. In this case, poverty and parasitism feed on each other and render misuse of media by the politicians even easier.

OBJECTIVE 3: PLURALITY OF NEWS

Albania Objective Score: 2.26

Panelists' ratings of plurality of news showed little change between this year and last. The overall objective score slipped slightly from 2.32 to 2.26. As with last year, indicators 3 and 4 (objectivity of state media and news agencies) fared the worst of all indicators, with scores roughly a point lower than the average. Indicator 5, independent broadcasters produce their own news programming, received the highest score, almost a point above the objective score, and also showed a significant increase from last year.

The panelists observed the persistence of difficulty disseminating newspapers in rural areas, which account for almost half of the population despite continued population movements. No solution has been found to address this phenomenon, which has in fact artificially narrowed the market for print media. There are a variety of newspapers, but they are produced only in the capital of the country. In addition, the level of poverty among the majority of the population has reduced the size of printed editions, and revenues from advertisements are insufficient. Hence, the situation of printed press in Albania is entering a critical phase. The picture becomes clearer by looking at the example of the retired segment of the population that receives a monthly pension of €80 to €120 and is not willing to spend €40 each day on a newspaper. This is the minimal selling price, and it comes close to the printing cost for a newspaper.

Albania's electronic media covers most of the territory and population. "In the most remote areas or places where newspapers are out of reach, one can find satellite antennas and digital platforms," said Dervishi. Even in this case, that part of the population that lives in the capital or urban areas has easier access to this type of media. The panel noticed that poverty does affect access to electronic media. "True, there is a variety of news sources but the level of income of many Albanians means they can not afford to purchase a digital platform," Luarasi said.

Cipa also mentioned the expanding use of the Internet as a source of information as a positive indicator. "The majority of second-tier municipalities and communes [Albania's smallest jurisdictional unit] have developed their own websites, while the number of private pages and blogs is increasing," he said.

The panel concluded that, aside from financial limitations, access to local and international media is free and the government has not shown any tendency to control this information. Albanians view the purchase of foreign newspapers as difficult due to their low income and high price of imported print media. "*Corriere della Sera* is more expensive in Albania than in Austria," Tela said. This statement was affirmed also by Remzi Lani, who said that *The Economist* is more expensive in Tirana than in Madrid.

Panelists did not rate state media very well. They affirmed that no significant improvements have been made in materializing the true mission of public media. RTSH continues to be under the influence of the government and not attuned to public interests. Today, the director of RTSH's newsroom is the same journalist who some time ago served as the editor of the newspaper of the DP. Although unlike the first years of transition, today one can see leaders of the opposition or other segments of the opposition on

Albania's electronic media covers most of the territory and population. "In the most remote areas or places where newspapers are out of reach, one can find satellite antennas and digital platforms," said Dervishi.

RTSH, reporting is obviously biased (in quantity, as well as in quality) in favor of the government and its party.

For Dervishi, the lack of political balance is not the greatest concern regarding the activity of public media. "The problem is that every night we watch in the public media many politicians who are decreasingly enjoying the sympathy of the public, and we watch fewer problems that are indeed worrisome for the public," he said.

Ilir Yzeiri felt that it is exactly the dependency of public television on the executive branch that has forced RTSH to cancel programs on anti-corruption, which are of particular value for public information. His case in point was the program *Open*.

Presently, only foreign news agencies such as Reuters and AFP are used as information sources in Albania. Very few public or private news agencies exist, and they are of no interest to local media. "With the exception of foreign news agencies, there is no private or public agency that sells news," Tela said. He added that journalists produce news that they publish in

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.

For Dervishi, the lack of political balance is not the greatest concern regarding the activity of public media. “The problem is that every night we watch in the public media many politicians who are decreasingly enjoying the sympathy of the public, and we watch fewer problems that are indeed worrisome for the public,” he said.

the newspaper. According to Ymeraj, it is not the public news agency (ATSH) that feeds private media with news, but the other way around.

Commercial media produce their own news and sometimes provide programming for public news agencies. Commercial media differ on the degree of political influence exerted upon them. Hence, public media tries to limit the profile of news that is unfavorable to the government, although the same news may appear with a higher profile in many commercial media.

Panelists observed that the issue of transparency in media ownership remains a problem. According to Ulqini, transparency is required by law, but the law in itself has its pitfalls and transparency cannot be obtained in these circumstances. “Through the years, all the reports written about Albania try to stress progress in the area of making the media ownership as transparent as possible, from an institutional point of view as well as a legal one,” he said.

For Lani, the problem does not lie with the lack of transparency regarding ownership, but with identifying the real sources of financing. The latter can be camouflaged in all possible ways. The panel emphasized that the media landscape is moving towards establishment of certain dominant media groups. Also, they pointed out that there are few foreign investments in media, likely because the level of poverty and the relative infancy of Albanian media. The market for newspapers is especially troublesome. One testimony is the fact that a German investor with a considerable penetration in the Balkans has entered the local market by purchasing a television station, but not a newspaper.

With regard to the development of minority media, the panelists agreed with Ulqini, who said, “From the legal angle, minorities have no obstacles in starting a local newspaper, radio, or television.” But they noted that legal freedom is not accompanied by the necessary financing. To Lani, one

shortcoming of the Albanian state is that it does not allocate any financial support to minority media—a phenomenon that is present in neighboring countries as well.

In the south, where the Greek minority is concentrated, many newspapers and radio stations are available from Greece. There is no Greek-language Albanian television, due to lack of minority finances. But the panelists noted that television stations broadcasting in Greece are normally watched in the area and make up for the lack of domestic television. The Roma minority has newspapers, magazines, and other publications; and the Macedonian community has radio stations. National public radio airs programs in some languages of minorities from its branches in Kukes, Korçe, and Gjirokaster.

OBJECTIVE 4: BUSINESS MANAGEMENT

Albania Objective Score: 1.87

Although panelists’ assessments of this objective are slightly higher from last year, the situation was not depicted very optimistically. A few indicators received noticeably higher scores, such as Indicators 1 and 6; however, Indicator 5, government subsidies for commercial media, scored much worse than last year due to the use of government advertising to reward friendly media outlets and punish critical ones. Only one indicator did not score relatively close to the overall score: Indicator 3, advertising agencies, which improved from last year and scored more than a half point greater than the objective score.

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.

With very few exceptions, private media are not profitable enterprises. Even the large television broadcasters holding national licenses are having a hard time breaking even. This is related less to management issues and more to the advertising market. Although advertising is still the main financing source for both print and electronic media, it is still relatively small (€21 million per year) for a country like Albania, with its plethora of newspapers, radios, and television stations. The poor advertising market allows powerful advertising clients to assume power over editorial policies, threatening withdrawal of advertising if the media dare to criticize their businesses. The most blatant of many examples is mobile phone companies, which for several years in a row blocked the publication of criticism of the high, monopolistic prices they charge.

According to the panelists, the number of newspapers (significantly higher than what a normal supply-and-demand market would support) with a relatively low circulation is not an indication of abundance in Albania, but rather of poverty and of the sinister relationship between the businesses sponsoring the media and political parties. Panelists said that many newspapers were established by businesses as blackmail tools against politicians and government, and to trade advantage in public tenders and other lucrative privileges in exchange for support from their media or silence about corruption.

Because of these challenging circumstances, Lani said, "Most of the media entities do not operate as separate enterprises, but rather as extensions of the businesses that support them."

The more serious newspapers have made an attempt to find different solutions to the problem. In order to reduce losses, some of them have instituted higher prices at the cost of having fewer buyers and fewer editions. They have survived only through subsidies from the owners and drastically reducing salaries or the number of employees. Some newspapers have tried to lower prices, but this strategy has not increased the number of buyers, and instead revenues from sales have dropped. The initiative reported by the MSI study last year that would have established a price floor for newspapers died without results. The panel concluded that printed press (under heavy competition from electronic media) is facing the same challenge that some years ago afflicted the local press, which is now almost defunct.

With regard to public media, many years have passed since they were charged with misuse of public funds. However, a transparent system of accounting, which would put an end to all charges and financial fog around these media, has yet to be established.

Because of these challenging circumstances, Lani said, "Most of the media entities do not operate as separate enterprises, but rather as extensions of the businesses that support them."

The circulation of newspapers is progressively lower, while subscriptions account for a small portion of the revenue. The panel concluded that media does not receive sufficient income from sustainable financial sources and this financial fragility lies at the root of many other vulnerabilities and poor professional standards.

Recent years have witnessed an increase in the number of advertising agencies, which many clients use to conduct their advertising campaigns. The problem that was noted in the panel discussion is that agencies are focused mainly in the capital and in some other large cities, neglecting other areas in the country, where many other local media operate. According to Luftim Vani, owner of a local television station, "This is one of the reasons that local media outside Tirana suffer an absence of advertising revenue even more."

The advertising market is also compromised by the lack of market research in Albania. "We are the only country [in Europe] without audience research, and until now the advertising contracts are just estimations or even made on a clientelist basis," Dervishi said.

The main media outlets try to carry out research regarding audience preferences and to adapt their programming to these preferences. However, these are still in experimental stages. Even at this level, the efficiency of these efforts is obstructed by poorly estimated audience measurements and less-than-reliable circulation figures. For almost 20 years, media owners have been the only source for circulation and audience research, and data inflation is evident. The panelists expressed their criticism that Albania currently has no law that forces newspapers to publish their daily circulation in each issue, as is the case in many other countries. Ulqini explained that the very owners of newspapers have lobbied in the Parliament for this not to take place.

The Albanian government does not subsidize the media directly; however, the government places advertisements and notifications in commercial media. These constitute a considerable source of income in a modest advertising market. These government advertisements have become an apple of discord and a source of mutual charges for years now. The panelist discussed that the government has

“The interest of media operators in training their journalists is almost zero, and that is why trainings are carried out entirely through foreign financing.” Lani, AMI’s director, said.

broadcast more spots on public television and TV Klan, which are media with close government ties; less in Top Channel television, the largest and most modern commercial station in Albania; and none at all on other stations that have appeared to be more critical towards government.

Top Channel has rented its public premises for several years from the previous SP government, which the station supported. After the station took a critical stance vis-à-vis the current DP government, the government requested that Top Channel leave its premises. This is an issue that has dragged on for years, but it is expected to explode soon, as several other private stations also rent from the government. All these developments were concisely summarized by one of the panelists as “the boomerang of clientelism.”

To Yzeiri, the weak financial situation of the media is problematic and the government must follow the example of Italy or France and contribute to subsidizing the media. However, this opinion was debated by several panel participants. “I do not think that government must pay for the media, as such a thing would turn into a government tool for controlling the media,” Lani said. As long as Albania continues to be Europe’s poorest country, it seems that Albanian media will continue to languish and suffer from all the negative consequences of poverty on the standards of the profession.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Albania Objective Score: 2.28

This objective scored almost identically as last year. Minor increases in Indicators 2 and 5 (professional associations and professional training) were offset by lower scores in Indicators 1 and 7 (trade associations and media distribution). Indicator 1 was the only indicator to not score close to the overall objective score, coming up short by more than a point.

The UGSH, a trade union financially supported by UNDEF, now has 400 reporters as members and has established branches in different cities in the country. UGSH has been even more active this year, with protests and press conferences aimed at protecting journalists’ rights in cases of violence and of different pressures exerted by the authorities.

UGSH is working with authorities and media owners to negotiate contracts for journalists, who, for the most part, work without any contracts. This is a situation that leads to journalists having no protection and no rights vis-à-vis the owners, frequently leading to poor professional standards. Media owners find it easy to sack a journalist that writes material that is not agreeable to them, when the relationship is not formalized in a contract.

UGSH forcefully protested against the failure of TV Arberia’s owners to meet its financial obligations to journalists when it was liquidated. UGSH also protested against the authorities firing family members of some well-known commentators who are rather critical of the government. UGSH is the first organization that has distributed membership cards and has succeeded in collecting membership fees among the journalists’ community. In addition, UGSH has offered legal assistance to those journalists that have been forced to face trials, and was very active in the *Tema* case.

The panelists stated that Albania’s three other journalist organizations, established years ago, are still passive. Journalists do not enjoy any support from these almost phantom organizations, and the organizations themselves are unable to effectively pressure or lobby the government for improvement of journalists’ working conditions or for amendment of legislation that regulates the media environment.

Associations of publishers and media owners have been active in protecting their narrow interests in rare cases where they feel the need. In the past they have lobbied parliament and the government regarding media legislation, such as with the law on digital broadcasting. These organizations essentially disappear once the matter they are addressing is resolved; in 2008, they were completely inactive.

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Several NGOs, such as the Albanian Helsinki Committee, cooperate with the media in protecting freedoms. Other NGOs, including the Institute for Public and Legal Studies, have contributed significantly also with amending media legislation. It must be said that when being taken to task for press freedom violations, Albanian politicians fear the reactions of “internationals” more than NGOs of domestic public opinion (except for the Albanian Helsinki Committee and UGSH).

The panelists were not enthusiastic about the work done in the journalism departments of universities. Yzeiri, a journalism professor at the University of Elbasan, stated that students are doing more poorly and that there is now less effort to improve journalism education. He noted that attempts to create a radio and television studio for students to practice with have failed. “Even the opportunities for further training abroad for journalists are almost nonexistent,” he said.

The panelists were more positive regarding short-term journalist trainings organized by AMI. These courses are realized with the support of foreign and international organizations and address a broad spectrum of topics related to the profession, including news reporting and editing, photography, media management, journalism ethics, EU integration problems, etc. The journalists participating in the courses are not required to pay. However, the reduced staff in newsrooms and the pressure of everyday work make it increasingly difficult for journalists to attend the courses. Furthermore, according to Dervishi, “The interest of media operators in training their journalists is almost zero, and that is why trainings are carried out entirely through foreign financing.” Lani, AMI’s director, agreed with this sentiment.

Albania has a significant number of private printing houses upon which newspapers may rely, and the government imposes no limitations on printing. There are no local manufacturers of newsprint, but there are several importers. To date, supplies of newsprint have not been used as a tool of political pressure.

With regard to the distribution of newspapers, Albania is the only country in Europe lacking a system of newsstands. Newspapers are sold on the street, which becomes problematic in rainy weather. Some newspapers use their own trucks and others use distribution agencies to deliver to sellers. Newspapers do not reach the villages at all, and this has artificially and dangerously limited the newspaper market in the country.

Broadcasters own their own transmitters; however, the government has been known to shut down those belonging to critical media, usually charging that the station is operating in violation of the terms of its license.

List of Panel Participants

Lutfi Dervishi, freelance journalist, Tirana

Andi Tela, editor-in-chief, *Panorama* newspaper, Tirana

Luftim Vani, station owner, Mati TV, Mati

Iris Luarasi, owner, Radio Ime; professor of journalism, University of Tirana, Tirana

Musa Ulqini, member, Parliamentary Commission on Mass Media, Tirana

Gent Ibrahim, lawyer, Institute of Law Studies, Tirana

Genc Ymeraj, editor, News 24 TV, Tirana

Genci Demiraj, owner, Amantia TV, Vlora

Aleksander Cipa, head, Union of Albanian Journalists, Tirana

Thanas Goga, marketing analyst, A&R Advertising Company, Tirana

Illir Yzeiri, professor of journalism, University of Elbasan, Elbasan

Fatos Baxhaku, freelance analyst and journalist, Tirana

Prece Zogaj, member, Parliamentary Commission on Mass Media, Tirana

Alfred Peza, editor-in-chief, Ora News TV, Tirana

Remzi Lani, director, Albanian Media Institute, Tirana

Moderator and Author

Andrea Stefani, senior media advisor, IREX/Albania, Tirana

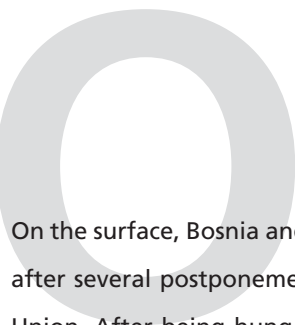
Assistant: Sokol Lilo, program assistant, IREX/Albania, Tirana

The panel discussion was convened on December 23, 2008.

Corruption, as in previous years, remains a widespread and serious problem. Therefore, no progress has been made towards constitutional reform that would allow the country to transition away from the Dayton Peace Accords and toward European integration.



BOSNIA & HERZEGOVINA



On the surface, Bosnia and Herzegovina (B&H) saw progress in the political and media spheres in 2008. First, after several postponements, the Stabilization and Association Agreement was signed with the European Union. After being hung up in the Constitutional Court for two years, the law on the federation's public broadcaster was passed, completing the legislative framework for the operation of the nationwide Public Broadcasting System.

However, true progress was lacking in both cases. The European Commission's 2008 progress report¹ notes that a general lack of consensus on state building, frequent challenges to the Dayton Peace Accords, and inflammatory nationalist rhetoric have adversely affected the functioning of institutions and slowed down reforms. Also, the authorities failed to demonstrate sufficient capacity to take political ownership and responsibility for governing the country. Corruption, as in previous years, remains a widespread and serious problem. Therefore, no progress has been made towards constitutional reform that would allow the country to transition away from the Dayton Peace Accords and toward European integration.

Adoption of the law on the federation's public broadcaster did not lead to the establishment of the Corporation of Public Broadcasters as the fourth and last component of the B&H Public Broadcasting System. Rather, political pressure increased on B&H Television (BHT), the nation-wide broadcaster. The supervisory board dismissed the general director and how the present stalemate will be ended is not yet clear.

Municipal elections were held in October 2008. According to a Communications Regulatory Agency (CRA) report,² electronic media approached these elections in a more professional and comprehensive way than the 2004 municipal elections and 2006 general elections, and more media outlets met standards of reporting.

Compared to last year, the overall evaluation has risen slightly from 2.64 to 2.81. Individually, there was a slight drop in Objective 1, freedom of speech. This drop in Objective 1 and apparent trends toward politicization discussed below are worrisome and, if continued, may have a more dramatic impact on the other objectives in the coming year. With regard to Objective 2, professional journalism, the evaluation is effectively unchanged from last year. Considering last year's drop in this objective, professional standards are not yet at a satisfactory level and there are numerous problems, both in terms of the status of journalists in society and in their practice. The remaining three objectives received higher marks than last year.

¹ Key findings of the progress report available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/672&format=HTML&aged=0&language=EN&guiLanguage=en>, accessed on January 9, 2009.

² Report available at: <http://rak.ba/bs/public-affairs/press/default.aspx?cid=5142>, accessed on January 9, 2008.

BOSNIA & HERZEGOVINA AT A GLANCE

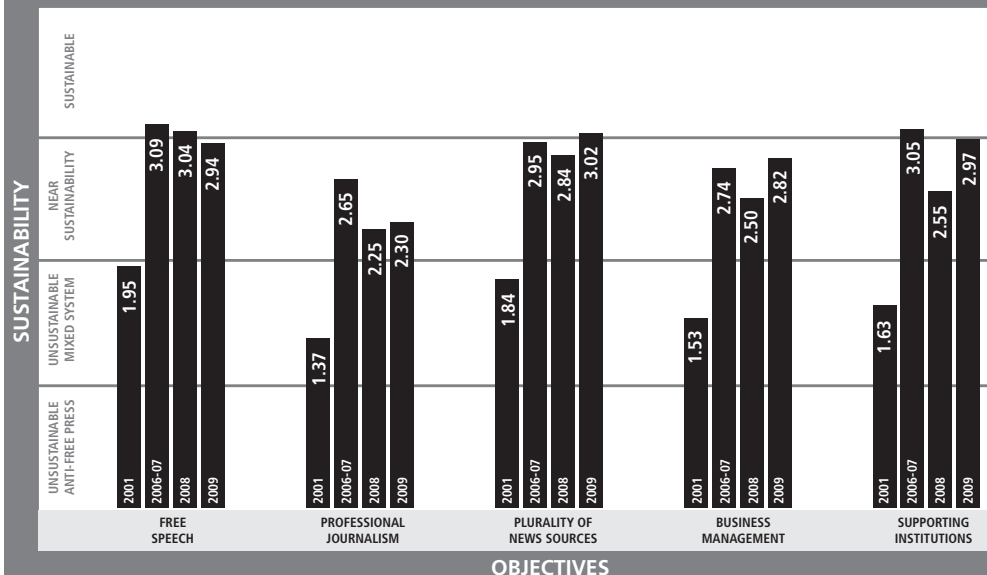
GENERAL

- > **Population:** 4,590,310 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Sarajevo
- > **Ethnic groups (% of population):** Bosniak 48%, Serb 37.1%, Croat 14.3%, other 0.6% (2000 est., *CIA World Factbook*)
- > **Religions (% of population):** Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14% (*CIA World Factbook*)
- > **Languages (% of population):** Bosnian, Croatian, Serbian
- > **GNI (2007-Atlas):** \$14.30 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$7,700 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 96.7% (male 99 %, female 94.4%) (2000 est., *CIA World Factbook*)
- > **President or top authority:** Presidents Nebojsa Radmanovic, Zeljko Komsic, Haris Silajdzic (since October 1, 2006) (presidents rotate every eight months)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 12 daily newspapers, 46 weekly and monthly newspapers; Radio: 145; Television Stations: 44
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** Highest-rated television outlets: Pink BiH (14.0%), Mreza Plus (12.4%), Federal TV (10.9%) (*Mareco Index Bosnia*, Period: Jan. – Dec. 2008)
- > **News agencies:** FENA (state-owned), SRNA (state-owned), ONASA (private)
- > **Annual advertising revenue in media sector:** Television: KM 53.1 million; Radio: KM 16.8 million; (CARDS 2006); Print Media: N/A
- > **Internet usage:** 1,055,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: BOSNIA & HERZEGOVINA



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Bosnia & Herzegovina Objective Score: 2.94

The score for this objective fell slightly compared to 2008, from 3.04 to 2.94, due chiefly to lower scores for Indicators 2 and 4, broadcast licensing and attacks on journalists. All other indicators scored roughly the same as last year. Further, most of the indicators scored close to the overall objective score, with a few exceptions. Indicator 4 scored a point lower and Indicator 5, independence of public broadcasting, scored more than a half point lower. On the other hand, indicators 8 and 9, media access to international news sources and free entry to the journalism profession, scored almost a point higher.

The legislative framework that regulates protection of freedom of speech is made up of high standards, and in this regard B&H is ahead of countries in the region as well as many countries with years of implementation of high democratic standards. As Mehmed Halilović, the Federation's deputy ombudsman on media, said, "We really have superior standards, and in these matters we are even ahead of others and of western European countries. [The laws] are in harmony with recommendations of the Council of Europe and European Union, and even of the European Court for the Protection of Human Rights." For example, he said, "Only three European countries have fully decriminalized defamation, and another three have partly done that. Along with Bosnia-Herzegovina, where all defamation trials have taken place exclusively in civil proceedings since 2002, the former group also includes Ukraine [since 2001] and Georgia. All other European countries, including traditional democracies, have retained defamation in their penal codes, but the fact is that this is generally just on paper. In the last two decades, not a single case was reported of journalists or editors being sentenced to prison in any European Union nation—except in Poland and Hungary before they entered the European Union [those journalists have been granted pardon in the meantime]—but there have been several cases of convictions with generally symbolic fines."³

In contrast, very often inadequate implementation mechanisms and therefore very important aspects of these laws remain unimplemented. In addition, it is noteworthy that the legislative framework exists in a social situation characterized by the constant lack of political will to create conditions in society that will enable the application of high standards from these laws. Overall, panelists felt, freedom of speech is not yet highly valued. Some panelists remarked that

³ See: Halilović, M (2008) Kleveta u evropskim zakonima (Defamation Laws in Europe), available at: <http://www.media.ba/mcsonline/bs/tekst/kleveta-u-evropskim-zakonima-najvise-stite-kraljeve-ali-ponegdje-i-naciju-i-zastavu>

Mehmed Halilović, the Federation's deputy ombudsman on media, said, "We really have superior standards, and in these matters we are even ahead of others and of western European countries. [The laws] are in harmony with recommendations of the Council of Europe and European Union, and even of the European Court for the Protection of Human Rights."

courts do not apply the same standards in passing decisions in defamation cases and thus degrade the principles of freedom of speech. Halilović had a slightly different opinion based on many years of experience following the work of courts in this field. He emphasized that in the work of courts, "there is still no standardization, but I don't think the judiciary factor is so important that it considerably reduces the score. The political factor is more important and it does not yet support, accept, or value freedom of speech."

Licensing is the responsibility of the CRA, an independent government agency. Boro Kontić, director of Mediacentar Sarajevo, said that CRA is "one of the most successful organizations launched by the international community, which has transformed into a national agency. It now faces a hundred of problems—that's a different matter—but they seem to have succeeded in finding the right balance in their work." These sentiments are shared by many other media professionals.

The principles set down by CRA in the broadcasting sector are labeled as very advanced. Halilović emphasized, "The standard established by the Communications Regulatory Agency and the way this field is regulated here are really superior. After all, European recognition [the fact that CRA works closely and with the approval of many European partners] confirms that."

On the other hand, media employees from broadcasters, who regularly cooperate with CRA in the course of their work, do not share the high opinion of the way CRA implements the regulatory framework. The most common objections regard the existence of different standards for different media. Zoran Ćatić, editor-in-chief of student radio eFM, maintains that, "legislative frameworks are wonderful, but like everything else in this country, they can't be implemented the way it is now done."

Halilović, deputy ombudsman on media of the B&H Federation, said the most important point in the law is that “the accused no longer have to prove they are not guilty, but rather the plaintiffs have to prove that the accused are actually guilty. Thus, we finally come into a situation where, for example, a journalist becomes guilty only when guilt is proven, not simply by coming to court.”

Political pressures did impact the CRA in 2008. Politically motivated attacks on the CRA are becoming more frequent, seriously endangering its independence. Recent cases of these attacks, the most serious being the political interference in the election of the agency’s director general, clearly show how the political structures are trying to limit newly acquired media liberties while disregarding previously accepted laws and international obligations. It is important to note that the Law on Communications does not leave any possibility for the Council of Ministers to reject the suggested candidate for the director general. However, the council rejected the suggestion of the CRA and ordered that within 15 days, a new public invitation for electing a director general be published.

Since this problem occurred, local political leaders have, on many occasions, publicly speculated on and have even given proposals for the position of director general using nationality as the key attribute. Representatives of the local media scene, as well as the international bodies OSCE, Council of Europe, European Parliament, and European Commission, expressed concern about this situation. But the Council of Ministers refused to accept the decision of the CRA Council about its new director general.⁴

All panelists described the legislative framework regulating the entry of media outlets in the market as open; the state does not interfere with economic relations in the media market. Moreover, some of the participants maintained that the framework is too liberal in a way, because it allows foreign media organizations, especially from the region, to enter the local market very easily, while the same situation does not apply to B&H media organizations entering markets in other countries in the region. Borka Rudić, general secretary of the B&H Journalists’ Association, said that media

in the region “are not burdened in any way when entering Bosnia-Herzegovina, while our print media cannot enter there [primarily Croatia and Serbia] at all. The authorities have never made an effort to create reciprocity, just to show them that we can do what they are doing.”

The press generally is not burdened with higher taxes than companies in other sectors. A VAT of 17 percent is in effect and applies equally to all businesses. However, while the law has brought order to the publishing sector, it seems that due to the very difficult situation in the print media sector, the time has come for the state to take steps to stabilize the sector. “The print media, for many years, asked to be exempted from paying VAT,” said Senad Zaimović, director of the marketing agency Fabrika. “Considering the present situation with print media, I think the state should take account of these circumstances and set a different VAT rate—for example, five percent—as is in some countries that are more developed than Bosnia-Herzegovina, because I think the print media are presently the most vulnerable media in Bosnia-Herzegovina and at this moment they need maximum support. It is very hard to work in circumstances of development of the Internet and information on the Internet. As a result, the situation concerning their survival will become increasingly difficult.”

The panelists’ general assessment was that the number of attacks on journalists increased in 2008. A *Dnevni Avaz* editor, Adi Hadžiarapović, said that he believes that the problem has become dramatic. “From colleagues from Federal [Television], to us, *Nezavisne Novine*, virtually everyone, periodically, almost every month, had problems. Irrespective of editorial policies, depending on problems and raising of issues that did not suit individuals, everyone has faced physical threats, shoving, hitting, and so on.”

According to Free Media Help Line data,⁵ the number of violations of freedoms and rights of journalists has increased. Rudić said that the increase is drastic because in the first 11 months of 2008, 48 cases were reported to the Free Media Help Line, while in the whole of 2007, 28 such cases were reported. In addition, some of the most blatant examples of attacks on media and journalists happened in December 2008, when two bombs were hurled at Sarajevo’s independent television station Hayat.

Of the above 48 cases of violations of journalists’ rights, 12 involved physical attacks. Rudić said that a special problem in sanctioning attacks on journalists is the police practice of labeling attacks on journalists as common misdemeanors, rather than as attacks on official persons in the exercise of

⁴ See: Halilović, M (2008) “Disciplining Independent Regulators.” Available at: <http://pulsdemokratije.net/index.php?id=1060&l=en>, accessed on January 9, 2008.

⁵ Free Media Help Line – Complaints related to journalists’ rights and freedom of speech violations in 2008. Document on file with the author.

their duties. In this regard, the B&H Journalists' Association has supported a political party that initiated amendments to the criminal code and criminal procedure code so that every attack on a journalist would be treated as a felony. In general journalists, do not complain about the handling of cases by the police; rather, they point to inefficiency in the handling of these cases by the court system.

Explaining the trend of increased attacks and pressure on journalists and media, FTV Program Director Zvonimir Jukić said, "Freedom of media is slowly declining, and this corresponds to the presence of the international community here. With a reduction in the international community's presence in Bosnia-Herzegovina and their activities, in terms of sanctioning politicians [or] their therapeutic effect in society, this kind of pressure simply rises."

Kontić said that another cause for the mounting pressure on media is the increase in investigative journalism by various media organizations. Their reports provoke the story subjects to react. "I think there has been a rise in investigative stories in Bosnia-Herzegovina. This is no longer just a small oasis, one or two doing something; this has now become the way most journalists work. Virtually all daily papers work that way now; all weeklies; even television stations do that very often, which they didn't really do before. Thus, the sensitivity threshold has shifted a little. People now feel a pressure that isn't small, especially in election years such as this one. The better our journalism becomes, the more these problems actually increase."

Regarding editorial independence at public broadcasters, the majority of controversial issues in 2008 were raised with regard to independence of public televisions' editorial structures from political authorities. Although the general opinion of the panelists was that the legislative framework for public televisions is not bad, the majority said that they believe there are serious shortcomings in the way the management mechanisms for public televisions are defined, because they enable direct political control over the public broadcasters.

Namely, the supervisory board and managing board are the two main management bodies in all three public broadcasters. The managing board, whose role is to run and oversee broadcasters' everyday work, is made up of the general director and heads of departments. Supervisory boards are intended to represent public interests with regard to programming and to supervise broadcasters' overall operations. Each supervisory board has four members: one from each constituent group and a representative of "others," while BHRT, as the nationwide broadcaster, has four members following the same principle, but each entity having two members. Thus, a representative of Serbs and a representative of "others" come from the Republika Srpska

(RS), while a representative of Bosniaks and a representative of Croats come from the B&H Federation.

Members of the supervisory board are appointed by the parliamentary assembly of B&H from a list of candidates submitted by the CRA. The supervisory board of the fourth component of the Public Broadcasting System—the corporation—is made up of all members of the three B&H public broadcasting services' supervisory boards.

Boards created this way seem problematic for several reasons. First, for members chosen primarily according to political suitability and national background, adequately representing the interests of different social groups is difficult. "The key thing about the BHRT supervisory board is that it's four men," Zaimović said, "They can't represent the public through four men. I think Croatian Television has 21, from...different segments of society. And then you have...a critical mass which cannot, with two individuals, decide on the fate of public service."

At first glance, the board selection procedure seems quite appropriate. According to Mira Lolić-Močević, RTRS program director, "When you [open] a seat on the supervisory board, 50 applications come in. CRA is the body that selects a portion of those 50 and sends them to the assembly, [which] selects the supervisory board members. At least that's how it is in the Republika Srpska. That means you have a very fine way [of selecting]—a democratic one, you could say."

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

Self-censorship in journalists' and editors' work certainly exists and it is displayed mostly in private media, i.e. economic pressure on media is more common as a factor of self-censorship than political pressure. Hadžiarapović maintained that the practice of self-censorship in B&H "is no different than anywhere in the world."

However, the procedure is not efficient enough at removing politically favored candidates. The members who have gone through this procedure are mostly there to carry out the interests of certain political groups. Moreover, as BHT Director Milenko Vočkić said, they blatantly display their intention to take complete control of BHT. "The BHRT supervisory board members completely reflect and transfer political influence on the management structures and even on editorial structures, and they try to do that very openly. And worst of all, they have managed, based on the law, which can be interpreted quite loosely, to make a statute that allows them to do that."

In addition, at the end of 2008, the federation parliament passed amendments to the law on the federation's public broadcaster, which neglects the role of the CRA in procedures of election and the appointment of federal RTV supervisory board members and places the whole process of these appointments exclusively in the jurisdiction of the parliament. The Office of the High Representative reminded the parliamentarians that this move constitutes politicization of the supervisory board and that it is not in line with European norms.

Since 2002, the law on protection against defamation has been in effect in B&H, decriminalizing this field and moving it from criminal to civil law. The law stipulates freedom of expression to the degree that expressions that may insult, embitter, or disturb are protected. On the other hand, professional conduct is required of journalists, harmonized with the code for journalists and free of malicious intent. Article 6:3 of the law defines this as journalists who "willfully or negligently made or disseminated the expression of false facts."

Halilović, deputy ombudsman on media of the B&H Federation, said the most important point in the law is that "the accused no longer have to prove they are not guilty, but rather the plaintiffs have to prove that the accused are actually guilty. Thus, we finally come into a situation where,

for example, a journalist becomes guilty only when guilt is proven, not simply by coming to court."⁶

Implementation of the law is problematic as well. Some public officials, journalists, and media owners are not complying with the standards prescribed by the law. An interesting phenomenon is that a large number of defamation lawsuits involve counter-accusations between journalists and media owners. This actually points to insufficient implementation of the press self-regulation system. According to latest available data, between 170 and 190 civil suits were filed in B&H in 2007.⁷

On the other hand, some panelists have seen positive outcomes in court cases concerning implementation of the law. Jukić told the panel of his experiences with two local courts in Western Herzegovina, where out of 14 lawsuits, all ended in FTV's favor either by settlement or by court judgment. Jukić explained that during court hearings, "Everyone wants to prove mental anguish and they try to prove it through family members. When the court asks for psychiatric evaluation, an official document that proves mental anguish, no one has such expertise, so the court acquits the accused."

With regard to access to public information, panelists maintain that B&H has some problems. The inefficiency of institutions in possession of information of public importance is a major impediment. *Nezavisne Novine* journalist Mirza Čubro gave examples. "You can't find decisions passed by the Council of Ministers on its website. It's a terrible procedure to get, for instance, a decision on approval of KM 15,000 for someone."

Another factor is political willingness to make public information available to all media under the same conditions. This situation is most evident on the example of the RS government, which in 2007 passed a decision not to give statements to the public television BHT. The decision was later revoked, but according to Vočkić, its effects were certainly felt in 2008, too. The prime minister in particular retains animosity toward BHT, and has publicly accused BHT of being unprofessional, particularly over an item related to a commemoration for Serbs who perished in Srebrenica and Bratunac. He stated afterward that BHT "has officially become a foreign television for the RS," and that "there is no longer a single reason" for citizens of that entity to pay license fees to the station.⁸

⁶ Halilović, M. (2005), "Primjena novog zakona o zaštiti od klevete u BiH: novinari nisu previše profitirali" (Implementation of the new Law on Protection against Defamation in B-H: Journalists have not Profited too much). Available at: <http://www.media.ba/mcsonline/bs/tekst/primjena-novog-zakona-o-zastiti-od-klevete-u-bih-novinari-nisu-previsje-profitirali>, accessed on December 20, 2008.

⁷ Data from the author's research, conducted on request of Article 19.

⁸ See: <http://www.sarajevo-x.com/clanak/080713022>

Access to international news, sources of news, and entrance into the journalism profession are entirely free and without any restrictions.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bosnia & Herzegovina Objective Score: 2.30

The score for this objective barely changed this year, registering an increase of 0.05, and all indicators scored near the overall objective score. However, there was some movement in indicator scores. Modest increases occurred in Indicator 3, self-censorship; Indicator 5, pay levels for journalists; and Indicator 8, quality niche reporting. On the other hand, Indicator 6, entertainment does not eclipse news, and Indicator 7, technical equipment, both suffered noticeable declines.

Media objectivity was not highly rated by panelists. As Kontić commented, "We have to admit that our journalism is preoccupied by subjectivism. Objectively speaking, it is one of the problems of our journalism."

In 1999, journalist associations adopted a unique Press Code of Bosnia and Herzegovina, which is derived from the established standard of European journalism practice. The main objective was to set the basic systems of press self-regulation, and for everyone in the print media to accept the code as binding. The Broadcasting Code of Practice for Radio and Television Programs that was adopted by the CRA represents binding guidelines for all electronic media, and its violation is subject to different sanctions issued by the CRA. Therefore, print journalists pay less attention to the principles issued in the code, which indicates the lack of the sense of social responsibility among owners, editors, and journalists alike. This explains why public trust in the current print media self-regulation system is questionable.

This also could explain why the Press Council hears three times more civil defamation suits than appeals.⁹ The council received a total of 59 complaints in 2008,¹⁰ compared to 2007 when it received 34 complaints. It is obvious that the number of complaints is significantly higher than the year before and actually represents the highest number of complaints received within one year since the Press Council's inaugural session in 2000.

⁹ Halilović, M. (2005), "Primjena novog zakona o zaštiti od klevete u BiH: novinari nisu previše profitirali" (Implementation of the new Law on Protection against Defamation in B-H: Journalists have not Profited too much).

¹⁰ The full report is available at: <http://vzs.ba/ba/?ID=219>

Vočkić said that the level of technical equipment is generally "the level from the 1984 Winter Olympic Games," when television had state-of-the-art equipment. Moreover, although public television stations have rich archive materials, they are not digitized and thus hard to access.

Of the 59 complaints in 2008, 13 were not upheld, 10 were upheld, 13 were resolved by mediation, and four were settled by self-regulation (by issuing denials and retractions). The remaining 19 cases fall in different categories. Eight regard citizens' queries. Five are cases that were shelved because the procedure to first request the newspaper to publish a correction was not obeyed and the press council was instead addressed first. The remaining six cases were either returned, the council declared it had no jurisdiction over the particular matter, or the press council report did not provide an appropriate explanation that would allow the case to be included in any category.

Self-censorship in journalists' and editors' work certainly exists and it is displayed mostly in private media, i.e. economic pressure on media is more common as a factor of self-censorship than political pressure. Hadžiarapović maintained that the practice of self-censorship in B&H "is no different than anywhere in the world."

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 majority of electronic media in B&H provide local and regional coverage. Only a few private television stations have nationwide coverage. Radio broadcasters are in a similar situation. On a national level, newspapers are distributed mainly along ethnic lines and entity borders, although lately these barriers are less discrete.

Key events and issues are covered by the media, and B&H has enough freedom to report even on issues related to the security of national or international importance. However, the quality of reporting varies from one news organization to another, as does the focus on particular issues. "You can read about certain things in just one newspaper, while you can hear about other things just in another newspaper or on television," Halilović said.

There are differences in wages between private and public media and also among the different public broadcasters. But it seems that an upward trend in wages, especially in the public sector, is nowhere in sight. "The financial situation is deteriorating and wages are lower, with the prospect of becoming even worse," Vočkić said. A characteristic of private media in particular is the lack of balance in wages, according to Jukić. "There are, for example, journalists who have very high wages, and then again there are those who have very low wages: an evident imbalance," he said.

The upward trend of commercialization continued in 2008, and entertainment shows increasingly received priority over news and informational programs. In this regard, commercial as well as public television stations are competing in the production of various reality shows that are broadcast in prime time. But panelists noted that even with the growth of entertainment programming, many informational programs remain in B&H.

There are important differences among media outlets in terms of technical conditions for work and technical equipment. With regard to broadcasters, small local television stations are in a difficult situation, working with very outdated equipment. The situation with the state public broadcasting system is not much better. Vočkić said that the level of technical equipment is generally "the level from the 1984 Winter Olympic Games," when television had state-of-the-art equipment. Moreover, although public

television stations have rich archive materials, they are not digitized and thus hard to access. Some equipment at these broadcasters has been digitized recently, but the problem that always appears is connecting the newer equipment to the existing obsolete analog system.

Procurement of equipment for these broadcasters is difficult as well, given that they are public enterprises that must buy all equipment through tenders, causing considerable delays. Jukić provided an example of how this can pose serious problems. "Say, for example, something happens in Travnik, and our only camera there breaks down," he said. "If we wanted to get a new camera, we would have to announce a tender and wait for 30 to 40 days for this to pass."

On the other hand, several private televisions with national coverage have made progress in the process of procuring state-of-the-art digital equipment. Among them are OBN and NTV Hayat from Sarajevo, according to Zaimović, and private television outlets from other B&H regions are likely close behind. In the field of print media, technical conditions are not problematic because large investments are unnecessary. However, considerable differences exist among the different media outlets. Hadžiarapović said that "absolutely everything that is requested" for *Dnevni Avaz* is provided by the company's management. On the other hand, as *Nezavisne Novine* journalist Čubro told the panel, the paper's newsroom has problems with the Internet connections on which it depends, because the "newsroom" is situated at three locations across the country.

Even though Bosnian media has increased its focus on investigative stories, the media approach to investigative journalism cannot be considered consistent. Almost no media outlet can afford the "luxury" of putting two of three journalists to work on one case for several months. Additionally, the standards of investigative journalism are still not at an adequate level and some reports that do not meet basic criteria are often mistaken for investigative journalism.

While Bosnia does have shows that cover different social issues, these kinds of productions are few in number and are of questionable quality. The public broadcasters, who by mandate should be providing a wide variety of such programming, mainly compete in producing the same kind of programs that often have similar content.¹¹ Their program schemes thus do not differ much, and the funds they receive are not being used to finance a diversity of programming.

¹¹ See: Dzihana, A. (2008) „PSB in B&H- Between Ethnic Exclusivity and Long Term Sustainability“ Open Society Fund B&H, Sarajevo, available at: http://www.soros.org.ba/images_vijesti/stipendisti_2008/amer_dzihana_final_policy_study_en.pdf, accessed on December 20, 2008.

OBJECTIVE 3: PLURALITY OF NEWS

Bosnia & Herzegovina Objective Score: 3.02

This objective score improved noticeably, due to improvements in three indicators: Indicator 1, plurality of news sources; Indicator 5, independent broadcasters produce their own news programs; and Indicator 6, transparency of media ownership. As with last year, Indicator 3, objectivity of public media, and Indicator 7, coverage of a broad spectrum of social and minority issues, lagged behind the overall objective score by more than half a point. The rest of the indicators again ended up close to the overall score.

The majority of electronic media in B&H provide local and regional coverage. Only a few private television stations have nationwide coverage. Radio broadcasters are in a similar situation. On a national level, newspapers are distributed mainly along ethnic lines and entity borders, although lately these barriers are less discrete.

Bosniaks have no limitations in accessing media information. Generally speaking, people living in cities have better access to information sources. They have cable television, mainly available in urban areas, and broadband Internet. The country's multiple media outlets allow citizens to verify information by checking one outlet against another. However, the quantity of media outlets does not necessarily correspond to quality—which is questionable in the case of B&H.

Panelists said that the B&H media market is very liberal and provides substantial regional coverage. A similar situation

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.

Ownership of Internet media is often even more opaque. Hadžiarapović said that he finds it "unacceptable" that some online outlets' owners, operating locations, and contact information are unclear.

exists with regard to television stations, because regional television networks (mainly from Croatia and Serbia) have a strong presence in Bosnia through cable networks. No limitations exist for media from other countries, but interest in these is not very high.

Internet penetration continues to grow, but at a slower rate. The latest available information (2007) from CRA estimates the number of Internet users at 1,055,000. Penetration is estimated at 27.25 percent. Dial-up is still the most dominant service, utilized by 69 percent of Internet users, while the other 31 percent (mostly urban populations) use broadband Internet services such as ADSL and cable.¹² According to GfK research, most Internet users (72 percent) are in the 15-to-24 age bracket. The Federation of B&H has more users (37 percent) than RS (24 percent), while Internet is used considerably more in urban areas (39 percent) than in rural areas (26 percent).¹³

Local and regional public electronic media are most dependent on the government, financed directly from the budgets of municipalities and cantons. Those connections to the government raise questions about objectivity among the broadcasters of the Public RTV system—members of the RS opposition often claim that RTRS expresses mainly the interests of the ruling party. For example, during the assembly discussion on the 2007 Report on the Operation of RTRS, opposition delegate Dusan Stojicic accused the RTRS of becoming a service for incumbent authorities and the RS government. "We will find a way to pull RTRS out of the claws of the ruling party," he said.¹⁴

BHRT and RTVB&H could be considered more independent than RTRS, because of the strong presence of the international community in B&H, especially in Sarajevo. However, in 2008, political structures put significant effort

¹² See: Annual Survey of Holders of CRA Licenses for Provision of Internet Services in B-H in 2007, available at: <http://rak.ba/en/depts/observ/default.aspx?cid=4858>, accessed on January 9, 2008.

¹³ Istraživanje GfK BH: Internetom se u BiH služi svaki treći građanin, Online magazin Investitor.ba, available at: http://investitor.ba/index.php?option=com_content&task=view&id=660&Itemid=26, accessed on January 9, 2009.

¹⁴ See: Burna rasprava o radu RTRS-a, Online portal Sarajevo-x.com, available at: <http://www.sarajevo-x.com/clanak/080707096>, accessed on January 9, 2008.

Generally speaking, a lack of competent management is one of the media's most serious problems.

into degrading media independence. For example, in September, the supervisory board of RTVB&H passed a motion to dismiss the general director from his position. Although the Constitutional Court of B&H temporarily suspended the board's decision, the board did not obey the court order. Ultimately, however, in March 2009, the Constitutional Court did rule that the BHRT supervisory board decision to dismiss the general director was not lawful, and ordered that the board reinstate the general director to his position.¹⁵

According to the Press Council's data,¹⁶ B&H has six news agencies. The two most important are FENA and SRNA, which are entity-based public agencies. Major independent news agencies include ONASA, covering the whole country; and NINA, which covers mainly the region of Herzegovina.

Public broadcasters produce slightly more of their own news and information programming than commercial television stations. The production of both news and entertainment programming at BHRT is about 40 percent,¹⁷ production at RTVFBH varies between 31 percent and 46 percent,¹⁸ and production at RTRS reached 54.4 percent in 2007.¹⁹ The level of production of the private television ATV from Banja Luka produces about 30 percent of its programming,²⁰ and TV Hayat from Sarajevo between 30 and 37 percent.²¹ News and information programming holds an important place in the program schedules at all these television stations, whereas educational and cultural programs, as well as those intended for children and youth, make up a small proportion.

Media ownership is partly transparent—meaning that court registration for every company can be accessed, but the accuracy of the data listed in registration documents

is questionable. Ownership of Internet media is often even more opaque. Hadžiarapović said that he finds it “unacceptable” that some online outlets’ owners, operating locations, and contact information are unclear.

The main print media are owned by a small group of local conglomerates. Large foreign media companies are not especially interested in the B&H market, likely because they are able to reach the country's readers through the special B&H editions they issue from Serbia and Croatia. For example, Serbia's daily *Blic*, owned by the Swiss publishing house Ringier, publishes an edition called *Euro Blic*, now the second-most-read newspaper in B&H.

Programs in national minority languages are quite rare. RS Radio broadcasts a program in the Ukrainian language for members of the Ukrainian minority. It seems that the issue of broadcasting programs in national minority languages is not a high priority, given that entity public broadcasters still do not comply with their legal obligation to broadcast equally in the languages of the three constituent peoples in B&H and to use equally the two official alphabets (Latin and Cyrillic). RTRS broadcasts its news programs exclusively in the Serbian language, using just the Cyrillic alphabet, while FTV generally broadcasts its news programs in the Croatian and Bosnian languages, and uses the Latin alphabet exclusively.²²

The introduction of various social issues to media met with a great resistance on the occasion of the Sarajevo Queer Festival in September 2008. Not only were the participants of the festival attacked, but threatening letters were sent to the editorial staff of eFM Student radio, Radio Sarajevo, radio BH1, and the magazine *Dani*. They were harassed for informing the public about the events and supporting the organizers of the festival.²³

OBJECTIVE 4: BUSINESS MANAGEMENT

Bosnia & Herzegovina Objective Score: 2.82

Objective 4 showed strong growth over the past year, with an increase of 0.32. Panelists awarded higher scores to several indicators, such as Indicator 1, efficient management of media outlets; Indicator 2, multiple sources of revenue; and Indicator 5, government subsidizing of private media. All indicators scored very near the overall score.

¹⁵ *Nezavisne novine* (13 March 2009) Agović se vraća na čelo BHT (Agovic Returns as Head of BHT), available at: <http://www.banjalukalive.com/rs-i-bih/agovic-se-vraca-na-celo-bhrt.html>

¹⁶ Data available at: <http://vzs.ba/ba/?ID=8>, accessed on January 9, 2009.

¹⁷ BHRT's 2007 Annual Business Report. Document on file with the author.

¹⁸ Izvještaj o radu RTVF BiH u 2007. godini i proširena Informacija o stanju u RTVFBiH, available at: http://www.rtvfbih.ba/loc/template.wbsp?wbf_id=169, accessed on January 9, 2009.

¹⁹ RTRS's 2007 Programme structure Report. Document on file with the author.

²⁰ See: http://www.atvbl.com/index.php?option=com_content&task=view&id=5&Itemid=6, accessed on January 9, 2009.

²¹ See: <http://www.hayat.ba/content/view/659/128/>, accessed on January 9, 2009.

²² See: Dzihana, A. (2008) “PSB in B&H- Between Ethnic Exclusivity and Long Term Sustainability” Open Society Fund B&H, Sarajevo.

²³ See: Association of B-H Journalist protest because because of threatening messages sent to media, available at: <http://bhnovinari.ba/?ID=172>, accessed on January 9, 2008.

Examples of good management can be found among B&H's print, radio, and television media companies. Most of these companies are concentrated in Sarajevo, but others exist in major cities such as Banja Luka, Tuzla, and Mostar.

However, most electronic and print media are still burdened with challenges that prevent long-term stability and faster media development. The market is rather small, divided by ethnic and entity borders, glutted with numerous media, and hampered by the poor efficiency of state institutions. As such, the market is not a particularly promising environment for the development of successful media enterprises.

Generally speaking, a lack of competent management is one of the media's most serious problems. In 2000, an IREX study stated, "The majority of Bosnia-Herzegovinian media 'suffer' from a lack of management know-how and skills necessary for surviving the so-called period of consolidation of the media industry in Bosnia-Herzegovina, which is currently underway."²⁴ Although some progress has been made in this area since, especially by a number of private media entities, media company management remains an issue to be addressed.

In the country's television market, the number of the active stations is relatively large. There are 44 television stations in total: the national public broadcaster and the two entity public broadcasters plus 15 local public and 29 private stations.²⁵ However, more than two-thirds have a coverage area of less than 500,000 inhabitants. RTV's coverage is the largest, at 93 percent of the B&H territory. The other two entity public broadcasters cover mostly the areas of their entity, so that up to 92 percent of the inhabitants of the federation have access to FTV, and 78 percent of the inhabitants of RS have access to RTRS.²⁶

The most recent market study regarding media revenue was conducted in 2006. (Observers do not believe that figures have shifted substantially since.) The study found that overall revenues equaled KM 118,000,000, which is 40 percent more than 2003 (about KM 83,000,000). The most important revenue is from advertising, composing 45 percent of income. The RTV tax, which is not shared with commercial stations,

²⁴ See: Nenad Brkic & Jelisavka-Eta Medunic, Education in Media Management in B-H. Available at: <http://www.mediaonline.ba/en/?ID=185>

²⁵ The full report about communication sector available at CARDS 2006 – The Report: "Overview of the Communications Sector in Bosnia and Herzegovina," <http://rak.ba/en/public-affairs/?cid=4262>, accessed on January 9, 2009.

²⁶ Jusic, T and Dzihana, A. (2008:87) "PSB in Bosnia and Herzegovina" in Basic-Hrvatini, S & Thompson, M. & Jusic, T. (2008) *Divided They Fall: Public service broadcasting in multiethnic states*, MediaCentar Sarajevo. http://www.media.ba/mconline/files/shared/Bosnia_divided.pdf, accessed on January 9, 2009.

Zaimović describes Bosnian advertising as "a medium-developed market" that is centered in the capital and several big cities, with the radio segment penetrating only slightly more.

is approximately 33 percent, and the remainder of revenue comes from public financing, donations, and other sources.

Public broadcasting stations captured more than 60 percent of the market revenue in 2006. Twenty-five percent of the overall revenue went to three private broadcasters (Hayat, Pink BH, and OBN), with the rest of the local television stations sharing about 15 percent.²⁷

As noted in a CRA report in 2008,²⁸ the indicators of concentration confirm the fragmented state of the market, with no company or companies holding a significant market power. Financial data on territorial television broadcasting indicate that its financial position has been improving slowly for the past four years. As distinguished from the unconsolidated public services, the three leading commercial television outlets made noticeable market progress. How the small commercial stations manage to survive in the poor market, though, is still unclear.

In the current radio market, 144 radio stations are active. They include three public services, 60 public stations, and 81 private stations.²⁹ The radio market has seen sales growth since 2003. The revenue earned by radio stations in 2006 was KM 30,000,000, an increase of 14.6 percent over 2005.³⁰ The main source of revenue, about 56 percent in 2006, is selling advertising and other activities related to "marketing"—sponsorship, teleshopping, and other activities such as the broadcasting of greetings and SMS messages.

Public funding is the second most prevalent source of revenue, followed by the selling of programs. Proceeds from advertising and donations show positive growth between 2003 and 2006, and revenue from subscriptions are stable. The radio market is fragmented, however; the first 10 operators make less than 40 percent of the overall market revenue, whereas 60 percent is distributed among more than 130 radio stations with insignificant interests in the market. Also, no single operator makes more than 15 percent.

²⁷ CARDS 2006 – The Report: "Overview of the Communications Sector in Bosnia and Herzegovina"

²⁸ Ibid, p.100

²⁹ Ibid, p.113

³⁰ Ibid, p.114

With regard to advertising, the trend evident in 2006 and 2007 was that private stations have reached a higher market level than the other two types of stations. This can be explained by their complete focus on the market as their source of income—they do not receive money from subscription fees or the state budget.

According to Zaimović, the biggest slice of the advertising pie goes to television outlets, with 68 percent. Print media receive only six percent. Zaimović describes Bosnian advertising as “a medium-developed market” that is centered in the capital and several big cities, with the radio segment penetrating only slightly more. Zaimović and Kontić said that market share in the printed media will stay low, due to uneven distribution. The main markets in printed advertising are the three largest cities, which results in a low market development value.

In spite of their extremely difficult position, printed publishers are still not ready to respond to the requests of the advertising agencies or to begin with the independent monitoring of the circulation. Zaimović provided an example: “About six or seven years ago, there was an initiative to establish an office for monitoring the circulation of the newspapers according to the Polish model, but the newspaper owners were not interested. They were afraid that this information would have a negative influence on advertisers. [Recently] there has been a new effort to establish the office. International advertisers demand these numbers, and in order to attract them, this kind of monitoring is necessary.”

Although advertising is the main source of funding for the federation’s public television broadcaster, the other public television stations receive income from various sources. They

can afford to lower the price of advertising, thus becoming a destabilizing market factor and endangering private stations that depend almost exclusively on advertisements. Noting this, the CRA suggests “monitoring of the behavior of public broadcasters and their practice in selling the space for advertising.”³¹

Income from RTV taxes varies between 80 percent and 85 percent, whereas in 2007, taxes for the federation broadcaster’s tax revenue only represented 44 percent of its income. The problem of tax collection is still far from being solved. Although the degree of collection slightly improved in 2007 when compared to 2006 (67 percent versus 63 percent), the current level is not enough to enable normal operation of the public broadcasters.³²

Governmental subsidies for independent media is not considered to be a burning issue, because these subsidies are rather rare and do not have a substantial impact on the independence of private media. However, a case that occurred in December 2008 shows that the practices of certain segments of governmental authorities clash with the usual democratic standards. Members of the Association of Private Radio and Television Stations commented on the provision of KM 1,300,000 of public funds to the media in Herzegovina-Neretva canton. They claimed that the authorities of this canton behaved improperly when inviting tenders for radio and television stations for projects. According to the allegations, the funds were allocated, mainly to three larger media, before the tender was completed.³³

Data gathered by market research agencies is still not used to its full potential in Bosnia, but it is increasingly seen as an important instrument to attract advertisers and adjust programming to appeal to more viewers. Only television stations with national coverage can afford the luxury of using research; a large number of local television and radio stations do not use these services. Three public broadcasters as well as three commercial television stations receive daily data on viewer ratings, which are researched by Mareco Index Bosnia for the Joint Media Industry Association. The same research agency uses the diary method to determine the listener ratings.

Moreover, as radio expert Dusan Masic pointed out, in B&H “it is not easy to explain that buying research on listener ratings is as important for the existence of one radio as are the mixing console or the receiver. You will immediately hear

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.

³¹ Ibid, pp. 114-129

³² See: Izvještaj o radu RTVFBiH u 2007. godini i proširena Informacija o stanju u RTVFBiH, available at: http://www.rtvfbih.ba/loc/template.wbsp?wbf_id=169, accessed on January 9, 2009.

³³ See: Oštra osuda diskriminacije pojedinih medija u HNK, <http://www.sarajevo-x.com/clanak/081215046>, accessed on January 9, 2009.

that the research is fixed, tuned, or something similar.”³⁴ In addition to this agency’s market research, there are also GfK BH, Gallup, and others that survey viewer ratings, listener ratings, and reader ratings of the media, as well as Internet habits and use.

There is no legal obligation to reveal circulation data. And newspaper publishers have shown no readiness to organize a system, similar to that of electronic media, for independently monitoring their medium. As a result, the only readership data come from the independent agencies that conduct polls and estimate circulation of certain media.

Since early 2006, data on viewer ratings of television programs have measured electronically. This puts B&H in the same position as other countries in the region (Slovenia, Serbia, and Croatia). Even though there are objections about the reliability of the results measured with peplemeters, the objections do not question the entire evaluation system. As Zaimović stated: “There are ways to find out if someone has manipulated the peplemeter. It is routine for the media to state that they are in a better position than they actually are. The main thing is that the advertisers accept the given data and buy advertising time based on those numbers.”

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bosnia & Herzegovina Objective Score: 2.97

Objective 5 experienced a very healthy increase of 0.42 compared with last year, and only two indicators did not see such improvement in the minds of panelists. Indicator 2, professional associations, and Indicator 4, journalism education, remained much the same as last year. Furthermore, Indicator 4 was the only one that did not score relatively close to the overall objective score. It lagged behind by more than a half point.

Two associations represent broadcasters: the Association of Independent Electronic Media and the Association of Private Radio and Television Stations in B&H. In 2005, they set up a new professional organization called Association of the Media Industry (UMI). It represents an association of advertising agencies and broadcasters founded with the aim of providing the best possible data on broadcast viewer and listener ratings in order to meet the needs of broadcasters and advertisers. Print media is represented by the Association of Graphic, Publishing, and Media Employees in B&H (GIM). The independence of these institutions does

³⁴ See: Masic, D (2008) “Lokalni radio u borbi na prezasicenom trzistu” Available at: <http://www.media.ba/mcsonline/bs/tekst/lokalni-radio-u-borbi-na-prezasicenom-trzistu>, accessed on Jan. 9, 2009.

“If you ask ordinary people if these associations exist, they have no idea,” said Jukić, Federal Television program director. “The only one they might know about is the Association of BH Journalists, because it issues some press releases, which is important and has an effect both on the public and on journalists.”

not pose a serious problem in B&H, but the general lack of regulation of practically all segments of the B&H state, as well as fragmentation of society, hampers the operation of these associations. With the exception of UMI, they can hardly be described as efficient.

There are also six journalist associations, most of which are generally inactive. “If you ask ordinary people if these associations exist, they have no idea,” said Jukić, Federal Television program director. “The only one they might know about is the Association of BH Journalists, because it issues some press releases, which is important and has an effect both on the public and on journalists.” There is no doubt that such a large number of associations exists not to fulfill the needs of the professional community but, primarily, to assist in maintaining ethnic divisions. Kontić, director of Sarajevo’s Mediacentar, explained: “The problem is that journalist associations, like many other things in this country, are divided along ethnic lines. They are satisfied with having founded themselves or with having, in a way, blocked the only association that functions. These associations practically never or very rarely speak up.” Halilović said these associations “speak up when an ethnic group is affected or when there is really something they must respond to.” The level of cooperation among the different associations is very low.

Rudić, who heads one of these associations, BH Journalists, stressed that: “In addition to the many associations, there are also three unions of media employees, which as a rule rarely speak up, even when journalists are physically assaulted. Despite the fragmentation and the weakness of professional associations, their significance should not be underestimated. Kontić mentions that a recent reaction by BH Journalists played a crucial role in reshaping the Islamic Community’s discourse regarding reports in the daily *Oslobodjenje*. Before the association’s reaction, the rhetoric from the office of the Islamic Community’s head was arrogant. But right after the association slammed its rhetoric, press releases issued by the office took on a completely different tone, appropriate for the usual democratic exchange of arguments.”

As in previous years, the panelists cited the Helsinki Committee for Media, which this year issued a number of press releases regarding violations of rights of journalists and media. The Helsinki committee consistently stands in the defense of these rights. Participants also cited the support of the Center for Civil Initiatives and the organization Udružene zene Banjaluke (Associated Women of Banja Luka).

Journalism education programs are available at four public faculties and one private faculty in B&H. Unfortunately, the panelists' general opinion is that the staff graduating from these faculties do not have an adequate level of training and lack the practical know-how to work independently as journalists. RTRS Program Director Mira Lolić-Močević emphasized that "it is a real problem that people coming from faculties in principle have no experience." Despite that and the shortage of jobs to absorb all the journalism graduates, there is still a lot of student interest in journalism studies and some schools are overcrowded. Given their limited staff, they find it hard to manage the excessive number of journalism students.

On the other hand, short-term journalism training programs, which have been present in B&H for years, generally received higher marks than the classic, academic programs. Jukić said, "I attended many of them when I was younger and they helped me greatly in my work. I attended (university) journalism studies jointly in Mostar when they were first opened, and they were very poor and came from a very poor position—practically from a position of war, not an educational one. Therefore, I can say that I learned the most about journalism from the people in the [short-term] courses. That is why I think they are important, although there is no interest in them right now."

Despite some stagnation, there are still a handful of organizations that regularly offer training courses for media staff, primarily young journalists. These include Mediacentar Sarajevo and Mediaplan, as well as the Balkan Investigative Reporting Network and the Office of the Council of Europe, which occasionally organizes training programs for journalists. Most media organizations do not have special budgets for mid-career journalism training; they rely on courses funded by donors. Another problem identified in group discussion is faced by private media outlets when they have to send journalists for training outside the newsroom. *Nezavisne Novine* journalist Čubro believes there is a "problem particularly in private media outlets because they are working on the edge of their capacities and it is very hard for them to allow a journalist to be away from the newsroom for three to 10 days."

Mediacentar Sarajevo Director Kontić pointed out other challenges to organizing such training: "There are a lot of organizations that hold courses, but the question is whether

there is saturation. What is the relationship between media outlets and the organizations doing that? I think there are excellent opportunities. We have two or three programs in investigative journalism. We enroll a lot of people, not just from Bosnia-Herzegovina, but also from the region. But the question now is what the relationship is between us and the media? The media in a way no longer seems to have time for us, i.e. people are going about their business, and the relationship seems to be lost a little."

It is important to note that training programs in media management are rarely organized, although there is a strong need for them, and the focus of media training programs should probably move in that direction.

Printing sources, printing offices, and media distribution channels do not hinder the development of media. There is pronounced pluralism in this area and resources are distributed according to market-driven principles. A panel discussion characterized the Bosnian advertising market as "medium developed." We can say the same is true of the Internet. Access is not conditioned by political concessions but, as in the case of the press, it is characterized by underdevelopment. Broadband Internet services are available only in cities, while users in small towns and rural areas generally use dial-up access.

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Mehmed Halilović, assistant ombudsman on media for the Federation of Bosnia and Herzegovina, Sarajevo

Milenko Vočkić, director, BHT 1, Sarajevo

Zoran Čatić, editor in chief, student radio eFM, Sarajevo

Mira Lolić-Močević, program director, RTRS TV, Banjaluka

Boro Kontić, director, Mediacentar Sarajevo, Sarajevo

Senad Zaimović, general manager, Marketing Agency Fabrika, Sarajevo

Adi Hadžiarapović, political reporter and web editor, Dnevni Avaz newspaper, Sarajevo

Zvonimir Jukić, executive program and broadcasting director, FTV, Sarajevo

Borka Rudić, secretary general, BH Journalists Association, Sarajevo

Nedim Dervisbegović, editor of the web-portal and radio station, Radio Sarajevo, Sarajevo

Mirza Čubro, journalist, *Nezavisne Novine* newspaper, Banja Luka

The opinions of the following research participant, who did not take part in the panel discussion, were used in preparing this report:

Dunja Mijatović, director of the broadcasting division, Communications Regulatory Agency, Sarajevo

Moderator and Author

Amer Džihana, research coordinator, Mediacentar Sarajevo, Sarajevo

The Bosnia and Herzegovina study was coordinated by, and conducted in partnership with, Mediacentar Sarajevo, Sarajevo. The panel discussion was convened on November 27, 2008.

Disclaimer: The views and opinions presented in the chapter on Bosnia & Herzegovina are those of the panel participants and do not necessarily reflect the views and opinions of Mediacentar Sarajevo.

The media in Bulgaria enjoy unrestricted access to international news and information sources. Newsprint and printing facilities are in private hands and apolitical and so are the channels of media distribution... Alongside those unquestionable achievements, some aspects of the Bulgarian media remain underdeveloped. Progress on some indicators is either lacking or too exposed to political and economic influences.



BULGARIA

The 2009 Media Sustainability Index for Bulgaria reinforces the conclusions of previous panels, and steadily maintained scores reflect a consistent trend of consolidation. At 2.78, the overall country score for 2009 shows little change from last year's score, and the media environment has remained practically unchanged in recent years. In 2009, none of the five objectives sustained a dramatic decrease in score, and a couple—Objective 1 (free speech) and Objective 4 (business management)—showed modest gains. The availability of multiple news sources providing the public with reliable and objective news is traditionally among the indisputable achievements of the evolving media sector in Bulgaria. Supporting institutions in the media field and the business and management standards are also among the aspects where Bulgaria is approaching sufficient sustainability levels. The country meets many aspects of sustainability, but the development of the sector is still dependent on political and economic forces and therefore has not yet progressed to the next level.

The highest-scoring indicators in 2009 suggest that some of the conditions of a strong and sustainable media system are being fulfilled and that there are aspects in each objective that approach actual and irrevocable sustainability. Progress on those indicators has been steady and has not been affected by negative developments. The media in Bulgaria enjoy unrestricted access to international news and information sources. Newsprint and printing facilities are in private hands and apolitical and so are the channels of media distribution. The free entry into the journalism profession and citizens' unrestricted access to local and international media are among the stable features of the Bulgarian media development that are immune to political influences. Other sustainable achievements are the diverse and largely accessible menu of media options and the professional and unobstructed work of independent news agencies.

Alongside those unquestionable achievements, some aspects of the Bulgarian media remain underdeveloped. Progress on some indicators is either lacking or too exposed to political and economic influences. The indicator covering crimes against journalists received by far the lowest score in 2009, followed by the work of professional journalism associations and the degree of transparency of media ownership. The licensing of broadcast media, self-censorship, pay levels in the industry, and the proportion between entertainment to news and information programming also have a ways to go to reach sustainability.

BULGARIA AT A GLANCE

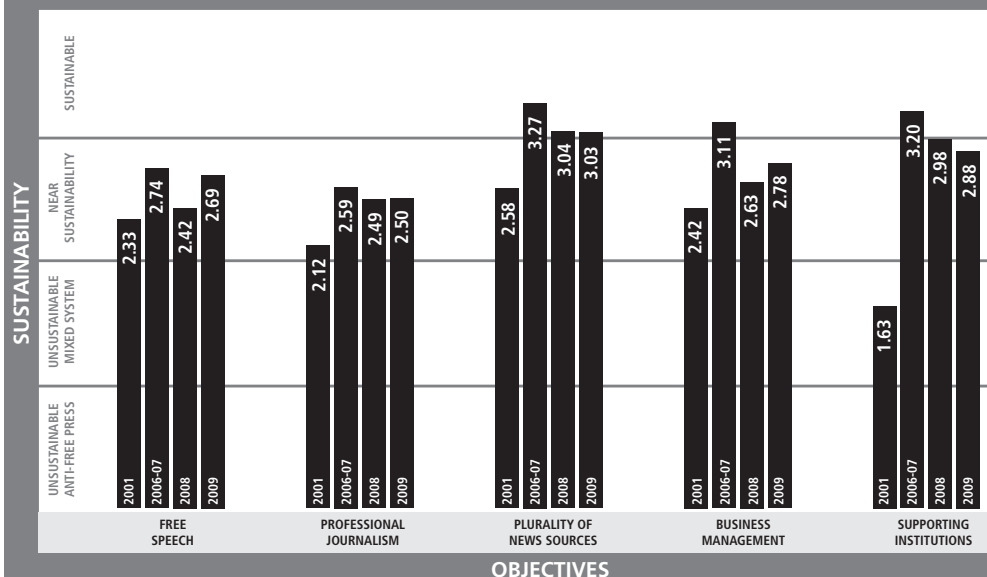
GENERAL

- > **Population:** 7,262,675 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Sofia
- > **Ethnic groups (% of population):** Bulgarian 83.9%, Turk 9.4%, Roma 4.7%, other 2% (including Macedonian, Armenian, Tatar, Circassian) (2001 census, *CIA World Factbook*)
- > **Religions (% of population):** Bulgarian Orthodox 82.6%, Muslim 12.2%, other Christian 1.2%, other 4% (2001 census, *CIA World Factbook*)
- > **Languages (% of population):** Bulgarian 84.5%, Turkish 9.6%, Roma 4.1%, other and unspecified 1.8% (2001 census, *CIA World Factbook*)
- > **GNI (2007-Atlas):** \$35.06 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$10,180 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 98.2% (male 98.7%, female 97.7%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President Georgi Parvanov (since January 22, 2002)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 446 newspapers; Radio: 97; Television Stations: 189 (National Statistics of 2006, Piero97)
- > **Newspaper circulation statistics:** Total circulation: 400,000+, with the largest being *Dneven Trud* (circulation 70 000-100 000 daily) (Market LINKS)
- > **Broadcast ratings:** Top three television stations: bTV, NOVA, BNT Channel One
- > **News agencies:** Bulgarian Telegraph Agency (state-owned), Sofia News Agency, BGNES, Focus Information Agency, BulPhoto
- > **Annual advertising revenue in media sector:** \$647 million (TVPlan/TNS)
- > **Internet usage:** 1,899,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: BULGARIA



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Bulgaria Objective Score: 2.69

The ratings achieved under this objective are a step up from last year's levels. Panelists' scores represent a slight improvement, although not enough to move the objective to a higher level of sustainability. Increases in five indicators helped push the score higher. Only Indicators 4 (crimes against journalists), 8 (media access to foreign news sources), and 9 (free entry into the journalism profession) remained more or less the same. However, it is noteworthy that Indicator 1 (legal and social protections for free speech) suffered a lower score than last year. The score of 2.69 averages a very wide range of values for different indicators. For example, Indicators 2 (broadcast licensing) and 4 both scored markedly below the objective score, the latter indicator by about a point. On the other hand, Indicators 3 (market entry and taxes on media), 8, and 9 all scored well above the overall score.

The country has the necessary regulations in place to guarantee the independence and freedom of the media. However, the inadequate implementation cannot rule out potential violations of freedom of speech and the right to information. Protecting freedom of speech is not high enough on the public agenda, and encroachments fail to provoke proportionate public outcry.

Panelist Danail Danov, program director for the Media Development Center, gave a good overview of the laws protecting freedom of speech in Bulgaria: "The existing legal framework is capable of ensuring the freedom of speech. The public is altogether keen to resist violations, but sometimes business interests oppose the resolute implementation of guarantees for the freedom of speech. Bulgaria's legal system is generally in line with modern European standards, but regulations still fail to fully ensure the transparency of ownership. The independent judiciary sometimes appears incompetent (including media matters), but that's mostly the result of its general inefficiency. Internet services are completely independent of government. There are differences between exercising the freedom of speech in big cities and small communities, where fear and legacies of the past seem to hold stronger." Stoyana Georgieva, editor-in-chief of MediaPool.bg, was more pessimistic: "There is still much to be desired regarding the level to which the domestic framework on human rights and freedom of speech meets international standards."

Ivo Draganov, television documentarian at the National Academy of Film and Theatrical Arts, explained some of the consequences of having holes within the freedom-of-speech

law. He said, "In the past year there have not been major cases of journalists getting fired in the broadcast media, but we have a troubling example in print. Journalist Iva Nikolova was expelled from the *Politika* daily over critical coverage of the MRF [Bulgarian Turkish Party, member of the ruling coalition]. Unfortunately, we're starting to build a civil society, and freedom of speech is not quite part of the core societal values, even if bloggers on the Internet are keen to share their views on the most controversial issues of the day. The country's legal system is harmonized with European legislation, but subjectivity and decisions driven by expedience make a bad impression."

A new media law has still not been adopted to address the new technological requirements. Bulgaria lacks a clear view of how the pending digitalization will be regulated. Panelist Yuliana Toncheva, freelance media and public-relations expert, explained how this will be problematic: "Our big problem is a law that fails to address the European-wide realities of media development, like digitalization. The transition to digital broadcasting is scheduled to be concluded in 2012, but at this point it seems unthinkable. We're still at the stage of bickering about who is going to control it. Amidst the clash of economic interests, nothing is being done to bring the law up to date."

Licensing procedures are not open and transparent. Licensing is not proof against political pressure and economic interests, and that is reflected in the score of this indicator. Toncheva said, "There are serious attempts to influence licensing by all means and instruments possible. Whether they succeed is a different story, but a fact's a fact."

Toncheva commented, "The only media law—the Radio and TV Act—is imperfect and dated. Inevitable changes have been held off for over a year now, and that's a serious obstacle to digitalization, which is the future of broadcasting. Other than that, Bulgarian media are still not professional and independent enough. They are susceptible to pressure and influence, both political and economic. The same is true for the legal system and licensing. We have the rules, but we don't play by them."

Media enjoy equal treatment under tax laws, and there are no special restrictions or concessions. The increase reflects the favorable and fair-market conditions allowing the media to perform professionally and independently. Danov explained, "The functioning of the media is comparable to all other industries in terms of market regulations and rules. The media are experiencing the same highs and lows as the other businesses out there. The fact that print media are not regulated simply shows that different media operate in different environments. There are no regulations that provide tax concessions for the media."

Panelists viewed crimes against journalists as the most problematic aspect of the Bulgarian media system. Although they are quite rare, the response of both the court and the public is not strong and determined enough to send out a clear message that they will not be tolerated. In 2008, a journalist was brutally assaulted, allegedly over unfavorable coverage on the Web of the president and the State Agency for National Security (SANS). Although the attack took place in downtown Sofia and almost claimed his life, still no suspects have been apprehended, and there is not a hint of who may have ordered it. In the aftermath, it became clear that SANS was collecting phone records and tapping phones in a large-scale operation targeting journalists and media outlets.

Journalists are being threatened, too, because of critical coverage of businesses, but such cases are rarely investigated or punished. Generally, journalists in the national media are more likely to receive protection and proper legal assistance than their colleagues in local outlets, who are exposed to direct pressure from local political and economic interest.

Danov put these crimes into perspective: "Crimes are committed against journalists, but they are just part of the general context. There are crimes against members of other trades, too. Perpetrators are being prosecuted but often go unpunished. That's due to the general inefficiency of the judicial system, not necessarily specific to crimes against journalists and the media."

There was some improvement in regard to the legal treatment of libel. It is a civil-code issue, and the lack of major lawsuits in the past year reflects the improved observance of

professional standards as well. Panelist Alexander Kashamov, a lawyer with the Access to Information Program, said, "Libel lawsuits are very few, an exception really. As a whole, the judiciary is way more independent in such matters than it is against organized crime." Internet service providers are not held liable for the content created using their services.

Another slight increase was observed in the indicator measuring the equal legal treatment of public and commercial media outlets. Through the continuing consolidation of the media market—especially in the broadcast field—small regional and local outlets benefit from their affiliation with nationwide networks. They enjoy a better market standing, and the transmission fees, which used to be a burden, are no longer so strenuous. The regional affiliates of Bulgarian National Radio (BNR) and Bulgarian National Television (BNT)—the national public media—are still too strong for the local outlets to compete with, however.

The integrity of BNR and BNT is still compromised at times due to funding problems. Georgieva said, "The public media are not independent by way of funding. We actually don't have public media in their pure form. Yes, their management is appointed by an independent body, but they are not funded by the public via license fees. Public media are subsidized by the state, which puts them in a position of dependence." Draganov added, "The editorial independence of public operators is laid down in the law, but their executives are politically appointed. There's an axis of political influence that goes from the regulator to the boards of public media."

Access to public information is guaranteed by law, but problems still occur. A very positive amendment, which revoked the requirement for those seeking information to justify their inquiries, has simplified the procedure, and that is duly reflected in the raise of the rating for this indicator.

Traditionally, unrestricted access of the media to international news sources and free entry into the journalism profession are among the strongest assets of the Bulgarian media. Danov said, "Access to international news and sources is practically unlimited. Internet reach is growing, and the number of users is growing. The only problem is the low qualification: some journalists have little computer or foreign-language skills."

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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

Bulgaria Objective Score: 2.50

The professional quality of journalism did not register any particular change, and the 2009 MSI values for this objective reflect the overall lack of forward movement. Likewise, most indicators remained static. The exceptions were Indicators 4

(journalists cover key events) and 5 (pay levels for journalists): the former experienced somewhat of a drop, while the latter made a small gain. Further, only Indicator 7 (technical facilities) received a score notably different (about three-quarters of a point higher) than the overall objective score.

The quality of reporting scores higher in 2009 but still fails to move to a higher level of sustainability. Danov said, "Professional standards in journalism are gaining ground, but slowly. Well-sourced is the rule, and everyone knows it. But lack of skill—and often, effort—stands in the way of professional reporting." There were no major problems to affect the generally objective and well-sourced coverage, but there is still a lack of dramatic sector-wide improvement in standards for corroborating information, presenting a wide range of views, and professional interviewing. Political and economic dependencies are still unresolved and stand in the way of professional reporting's achieving long-term and irreversible sustainability. Toncheva added, "Journalism is still not at the required professional level. Sensationalism, subjectivity, and superficiality prevail over fairness and balance. The fluidity of the workforce is perhaps one of the reasons."

In 2009, panelists find the issue of self-censorship a little less poignant, but the raise in score is minimal. Experts put special emphasis on the fact that under the broad term of "editorial policy" there is room for a rather selective approach to different topics and issues, dictated by the political or economic commitments of an outlet. Self-censorship can be subtle enough, and the media seem to have ways to maneuver or be flexible about different issues. Toncheva elaborated: "There are ethical standards, but there are also rewards for coverage. There's self-censorship, too, most often driven by business, not political reasons."

The pay levels for journalists are another aspect to do better in 2009, but again, this does not represent a comprehensive improvement that affects the sector across the board. The variety of remuneration options in the media, which include bonuses or other incentives for extra work on different stories or programs, are taken into account. Danov commented, "There are dramatic differences in pay levels, not so much between print and broadcast as between national and local [e.g., WAZ-owned newspapers, Nova TV, bTV against the small regional media]."

There was no notable growth from the previous years' levels in regard to the observance of widely recognized ethical standards in journalism. The lackluster score inevitably accounts for the still lingering tendency of journalists to accept various kinds of rewards for coverage. It is argued that journalists invited to travel abroad with high-profile political or business delegations are expected to provide favorable coverage in return. Panelist Svetla Petrova, a reporter for bTV, noted,

"Sometimes placing a politician in an interview is a PR job. It can be full of hard questions and pressure from the journalist, but all of it is actually staged. Nothing to do with journalism."

Media coverage of key events and issues fared worse this year than last. Panelists pointed to cases where some outlets consciously choose not to report events related to certain institutions. Panelist Yassen Boyadzhiev, editor for MediaPool.bg, said, "The rules in some outlets are bent to fit the agenda. This one we don't talk of, that one we only talk nice about. No one ever mentioned the hunting feats of our president, who shot a protected-species deer in Kazakhstan. It was a huge international controversy that no Bulgarian TV ever bothered to cover." Another example was a newspaper with a certain political affiliation failing to report on the suicide of a close associate of the party leader.

Panelists agreed on the negative implications for the country's media development because of the increasing share of entertainment programming at the expense of information programming. Petrova said, "Entertainment is rapidly getting the upper hand. I work in a commercial TV station, and it's hard for me put my noncommercial product in the right context. Many have embraced the entertainment element in journalism, and different tastes are cultivated. It's hard to find enough demand for real, quality journalism, the kind that looks at issues in depth and requires some background. The rest is simply lack of information." This trend emerged some years back with the growth of reality formats, which now seem to dominate the content of the mainstream media. Driven by this trend, the tabloid press tries to tackle serious issues, while tabloid-style coverage oozes into the mainstream. Draganov had an interesting take on this: "Strangely enough, talk shows and stand-up comedy

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).

acts often reveal more about the controversial people and issues of the day than the information programs. But there's a shortage of quality entertainment, whereas news and information programs are plenty but usually skin-deep."

The level of technical equipment for gathering, producing, and distributing news is an indicator that traditionally scores high. The process of consolidation and entry of major foreign investors, like SBS, MTG, and CME, has obviously benefited both the content and the technical outfitting of Bulgarian broadcast media. Danov said that the quality of the equipment is not the problem: "Big outlets have state-of-the-art equipment: Nova TV, bTV, TV 7, Darik Radio, WAZ papers. The problem is rather the qualification of the workforce—mostly the lack of multiple media skills and the right workflow, especially at the national radio and TV. In small outlets, the poor technical equipment and inadequate staffing inevitably affects the final product."

The quality of beat reporting stayed on the level identified by previous reviews. Journalists specializing in specific beats, and capable of in-depth coverage, are typical for the big national media. This model proves inapplicable to small and regional outlets for the limited availability of skilled staff. Some beats, like healthcare and culture, are covered quite professionally, while others seem to chronically lack resources. Boyadzhiev said, "Economic reporting is inadequate. The crime beat is traditionally well-covered; we never seem to lack capable crime reporters!" Danov said, "Beat reporting practically doesn't exist outside the national media. A journalist in a local outlet gets to cover just anything and cannot focus and acquire in-depth knowledge in one particular field. Investigative journalism disappeared from radio; TV no longer has quality business stories."

Investigative journalism is maturing, and some of the national media outlets run dedicated investigative-journalism programs and series. Progress, however, is still insufficient to positively affect long-term sustainability and is constrained by various financial limitations.

OBJECTIVE 3: PLURALITY OF NEWS

Bulgaria Objective Score: 3.03

The plurality of the Bulgarian media sector is an unquestionable achievement. Scores under this objective are consistently within sustainability targets and show that the diversity of news sources is providing citizens with comprehensive information. This balanced behavior is manifested over a long period of time, and no changes in the political or economic environment are likely to threaten it.

Few indicators showed any change, the exceptions being Indicator 3 (public media reflect the views of the political spectrum), which increased modestly, and Indicator 7 (media coverage of minority and broad social interests), which decreased somewhat. The only indicators not scoring close to the overall objective score were Indicator 2 (citizen access to media), which scored about a half-point higher, and Indicators 6 (transparency of media ownership) and 7. Indicator 6, in particular, continues to drag down the overall score, as panelists rated it more than a point lower than the overall score.

There are no direct or indirect ways to interfere or deter citizens from seeking and obtaining information from local and international sources. Draganov said, "There's a variety of alternative information sources; Internet blogs are offering edgier coverage. As a whole, everyone who is seeking information has enough sources and alternatives." The trend of the growing reach and increasing number of Internet users continued this past year. The media scene has evolved accordingly, and new online media are a growing alternative to traditional print and broadcast outlets. Forums and blogs are rapidly gaining popularity and reshaping the way information is being used. The scope of free speech is expanding, and that is another positive sign in the Bulgarian media scene.

Another two indicators reinforce the solid progress toward long-term and irreversible sustainability. The existence and affordability of multiple and diverse sources of news is one of the pillars of the Bulgarian media plurality. Danov stated, "News channels are diverse and accessible. Cable covers 80 percent of households; it's used even by the least affluent social groups, the Roma. It's a different matter what kind

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.

of information people are looking for. The only potential limitations are geographical remoteness and the lack of skills required to use them. Usage fees are quite reasonable and therefore not a limiting factor.”

A healthy number of professional news agencies supply outlets with news. Alongside BTA, the national news agency, independent news agencies like Focus News and novinite.com are offering diverse, timely, and wide-ranging coverage. In 2008, the websites of leading media outlets have been transforming to place special emphasis on news. Dailies like *Dnevnik*, *Sega*, and *Standart* and broadcasters like Darik Radio, bTV, and Nova TV are in fact operating like news agencies, too.

Another steadily evolving aspect of the Bulgarian media sector is that the independent broadcast outlets produce their own news programs. Danov noted, “Programming is open to a wide range of views; pressure and censorship have been outlived. Stereotyped coverage of government and opposition is less prominent. Some of the public-service programming and formats are so dated they are not viewable and are unlistenable.” National-coverage broadcasters have quality newscasts, and information programming is well-developed. In 2008, the three major television channels (BNT, bTV, Nova TV) extended and supplemented their newscasts with special commentary and in-depth coverage sidebars.

The ability of BNR and BNT to reflect the diversity of opinions in society and serve the public interest is making notable progress. The panelists appreciated the nonpartisan and pluralistic performance of the public media. Recent developments in public media have resulted in an increased share of socially significant topics and issues of national importance. Programs like “Referendum” and “The Big Read” on BNT are motivating and involving citizens in dialog. There are still minor negative practices, like refraining from negative coverage of government, but this occurs mostly regarding their private life rather than political matters.

The plurality of information sources and the diversity of formats is an undoubted achievement. But panelists identified problems regarding specific minority interests and issues. Minority-language media are limited in number and reach, with a narrow and scattered audience. Panelists noted that ATV recently set a tone of hate and intolerance—mostly through viewer call-ins—of the Roma and Turkish minorities and Islam. Petko Georgiev, executive director of BTC ProMedia Foundation, warned, “Over recent years, the language of the media is degenerating. What we’re witnessing is not simply ethnic intolerance, but violence. It was maybe the political party Ataka that started it, but this is now everywhere. Anti-Roma and anti-Turkish voices are getting stronger.”

The most critically viewed indicator was the transparency of media ownership. It is formally provided for, but in practice there are still outlets with offshore or figurehead ownership. Danov said, “Transparency is lacking. There’s no will to set up a register of media ownership. Conglomerates exist, and they’re further consolidating. The effects of foreign investment in media are at this point positive, rather than negative.” In 2008, there was large-scale acquisition of regional and national newspapers and a television channel by an entity represented by a former state official. The actual owners of the media holding have not been exposed, and investigations into the origin of funds have been inconclusive. Lack of ownership transparency increasingly holds true for websites as well.

OBJECTIVE 4: BUSINESS MANAGEMENT

Bulgaria Objective Score: 2.78

The score for Objective 4 inched up somewhat this year, with an increase of 0.15. Almost all indicators showed some improvement. Only Indicators 1 (media operate as efficient businesses) and 3 (the advertising market) remained static. Indicator 5 (private media do not receive government subsidies) was unique in that it did decrease somewhat, but, like all other indicators, it received a score close to the overall objective score.

Advertising revenue is in line with widely accepted standards at commercial media outlets. The amount of commercial time is regulated, and the media observe the rules. Sale of commercial time is sufficient to ensure outlets’ sustainability. The relatively high scores of this indicator do not preclude some of the Bulgarian outlets struggling to cover their operating costs. Draganov said, “Independent commercial

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.

outlets are better run; business comes first. But generating enough advertising revenue is still problematic. Many small- and medium-sized businesses, which are willing to advertise but lack the proper expertise and staff, are outside the scope of big advertising agencies. Some small outlets only rely on their own marketing and sales." The positive aspect here is the effective free-market regulation of the relations between media and advertising.

The efficient functioning of the media and supporting institutions as professional and profitable businesses is consistently among the indicators to score well. The trend of consolidation of the media market allowed some regional outlets to take advantage of being part of a wider business network. They improved their business performance and solidified their position in the local markets.

State funding for the media is regulated, and there are formal legal guarantees of editorial independence. The only Bulgarian media to receive state funding are BNT and BNR, which are public broadcasters. Independent outlets are fully sustained through advertising. A practice that emerged in 2008 reveals the potential for nontransparent state or municipal funding of outlets. Panelist Konstantin Markov, honorary chair of the Association of Bulgarian Broadcasters (ABBRO), pointed out, "There's concealed state funding through media partnership contracts and joint coverage projects." Through the so-called media partnership, contracted media and the administration team up to publicize the achievements and progress made on various capacity building projects, most often carried out with state or EU funds. Participating media effectively receive direct funding from national or regional government agencies. Those emerging practices explain the decline in scores for this indicator.

This kind of funding could be viewed as a way to diversify sources of revenue, however. Regional media are also involved in this kind of coverage of EU-funded municipal programs. Even if the outlets' political independence is not questioned, local and national government agencies benefit from positive exposure, while their political opponents are put at a disadvantage. In 2008, the government initiated a series of celebrations of the 100th anniversary of Bulgarian independence that will go on for nine months. Around BGL 4 million (€2 million) are allocated to media coverage. The funds are scheduled to be paid to participating media about the time that the campaign will start for the next general elections. That could potentially become another advantage for the current administration.

The current state of the advertising market reflects a still existing controversy. Bulgaria has a mature and professional advertising market, but it is still feared to be susceptible to manipulation driven by close ownership ties between media

and advertising structures. Danov said, "The existence of conglomerates and symbiosis between outlets and audience measurement agencies provide opportunities to break the rules of good business. There are still ways to influence editorial policies through funding. In big commercial outlets, influence is mostly economic, while the small are both politically and economically dependent."

Georgiev elaborated on this point, saying, "It's hard to say 'no' to the mayor if you live in a small town. The owner of a local TV station can't afford to refuse partnership or joint projects, including PR." This raises doubts about the unprejudiced allocation of advertising budgets and independence of outlets. However, as more foreign capital is entering both the media and the advertising market, transparency and trust should grow, panelists said.

Media base their operations on audience research, and this also informs startup decisions. Outlets are compelled to be aware of the interests and needs of their readers, listeners, or viewers because of the increasingly competitive market and the evolving public demand. This is a steadily developing feature of the media environment in Bulgaria. However, Danov said, "Small outlets operate by hunch or, depending on the assignment, they don't use market research."

In 2009, panelists continue to be critical of the reliability of ratings and circulation figures. There are two PeopleMeter television audience measurement systems in the country, but neither is fully trusted. Toncheva said, "PeopleMeter data is not accurate or independent, nor is it widely accessible. The reasons are mostly economic." One is alleged to have a conflict of interest; the other has limited reach in the market. There is no alternative comprehensive audience measurement.

Not all publications report their circulation, so the cumulative figures do not reveal the actual situation on the market of print media. Publishers only benefit from the lack of reliable statistics, as they can meddle with circulation figures to their best advantage.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bulgaria Objective Score: 2.88

Objective 5 received a slightly lower score, compared with last year, but still remains high in the "near sustainability" range. The decrease was due to minor decreases in Indicators 2 and 7 (professional associations and apolitical channels of distribution, respectively). Offsetting these decreases somewhat is a modest increase in Indicator 4, the work of NGOs. However, only Indicator 2 scored notably below the overall score, a testament to the overall strength of this

objective; Indicators 6 (access to printing facilities) and 7 scored about three-quarters of a point higher.

The performance of trade associations representing publishers and media owners generally received accolades from panelists, along with the role of NGOs supporting free speech and the independence of the media. Indeed, Draganov said, "The only advocates of media and journalists' rights are NGOs and trade associations like ABBRO. There are organizations, too, which contribute to the improvement of the media-related legislation."

There were dissenters, however. Toncheva claimed, "Trade associations are mostly focused on upholding the interests of the big players." Danov added, "The organizations of media owners most often promote private or corporate interests (even if it's disguised as a universal cause), so they are not held in high esteem by the media and journalists. Many of them are practically unknown to the public."

Within this objective, panelists were most critical of the professional journalists' associations, which they said are increasingly detached and inactive. This organizational failure is partly attributed to the fact that the journalism profession does not quite fit traditional trade-union patterns. Panelists still pointed out that the Union of Bulgarian Journalists did not react in any way to a number of cases of journalists being threatened or assaulted. Draganov summed up the feelings of the panel: "The Union of Bulgarian Journalists does not support its members. The Union failed to act in a number of cases of leading journalists being fired."

The two indicators measuring the quality of journalism training retained roughly the same score as last year. Academic training is still failing to keep up with industry standards and give young journalists a solid practical

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

grounding. Short-term training and qualification programs seem to enjoy less demand and are generally not as active as they used to be a few years back, when many of the new Bulgarian media outlets were emerging. Overall, "The quality of journalism education is inadequate. Professional training and development is underfunded," claimed Toncheva.

Remarking about access to newsprint and printing facilities, panelists confirmed that this is unrestricted and apolitical. Likewise, they said, media do not encounter any obstacles in distributing print or broadcast media, and distribution is not subject to any political pressure.

List of Panel Participants

Yassen Boyadzhiev, editor, MediaPool.bg, Sofia

Danail Danov, program director, Media Development Center, Sofia

Violeta Draganova, Roma mainstream freelance journalist, Sofia

Ivo Draganov, television documentarian, National Academy of Film and Theatrical Arts, New Bulgarian University, Sofia

Petko Georgiev, executive director, BTC ProMedia Foundation, Sofia

Stoyana Georgieva, editor-in-chief, MediaPool.bg, Sofia

Alexander Kashamov, lawyer, Access to Information Program, Sofia

Konstantine Markov, honorary chair, Association of Bulgarian Broadcasters, Sofia

Ivan Mihalev, journalist, *The Capital Weekly*, Sofia

Petya Mironova, chairperson, Print Media Ethics Commission, Sofia

Svetla Petrova, journalist, bTV, Sofia

Yuliana Toncheva, freelance media and public-relations expert, Sofia

Moderator and Author

Rumyana Bachvarova, consultant, Market Links Research and Consulting, Sofia

The Bulgaria study was coordinated by, and conducted in partnership with, BTC ProMedia Foundation, Sofia. The panel discussion was convened on January 8, 2009.

Croatia has become a dangerous place for journalists. For the first time ever in Croatia, a publisher—Ivo Pukanic, owner, editor, and publisher of the weekly Nacional—was killed in 2008. Journalist Duško Miljuš suffered a vicious beating. Other media professionals live with threats, and harassment of journalists doing their job is all too common.



CROATIA

Had we tried at the end of 2007 to predict the media situation in Croatia in 2008, the prognosis could not have been as bleak as the reality has proven. Media professionals and the public would easily agree that the general media framework in Croatia has not been this worrisome since the darkest point of the authoritarian 1990s. On the one hand, Croatia is making its final efforts to meet EU standards by the end of 2009 and join the union, likely in 2011. On the other hand, media freedoms and professional standards apparently reached their peak sometime in early 2000 and have since begun their descent. True, global media industry indicators are discouraging as well, but too many elements show that the crises facing the media sector in Croatia go beyond purely mirroring the current global trends.

Croatia has become a dangerous place for journalists. For the first time ever in Croatia, a publisher—Ivo Pukanic, owner, editor, and publisher of the weekly *Nacional*—was killed in 2008. Journalist Duško Miljuš suffered a vicious beating. Other media professionals live with threats, and harassment of journalists doing their job is all too common.

The *Feral Tribune*, an independent weekly that rightly claimed to be Croatia's best-known media outlet globally and that played an immense role in keeping critical voices alive in the turbulent 1990s, silently disappeared from the media scene due to financial problems and a lack of interest from established publishers to keep it functioning. Police recently arrested a Facebook user who—with obviously satirical intentions—merely posted a link to a photomontage of the Croatian prime minister in Nazi uniform. Blogger Željko Peratović was also arrested after he published “classified material” on the Web.

Croatian Public Television (HRT) has been in the spotlight for months. The deterioration of editorial and professional standards, questionable political affiliations, and financial problems peaked at the end of 2008 with a visit from the special anticorruption police unit following accusations linking a public-relations agency and some of the most influential HRT editors and anchors.

The leading national print media have continued recording negative circulation trends, trying to compensate, with little success, by furthering content trivialization. And finally, to round up a troubled year, total advertising revenue for both print and electronic media in the last quarter of 2008 saw its first decline after more than 10 years of steady, sometimes double-digit, growth.

The result of these developments was that Croatia's overall score fell to 2.46, putting it almost exactly equal to its baseline score as measured in 2001 and down from a high of 3.04 in 2005. Objectives 1 through 4 all experienced perceptible decreases in score, ranging from 0.19 to 0.26. Objective 5, however, did receive a small increase of 0.15.

CROATIA AT A GLANCE

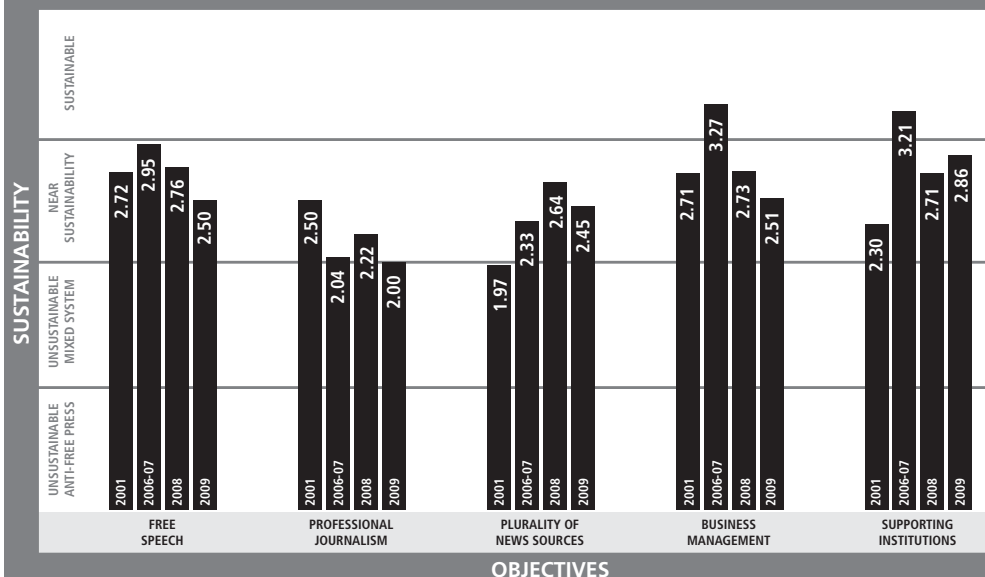
GENERAL

- > **Population:** 4,491,543 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Zagreb
- > **Ethnic groups (% of population):** Croat 89.6%, Serb 4.5%, other 5.9% (including Bosniak, Hungarian, Slovene, Czech, and Roma) (2001 census, *CIA World Factbook*)
- > **Religions (% of population):** Roman Catholic 87.8%, Orthodox 4.4%, other Christian 0.4%, Muslim 1.3%, other and unspecified 0.9%, none 5.2% (2001 census, *CIA World Factbook*)
- > **Languages (% of population):** Croatian 96.1%, Serbian 1%, other and undesignated 2.9% (including Italian, Hungarian, Czech, Slovak, and German) (2001 census, *CIA World Factbook*)
- > **GNI (2007-Atlas):** \$46.43 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$15,050 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 98.1% (male 99.3%, female 97.1%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President Stjepan (Stipe) Mesić (since February 18, 2000)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 900+, 14 daily newspapers, 45 weekly newspapers, Radio: 163, 5 of which are national; Television Stations: 19, 3 of which are national
- > **Newspaper circulation statistics:** The total circulation of daily newspapers is estimated at 450,000 to 500,000 copies a day, the top 3 being *24 sata* (circulation 140,000), *Večernji List* (circulation 90,000), *Jutarnji List* (circulation 80,000)
- > **Broadcast ratings:** highest rated television outlets: HRT 1 (public television), RTL Croatia (private commercial television), Nova TV (private commercial television) HRT 2 (public television)
- > **News agencies:** HINA, IKA/Croatian Catholic News Service
- > **Annual advertising revenue in media sector:** Approximately \$1.3 billion
- > **Internet usage:** 1,995,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: CROATIA



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Croatia Objective Score: 2.50

Objective 1 suffered the largest decrease of all objectives, from 2.76 last year to 2.50 this year, and down from a high of 3.00 in 2002. The lower score is a result of panelists' downgrading their scores for four indicators: Indicator 1 (the legal framework protects free speech), Indicator 2 (broadcast licensing), Indicator 4 (attacks on journalists), and Indicator 7 (access to information). Only Indicator 6 (libel laws) showed noticeable improvement. Two indicators (Indicators 1 and 6) received scores close to the overall objective score, while the rest ended up either well above or below. On the high side were Indicators 3 (market entry), 8 (media access to foreign news reports), and 9 (free entry to the journalism profession); the latter two finished more than a point higher. On the low side were Indicators 2, 4, 5 (guaranteed legal independence of public broadcasting), and 7; Indicator 4 finished more than a point lower.

The MSI panelists agreed that media-related legislation (the Croatian constitution, the media law, electronic media law, law on public radio and television, freedom of access to information law, penal law) provide a stable, well-defined legal framework for enabling and safeguarding freedom of speech. In reality, conditions do not always conform to the word of law. Local media are more vulnerable regarding issues of free speech. Most local media are still dependent on local governments (for example, favorable lease rates for office space, or being directly financed by the local authorities under the umbrella of "financing production of news on the city council's activities"). This increases occurrences of "friendly coverage" and discourages a critical voice by introducing different models of censorship and self-censorship. This is not a new problem, but it has escaped any effective solutions so far.

Panelists also brought up a related new problem and dilemma: how authorities handle international Internet standards as an unrestricted media platform, given the recent political events involving social networking sites such as Facebook. In May of last year, the Croatian government was overwhelmed by the swiftness and efficiency of high school student protests, which were organized using Facebook as a "meeting point." Demonstrations were held simultaneously in cities across Croatia, with no announcement and no government knowledge. Taken by surprise, the Ministry of Education has accepted almost all of the protesters' demands.

However, the government reacted absolutely inappropriately in its next encounter with the Facebook phenomenon. During the summer, one young Facebooker started a group

critical of the prime minister and hosted a link to an image with the prime minister in a Nazi uniform. Police intervened almost immediately. The Facebooker was interrogated at the police station and had his computer seized. The official explanation was that the police reacted based on the "promotion of Nazi insignia."

"We still don't know which rules apply when it comes to Web platforms and totalitarian insignia," said Ivan Čičak, president of the Croatian Helsinki Committee. "In the US, Nazi supporters are free to use it, are free to march and organize events. In Germany, this is strictly forbidden. We are confused and don't know which approach to accept."

Zdenko Duka, member of parliament and president of the Croatian Journalists' Association, and Davor Glavaš, lecturer of journalism studies at the University of Zagreb, said that the police intervention with the Web space alone, independent of motives, is a potentially damaging precedent. "The mere fact that the police consider themselves a party called on to intervene in the Facebook case represents repression of free speech," Glavaš said.

"The police understood from the beginning that it was not a promotion of Nazi insignia but a satirical case," said panelist Vladimir Lulić, general-secretary of the Croatian Journalists' Association. "That makes it even more dangerous, because police intervene with the Web space to protect the PM from satirical criticism, which is absolutely unacceptable."

Panelists also said that freedom of speech is potentially being threatened by Croatia's new penal code. The code strictly regulates which details on court cases cannot be revealed before the end of the case. "This makes sense when it relates to the protection of privacy but could be a real obstacle in, say, corruption cases. Such court cases in Croatia last for years, and if you exclude the right of the public to know, then the public would simply not be connected to the case itself and the verdict," said Emil Havkić, attorney at law and media law specialist.

As in previous years, panelists said that opacity and questionable professional competence of the independent Council for the Electronic Media are the main problems in the process of licensing broadcast media. Although there have been no direct indications of political interference in the council's decision-making process (compared with the 1990s, for example), the council still lacks transparency and defined criteria regarding frequency allocation and dispensing funds to commercial stations to promote high-quality radio and television productions.

Market entry and tax structure for media are fair and comparable to other industries, panelists agreed. The only restrictions result from applying anti-monopoly provisions

to print media and specific regulations on broadcast media frequency allocation. Since most of these regulations are international standards, they cannot be considered restrictions, but rather a general framework with which the entire media industry must comply.

Panelists said that the media industry even has some tax advantages over other business sectors. For example, recently the government introduced a tax break for print media, reducing VAT from the standard 22 percent to 10 percent. Most panelists welcomed this change but saw it as more of an attempt to maintain politically motivated good relations with the biggest publishers, not a genuine gesture aimed at supporting the industry. "The lower VAT applies to daily papers only, not to the print industry in general," Čičak said. "In addition, journalists and other print media employees would hardly see any benefit from it. Publishers almost simultaneously increased the cover price of papers and were awarded with lower VAT, just to pocket more money for themselves."

Regarding crimes against journalists, 2008 was the worst year in Croatian history; even the events of the authoritarian 1990s cannot be compared to this year. Pukanic, owner, editor, and publisher of the weekly *Nacional*, was brutally killed along with his business associate by a bomb planted near his car in downtown Zagreb, just meters from a classroom with dozens of journalism students who were having some of their first professional experiences. Although the motives for the mafia-style murder could go beyond Pukanic's media activities, the message sent is horrifying: even in a country at

the very doorstep of the EU, a voice could be silenced by a bomb, with brutal disrespect of potential collateral victims.

Reporter Duško Miljuš was severely beaten after publishing one of his many articles on organized crime and its links to high business and political circles. The perpetrators of the Miljuš assault have yet to be found. Internationally known reporter Drago Hedl, author of many crucial articles on war crimes, lives with almost constant threats to his life. Gordan Malić, one of the most acclaimed Croatian investigative reporters, is under 24-hour police protection. Panelists declared that only the immediate public outrage at such crimes kept them from scoring this indicator even worse than they did.

Could police have done more in protecting journalists and preventing such crimes? "It is a delicate issue," Čičak said. "True, police protection gives a sense of security but at the same time controls and restricts your professional routine. We should ask police to be more efficient in resolving crimes against journalists, not in increasing police protection."

One of the most respected Croatian journalists, media analyst and regular MSI panelist Gavranović, said that the gravity of the two events should serve as a reminder of the overall hostility toward journalists in Croatia. "Of course, our emotions and sympathies go to the victims of brutal attacks. But, we shouldn't forget that lower-scale attacks or threats against journalists and photo reporters have reached almost a daily occurrence. It is a dangerous trend, both for our profession and freedom of speech in general."

Indicator 5 was yet another reason for panelists to express their concern over media standards. This year the discussion covered some standard issues, such as whether subscription fees favor HRT over commercial stations—a question with many different answers. This year, the discussion was focused more on editorial independence and the interference of big business with the public media.

This year will be remembered as the year of arguably the biggest setback for HRT editorial independence. Beyond even the direct political interference of years past, editors are automatically exercising strict control in line with the expectations of the ruling party. "Politicians don't even have to make phone calls to the editors to give them 'instructions,' like in the '90s. Editors now read their minds and implement the strategy mercilessly," one panelist said.

A score of high-profile professionals have decided to leave HRT, in protest of introduced censorship. Many "dissenting voices" were sacked or pushed into lower-key positions, as a direct warning to the "silent majority." Professional associations raised their voices against such practices, but HRT officials do not seem to react.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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 addition, HRT is an example of the ever-stronger influence of big businesses on editorial policy. "It would be virtually impossible to find a decent piece of unbiased reporting on some of the top-five Croatian advertisers on public TV," one panelist said.

Obvious forms of product placement have become a standard routine with HRT, as have side deals between some prominent editors and large corporations. Punctuating the year, in December 2008 a special anticorruption police unit visited HRT to investigate allegations that one public-relations company bribed some editors and journalists in order to secure "friendly coverage" for its clients.

Libel is a civil issue in Croatia, and the offended party must prove falsity and malice.

Panelists agreed that public information is generally available without undue restrictions. Still, some media outlets get hot tips more easily than others (such in some high-profile arrests, when journalists and photo reporters of the chosen media arrive at the scene almost before the police). Panelists also said that public officials, especially on the local level, are still discriminative in providing information.

Access to national and international news is open and absolutely unrestricted. Broadband Internet is substantially cheaper, compared with early 2000, and is affordable to all professionals.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Croatia Objective Score: 2.00

Although many indicators remained more or less unchanged this year, a few experienced enough of a drop from last year to bring down the overall score by 0.22. Panelists gave these lower scores to Indicators 1 (reporting is fair and well sourced), 6 (news and entertainment balance), and 8 (niche and investigative reporting). As with last year, Indicator 3 (self censorship) received the worst score, about three-quarters of a point lower than the overall objective score; Indicator 7 (technical equipment) received a score about a point-and-a-half higher. All other indicators scored relatively close to the objective score.

"Journalism as a profession is in crisis, and this is a global phenomenon," Gavranović said at the opening of the Objective 2 discussion. "But unlike some other markets, the Croatian media market is just too small for quality segmentation. We don't have the whole print media spectrum, from tabloids to serious papers. Fighting for a share on an ever-smaller print market, our media are increasingly adopting just one approach: triviality."

Panelists noted that professional standards in Croatian journalism have been declining for the past four to five years, with no reverse trend in sight. The offensive commercial media are seizing an ever-larger market share, both in print and broadcasting. As a direct consequence, most of the "serious" media outlets have encountered commercial difficulties and lost a percentage of their readers. Some of them have found a solution in lowering their own professional standards, offering more trivial content to readers in tabloid form. They justify it by citing negative market growth due to a shrinking middle class, their most devoted buyers/readers. Panelists think that the trend is actually the reverse. "A middle class exists. How else would every fifth family in Croatia afford expensive skiing trips to Slovenia, Austria, Italy, Switzerland, and France? They don't buy papers as they've done before because of less quality content," said Dražen Klarić, executive producer of Kapital. network TV.

Many panelists agreed about the decline in print media content. "Quality journalism can be found only in some weekend editions and supplements, not anymore in the weekday papers," said Anja Picelj-Kosak, an independent media specialist. Havkić added: "Papers have become more like advertising leaflets in supermarket chains. As a direct consequence, the readership trusts newspaper content less than they did before. The issue is one of trust and respectability. As a reader, I have both in ever-shorter supply."

Croatia's compromised professional standards are reflected in the worrisome lack of story fact-checking and background research. "True, investigative reporting is in a global crisis. But our specific problem is a crisis of analytic journalism—reporting based on checking facts and presenting all aspects of the problem," Gavranović said.

The credibility issue is compounded by journalists' not backing up their stories with professional input, Havkić said. "As a lawyer, I can say that journalists consult experts far too rarely, with the exception of some sensationalistic cases."

Lulić said that such lax standards also make experts reluctant to cooperate even if they are approached. "Experts are not willing to give interviews, because they know that just too often their words will be rephrased or even made up in order to make the case."

The pressure to be "more commercial" has a growing impact on quality journalism in Croatia. Editors too often do not want to allocate the journalist more time for checking information or in-depth investigation. They want to be ahead of the competition—to be the first on the market, even at the expense of the facts. In addition, more than 90 percent of Croatian papers are sold on newsstands, which contributes to

the practice of “screaming headlines” and a resulting cost to quality journalism.

For more than a decade, the ethical code prepared and adopted by Croatian journalists has been probably the best elaborated and most efficient self-regulatory document among all transitional countries. “It would be untrue to say that Croatian journalists do not follow ethical standards,” panelist Duka said. “In most cases, they do. But there is always an aggressive minority that doesn’t care about any standards at all. Unfortunately, the public just too often equalizes the whole profession with this minority.”

Two relatively recent cases would easily prove that the crisis in ethical standards’ implementation has hit the mainstream media as well. After the assassination of *Nacional’s* publisher and editor, Pukanic, the next issue featured a cover story on “journalists with blood on their hands,” accusing journalists by name of being “murderers” if they have ever published a critical article on *Nacional’s* editorial and journalistic standards. Just days after, the other weekly paper, *Globus*, published on the cover a very well-made photomontage (with no notification that it was a photomontage) of the brutally murdered daughter of a high-profile Croatian lawyer sitting in the lap of her father’s client, who was charged with a multimillion embezzlement, suggesting that the murder was connected with her “love affair” with her father’s client. These cases happened in the two best-known Croatian weeklies, not in obscure tabloids.

Payments and gifts to journalists have become a somewhat standard practice. The recent visit of the anticorruption police to the HRT is just the tip of the iceberg. Expensive gifts, clothes with a sponsor’s logos, free travel arrangements and accommodations (although already paid by the media outlets), free tickets, etc. are standard features in sport desks but are aggressively closing in on news desks as well.

Regarding censorship and self-censorship, Gavranović said that “editors have become the biggest obstacle for quality journalism in Croatia.” The most efficient form of censorship is indirect—editors have to define what would be of interest to their owners and publishers, without getting spoken instructions. “Editors are well aware of the political and business affiliations of their publishers and owners and won’t risk too much by going beyond it,” said panelist Tena Perišin, assistant to the news director at HTV.

Space for independent and critical journalism has become more restricted, with the extinction of the *Feral Tribune*, editorially the only independent weekly in Croatia, and with the buyout of the *Novi List* daily by one of the biggest Croatian tycoons, who is closely related to the ruling party. As explained, publishers attributed it to “market shrinkage,”

but the fact is that independent and critical journalism has found itself in deep crisis. The list of good journalists who have decided to change professions due to their editors’ conformism is just too long.

Perišin said that the media sector cannot depend on the next generation of journalists to reinvigorate critical journalism. “Young journalists are ever less attracted by investigative journalism,” she said. “A desire to expose wrongdoings and contribute to higher social standards should have been the main reason for choosing this profession—at least as I see it. But nowadays, the younger generation is more attracted to PR. They almost see journalism as a PR discipline.”

Panelists agreed that blatant and politically motivated censorship exists only marginally, mostly in small local media outlets. “It is not that much about an open political censorship. We are approaching worrisome territory in which journalists don’t even need editors to censor their articles, but they conform in advance to their editors’ expectations,” Glavaš said.

Do journalists cover key events and issues? Given the sheer volume of reporting, the answer could be a simple “yes.” No subjects are forbidden anymore, and the variety of print and broadcast media, whether publicly or privately owned, guarantees that all events will be covered. But this is just the starting point.

“We have all information at our disposal, but we are not well informed,” Gavranović said, in what at first glance appears to be contradictory. The public is given basic information, but investigative and analytic pieces on the same issue are very rare. Additionally, the massive introduction of the spokesperson and public-relations agencies in mediating

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).

information to the public has contributed to the “having-information-but-not-being-informed” climate.

Year after year, the panel faces the same dilemma: Indicator 5. In general terms, salaries in journalism are decent and comparable to other industries, and panelists said they think that the salary level has little to do with discouraging corruption. It is a question of the professional attitude, not of monthly income. In discussing other sub-indicators, panelists agreed that an outflow of journalists to other professions exists but that this is not exclusively based on income. Salaries in journalism in some cases go up to \$200,000 a year in leading private media outlets but can be as low as \$6,000 to \$7,000 in some smaller local media. Prior to 2008, the biggest publisher in Croatia had a 1:15 ratio between the lowest and highest salary in the company. Now the ratio is 1:8—the lowest salaries are a bit higher, and the highest is a bit lower than earlier.

Gavranović pointed out one interesting issue: “Some journalists in public and private media have lucrative ‘managers’ contracts’ that are renewable year after year, depending on the editor’s opinion. In my view, this is just another subtle way of bribing journalists and introducing self-censorship over them.”

Pressure on the commercial media has resulted in increasing entertainment content. This should not be a reason for concern per se, but a prevalence of low-quality commercial content and productions is worrisome indeed. “‘Infotainment’ is a global trend, but I can [no longer] see any more difference between news and reality shows,” said panelist Martin Mayer, a media specialist with the Delegation of the European Commission to Croatia.

When asked whether the inclusion of more news-related programs pushes audiences to tune in to other formats, the panelists said no—on the contrary. “I would really like to have a news-only channel,” Picelj-Kosak said. “I just can’t stand any more interference of so many red carpets in news programming.”

Technical facilities and equipment for gathering, producing, and distributing news in most of the biggest outlets are modern, efficient, and, in many cases, state-of-the-art examples. The same cannot be said for small local media, but in general terms, panelists didn’t have any dilemmas regarding this indicator.

Regarding quality niche reporting, Klarić pointed out that Croatia, although a small market, has one specialized business television channel (Kapital Network), which proves the market’s sophistication. Croatia has one registered media outlet for every 3,000 adult inhabitants, which is a respectable number even in global terms.

But with only a few exceptions, the sheer number of niche publications cannot compensate for the lack of quality coverage. “Even in niche reporting, one should read multiple sources to get entire and unbiased information. Relying on just one could result in, sometimes, very biased information, as a result of unprofessional journalism or biased editorial policy,” said Nebojša Gladović, advisor to the general manager at HTV.

OBJECTIVE 3: PLURALITY OF NEWS

Croatia Objective Score: 2.45

Drops in Indicators 3 (public media reflect the views of the political spectrum) and 5 (independent broadcasters produce their own news) were the main contributors to the modest slide experienced by Objective 3. The overall score reflects an average of several much higher and lower scores; only Indicators 5 and 7 (a broad spectrum of social interests are reflected in the media) scored close. On the low side were Indicators 3 and 6 (transparency of ownership), which both scored about a point lower. On the high side were Indicators 1 (plurality of news sources), 2 (citizen access to media), and 4 (news agencies).

Croatia has more than 3,000 registered journalists, more than 170 registered radio and television stations, and more than 950 media outlets for a population of roughly 4.5 million. The latest statistics show that 43 percent of the population uses Internet services, and more than 25 percent of the population has a broadband Internet connection. The expansion of the Internet protocol television (IPTV) sector is comparable with the highest of international standards: estimates indicate that by the end of 2009, some 20 to 25 percent of households will use IPTV services. In addition, some 55 percent of households have satellite television receivers or a cable television subscription. Access to local and international news is open and absolutely unrestricted.

As in previous years, panelists mentioned relatively high prices of papers and services as the only substantial objection to access to the news. The daily papers’ cover price (HRK 7, \$1.40) or weekly papers (HRK 14, \$2.80) and high prices of international dailies and weeklies (from \$6 to \$10 on average) are prohibitive to a part of population, who therefore still rely on information from the “open sources” of television and radio.

Internet services are more affordable than in the previous years, mostly due to tougher market competition. The flat broadband rate is in the neighborhood of \$20 a month, as well as IPTV subscription. The “distribution” of news between the urban and rural parts of the country should be better,

although a higher percentage of “urban neutral” media (broadband and wireless Internet, IPTV) have contributed greatly to better news dissemination.

Foreign broadcasters operate without any restrictions, mostly on their own network of local radio stations. Blogs and text alerts are increasing rapidly in volume. As covered earlier, it was these new platforms (blogs, Facebook) that high school students used with great efficiency to organize protests.

Considering all the aforementioned figures, panelists concluded that plurality has been secured. Access to the local and international news is open, unrestricted, and growing continually in quantity and quality.

The discussion of Indicator 3 motivated some panelists to conclude that the servile attitude of public media, especially HRT, is comparable only to the authoritarian 1990s. The setback in editorial standards and daily practice is obvious. “Talk-show hosts are not entitled to make their own guest lists anymore. It is on the editor to confirm the list and suggest names. How long will journalists tolerate it? I don’t know. But what I do know is that a score of good professionals have already left HRT, and some others are considering doing the same, because they do not want to work under such conditions,” said Perišin, herself an employee of HRT.

“It is not about direct control over the program,” she clarified. “But journalists are aware that too much criticism would move them from the prime-time news to less important and low-rating early morning or late evening news.”

Longer-form public-affairs programs, which were the trademark of HRT and a recognizable point of difference between public and commercial stations, have become sterile and predictable. “It is like reading yesterday’s papers,” commented one of the panelists. “Only issues that are harmless or neutral to the ruling party may appear in the prime time.”

In addition, panelists expressed their concern with production of educational and cultural programming, which Glavaš said “should be public TV’s primary goal. But these productions, with only few exceptions, have been pushed into the area of low rating timing—a kind of daily schedule ghetto.”

Given the current realities of news-agency journalism in Croatia, the conclusion might be drawn that the industry is underdeveloped or politically influenced. Croatia has only one news agency (Hina) that falls completely under the “agency” description. There is a Catholic news agency (IKA), but it does not have the market references to be considered an agency in general terms. Thus, Hina holds a near-monopolistic position in the market. In addition, the government plays a role in

appointing key agency personnel. However, the panelists said that conditions are better than they seem.

“Hina has proven to be professional, even beyond some of its formal restrictions,” Lulić said. Čičak, an expert on the International Criminal Tribunal for the former Yugoslavia (ICTY), said, “Guess which is the most professional source of coverage of the Hague Tribunal activities, in accordance with the high ICTY standards? One wouldn’t guess so, but it is Hina.”

Hina provides all services to its clients with no restrictions whatsoever, although the service prices are often too high for some of the local media outlets.

International news agencies operate freely and with no restrictions. Since Croatia is not a primary focus of international agency coverage, local media do not use them as much as they use Hina. The other prohibitive element is the cost of subscription to their services. A combination of the two makes international agencies less present on the domestic media market.

All broadcast media in Croatia produce their own news programs. Broadcasters have not recognized news programming as audience and income generators; rather, Croatia’s broadcast law requires them to produce their own news programs. Since the early 2000s, most local broadcast media (specifically, radio stations) have been joining different national news networks to reduce their operational costs, leaving local news as their only production. Panelists agreed that this strategy makes sense: Local audiences are more interested in local news coverage, and the local 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.

are the only ones to provide it, and local media cannot cover national and international news as effectively as national broadcast channels.

“Transparency of media ownership is in short supply, but to make it up, we have lot of media concentration,” panelist Gavranović ironically commented. Irony aside, this comment could be a good description of the current situation in Croatia. All media outlets, like every other business, must register their ownership structure with the Commercial Court. The registry is publicly available, which makes media ownership transparent—at least in theory. However, there are reasons to believe that some media outlets have registered under “cover names,” masking their real ownership. This practice is not driven solely by political affiliations; “cover names” in broadcasting are used to circumvent antimonopoly provisions.

Concentration of ownership is much more worrisome in the print media sector. The national daily-paper market has been operating under a kind of duopoly since EPH (the largest publisher in Croatia) bought the biggest local daily, *Slobodna Dalmacija*, in 2005. Recently, the media ventures have become big companies in which media is not the core business. The biggest local paper, *Novi List*, well-known for its liberal and left-leaning editorial policy, was recently bought by a Croatian tycoon who is well-connected with the ruling party. The core business activity of this tycoon involves petrol and PVC¹; it remains to be seen what, if any, impact this may have on the paper’s editorial policy on ecological issues, for example. There have been plenty of indications that the paper’s general editorial policy will be reviewed and revised by the time of Croatia’s local elections, scheduled for April 2009.

Foreign investors (with their local partners) own two of the three national television stations (with HRT as the only—and logical—exception) and control at least 75 percent of the print media market. They have brought more professionalism business-wise (sometimes at the expense of journalists’ rights) but have jointly created a concentration that could be—and is—prohibitive to market competitors.

As previously mentioned, the sheer number of media outlets in Croatia guarantees news coverage of all major social, political, cultural, and other issues. The quality of reporting, however, is a different issue and prompted panelists to observe, “We have all information, but are not well-informed.” There were different opinions on minority-language sources. Panelist Perišin thinks that a minority-language information source could increase a minority’s feeling of living in a social or political ghetto. However, panelists Šantić and Glavaš cited the Italian daily *La*

¹ Polyvinyl chloride, a material used in certain clothing, electrical wiring, piping, etc. which has come under scrutiny for possible threats it poses to human and environmental health.

Voce del Popolo, which has supported the Italian minority’s cultural identity “without ever being a victim of different political interests.”

OBJECTIVE 4: BUSINESS MANAGEMENT

Croatia Objective Score: 2.51

Panelists downgraded scores for a few indicators this year but upgraded one, which contributed to a somewhat lower score compared with last year—2.51 versus 2.73. Indicators 1 (media outlets operate as efficient businesses), 5 (independent media do not receive government subsidies), and 6 (market research) all fell, while Indicator 4 (advertising revenue compared to other revenue sources) increased. Indicators 3 (the advertising market) and 4 both scored about a point higher than the overall score, while Indicators 6 and 7 (circulation and audience measurement) scored a point and three-quarters of a point, respectively, below.

Panelists observed a paradox in this overall objective in Croatia: Media, as well-managed businesses, do not guarantee editorial independence per se. Media as unsuccessful businesses could provide substantial editorial independence (as exemplified by some of the most important media outlets in Croatia in the 1990s), while successful media outlets could restrict editorial independence, as shown by many outlets currently operating.

Panelists concluded that the number of foreign investors interested in the media scene in Croatia and the presence of some of the most respectable international media companies are ultimate proof that the media industry in Croatia is

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.

profitable, with flexible and efficient management. The biggest publisher in Southeast Europe, EPH, was founded by a group of young Croatian journalists in the late 1980s, has been managed exclusively by local managers, and has since generated a pool of local professional skills and contributed substantially to the overall entrepreneurial climate in the country. As a rule, after entering the Croatian market, foreign investors retain local management of the media, recognizing local management skills and profiting from it.

“According to 2007 and Q1 and Q2 2008 data, all relevant media companies in Croatia were profit-generating. From this point of view, media are successful businesses. But, it is editorial incompetence that has become the biggest obstacle in further development of media as businesses,” panelist Gavranović warned.

Media in Croatia receive revenue from a multitude of sources. Sales of print copies and advertising remain the main sources of income for the print media, with only up to 5 percent of the overall income generated by subscription. Advertising is the only income for the national commercial television stations. Subscription fees and advertising make up the revenue streams for HRT. Local commercial broadcasters, aside from advertising income, could access one additional source of income: If their productions comply with the definition of “producing programs of specific public interest,” local radio and television stations could get up to \$180,000 of support from the Fund for Media Pluralization, which is funded by 3 percent of subscription fees paid to HRT.

The panelists debated on the multitude of income sources of HRT. HRT receives about \$150 million to \$170 million a year from a mandatory subscription fee, for an average of \$12 per household per month. HRT has also dominates Croatia’s advertising market, earning an estimated \$250,000,000 from advertising per year. Panelist Perišin (HRT) said that advertising income is substantially important for HRT and allows it to fulfill its “public obligations.” Some other panelists, however, expressed a desire to see more transparency or consistency in subscription-money spending. “The best way to secure it is to have two different accounts at the Public TV: one for spending of the subscription money, which should primarily go to public-interest productions, and the other for spending of the advertising money, for which Public TV is free to use it at its will,” one panelist said.

Circulation of all the print media outlets has significantly dropped in the past six to seven years. Heavily politicized audiences in the late 1990s actively expected substantial political change, and this era marked the peak of circulation for almost all print media in Croatia. This situation is an anomaly. However, a lower level of interest regarding political activities is not the only reason behind the drop in

circulation. Other elements include a lack of trust in media content, resulting from publishers’ siding with certain political/business interests and sensational coverage. The fact that circulation has dropped in other market niches (women’s weeklies, sports magazines, etc.) indicates a certain fatigue with consuming traditional media, while new media platforms are on the rise.

Decreases in circulation have, thus far, been largely offset by higher advertising income. Croatian print media have not yet met the ratio of advertising to circulation revenue typically seen in Western Europe and the United States (roughly 70–75 percent advertising; 25–30 percent circulation), but revenue figures are ever more inclining toward advertising. Businesswise, more successful national papers (*24 sata*, *Vecernji List*, *Jutarnji List*) are making between 55 and 60 percent of their total income on advertising revenue. Other papers still depend on circulation revenue, sometimes with more than 80 percent of revenue being derived from circulation, which has a tangible impact on the type of journalism practiced by these papers, primarily in terms of more tabloid-style coverage.

Panelists observed another specific detail of the Croatian advertising market. “The TV industry usually consumes some 40 percent of the advertising market. In Croatia, the television sector consumes between 65 and 70 percent, for the good or worse of it,” panelist Gladović said.

As mentioned under Objective 2, big businesses/advertisers have increased their influence on media content. Cancellation of advertising contracts on the basis of “negative publicity” is not considered to be a serious breach of industry standards. One panelist mentioned that he had recently seen a contract between one of the biggest Croatian advertisers and its counterpart in print media business that stipulated standard terms and conditions in addition to some very specific ones: The contract obligates the media house to “positively promote” the advertiser’s interest, and it even defines the space in the publication where the advertiser’s ads should be placed. “If that is not an undue influence on the editorial policy, then I don’t know what it is,” panelist said.

The Croatian media advertising market contributes to the more than 1 percent of Croatia’s gross national product, which is almost in line with the standards of more highly developed countries. Most of the top-ten international advertising agencies have branch offices in Croatia; McCann Erickson opened its office in Croatia in 1984, for example. Advertising income has been steadily increasing for more than a decade, sometimes with double-digit annual growth. This contributes greatly to media industry stability as well. As mentioned, the drop in circulation as a general trend has been so far successfully offset by the rise in advertising income.

It is too early to predict the full impact of the global financial crisis on Croatia's advertising market and media industry. However, early signs are worrisome. "The advertising market volume stagnated in Q4 2008, for the first time in the past ten years. We should wait for the indicators for Q1 and Q2 of 2009 to see if it was just a temporary market disruption or an indication of a trend. I am afraid it seems to be the latter," panelist Gavranović said. "From the current indicators, I can say that advertising volume in the first half of 2009 will be almost one-fifth lower compared to 2008. I am afraid this will push some media projects to the very brink of bankruptcy," panelist Klarić added.

Independent media do not receive government subsidies. However, the sector faces so-called hidden subsidies, like public announcements, advertising, or awareness campaigns financed by the government or local authorities. There are many indications to prove that these "hidden subsidies" too often go to government-friendly media.

Financial sustainability is still the biggest problem of the local media. As mentioned, a relatively high percentage of local media are still partially owned by municipalities or dependent on financial and in-kind support from them; for example, more than 60 percent of radio stations are co-owned by the local government. Local media quite often use office spaces, communications, or other services provided for free or at lower-than-market rates by local authorities. In addition, so-called contracts on regular coverage of local government activities are quite often a regular and substantial part of local media budgets, with predictable consequences on the quality and impartiality of news productions.

Media businesses so far have been successful in business terms, but panelists were critical of how market research can be properly used in strategic planning. The panelists also found fault with EPH's decision to launch a Croatian version of *Forbes* magazine in the midst of the financial crisis, citing that the company that previously lost millions with an unsuccessful business daily paper that was dropped within a year owing to a mere one-tenth of the planned circulation. This example points to the conclusion that the capacity to organize and perform sophisticated market research exists, but this tool is simply not used by the biggest media corporations in the proper way. To a large extent, market research as a tool is consulted mostly when it conforms to the owner's own projections, but it is used as a tool for strategic planning.

Circulation figures are still not provided by an independent agency (such as an Audit Bureau of Circulation in the US and elsewhere) and are not reliable. Publishers are obliged to submit the circulation figures to the Croatian Chamber of Commerce, but this applies to reporting printed, not sold, circulation. The gap between the two can be significant—

especially considering that almost 95 percent of circulation is sold at newsstands—and is not an accurate way of tracking how many issues were sold. For that reason, most advertising agencies make their own circulation estimates, and these have proven to be quite precise. Knowing that, publishers refrain from presenting inflated circulation figures to serious advertising agencies and are still shy about presenting the same figures to the general public.

Thanks to PeopleMeters and other sophisticated measurement methods, leading broadcasters do have reliable ratings figures, but panelists expressed their doubts on whether these figures are used in strategic planning and program scheduling. Aside from this problem, leading broadcasters present ratings data to the general public in a very selective manner, only to prove the highest ratings for some of their shows and using complicated statistical algorithms to explain their ratings, rather than presenting their overall ratings in a systematic way.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Croatia Objective Score: 2.86

The score for Objective 5 inched up by 0.15 this year amid a lot of fluctuation in individual indicator scores. Indicators 1 (trade associations), 2 (professional associations), 6 (access to printing facilities), and 7 (apolitical channels of distribution) all increased noticeably. However, Indicators 3 (NGOs) and 4 (academic journalism programs) both decreased. Several indicators also varied markedly from the overall score. Indicators 3 and 5 (short-term training opportunities) were more than a half-point behind, and Indicator 4 was more than a point behind. Indicators 1 and 6, however, both scored about a point higher.

Croatia has rightly earned a strong reputation for its efficient professional supporting institutions. For example, the association of publishers has been very successful in promoting publishers' interests; lowering VAT on papers is fine proof of the efficiency of the Publishers' Association. However, publishers' interests do not necessarily correspond to the general professionalism of the journalist community. The core professional association, the Croatian Journalist Association (CJA), has almost 3000 members, which represents more than 90 percent of active journalists in the country. Equally important, the CJA has managed to include almost all journalism professionals regardless of their business or political affiliations.

The CJA played a critically important role in the 1990s, when Croatia was governed by an authoritarian president,

in protecting and promoting free speech and in defending basic human rights. Currently, the CJA is a well-organized, financially self-sufficient professional association, promoting and safeguarding higher principles of the freedom of speech and industry standards. The CJA has been actively preparing, drafting, and lobbying for media and media-related legislations. This includes sub-legislations as well and defines, along with the Journalists' Trade Union, other important elements for the status of journalism as a profession (social and health insurance, pension funds, status of freelancers, problems related with some troubled privatization of the print media, etc.). The CJA has its own sub-organizations, representing specific sectors of the profession (investigative reporters, photojournalists, and niche reporters).

Some panelists are critical of the Journalists' Trade Union, which has become less efficient than it used to be. "It seems like the Trade Union can't follow the pace set by the CJA and the media industry in general. Compared with the CJA, they are less capable of defining a communication channel with media owners and publishers and of redefining their own agenda in an ever-changed business environment," panelist Havkić said.

Along with the Publishers' Association, CJA, and the Journalists' Trade Union, there are a variety of professional and trade associations actively promoting agendas of different sub-profession groups. Local media (print but mostly local radio and television stations) are organized in HURIN (Croatian Association of Local Radio and Print). Local television stations are organized in NUT (National Association of Local television Stations). Together with the national television stations (Croatian RTL, Nova TV), local television stations have formed a joint national association of commercial television stations that has been very active lately.

This situation cannot be applied to the NGO sector, however, especially when it comes to NGOs' role in protecting free speech. "True, the situation is not like in the 1990s, when there were a variety of NGOs active in supporting free speech. Nowadays, we are faced with more subtle challenges to journalism as a profession, which escape the formal definitions of 'threats' or 'violations.' Still, I can hardly see any NGO actively involved in this matter," panelist Picelj-Kosak said. The Croatian Helsinki Committee remains almost the only NGO active in this field, which is, compared to a myriad of NGOs active in the 1990s, "quite disappointing," as one panelist said. "There is no longer such a 'market of crises,' as [there was] some 10 to 15 years ago that would have immediately engaged NGOs. Now, when there are situations to react to, the CJA reacts, and that should be enough to safeguard free speech," panelist Havkić said.

Journalism degrees have become popular in Croatia. Currently, there are more than 2,000 students of journalism in varying programs. However, panelists estimate that Croatia's media sector cannot support more than 100 to 150 new jobs per year. "Where are they going to work? I simply don't see a place for so many new journalists. Where are they going to get some practical experience?" panelist Gavranović asked. In addition, some journalism-degree programs do not include high-level coursework in their curriculums. "Unfortunately, we can see the consequences of it on a daily basis. There are just too many cases to prove that many young journalists do not even know basic grammar, not to mention more sophisticated knowledge and skills. It's terrifying," one panelist said.

Quickly evolving changes in the media environment—primarily the introduction of the new media platforms—should increase the importance of professional development and training for Croatia's journalists. Panelists concluded that there are opportunities for professional development, provided primarily by CJA and its branches (like the International Centre for Education of Journalists), but there is not enough enthusiasm among journalists themselves to participate. "In the more developed media markets, it is kind of a standard for journalists to spend at least 30 days a year in short-term trainings, regardless of their age and professional status. This simply doesn't exist in Croatia. It is up to each individual to decide whether to accept the idea of permanent education or not. Unfortunately, too many journalists decide not to follow this standard," panelist Čičak said.

Newsprint acquisition and printing facilities are in private hands and completely deregulated. There are more privately owned printing facilities in Croatia than the market demands, which has lowered the prices and created a beneficiary position

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

for publishers. The same situation applies to media distribution channels (print distribution, transmitters, or Internet), which are privately owned and deregulated. The current condition provides an almost shocking contrast to the 1990s, when both printing facilities and all distribution channels were owned by the government (or their cronies) and were used efficiently against dissent and independent voices.

Still, panelist Duka expressed concern that one of the biggest Croatian corporations (and largest advertisers) controls Tisak, the largest print distribution network in the country. "This simply does not comply with higher industrial standards. I can't say that there have been any wrongdoings, not at all. But in the long run, it is not a good solution," Duka said. Agrokor, the company that bought Tisak, has also acquired distribution networks in Bosnia Herzegovina and Montenegro. "What I can see as a professional and as a media consumer is that Tisak has become more successful business-wise, and a market-elaborated company. Publishers and journalists should primarily benefit from it, although a certain reason for concern remains," concluded panelist Gavranović.

List of Panel Participants

Emil Havkić, media lawyer and specialist in media legislation, Zagreb

Martin Mayer, media specialist, the Delegation of the European Commission to Croatia, Zagreb

Neven Šantić, journalist, *Novi List*, Rijeka

Zdenko Duka, member of parliament, the Committee for Media; president, the Croatian Journalists' Association, Zagreb

Vladimir Lulić, general-secretary, Croatian Journalists' Association, Zagreb

Anja Picelj-Kosak, independent media specialist, Zagreb

Tena Perišin, assistant to the news director, HTV; professor of journalism studies, University of Zagreb, Zagreb

Ante Gavranović, founder and president, Association of Publishers, Zagreb

Dražen Klarić, executive producer, Kapital.network TV; lecturer of journalism studies, High School of Journalism, Zagreb

Nebojša Gladović, advisor to the general manager, HTV, Zagreb

Ivan Zvonimir Čičak, founder and president, the Croatian Helsinki Committee, Hrvatsko zagorje

Moderator and Author

Davor Glavaš, lecturer of journalism studies, University of Zagreb, Zagreb

Assistant

Krešimir Dominić, assistant manager, Abrakadabra Communications, Zagreb

The panel discussion was convened on January 13, 2009.

Overall, the political developments of 2008 had positive implications for the media sector in Kosovo, according to the MSI panelists. In contrast with the Constitutional Framework for Provisional Self-Government in Kosovo, which did not include any paragraph on free speech, the Constitution of Republic of Kosovo guarantees free speech... .



KOSOVO

The year 2008 was politically and economically dynamic for Kosovo. By the beginning of the year, the two major political parties (Democratic Party of Kosovo and Democratic League of Kosovo) agreed on the creation of a joint coalition government after the elections of November 2007. The coalition formed by the two parties created a strong government and an opposition severely disadvantaged in its attempts to raise its voice and become a constructive critic.

After year-long negotiations between the Kosovar and Serbian authorities failed to result in an agreement on Kosovo's final status, the Special Envoy of the UN Secretary General Martti Ahtisaari presented his *Comprehensive Proposal for the Kosovo Status Settlement*. The proposal recommended supervised independence for Kosovo as the most viable solution. On February 17, 2008, the Assembly of Kosovo declared the republic's independence, pledging state building and the protection of minority rights as envisioned in the proposal.

In the period between February and June 2008, the Assembly of Kosovo used a fast-track procedure to pass more than 40 laws as outlined by the Ahtisaari Proposal. The laws came into force simultaneously with the ratification of the Constitution of the Republic of Kosovo on June 15, 2008.

In April 2008, Ramush Haradinaj, former prime minister and an ex-leader of the Kosovo Liberation Army, was found not guilty by the Hague Tribunal. His return to the political scene was seen as a boost for the opposition; moreover, Haradinaj made clear his intentions to once again become the prime minister of Kosovo.

The European Union Rule of Law Mission was envisioned to replace the UN Mission in Kosovo (UNMIK) after almost nine years of administration. The UN secretary general proposed a Six Points Plan, which foresaw double standards regarding police, justice, customs, etc. Although the Serbian government approved, the plan was strongly opposed by Kosovars and two massive protests in Prishtina were organized by NGOs.

Overall, the political developments of 2008 had positive implications for the media sector in Kosovo, according to the MSI panelists. In contrast with the Constitutional Framework for Provisional Self-Government in Kosovo, which did not include any paragraph on free speech, the Constitution of Republic of Kosovo guarantees free speech (Article 40), the right to access official documents (Article 41), and freedom of media (Article 42).

With an overall score of 2.38 in 2009, the Kosovo MSI score increased slightly from 2.26 in 2008. As in 2008, this year panelists gave their highest rating to Objective 3, plurality of news sources, increasing the score to 2.59. Objective 1 and Objective 4 also received higher scores this year. The increases can be attributed to better management of media and greater opportunities for advertising, with further development of the banking and telecommunications sectors especially. Objectives 2 and 5 dropped slightly this year, however.

KOSOVO AT A GLANCE

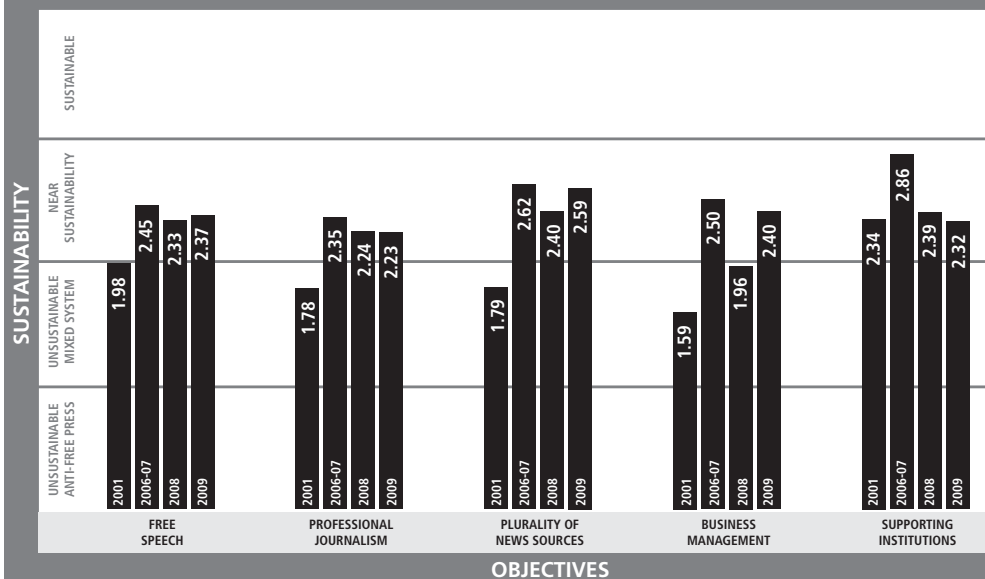
GENERAL

- > **Population:** 2,126,708 (2007 est., *CIA World Factbook*)
- > **Capital city:** Prishtina
- > **Ethnic groups (% of population):** Albanians 88%, Serbs 7%, other 5% (*CIA World Factbook*)
- > **Religions (% of population):** Muslim, Serbian Orthodox, Roman Catholic
- > **Languages (% of population):** Albanian (official), Serbian (official), Bosnian, Turkish, Roma
- > **GNI (2007-Atlas):** N/A
- > **GNI per capita (2007-PPP):** N/A
- > **Literacy rate:** 94.2% (UNDP, 2004)
- > **President or top authority:** President Fatmir Sejdiu (since February 10, 2006)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 8 daily newspapers; Radio: 95; Television Stations: 21 (Independent Media Commission (IMC), 2008)
- > **Newspaper circulation statistics:** N/A, *Koha ditore* is the leading newspaper (Index Kosova, 2008)
- > **Broadcast ratings:** Top three television and radio stations: RTK 49%, KTV 34%, RTV21 33%; Radio Dukagjini 7%, Radio Kosova 4%, Radio 21 3% (Index Kosova, 2008)
- > **News agencies:** Kosova Live, Kosova Press, Info Sot
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** Households with Internet access 46%; people claiming daily use of Internet 28% (Index Kosova, 2008)

MEDIA SUSTAINABILITY INDEX: KOSOVO



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Kosovo Objective Score: 2.37

The objective for freedom of speech experienced almost no increase, rising from 2.33 to 2.37 between 2008 and 2009. Indicator scores showed little change and most indicators scored close to the objective's average. The exceptions are Indicator 5 (legal guarantees of independence and preferential legal treatment for public media), which scored about .5 less; and indicators 8 and 9 (media access to international news sources and free entry into the journalism profession), which scored .75 and more than 1 point higher, respectively. Overall, legal foundations have been enhanced to protect freedom of speech, and media have somewhat better access to public information, but recent changes made in conjunction with independence have yet to make a significant impact.

The panelists agreed that the June 2008 adoption of the constitution, and specifically Article 40, have augmented the legal protection of free speech. The Constitutional Framework (which governed Kosovo based on UNSC 1244 since 2001) did not have an explicit statement on the issue. Moreover, the constitution stipulates the creation and support for the Independent Media Commission (IMC), which is responsible for issuing licenses and has transparently elected members.

Panelist Argjentina Grazhdani, director of the East West Management Institute, acknowledged the positive impact of the legal basis in protecting freedom of speech, but said that implementing practices after they have officially been laid out on paper takes time. Panelist Mifail Bytyqi, managing director of TV Prizreni, noted that the new legal framework has a positive psychological effect on both the media and institutions by raising their awareness. Overall, the panelists were satisfied with the current legal framework.

The panelists were unanimous that the public does not react in any way in cases where freedom of speech is violated. This is something to be decried, since it perpetuates an environment of a civil society uninterested in media affairs.

Panelists had opposing views on the issue of licensing broadcast media. The IMC is responsible for granting and renewing licenses. The commission is required to be apolitical and its members can be elected from civil society. Panelists said that they value the work of IMC, but emphasized the need to ensure fair competition. Bytyqi expressed his concern with the high number of licenses being given to new broadcasters. He said that this practice makes longtime broadcasters feel that their efforts to date are unappreciated.

The tax code does not make a distinction between the media industry and other types of businesses—the media pay the same amount of VAT. Ardita Zejnullahu, executive director of the Association of Kosova Independent Electronic Media (AMPEK), told the panel that since the association is a business, it has been lobbying for a lower VAT rate. However, other panelists pointed out a potential problem: tax evasion would follow as a consequence, because various businesses would declare themselves as media enterprises in order to avoid higher VAT rates.

Panelists could recall no incidents of crimes against journalists, but they debated what is considered a serious threat. Voice of America journalist Besim Abazi said that sometimes journalists exaggerate threats, even in the case of simple criticism. But vague, intimidating assertions can lead to serious attacks against journalists.

It seems as if journalists avoid trouble in general by understanding which lines not to cross. But when they do choose to write about a dicey issue, any threat is diffused when more than one media outlet reports on the subject. Berat Buzhala, editor-in-chief of the *Express* daily newspaper, said that members of the media have a kind of silent coalition in this regard. "When five or six newspapers write on a hot topic, the threat against the journalists is minimal," he said.

Panelists also mentioned the *Progress Report 2008 of the European Commission on Kosovo*. They pointed out that this report identifies politicians and political parties in general, not the government, as the ones who intimidate journalists.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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 public broadcaster Radio Television of Kosovo (RTK) is the lead media outlet in both reliability and viewership rates. However, many people believe that RTK is controlled by the Democratic Party of Kosovo. In addition, RTK is criticized by other national television stations because it receives revenue both from subscription fees and commercials. Although this puts RTK in a privileged position, some panelists claimed that this actually promotes its political independence.

In 2008, however, RTK faced economic and organizational problems. Until 2006, RTK received funding from the state budget and donors. But RTK has not received funds from the budget since then, and its donor contributions have almost disappeared.

The collection of subscription fees is regulated through an agreement with the Kosovo Energy Corporation (KEK). RTK is under constant threat of KEK terminating the agreement, however. According to panelists, this situation had an impact on the financial stability of RTK and the quality of programming, as RTK airs commercials during prime time. However, according to Mentor Shala, RTK Albanian program editor, "If the subscription issue is regulated for a longer period, then dependence on commercials will slowly fade."

In addition, RTK faces management problems. Its current board of directors is functioning on a mandate that has been extended for six months, contributing to the sentiment that the government is pressuring RTK to become state-run. Opposition parties and Kosovar citizens also have accused RTK of biased and pro-government reporting. Given these challenges, Grazhdani said, RTK has an uncertain future. "A public institution that does not have a clear managing structure and financial source is definitely more vulnerable," she said.

The Law on Access to Official Documents, ratified in 2003, is an important component in supporting legal means for the freedom of speech. Section 6 of the law addresses the processing of initial applications for access to certain documents. The institution must either grant access to the document within 15 working days or state the reasons for total or partial refusal.

However, the administrative instruction no. 3/2006, on implementing the Law on Access to Official Documents, passed by a previous minister, extends the time limit and is too specific about when a document can be accessed, thus making it difficult for applicants to access official documents. Shala voiced the concern that the administrative instruction belittles the law. "The administrative instruction not only decreases institutional transparency, it was also an attempt by the government to limit people's access to official documents," he said.

Public institutions and the media have not yet had major clashes between them that would result in a contentious case of accessing public documents. "The media and the civil society operate on separate playing fields from the government," said Buzhala. "The latter has still not felt the need to make serious efforts to hide information." Buzhala said that he expects conflicts to arise between institutions and the media as they both continue to improve.

Regarding international media, journalists have unrestricted access to foreign news agencies, websites, newspapers, etc. The government does not hamper in any way the flow of information from abroad. No licensing requirements are imposed on individuals entering journalism.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kosovo Objective Score: 2.23

Most panelists agreed that in general, professional journalism is practiced but not at ideal levels. Objective 2 received a score nearly the same as last year, with most indicators remaining static and scoring close to the overall objective score. The one exception is Indicator 8, niche and investigative reporting, which suffered both a lower score and one about a half-point lower than the objective average.

Given that approximately 89 percent of the population uses television as its main information source, misleading reporting is a serious issue. Journalists are now tending to present sensational and bombastic news. An everyday news item or event is often unnecessarily presented as something colossal. Many journalist prefer quick, one-source reporting as

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).

opposed to inclusive, detailed work. Shala called on editors to be more careful in screening journalists' approaches to stories. "With a single and often unverified argument, journalists try to attack someone in order to damage [him or her]," he said. "This tendency of journalists to report sensational news is especially evident in the electronic media."

However, other panelists actually supported the development of sensational reporting in the country. "Pompous news and speculations are part of the culture in a democratic society," Buzhala said. He said that he believes that tabloid-like media serve as guardians that make the environment secure for serious information outlets. Yet, a weak judicial system leaves a vacuum for journalists to intentionally attack someone with impunity.

Panelists indicated that there are general ethical standards that journalists recognize and strive to uphold. However, some journalists do not seek to gain a broad, comprehensive view on a given issue, and are reluctant to follow an event until its conclusion and gather different opinions along the way. In addition, reporters often consult the same professionals over and over again. "Each TV station has its own experts," said Zejnullahu.

According to panelist Isak Vorgucic, manager of Radio Kim, "The biggest problem in journalism in Kosovo is self-censorship from journalists themselves, as well as from editors." All other panelists agreed that journalists practice self-censorship to a considerable extent. Despite complaints to their editors about censorship, journalists in fact often censor themselves and do not pursue certain topics due to fear. They also may choose to ignore certain subject matters. They are more willing to report on political issues than social ones. Shala gave an example: "Lack of electricity in a remote village is seen as a marginal problem and not deserving attention, because it is not likely to bring fame to the journalist."

Media outlets' financial dependence on different donors and outside investors can dictate their editorial policies. Furthermore, some panelists viewed advertisements as a potential tool of the government and other political actors to influence the editorial content of a newspaper. The threat of the withdrawal of such advertisements can prove detrimental for the media's financial sustainability.

Moreover, the low level of professionalism among many journalists affects their capacity for fair and unbiased reporting. Journalists that work closely with politicians feel as if they have befriended them and are less likely to criticize them. New journalists are eager to have good relations with public figures in order to advance professionally. Some see journalism only as a starting point for a possible future career in politics.

Overall, pay levels for journalists are reasonable, especially compared to salaries in the public sector. A journalist is likely to earn twice as much as a teacher or a doctor. Panelists noted the need for high salaries in order to prevent journalists from leaving the profession and joining corporations or firms in search of better wages.

As reported last year, entertainment programming surpasses news and information. Some broadcast media are able to air entertainment programming supported by cheap advertising rates that would not sustain serious newsgathering. Although citizens are able to access regularly scheduled newscasts, sometimes there is a lack of timeliness in these reports.

The donor community has provided a variety of equipment to members of the Kosovar media. However, panelists noted that some of the equipment is coming to the end of its service life, and that donors do not seem to have any plans or efforts underway for replacements or upgrades.

Panelists maintained that the conditions have not been met yet for real investigative reporting. The procedures for journalist protection are lengthy and bureaucratic, forcing journalists to ponder whether or not the risk is worth taking.

OBJECTIVE 3: PLURALITY OF NEWS

Kosovo Objective Score: 2.59

Panelists gave Objective 3 their highest scores, and it experienced a modest gain. Most of the indicators showed minor improvements, although Indicators 3 (public media reflect the views of the political spectrum and interests of society at large) and 6 (transparency of ownership) received somewhat larger increases. Indicator 2, citizen access to media, received a score slightly more than a half-point higher than the overall objective score; the rest of the indicators were close to the objective score.

According to panelists, there is no place in Kosovo where citizens cannot access information. Shala said that through cable television, RTK now covers a wider area of Kosovo, even in parts where RTK does not have a terrestrial or satellite signal. However, some parts of Kosovo still do not receive RTK broadcasts, such as the Dragash region in the south.

News sources increased this year, easing citizen access to information from multiple sources with different viewpoints. National media and most newspapers have allowed more space for news from municipalities. This year also witnessed an increasing trend of websites that publish online news—a form of information distribution

that is continuously gaining more readers. "Kosovo has the greatest Internet coverage in the region, because many of its citizens are living abroad and keeping connections with people in Kosovo," said Buzhala.

Forty-six percent of households in Kosovo have Internet access, which Buzhala said has helped motivate media outlets to launch or improve websites. He told the panel that the *Express* newspaper launched its website on November 17, 2008. The website features the same information as the print newspaper. The *Express* has already benefited greatly, through increases in advertising revenue and exposure to more readers.

Citizens of Kosovo, especially those who speak foreign languages, have unlimited access to all online news portals. Everyone can now view the world's major television channels through cable, which is spreading quickly across the country. The price for Internet installation and use is at an affordable level for a Kosovar family.

Foreign print media are being introduced directly in Kosovo. Citizens can now read the *New York Times*, which in Kosovo is published once a week as a collection of articles and distributed together with the national daily newspaper *Koha Ditore*. Private companies distribute international newspapers, but with some time delay and higher prices.

Kosovo does not have a state television station, but it has one public broadcaster and two public radio stations whose editorial and economic independence are regulated by law.

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.

Kosovo has only three news agencies (KosovaLive, Kosovapress, and InfoSot), and their reports are not used often. They transmit their information only through the Internet, without using video or other multimedia materials. They have not shown any noticeable improvement in the content quality of the information distributed; thus, the appeal of news agencies has dropped.

Local and national media do have subscriptions with international news agencies. According to Shala, RTK can more easily use information acquired from international news agencies because it has signed a Memorandum of Understanding with the European Broadcasting Union. The memorandum enables RTK to pay only for the agency stories that it broadcasts.

National and local media in Kosovo either produce their own news or link with other media in order to use their news programs. Around 80 percent of local media news content covers local events; the rest consists of national and international news. The news content of private media is largely similar to that of the public media. However, local media news quality is not satisfactory, due to the lack of professionalism by journalists, the shortcomings of technical facilities, and financial problems. Moreover, not all Kosovar media broadcast news; many of them focus on entertainment and musical programs.

Media ownership in Kosovo is transparent. The state's media regulator demands reporting of every change in ownership or shareholder of 10 percent or more. An owner can sell up to 49 percent of media shares.

No media outlet in Kosovo is suspected of having oligarchic owners, engaging in money laundering, or selling its image. Although Kosovo has no law regulating media ownership or concentration (monopolies), these issues have not arisen to date. There is still no foreign private investment in Kosovar media or acquisition by foreign conglomerates. "Media ownership seems to be quite spread out between media owners, making it rather difficult for conglomerates to control it," said panelist Fisnik Ismaili of Ogilvy Kosovo.

Slovene Telecom owns the *Express* newspaper, which it uses to advertise the products of IPKO, the Slovene telecommunications company operating in Kosovo. However, neither IPKO nor Slovene Telecom influences the editorial independence of the paper.

RTK transmits programs in five of the languages of the ethnicities living in Kosovo. Thirty-nine percent of the licensed media in the country broadcast programs in languages of ethnic minorities.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kosovo Objective Score: 2.40

Objective 4 significantly improved its score this year, increasing from 1.96 to 2.40. One explanation for the improvement is the trend of increasing commercials in the media market. Most of the indicators received higher scores and were clustered close to the overall objective score. The sole exception is Indicator 7 (audience and circulation measurement), which suffered both a decline in score and a final score of more than three-quarters of a point lower than the overall objective score.

Media companies have started to engage marketing professionals and create business plans for better financial stability. Media are interested in increasing readership, listenership, and viewership through high quality, objective articles and programs (even if, as reported above, they often fall short of this goal), with the expectation of expanding the commercial market.

Some threats to the business environment include the prospects that foreign investors will enter the market. Nevertheless, several panelists argued that more competition will lead to an increase in the quality of programming, weeding out the lower-quality broadcasters. Zejnullahu said that liberalization is about more than the possession of frequencies, because competitors come from other sources as well, such as cable television.

Private media are financed from several different sources. Media subscription is not a normal practice for Kosovars, so the main source of funding for media remains advertising.

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.

Despite the generally underdeveloped economy, Kosovo has healthy markets in banking, cellular technology, and insurance. Corporations in those industries have built an active, competitive environment through their advertisements—to the benefit of Kosovar media.

Ismaili said that in many cases, clients buy the advertising space directly from media in order to avoid agency fees. This practice seems to be embraced by the media and affects the revenues of agencies.

Due to Kosovo's high unemployment rate, the publication of job vacancies at private companies and government agencies seems to influence the sale of daily newspapers. In addition to boosting revenue, marketers incorporate this factor into their strategies.

Government publications can influence the editorial policies of media. According to Abazi, some of the media that always criticized the government have now "softened" their language and already started posting various government publications on their websites. Buzhala pointed out that ministries allocate specific funds for advertisements and tend to publish these in media that are not critical of the government. If the medium begins to criticize the government, however, the advertisements are withdrawn.

The number of newspapers' pages fluctuates depending on commercial demands; usually during holidays, the number of pages dedicated to advertisements is doubled. However, broadcast media are restricted on the percentage of air time dedicated to advertisements. As predetermined by international standards, only 20 percent (12 minutes per hour) may be used for commercials. Grazhdani predicted that the limit might increase due to the financial crisis.

Neither independent nor public media in Kosovo receive government subsidies. However, according to Grazhdani, media outlets cannot afford to risk their relationship with the state. "In a country like Kosovo, where the economy is still weak, it is the government that is the biggest advertiser," he said. "Media try to benefit as much as possible from these commercials, always keeping in mind the use of language toward the government."

To build advertising revenue, national media use polls to measure popularity rates. The polling company Group of Electronic Media Industry in Kosovo serves the three national television stations and some advertising agencies. Media outlets use a polling company's diary panel results to determine audience preferences and respond by improving their broadcasting schedules. This in turn allows the outlet to increase prices for commercials. Although polling companies in general are becoming more professional, newspapers and

local media do not have reliable measuring mechanisms to allow them to benefit more from the advertising market.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kosovo Objective Score: 2.32

The score for Objective 5 is nearly the same as last year. Only Indicator 7, sources of media distribution, had a drop in score, while the other indicators remained static. Indicator 7 was also the only indicator to fall well short of the overall objective score, doing so by almost three-quarters of a point. All other indicators were close to the overall score, except for Indicator 6, access to printing facilities, which was slightly more than a half-point higher.

AMPEK is an association of electronic and private media in Kosovo that advocates for commercial media. It has been active and efficient in intervening to modify antagonistic laws towards the private media and monitoring the work of the Independent Media Commission (IMC), which regulates the audio and visual content of Kosovar media.

Most panelists said that they are not satisfied with the work of other associations responsible for protecting journalists' rights. The Association of Professional Journalists in Kosovo (AGKP) was criticized as keeping silent recently and not being responsive enough. AGKP is perceived to be non-inclusive, working solely for the interests of its members. Shala lamented the weak cooperation between journalists and AGKP and the association's poor election procedures for its leadership.

Kosovo has NGOs that support free speech but often they do not have a defined focus. Various organizations fight for free speech by ensuring that their stances are properly conveyed

in the media. The Union of Regional Kosovo Television Stations works to protect the rights of both the journalists and the media.

With regard to journalism education programs in the country, various media institutes offer trainings and workshops for journalists. It is also common for media outlets to individually hire foreign experts to train their staff. This practice was praised by Shala, because it exposes journalists to global standards.

Several private universities in Kosovo offer degrees in journalism or related fields. According to the panelists, however, the programs require significant improvement in terms of both the practical and theoretical material covered. "The schools for journalism are a farce," Buzhala said. "A good journalist does not need to have a degree in journalism; he/she can come from various academic fields."

In addition, the panelists said that practical work is crucial in the professional development of a journalist, and that good writing skills and a solid work ethic are valued more than a university degree.

Panelists unanimously agreed that sources of newsprint and printing facilities in Kosovo are apolitical, private, and independent. But most panelists expressed doubt that channels of media distribution are truly apolitical and unrestricted. Kosovo has only one distribution network, Rilindja, for printed media. The company is effectively a monopoly, owning nearly all kiosks in Kosovo. Although many private companies have sought to enter the distribution market, they have withdrawn due to technical difficulties such as transportation, sales points, etc. Buzhala said that private companies would be better able to gain a foothold in Kosovo by entering the market en bloc and also serving Albania and the Albanian part of Macedonia.

Panelists made a clear distinction regarding the Internet, however; its far-reaching capabilities were appreciated and seen as imperative to the free flow of information. Internet providers are in general private and cover a substantial area of the country.

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Ardita Zejnullahu, executive director, Association of Kosova Independent Electronic Media (AMPEK), Prishtina

Argjentina Grazhdani, director, East West Management Institute, Prishtina

Berat Buzhala, editor-in-chief, *Express* daily newspaper, Prishtina

Besim Abazi, journalist, Voice of America, Prishtina

Mentor Shala, Albanian program editor, Radio Television of Kosova (RTK), Prishtina

Mifail Bytyqi, managing director, TV Prizreni, Prizren

The opinions of the following research participants, who did not take part in the panel discussion, were used in preparing this report:

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The Kosovo study was coordinated by, and conducted in partnership with, Institute for Advanced Studies GAP, Prishtina. The panel discussion was convened on December 23, 2008.

Media observers saw the ultimate blow to media independence and freedom of expression delivered by the courts at the end of the year when several journalists and other media writers were found guilty of defamation and had fines of €5000 to €30,000 imposed in a country with an annual per capita income of slightly over €6000.



MACEDONIA

The past year was marked by two significant political events: the failure of Macedonia to be invited to become a NATO member and the early elections that followed this failure. Macedonia was the only country of the so-called Adriatic group, which also includes Albania and Croatia, left without an invitation for NATO membership. Greece successfully blocked the country's accession because of the conflict over the name "Macedonia," or in the words of Greek foreign minister Dora Bakoyannis, Macedonia's "intransigent stance and its actions of an irredentist and nationalist logic." The Macedonian government, led by the right-wing VMRO-DPMNE, organized early elections to capitalize on the resentment of the population over NATO's rejection. The elections achieved their objective for VMRO-DPMNE.

During this political turmoil, the government heavily used paid political advertising in the media to support its causes, a trend noted in 2007 that escalated this past year. With this, the government became the biggest single advertiser on the market. Additionally, an already crowded television market saw 17 new satellite television licensees. But media observers saw the ultimate blow to media independence and freedom of expression delivered by the courts at the end of the year when several journalists and other media writers were found guilty of defamation and had fines of €5000 to €30,000 imposed in a country with an annual per capita income of slightly over €6000.

The MSI shows that the trend of falling scores for Macedonia continued, driven by the huge fines and enormous number of current lawsuits in front of the courts, further fragmentation of the market, and financial dependency of key media on the government advertising that resulted in pro-governmental coverage. All objectives suffered dramatic drops in their scores. Whereas last year each objective had a score of between 2.10 and 2.50, putting Macedonia in the early stages of "near sustainability," developments there compelled panelists to reevaluate the sustainability of the media sector. This year, objective scores ranged from 1.61 to 1.93, and the average of 1.71 indicates that Macedonia has regressed into an "unsustainable, mixed system."

MACEDONIA AT A GLANCE

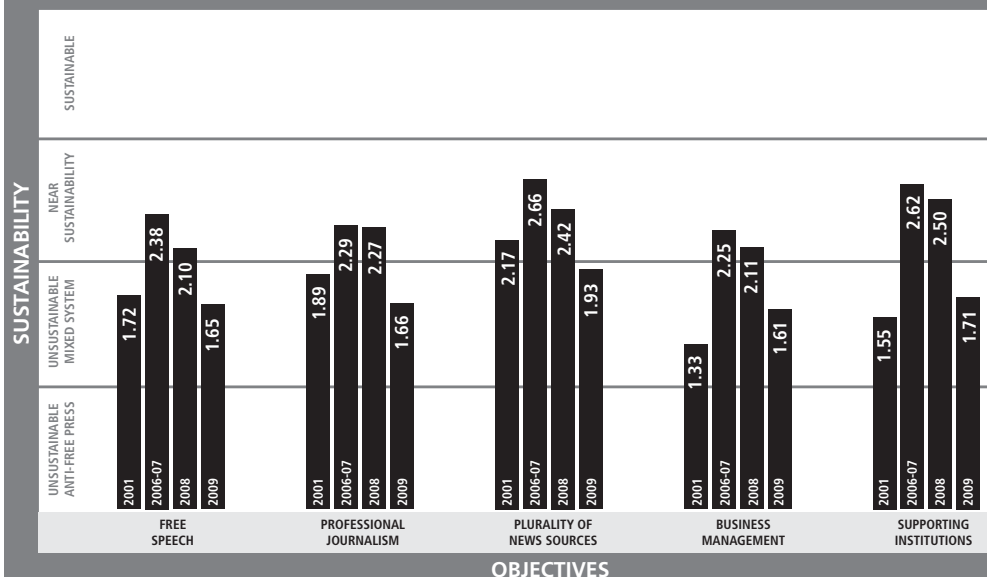
GENERAL

- > **Population:** 2,061,315 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Skopje
- > **Ethnic groups (% of population):** Macedonian 64.2%, Albanian 25.2%, Turkish 3.9%, Roma 2.7%, Serb 1.8%, other 2.2% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Macedonian Orthodox 64.7%, Muslim 33.3%, other Christian 0.37%, other 1.63% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Macedonian 66.5%, Albanian 25.1%, Turkish 3.5%, Roma 1.9%, Serbian 1.2%, other 1.8% (2002 census, *CIA World Factbook*)
- > **GNI (2007-Atlas):** \$7.052 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$8,510 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 96.1% (male 98.2%, female 94.1%) (2002 census, *CIA World Factbook*)
- > **President or top authority:** President Branko Crvenkovski (since May 12, 2004)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: approximately 600 daily, weekly, biweekly, monthly, and periodical editions; Radio: 70; Television Stations: 56 (*Broadcasting Council, 2007*)
- > **Newspaper circulation statistics:** Total average daily circulation is 293,234 copies nationwide
- > **Broadcast ratings:** top three television and radio stations: TV A1 (23.7%), TV Sitel (13.3%) and TV Kanal 5 (7.7%); Antena 5 (24%), Radio Ros Metropolis (7%) and Channel 77 (3%) (*Broadcasting Council, 2007*)
- > **News agencies:** Macedonian Information Agency (state-owned), Makfax (private), NetPres (private)
- > **Annual advertising revenue in media sector:** Gross annual advertising revenue is \$313.2 million in the media sector, from which \$254.2 million in television, \$19.3 million in print media (daily newspapers and magazines), and \$16.2 million in radio (*Broadcasting Council, 2007*)
- > **Internet usage:** 29.4% of the households use internet, (State Statistical Officials, first quarter of 2008)

MEDIA SUSTAINABILITY INDEX: MACEDONIA



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Macedonia Objective Score: 1.65

The score for this objective reached its lowest point since the MSI began in 2001 and lost 0.45 compared with last year. Panelists scored several indicators much lower than last year, with the most severe drop found in Indicator 6 (libel laws). Panelists also returned much lower scores for Indicator 2 (broadcast licensing), Indicator 5 (guaranteed independence and legal advantages for state media), and Indicator 7 (access to information).

The panelists agreed that certain indicators of this objective point to a solid legal framework that protects freedom of expression in writing. Yet, they pointed out that such standards are inconsistently implemented and respected, often with a negative impact on the media. For instance, Goran Momirovski, a reporter for A1 TV, observed, "There is a constitutional article that guarantees the confidentiality of sources used by journalists, but when you are facing a trial you have to disclose them in court proceedings."

The panelists expressed concern that even though many media freedoms were systematically attacked by the government, the general public did not react. "The public is mesmerized by the government's campaigns. This is a populist model of ruling the country. The government's approach to the media is a populist one, and the objective is not to promote the values of a liberal democracy but to mobilize the masses on the ground behind the government's policies," stated Sasho Ordanoski, editor at ALSAT TV.

Licensing was also an issue that affected the scoring this year due to the issuing of 17 new licenses for satellite television, a highly controversial move that panelists felt had the potential to ruin the market. While the procedural aspect of the licensing process appeared in line with legal requirements, the issuing of so many was undertaken without consideration of the television marketplace. All of applicants that had fulfilled the criteria were awarded licenses. Panelists noted that this "television-station inflation" was one of the major factors hurting professional journalism. "The newsrooms have dissolved. They consist of two to three seasoned journalists, and the vast burden of everyday jobs has fallen to the rookies. There is a problem even with the technical staff. There simply are not enough trained cameramen and editing personnel. The situation is absurd; we have the TV stations with state-of-the-art equipment and no one who really knows how to operate it," according to Vasko Popetreski, a journalist with Channel 5.

Panelists also stressed that through the licensing policy, certain media owners are able to concentrate vast media power and have the potential to become an obstacle to freedom of expression and professionalism because of their links to the government.

Business regulations and the tax code do not differentiate media from other types of businesses, with the exception that print media pay a 5 percent VAT instead of the standard 18 percent. In general, media operate in a poor economy, which greatly influences their economic independence and sustainability.

Panelists expressed some alarm at the number of threats and violence that journalists face. In a high-profile case, Goran Gavrilov was the victim of an attempted assassination in January 2008. The case went to court, and the accused was freed due to the lack of evidence. But the case is now in front of the Macedonian Supreme Court. Gavrilov is considering the possibility of starting a procedure in front of the European Court of Human Rights.

Public media, such as Macedonian Radio-Television (MRT), have editorial independence guaranteed by law, but the law does not function to actually allow this independence. In reality, according to panelists, the government has control over public broadcasters, and it uses those outlets heavily for self-promotion. The primary means of control is direct budgetary control, which it leverages into the ability to place senior staff, as well as to induce generally friendly coverage. While the law does not favor public broadcasters (indeed, the legal limit on the advertising time imposed on MRT is one of

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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 most restrictive in Europe), government officials do prefer to show up on talk shows or current-affairs programs of public broadcasters rather than those of private broadcasters.

Libel is still a criminal offense, and the burden of proof is on the journalist; there is no indication that this will change soon. Even proving truth is not necessarily a successful defense, as there may be penalties for damaging reputation. In the past year, the number of libel cases against journalists increased, according to the panelists. For the first time in Macedonia, there were fines for defamation above €1,000 (from €5,000 to €30,000). In addition, guilty verdicts in criminal libel cases are used as the basis for civil suits, and judgments can run upward of €25,000 or more. That a substantial number of the plaintiffs were either government officials or officials from the ruling parties' worried the panelists, who saw this being used to silence critical coverage. Even the prime minister was involved in one highly controversial lawsuit in 2008 that ended with a fine of €30,000 against a *Dnevnik* columnist.

An additional problem was the limited availability of sources and information on crucial policies and on the topics that are not in the interest of the ruling parties. Naser Selmani stressed that "members of parliament had been denied crucial information on many issues. What could be expected for us journalists?" The access to sources and information is highly controlled, and governmental information is usually delivered through certain media persons who are not journalists. "This is also normal for the populists. They want to communicate directly with the masses on the issues that *they* want to communicate, not on the issues that are legitimate agenda items of the society. Like Hugo Chavez, who has the TV show named *Allo Presidente*," observed Ordanoski.

Journalists rarely make use of the access-to-information law that does exist. They find it inadequate for their work due to procedural limits with the law. In addition, the government often fails to respond to some of the crucial requests under the law. For example, Alfa TV tried to get information on the cost of the governmental media campaigns using the access-to-information law and failed. This greatly discourages journalists from attempting to gain information using the law, so they still rely heavily on anonymous sources.

There is no governmental or other interference to the media to access international news. However, similarly to past years, the panel complained that the financial situation in the media is such that subscription to foreign news services is very rare. Some of the media resort to using YouTube for source material even though the video quality is not suitable for broadcast.

Access to the journalist profession is free and unhindered.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Macedonia Objective Score: 1.66

The level of professionalism among journalists dropped again this year. Every indicator recorded a setback in the scores given by the panelists. Only Indicators 6 and 7 (technical facilities and niche reporting, respectively) did not suffer a loss of more than 0.30. Furthermore, all indicators received a score relatively close to the overall objective score. While none was a clear laggard, none clearly outperformed this new disappointing score, either.

The panelists noted that the main overlying causes for the drop are the ownership structure of the media and increasing governmental influence on the media market. Most media are dominated by a sole owner, with few shareholder companies or shared ownership. Additionally, many of these owners control multiple media outlets in the print and broadcast markets. With this structure, owners directly influence the editorial policy of the news and current-affairs programs. Journalists feel that they create a high level of job insecurity for the editors and journalists in order to ensure coverage is according to the owner's viewpoint.

Panelists noted that reporting is not marked by professional or ethical standards. Interestingly, this has led certain journalists to file a lawsuit against the professional and ethical commission (Council of Honor) within the Association of Journalists of Macedonia (AJM), complaining that the commission defamed them by judging their reporting as unethical. "I am astonished at the nonprofessional approach of our colleagues. Some of them are not even aware that they are making terrible mistakes, and when we react, they sue us," said Naser Selmani, journalist at *Vest* and member of the AJM Council of Honor. The Council of Honor reacted over 30 times in the past year on breaches of the Code of Ethics and professional standards. AJM also noted corruption in the profession itself and organized seven debates about corruption among journalists and published a booklet "Journalists against corruption." Despite these actions, the self-regulation process is not highly recognized by the journalists themselves as a tool for improving the profession.

Panelists also indicated that since media outlets are politically biased, this reflects on the everyday work of the common journalist. In practice, journalists are exposed to the pressures in a multitude of forms—financial, professional, and political. They feel they are under constant threat of losing their jobs and are pressured by the owners to report according to the political interests of the outlet.

"In order to have fair and unbiased reporting, you need to have an independent editorial process. In three out of five major TV station in Macedonia, you do not have that. And I'm afraid that it is impossible to implement such a concept with the ownership structure," Popetreski of Kanal 5 said.

The wave of the high court fines discussed above has led to a rise of self-censorship, according to the panelists, and the feeling that the space for open criticism is smaller each day.

Journalists do cover the main events in society, but they have problems in gathering information, especially with the governmental institutions. Government officials establish a preference for certain media that are highly approving of their policies and to certain media personalities as a tool to approach the public. They avoid public appearances with media that they feel may end up criticizing their work. This applies to access to information. According to the panelists, there is a clear discrimination against certain media on this basis. As a result, the news is full of unattributed sources.

Last year, the Macedonian media sent foreign correspondents to Brussels to cover the NATO accession process. Although that matter is now closed for the time being, most of these correspondents continue to report on other European issues from Brussels, adding depth to the international reporting that Macedonians may read.

There was a significant shift with regard to entertainment programs versus news and public affairs. As mentioned above, the government officials have increasingly preferred to avoid current-affairs programs or serious talk-shows and now prefer to use light entertainment shows to communicate with society.

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).

Journalists' salaries are not high enough to prevent bribery and typically range from €200 to €400 per month.

The new television stations and forthcoming digitalization process has infused the newly created media with modern equipment. Certain new concepts were introduced in the Web-based distribution of news, but the process is in its infancy yet in Macedonia, according to panelists. The basic equipment is still relatively old in most media. However, owing to the foreign investment in print media over the past few years, print media outlets often have modern equipment at their disposal.

Except in the economy, sports, and entertainment, there is no significant sustained niche reporting in the broadcast media. Magazine-style programs that focus on entertainment news from Macedonia and worldwide have grown at the larger television stations, often aired after the newscasts. In the print media, there are several new specialized magazines, and the major newspapers have established regular supplements on health, cars, entertainment, and youth topics.

OBJECTIVE 3: PLURALITY OF NEWS

Macedonia Objective Score: 1.93

The score for Objective 3 fell by almost half a point, compared with last year. Dramatic drops occurred in nearly every indicator; only Indicators 6 and 7 (transparency of media ownership and media reflect a broad spectrum of social interests, respectively) remained essentially unchanged. However, Indicator 6 was again one of the worst performers among individual indicators, receiving a score nearly three-quarters of a point lower than the overall score. Indicator 3 (state media reflect the views of the political spectrum) also performed particularly poorly, with a score nearly a point lower. Only Indicator 2 (citizen access to media) received a score more than a half point higher than the average.

The problems facing plurality of news sources were summarized in the words of one of the panelists, Roberto Belicanec of the Media Development Center, "This indicator is based on the values of a liberal democracy. In this moment we will have to examine it from our perspective. Yes, there is a multitude of media, but the effect of that multitude is not a free flow of information. On the contrary, it makes the market unsustainable, which leads to the financial corruption of owners by politics, which leads to pressure on the journalists. The second effect, namely, there is not enough of a trained labor force—neither among the journalists nor among the technicians—leads to poor professionalism. And

the third effect is that the public is confused and cannot distinguish the message from the noise.”

Television remains the chief source of news for the public, followed by print and then radio.

National newspapers and television stations are available and affordable. Additionally there are growing numbers of Internet-based media initiatives. From that perspective, one can say that citizens have unrestricted access to the news sources. The problem arises from the previously mentioned factors, which mean the market is politicized and marked by a low level of professionalism.

Citizens have access to both local television and international broadcast media via extensive cable networks and, since October 2008, through the IPTV platform offered by T-Home. Consumers can receive bundled service of IPTV, ADSL Internet, and telephone. The only restriction is the affordability of the monthly subscription. In this moment, the penetration of these networks is between 55 and 60 percent with a very slow growth rate. The major problem remains their accessibility in rural areas. Regarding print, foreign printed media (except Serbian and Croatian) are available only in the capital, Skopje, in a few locations. The rest of the citizens may access them via the internet. Internet fees for broadband have fallen substantially, and the increase of the broadband users had been noted in the past year. However, large portions of the population still cannot afford it.

The panelists judge state-owned MRT to be biased to the government and its policies. For instance, panelists noted they had been rebroadcasting one interview with the

prime minister for six to seven times in one week in various timeslots, just to ensure that everybody would have a chance to see it. The public service is in deep crisis. The system that was to secure independent financing was not established, and now it is dependent on direct state financing. The resulting bias resulted in its lowest ratings in history but also resulted in the flight of professional journalists to other media. In this moment, any reform of the public broadcasting station (PBS) is on hold, as there are no serious attempts to continue with the changes that were foreseen with the broadcasting law.

Macedonia has three news agencies: one state-owned and two private. One agency is fully Web-based. All are functioning satisfactorily and are mostly used by the smaller media. However, panelists noted that the usage of these news agencies is in decline.

Other broadcasters produce their own news programs. However, they are marked by a high level of interference of the owners in the editorial process, which has not been the case in previous years, at least not on this large scale, according to the panelists.

Despite the regulation that limits media ownership, the situation on the ground is completely different. There are a couple of large media groups in the country, yet the official ownership documents serve to confuse ownership. “Velija (the owner of A1 TV) had publicly stated that he removed Branko Geroski (editor-in-chief of the newspaper *Spic*) from his position because they could not agree on the editorial policy of the newspaper. The owner of a TV station is sacking the editor-in-chief of the newspaper that he does not own? That is a children’s story,” said Selmani, implying that Velija indeed controlled *Spic*. The problem is that implementation of the law is very shaky. “The broadcasting council should open up an investigation and include other agencies, such as the antimonopoly body that does have means and competencies to find out who the real owners are, and then to revoke their licenses,” Belicanec said.

Macedonia has three major media groups that are either under the same ownership or have established synergy. WAZ group consists of three major daily newspapers, one weekly, a distribution network, and a printing plant. A1-Vreme group is the most powerful private group, with a national terrestrial television station, a national satellite television station (A2), three national newspapers, one weekly (1E), and a distribution network. Vecer-Sitel-Cetis group owns a national newspaper, a national television station, and a printing plant.

Macedonia also has minority-language media in print and in broadcast as well as a special channel on MRT that broadcasts in a variety of minority languages. The minority media face sustainability problems because their audience is so small.

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.

There is a private national television station in the Albanian language that strives to improve its rating through bilingual programming. Mainstream media do pay attention to the minority communities even though at times minorities are treated in a prejudiced manner.

OBJECTIVE 4: BUSINESS MANAGEMENT

Macedonia Objective Score: 1.61

Most of the decline in this objective was due to significantly lower scores in four indicators: Indicator 1 (media outlets operate as efficient businesses), Indicator 2 (media receive revenue from a multitude of sources), Indicator 5 (independent media do not receive government subsidies), and Indicator 6 (market research). The other three indicators remained much the same as last year in terms of their scores. Indicator 3 (the advertising market) was the only indicator to receive a score notably higher than the overall objective score, while Indicator 5 received a score almost a point lower.

The year was marked by inflation of the number of media outlets, thanks to the new broadcast licensees and heavy advertising activity by the government. While the effects of government advertising spending have been problematic in terms of the independence of the key media outlets, the effects of the new licenses have yet to be seen on the market. For some panelists, it was a move that will further hurt professionalism and sustainability of the market, while others hoped it could lead to alternatives to owners who tried to impose their political and economic interests in their outlets' reporting.

In general, management skills are at a low level. The media companies are usually run by their owners, and departments within are not well differentiated. MRT management is virtually non-existent, according to panelists. In the past two years, they have changed managers four times. There remains no transparency in their financing and spending despite oversight by parliament. According to the law, the basis for their financing is a broadcast tax, but its collection in 2007 was only 1 percent.

In general, media operate in a difficult economy. A small but steady growth in their revenues over the years has been noted, but it remains insufficient for substantial investments in their production capacities. However, that changed last year due to the increase in government advertising. The government claimed that its total spending from the state budget on the campaigns was around €7.7 million. But this does not necessarily include both the advertising done through individual ministries and that done by other

public sources controlled by the government. In general, this phenomenon has greatly influenced the way the media operate. In one moment, the poor market was flooded with government money, and the nature of news coverage had changed. "We should always bear in mind that government does not use the advertising as advertising only. The public is mature enough to recognize a 30-second spot as propaganda. So they are not buying advertising time; they are buying the newscast," Belicanec said. Therefore, official subsidizing of the media does not exist, but the huge amount of governmental advertising is playing a similar role.

Past panels have reported that local television stations also miss out on revenue in the form of payments from cable operators who carry their channels. The addition of IPTV has not changed this situation, and local television is carried by this service free of charge.

In terms of advertising agencies, panelists reported that no substantial agencies exist in Macedonia; most media market and sell advertising directly.

In general, all panelists agreed that increased government advertising and direct subsidization of MRT had produced coverage favorable to the government in the media. This is especially evident in the broadcast media. There has been no law that regulates government advertising. An exclusion is in effect only during election periods.

Media owners who attended the panel discussion complained that advertising and measurement agencies do not work professionally because both types of agencies are thoroughly focused on the capital-based media and mostly on television. All attempts to diversify them to radio and other media have failed. Introducing PeopleMeters in the market in 2007 had

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.

left out radio, and it remains without a rating system on which they may base the selling of advertising time. They also blamed this situation on the behavior of other owners who are unable to see the broader picture and their own interests in the long run. “We were in a situation for BBC to pay for the latest research for radio ratings, and when they asked our radio owners to contribute for the research and to share the data, except two national radio stations—Metropolis and Channel 77—none of the radio stations accepted the offer,” said Nebojsa Karapejovski, owner of Radio Plus Forte from Tetovo and TV Menada. BBC conducted the research and shared the results with those stations that contributed.

The rating system is under constant dispute. Some of the main television stations simply do not accept it as relevant fact-finding research. They constantly complain about the sample and the packaging of the data. The agency—an affiliate of AGB-NIELSEN—has not tried to gather all of the interested parties to open up a discussion on the credibility of the system.

Some progress had been made in all media in the sense that they are trying to develop their programming according to ratings, but it is in a rudimentary form. Lack of a deep understanding of ratings and how to apply them to their outlet remains widespread. This is a major shortfall of the current management at the television stations.

The situation in the print media is similar. The circulation figures remain generally unknown, and no auditing takes place. Newspapers tend to hide the numbers from each other and to present their advertisers with higher circulation than actually exists. “We spy on each other in order to have some orientation where we stand. There are a couple of printing presses, and there we try to get the number of printed copies. How much is sold is almost impossible to find out,” said Sasho Kokalanov, editor-in-chief of *Dnevnik*.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Macedonia Objective Score: 1.71

In short, the year was marked by the collapse of the Association of Private Electronic Media of Macedonia (APEMM). As a result, the score for Indicator 1 fell by roughly two points. All other indicators suffered from lower scores as well, although not nearly as dramatic. Indicator 1 also scored more than a point less than the overall score. All other indicators scored near the overall score, with the exception of Indicator 7 (apolitical channels of media distribution), which received a score more than a point higher.

APEMM was in agony for the past two years; it was losing its focus and was unable to balance the interests of its members. Panelists felt that the organization, which had been highly visible and relatively successful, died because of an inability to reconcile competing interests of the major media owners. The collapse of APEMM added to the previous collapse of the Association of Print Media. Therefore, there is no association of media owners that is able to articulate the needs of the media in front of the public or in front of state institutions.

From the journalists’ perspective, the Association of Journalists of Macedonia (AJM) is functioning, with ups and downs. Panelists noted that its ethical commission has taken a more active stance, with their reactions more frequent than in the past. AJM appears to be stable for the moment, but complaints of its performance may be heard throughout the journalistic community. Criticisms mainly address the inactivity in the everyday protection of journalistic freedoms. Robert Popovski, a panelist and AJM’s president, issued an explanation and *mea culpa* on behalf of AJM. “AJM had been in debt, and we had to stabilize the organization. We lost a great deal of energy in that. Second, in order to enable AJM to be more active and efficient, we should have our strategies widely accepted by our colleagues. We are aware of our weaknesses, and therefore I had to score a 1 on our own account,” he said, referring to his relatively low score for Indicator 2.

Media and other NGO’s also had to downsize activities, not because of the lack of need but mostly because of the lack of finances. The donors are leaving the region because of its general stabilization, but unlike the other countries of the region, Macedonia had shown the signs of reverse processes. Donors for now are not showing signs of rethinking their

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

policy, and local fundraising possibilities either do not exist or may result in losing the independence of such organizations.

Regarding formal journalism education, the situation is little better in terms of the choice of schools. Such programs do not have any equipment for practical work. Attempts were made to restart student radio, but the university pulled its funding. Overall, the graduates do not meet the expectations of the media. "People with all sorts of diplomas had shown up in the newsrooms—journalism diplomas, communication diplomas—and yet we are end up with the editor writing their texts," noted Kokalanov.

With regard to journalist training, the Macedonian Institute for Media offers a one-year journalism course covering general topics that is considered to be of acceptable quality. Funding for the program is shared between students and donors.

Printing plants capable of printing high circulation are privately owned. Most of the newspaper companies own their own printing presses and distribution networks. Access to these facilities is unrestricted in a legal sense. However, for purely financial reasons, the biggest newspapers have created a closed, largely unregulated system of printing and distribution. Panelists feel they impose price barriers for any newspaper outside of their system that wants to use their facilities and networks. While the intent is financial and not aimed at freedom of expression, shutting out other voices effectively does limit freedom of speech, panelists noted.

Transmitters are owned by the television stations for moment, but the state is pushing the concept of digitalization, which will make the issue less clear and potentially shift some control to telecommunications operators that will build up the transmitting network. There is no legal framework at present that will enable unrestricted access of the media to these networks.

List of Panel Participants

Aco Kabranov, editor-in-chief, ALFA TV, Skopje

Vasko Popetrevski, editor-in-chief, Kanal 5, Skopje

Sasho Kokalanov, editor-in-chief, *Dnevnik* daily newspaper, Skopje

Robert Popovski, president, Association of Journalists of Macedonia, Skopje

Naser Selmani, editor, *Vest* daily newspaper, Skopje

Goran Momirovski, reporter, A1 TV, Skopje

Ljubica Mangovska, editor-in-chief, Tera TV, Bitola

Sasho Ordanovski, general manager, Alsat-M TV, Skopje

Nebojsa Karapejovski, editor-in-chief, TV Menada, Tetovo

Roberto Belicanec, program director, Media Development Center, Skopje

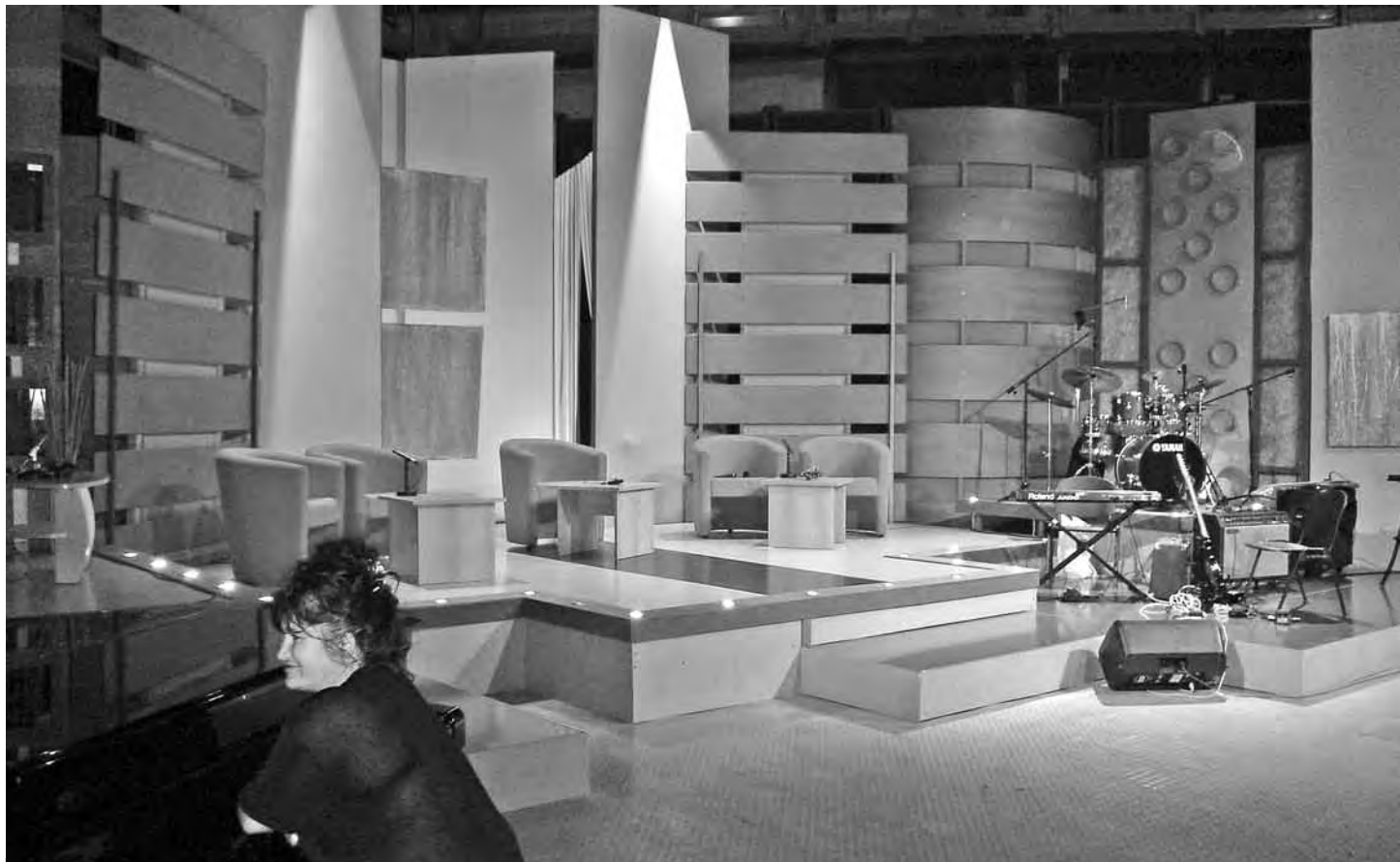
Goran Gavrilov, general manager, Kanal 77, Stip

Moderator and Author

Gazmend Ajdini, executive director, Media Development Center, Skopje

The Macedonia study was coordinated by, and conducted in partnership with, Media Development Center, Skopje. The panel discussion was convened on December 26, 2008.

Despite difficult circumstances, this year saw some promising developments. Television station Vijesti and another station owned by foreign interests, PRO TV, were launched. The first generation of Montenegrin journalists completed their university coursework and received their diplomas. These changes have the potential to positively impact the professional standards and future viability of media in Montenegro.



MONTENEGRO

The Montenegrin political environment was mostly stable during 2008, and featured three major political events. In March and April, Montenegro held its first presidential election since regaining its independence on May 21, 2006. Although the opposition had several candidates, Filip Vujanović, the candidate of the ruling coalition, won the elections with relative ease, and thus reinforced the position of the ruling political block. In October, the Montenegrin government officially recognized the neighboring Republic of Kosovo, thus officially embracing the regional policies of the US and the EU. The recognition caused political tension and even street protests by the opposition. At the end of 2008, the Montenegrin government applied to become a candidate for EU accession.

Until the last quarter of 2008, the Montenegrin economy was growing at an encouraging rate of 6 to 8 percent. However, from autumn onward, negative trends became more visible, resulting in the downfall of the capital market and problems in the construction and banking industries. The global financial and economic crisis also had a direct impact.

All these events were in the media spotlight in 2008; however, they were covered differently depending on individual media outlets' editorial policies. Print media such as *Vijesti*, *Dan*, and *Monitor* were underlining weaknesses in government policy on management of the national economy, as well as publicizing numerous scandals with elements of crime and corruption.

This year was also marked by controversy over Montenegrin Radio and Television (RTCG), the country's public broadcaster. In certain municipalities, local public service is constantly accused of being an extension of the governing parties. RTCG, which is in financial crisis, was the subject of serious political and social disputes regarding its editorial policy and negative political pressure it faces.

Business operations in the media sector continue to prove difficult, on multiple fronts. Most media are not profitable. The number of media workers is down more than 400 from last year. *Republika*, one of the four national dailies, went bankrupt this year. Fox TV has left Montenegro altogether, despite having obtained an operational license. Bureaucratic barriers have prevented the new television station *Vijesti* from expanding and broadcasting nationally. There was a second failed attempt to privatize *Pobjeda*, the oldest Montenegrin daily, which is burdened by debts and an excessive number of employees.

Despite difficult circumstances, this year saw some promising developments. Television station *Vijesti* and another station owned by foreign interests, PRO TV, were launched. The first generation of Montenegrin journalists completed their university coursework and received their diplomas. These changes have the potential to positively impact the professional standards and future viability of media in Montenegro.

MONTENEGRO AT A GLANCE

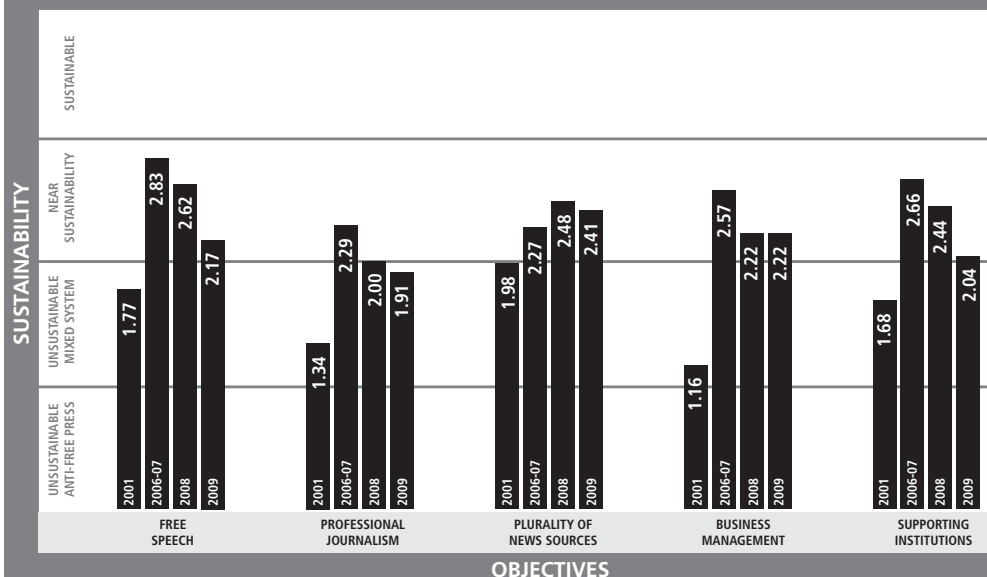
GENERAL

- > **Population:** 678,177 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Podgorica
- > **Ethnic groups (% of population):** Montenegrin 43%, Serbian 32%, Bosniak 8%, Albanian 5%, other (Muslims, Croats, Roma) 12% (2003 census, *CIA World Factbook*)
- > **Religions (% of population):** Orthodox 74.2%, Muslim 17.7%, Catholic 3.5%, other 0.6%, unspecified 3%, atheist 1% (2003 census, *CIA World Factbook*)
- > **Languages (% of population):** Serbian 63.6%, Montenegrin (official) 22%, Bosnian 5.5%, Albanian 5.3%, unspecified 3.7% (2003 census, *CIA World Factbook*)
- > **GNI (2007-Atlas):** \$3.109 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$10,290 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 97% (National Statistic Unit of Montenegro)
- > **President or top authority:** President Filip Vujanovic (since May 11, 2003)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 45 (daily: 3; weekly: 2; monthly: 40); Radio: 38 (5 nationwide); Television Stations: 37 (8 nationwide) (Media Ltd., Podgorica)
- > **Newspaper circulation statistics:** top 4: *Vijesti*: 18,000 (private), *Dan*: 17,000 (private), *Pobjeda*: 8,000 (state), *Monitor*: 2,500 (private) (Media Ltd., Podgorica)
- > **Broadcast ratings:** N/A
- > **News agencies:** Mina News Agency (private)
- > **Annual advertising revenue in media sector:** \$12-15 million est. (Media Ltd., Podgorica)
- > **Internet usage:** 280,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: MONTENEGRO



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

Montenegro's overall score dropped from 2.35 to 2.15 thanks mostly to striking decreases in Objective 1, freedom of speech, and Objective 5, supporting institutions. The other objectives remained more or less unchanged.

OBJECTIVE 1: FREEDOM OF SPEECH

Montenegro Objective Score: 2.17

The loss of 0.45 points in this objective compared to last year comes as a result of losses in several indicators. Only Indicators 1 (legal framework), 3 (market entry), and 8 (media access to foreign news sources) did not change significantly compared to last year. Most of the indicators received scores similar to the overall objective score. Indicator 4, crimes against journalists, scored more than a half point lower than the objective score, while Indicator 8 remained well above the objective score.

Six years ago, a set of media laws was adopted in Montenegro. This marked a turning point, promoting media sector reforms and aligning Montenegrin media with international standards. The general assessment of media experts was that the laws represent good a basis for the development of media, protection of free speech, and promotion of professional journalism. These laws regulate all significant media issues, such as licensing of media, rights and obligations of journalists, broadcasting regulations, and the structure of public broadcasting services.

However, practical implementation of the laws has been problematic. "After six years, we don't have much to cheer about," said panelist Darko Šuković, editor in chief of private radio station Antena M. "It has turned out that good regulations neither guarantee a good media environment nor enable a quality environment for the journalism business."

The panelists felt that poor and distorted implementation of the legislative framework impacts negatively on the freedom of media and professional status of journalists. Several key issues have arisen in implementation of the media laws. The government regulator ignores media monitoring. Government funding is given equally to media that broadcast entertainment or music programming and those that produce news programs. Media pay excessive fees to the broadcasting regulator. The government is obstructing the transformation of the state-run television station into a public service station. Intentional bureaucratic obstacles are being imposed on private electronic media applying for licenses. Poor judicial practices are resulting in heavy fines for journalists charged with libel. Journalists are not being protected by the judicial process in cases in which the journalist is the damaged party.

Given the political and social atmosphere in Montenegro and the attitude toward independent journalism, the media sector can hardly be considered progressing. All of the panelists said that critical journalism is weakening; professionalism is institutionally endangered; and if conditions remain this way, the future of Montenegrin media is bleak, and this in turn will discourage freedom of speech in Montenegro. As in previous years, panelists said that conditions are too poor politically, economically, and socially for the development of free press and promotion of independent and professional journalism. The general assessment was that freedom of speech has regressed in Montenegro, and that paradoxically, Montenegro is applying for EU and NATO membership at a time when freedom of press has worsened.

The business end of the media sector is also troubling. This year witnessed the bankruptcy and withdrawal of some media (for example, the closure of *Republika* and Fox TV leaving Montenegro); and cases of violence against journalists remaining unresolved, being processed slowly, or producing few visible results. (Example cases include the attacks on *Vijesti* director Željko Ivanović, *Republika* journalist Tufik Softić, and publicist/writer Jevrem Brković, as well as the murder of *Dan* editor in chief Duško Jovanović.)

Panelists pointed to huge problems in the work of the police and judiciary in Montenegro, which is particularly negatively impacting the media community. Their conclusion was that journalists are poorly protected in Montenegro, and this favors informal centers of power and irresponsible public officials.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

All of the panelists said that critical journalism is weakening; professionalism is institutionally endangered; and if conditions remain this way, the future of Montenegrin media is bleak, and this in turn will discourage freedom of speech in Montenegro.

Illustrating weak rule of law and democracy, politicians and influential businesspersons are bringing more and more court cases against journalists. The majority of the cases are resulting in inappropriately heavy fines against the media and journalists. For the criminal offense of slander, Montenegrin Criminal Code mandates a fine of €5,000 to €14,000 or imprisonment if the convicted person does not pay the fine. In this indirect way, freedom of speech is being suppressed and unprofessional self-censorship of journalists encouraged, bringing Montenegro back to the era of a one-party system and little freedom.

"It is very difficult to promote free speech in Montenegro, because the majority of media is fostering idolatry regarding authorities. Government is very skillfully creating the media environment, combining fear and privileges," said panelist Nedjeljko Rudović, journalist for *Vijesti*. "A great many journalists would rather remain silent because they don't want to put their status in jeopardy."

The environment for the development of independent journalism and freedom of press is significantly limiting. Government and public institutions frequently violate the Freedom of Information Act and ignore requests to access the information in their possession, making it even harder to check their operations, and preventing journalists from informing citizens about public institutions. "We are witnessing a policy aiming to limit the reach of independent media," Rudović said.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Montenegro Objective Score: 1.91

The score for this objective is essentially the same as last year, although one indicator did suffer a noticeable drop: Indicator 2, journalism ethics. However, all indicators scored close to the overall objective score.

The panelists' general assessment was that media have not achieved an acceptable level of professionalism, and that the

majority of journalists are still not performing in line with international standards. Journalists concentrate on reporting from political and social events, and routine briefings and comments on the political environment and public figures. Journalists are not dedicated to tackling serious social issues. Panelists said that Montenegrin media have witnessed a devolution in professional standards, and that a focus on the recovery of the media sector is needed in order to avoid discrediting the profession and media companies.

"Professionalism requires thorough investigation of certain cases and not just interviewing interested parties," Rudović said. "The key problem of Montenegrin journalism is that journalists are just scratching the surface, without deeper insight into the problems, which is the only way to present the true picture of certain events to the public."

Independent journalist Petar Komnenić spoke up in defense of journalists, pointing out that often their hands are tied by the government's efforts to obstruct information. "It is true that media sometimes report unverified information, but there is also irresponsibility on the side of government institutions. Quality contacts within government institutions are often impossible to achieve, and this is directly producing problems for professional journalists," he said.

In 2002 a code of ethics for Montenegrin journalists was developed, outlining 12 basic principles of professional journalism. The code was adopted by representatives of many leading journalist associations, but application of the code has been unsatisfactory. The Journalists' Self-Regulatory Body was established in order to enforce the code. However, panelists said that the body's credibility has been undermined by not functioning at the level required and because the

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).

findings of the body are often ignored by the media. As a result, journalists are violating the ethics code with little or no repercussion.

The media sector is under more and more pressure from political parties. Political structures are aiming to keep control over the most influential Montenegrin media, either through government financing or, the preferred method, selecting board members. Such efforts greatly undermine professional journalism, a problem the media community is well aware of.

The quality of editorial policies is also compromised by the commercial interests of media companies, which, out of the need to survive economically, are pushing aside the rules of the profession and independent journalism. Owners meddle in editorial policy, which hurts pluralism and overall press freedom. In the elections, public media were supportive of ruling coalition platforms, while private media had conflicting positions depending on the character of political events.

Widespread self-censorship and opportunistic editorial policies are also detracting from development of professional journalism and undermining the reputation of media.

Dragan Klarić, editor for the radio station Budva, provided a specific instance of interference with journalists' work — a case in which the Montenegrin Football Federation banned *Dan's* journalists from reporting on its sports events. "This is a classic example of where freedom of press is violated," Klarić said. "It is not just that we have problems with poor professionalism in journalism; [we have] an environment preventing journalists from doing their job."

Journalists' salaries are still relatively low, averaging not more than €500 monthly.

Sports, entertainment, and commercial programs were favored this year over news, educational, and cultural stories. In this way, media outlets avoid dealing with hot topics, even though these topics are of crucial importance to citizens and to the progress of society as a whole. Electronic media especially are to blame, given that they are more influential but are favoring "easy" issues. Increasing production of programs that are of no significant societal or political value is unacceptable, because this diminishes professional journalism, free speech, productive criticism, and quest for truth, which leads to loss of values inherent to a democratic and open society.

The panelists expressed specific concern with the lack of specialized and investigative journalism. Electronic media are insufficiently dedicated to investigative journalism. Some national private media (TV Vijesti, Antena M, TV-IN) focus occasionally on certain social and political issues using investigative journalism. In addition, print media are widely

"Professionalism requires thorough investigation of certain cases and not just interviewing interested parties," Rudović said. "The key problem of Montenegrin journalism is that journalists are just scratching the surface, without deeper insight into the problems, which is the only way to present the true picture of certain events to the public."

recognized as critical of government policies, dedicated to investigating issues, and providing deeper insights for their readers. However, bad editorial policies, poor staff capacities, and constant financial troubles limit media outlets in their ability to conduct such reporting. In order to develop investigative journalism in all social areas, media companies must promote willingness among journalists and build capacity through education and training.

OBJECTIVE 3: PLURALITY OF NEWS

Montenegro Objective Score: 2.41

The score for Objective 3 did not change much this year, and, after a decrease in Objective 1, is now the highest scoring objective for Montenegro. However, there was a fair amount of movement within the indicator scores. Indicators 2 (citizen access to media), 4 (news agencies), and 7 (media reflect a broad spectrum of social interests) decreased moderately, while on the other hand notable increases were given to Indicators 5 (independent media produce their own news) and 6 (transparency of ownership). Almost all indicators scored close to the objective score, except for Indicator 3, public media reflect are non-partisan, which received a score slightly more than a half-point lower.

Montenegro has a healthy plurality of media outlets — more than 150 local and national level print and electronic media. Although that equals a very high ratio of media to resident, the volume does not translate to satisfactory professional results or free and impartial journalism. So many media are in operation because it is possible, with relatively little money, to sustain radio and television stations with no social importance whatsoever. The number of media outlets reporting on issues of public interest or working to promote freedom of speech is relatively small.

“Public media, both at the local and national levels, do not contribute to quality of the media scene, and at the moment, represent an obstacle for faster development of professional and politically impartial journalism,” said panelist Vladan Mićunović, editor in chief of Vijesti.

The main issue under this objective is how to establish a sufficient number of quality media that will comply with professional standards, thus providing fundamental support to democracy, development of civil society, and rule of law. In this respect, Montenegrin media is only in its beginning stages, and poised for a struggle to create the desired media community.

The majority of broadcast media are simply reporting information they obtain from the daily press, various government bodies and public institutions, or the news agency sector. (Montenegro has one local news agency: MINA.) Few media have a proper correspondent network, so the capacities of the media sector are rather limited and in obvious discrepancy with number of media in Montenegro. The sector has a clear need for quality media materials and for horizontal development of media companies that would maintain a presence in all segments of society and contribute to faster, better quality distribution of free information.

Panelists identified another problem: They said that current economic trends indicate hard days to come for the 3000-plus members of the media community, so it is realistic to expect that plurality of media will diminish. Current global and local crises have hit the private media sector, leading to two national media terminating their operations and some other announced investments into media sector slowing down, indicating future economic hardship.

According to the panelists, public media are becoming less public and more governmental, which has a negative impact on the independence of journalists and the principles of free press. “Public media, both at the local and national levels, do not contribute to quality of the media scene, and at the moment, represent an obstacle for faster development of professional and politically impartial journalism,” said panelist Vladan Mićunović, editor in chief of Vijesti. As the largest media outlet in Montenegro, with 700 employees, RTCG has

the capacity to reform into an independent and competent public service.

Media outlets in Montenegro are in fierce market competition, but in reality, few media companies are fighting in a productive and socially desirable way. In the national print media market, the main competitors are dailies *Vijesti* and *Dan*; and in the national broadcast market, the key competitors are TV IN and RTCG-TV. Private media are at a financial disadvantage compared to the public media, which have support from local and national state budgets. Although some private media are owned by powerful individuals and strong financial groups, in practice their position is systemically unequal.

Internet journalism is still in its infancy in Montenegro, and panelists had mixed opinions on whether it can bolster Montenegrin media in the years to come. Slavko Mandić, editor in chief of Radio Skala, pointed out that few users in Montenegro have a fast or reliable connection, which “seriously limits the importance and potential of internet for the development of journalism.”

But media advisor Duško Vuković said that he sees good possibilities, with blog journalism now being discovered in Montenegro and given the unbounded nature of the Internet. “There are no limitations,” he said. “This media enables democratization of the media scene, providing long-term opportunity for development of uncontrolled and independent journalism.”

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.

The panelists pointed out that the transparency of ownership of media companies is better than it used to be, but there are still suspicions regarding the true ownership structures of some media. Ownership is not concentrated. Some foreign ownership is present, but seems to be on the decline. As mentioned above, Fox TV left Montenegro. European media concern WAZ was interested in buying the only state-run daily in Montenegro, *Pobjeda*, but pulled out of the running in March 2009. This is the second time an attempt to privatize *Pobjeda* has failed since 2007.

OBJECTIVE 4: BUSINESS MANAGEMENT

Montenegro Objective Score: 2.22

Objective 4 received a score exactly the same as last year. All indicators remained more or less unchanged, except for Indicator 4, balance of advertising revenue to other revenue, which showed a modest increase. All the indicators scored close to the objective score, except for Indicator 6, market research, which lagged behind by about a half-point.

Again this year, panelists agreed that media business in Montenegro is unprofitable and hardly sustainable. Panelists described the competitive environment as not equitable. Public services are surviving mainly due to the financial support of local and national budgets. The numerous private media are oriented toward the limited advertising market and the financial support of their owners; they face huge problems and are barely surviving.

According to panelist Draško Đuranović, an independent media analyst, the advertising market in Montenegro is functioning as well as in more developed economies, and for some media outlets, advertising accounts for up to 40 percent of total revenue.

Advertising revenues cannot cover all the expenses of media companies, however. Private media such as *Vijesti*, *Dan*, TV IN, and Radio Antena M are viable, but most media are dependent on constant financial support from their founders. Foreign donations have either dried up or amount to symbolic figures, so the future is questionable for many media that have financed their programming in this way.

Financial problems trickle down to staffing as well. "Media companies are constantly forced to reduce costs, thus directly affecting the quality and professionalism of Montenegrin journalism," Mandić said. Journalists' salaries are low, averaging around €500, while appurtenant staff receives even

Panelist Radojica Bulatović, director of the Media Institute, said that the low wages keep away most professionals to begin with. "Journalism is not an attractive profession, and one can hardly expect big salaries in this line of work," he said.

less. This situation often results in corruptive reporting and weak staff development.

Panelist Radojica Bulatović, director of the Media Institute, said that the low wages keep away most professionals to begin with. "Journalism is not an attractive profession, and one can hardly expect big salaries in this line of work," he said.

It is realistic to expect that the number of media outlets will shrink in future, thus worsening the status of employees in media sector. However, a reduction in the number of media companies can have a productive effect. Those media that manage to develop proper resources, reduce external costs, implement rational management policies, and persist in an editorial orientation that brings high ratings among viewers, listeners, and/or readers can prosper in the future.

Media companies are benefiting from the work of NGOs that conduct market surveys, which help media outlets shape programming to audience preferences and thus attract advertisers.

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.

Panelists praised the good cooperation between the media and NGOs dedicated to promoting interest and awareness of the issues faced by media companies. Radojica Bulatović, director of the Media Institute, praised its work: "I would like to give one positive example regarding external support to journalists and journalists' profession. This is eight long years of operating the Media Institute, which gave a strong contribution, through numerous educational programs, to development and promotion of journalists' profession."

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Montenegro Objective Score: 2.04

The lower score in Objective 5 resulted from panelists awarding lower scores to every indicator, except for Indicators 4 (academic journalism programs) and 5 (short-term training programs), which remained unchanged. The only indicator to score notably differently than the objective score was Indicator 2, professional associations, which fell about a point short of the objective score.

The media community has not shown solidarity regarding business promotion of the media sector or protection of the journalism profession. Professional organizations and trade

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

unions are still poorly developed within the media sector, and this has quite a negative impact.

Some professional organizations are actively supporting the interests of certain media, such as the electronic sector, but overall, associations continue to lack significant influence. The general opinion of the panelists was that the absence of quality organizing leaves Montenegrin journalists without social recognition for their work or help in advocating for their interests.

The situation is particularly worrisome with the country's two journalism associations (The Journalists' Association of Montenegro and the Association of Professional Journalists of Montenegro). These organizations do not have basic financial or staffing resources for serious work, and the majority of journalists do not trust their professional organizations, so indifference is the rule and key issues are not tackled. Dino Ramović, editor in chief of TV Teuta, commented that the passivity is reflective of disassociation among journalists themselves. "I see no improvements within the media community regarding its professional cohesion and solidarity," he said.

The panelists agreed that a major unresolved issue is Montenegro's lack of competent journalist unions. "The problem of protecting the integrity of journalists in their media companies, preventing abuse of journalists, and preventing direct influence of media owners on how journalists write represents the biggest problem affecting today's journalism in Montenegro," Đjuranović said.

In an atmosphere where journalists and apprentices face significant problems as employees, they have nowhere to turn for support and protection of their labor interests. "[Unions are a] totally unexplored area, and this facts enables media tycoons in Montenegro to have uncontrolled power in their respective companies," Đjuranović said.

Panelists praised the good cooperation between the media and NGOs dedicated to promoting interest and awareness of the issues faced by media companies. Radojica Bulatović, director of the Media Institute, praised its work: "I would like to give one positive example regarding external support to journalists and journalists' profession. This is eight long years of operating the Media Institute, which gave a strong contribution, through numerous educational programs, to development and promotion of journalists' profession."

Recent years have seen improvement in formal journalists' education. Due to decade-long efforts, the Media Institute and the School of Political Sciences' Journalism Department have produced the first generation of Montenegrin journalism graduates. But panelists said that there is a need to harmonize formal education with practical experience and principles of professional journalism.

List of Panel Participants

Dusko Vukovic, editor-in-chief, PCNEN, Podgorica

Petar Komnenic, independent journalist, Podgorica

Nedjeljko Rudović, journalist, *Vijesti* newspaper, Podgorica

Vladan Micunovic, editor-in-chief, Vijesti TV, Podgorica

Darko Sukovic, editor-in-chief, Radio Antena M, Podgorica

Dino Ramovic, editor-in-chief, TV Teuta, Ulcinj

Drasko Djuranovic, independent media analyst, Podgorica

Radojica Bulatovic, director, Media Institute of Montenegro, Podgorica

Dragan Klaric, editor-in-chief, Radio Budva, Budva

Slavko Mandic, editor-in-chief, Radio Skala, Kotor

Moderator and Author

Rade Bojovic, executive director, Media Ltd., Podgorica

The Montenegro study was coordinated by, and conducted in partnership with, Media Ltd., Podgorica. The panel discussion was convened on November 28, 2008.

It seems that the Romanian media's structural problems—lack of ethics, unreliable and abusive ownership, and tabloidization—impede the expected progress. Several years ago, our panelists were waiting for some form of normalization, but the depressing conclusion for 2008 is that there is no normalization within sight.



ROMANIA

Romania joined the EU in 2007, registering a major success after an unsteady transition from communism. But the EU accession made little difference in media's freedom. It was the internal political situation that counted the most. Prior to 2004, the powerful executive branch, led by Adrian Nastase, had threatened freedom of speech with a coherent strategy of buying or intimidating vocal critics. The change of government in 2004 improved the situation, but the country found itself in a devastating political battle between the president, Traian Basescu, and the prime minister, Calin Popescu Tariceanu. The political crisis became unmanageable in January 2007, immediately after the festivities marking the new EU membership. Tariceanu made an alliance in parliament with the opposition Social Democrat Party and impeached Basescu, but this act failed to pass a popular referendum. The political climate remained tense until the December 2008 election. The situation took its toll on media, which were affected by the politicians' hysteria on one hand and the obvious political involvement of many media outlets on the other. The conflicts between journalists became a daily occurrence, with each side accusing the other of being manipulated, and even paid, by various political factions.

The process of ownership concentration continued in 2008, with several people controlling an overwhelming majority of mainstream media. Many are questioning their genuine interest in developing media as profit-making businesses. Businessmen Dinu Patriciu and Sorin Ovidiu Vintu—two of the “top five” wealthiest Romanians—are under investigation for a series of financial misdoings. Together, they own an estimated €100 million in media investments, and their media empires are still being expanded. Dan Voiculescu, also among the wealthiest Romanians, mixes business and politics; his media trust, Intact, openly supports his small party while furiously attacking his political enemies, such as President Basescu.

The president himself has a bizarre relationship with the media, which he uses to disseminate his messages while at the same time accusing them of supporting the owners' hidden interests. The profession blatantly ignores ethical standards, and various journalists accused by colleagues of lacking ethics seem to take pride in the accusation. As one MSI panelist remarked, “The word ‘deontology supporter’ became an insult in Romania.” It was used mainly by journalists working at Intact to attack other journalists who dared to draw attention for disregarding codes of conduct.

Thus, the tabloid media enjoy an increasing audience because they avoid political scandals. The only foreign trust ownership generates profit and audience by remaining politically neutral and adopting an almost completely tabloid format.

Four of the five objectives registered small decreases, while only Objective 2, professional journalism, increased marginally. Although not dramatic—indeed the decrease is almost negligible—the decrease is

ROMANIA AT A GLANCE

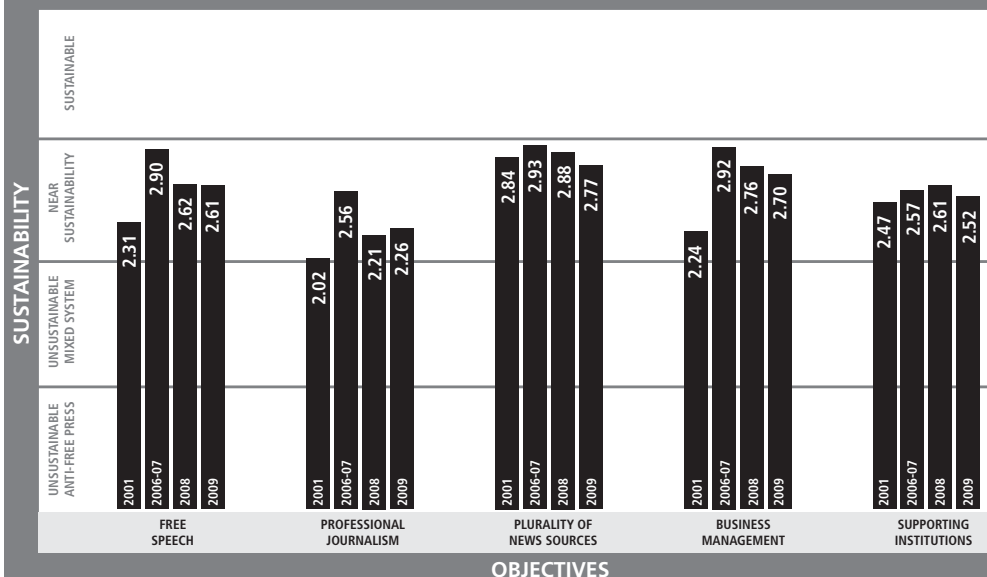
GENERAL

- > **Population:** 22,246,862 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Bucharest
- > **Ethnic groups (% of population):** Romanian 89.5%, Hungarian 6.6%, Roma 2.5%, Ukrainian 0.3%, German 0.3%, Russian 0.2%, Turkish 0.2%, other 0.4% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Eastern Orthodox 86.8%, Protestant 7.5%, Roman Catholic 4.7%, other (mostly Muslim) and unspecified 0.9%, none 0.1% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Romanian 91% (official), Hungarian 6.7%, Romany 1.1%, other 1.2% (*CIA World Factbook*)
- > **GNI (2007-Atlas):** \$132.5 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$10,980 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 97.3% (male 98.4%, female 96.3%) (2002 census, *CIA World Factbook*)
- > **President or top authority:** President Traian Basescu (since December 20, 2004)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 1000+, exact numbers not available; Radio: N/A; Television Stations: N/A
- > **Newspaper circulation statistics:** Top ten papers have a combined circulation of approximately 757,000 (Audit Bureau of Circulation, 2008)
- > **Broadcast ratings:** top three television stations: Pro TV (2.6%), Antena 1 (1.6%), Acasa TV (1.1%) (paginademedi.ro)
- > **News agencies:** Mediafax (private), Agerpress (state-owned), NewsIN (private)
- > **Annual advertising revenue in media sector:** Approximately \$768 million (paginademedi.ro)
- > **Internet usage:** 12,000,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ROMANIA



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

paradoxical in a country that recently joined the EU and enjoyed seven consecutive years of economic growth. It seems that the Romanian media's structural problems—lack of ethics, unreliable and abusive ownership, and tabloidization—impede the expected progress. Several years ago, our panelists were waiting for some form of normalization, but the depressing conclusion for 2008 is that there is no normalization within sight.

OBJECTIVE 1: FREEDOM OF SPEECH

Romania Objective Score: 2.61

The panelists observed a discrepancy between the legal framework on one hand and the social norms concerning the protection of free media on the other hand. The legal protection is generally satisfactory, but its implementation is deficient. "The legislation exists, but it is not implemented in all cases; there are problems, and they are solved only after some public outcry," said Catalin Moraru, editor of a leading local newspaper. Another panelist, Ciprian Stoianovici, news editor at a radio station, said he believed the economic environment was jeopardizing media freedom: "The media corporations control a large share of the market and thus suffocate this freedom." Panelists consistently point out the unreliable legal protection and foggy interests of an increasingly concentrated ownership. These problems also exist in highly regulated areas, such as broadcast media.

The National Council of Broadcasting (CNA) controls broadcast licensing and nominally is an autonomous body subordinated to the parliament. The 11 CNA members are appointed by the president, the government, and the parliament. Over the years, MSI panelists have expressed doubts that this mechanism ensures the autonomy of the institution. There were no political wars around CNA in 2008, as was the case in previous years, when the political dispute among the president, the government, and unstable political alliances took its toll on the functioning of CNA. In previous reports, panelists doubted the fairness of the licensing process. This was a not problem in 2008 because CNA had no more aerial licenses to grant. "We are lucky they finished the licenses in the previous years," said Moraru.

When it comes to digital licenses (not limited in number), the registration process is much easier, and CNA refuses this right only in exceptional circumstances. This was the case with Becali TV, named after Gheorghe Becali, a controversial politician and soccer club owner with extremist views. Becali wanted to start a television station, but CNA denied the license on procedural grounds. Returning to traditional licenses, a problem remains with selling those already

registered. CNA grants this right after a complex procedure that includes details about future editorial content and programming. But the state does not control editorial content and programming in cases where the company owning a license is later sold. Thus, a sort of trafficking occurred when companies having good political connections obtained licenses and later sold them.

Stoianovici, whose radio station had an expansion policy, said the station was offered such licenses, especially obtained in order to be sold but refused the offer. Romania is in the process of transferring all licenses to digital. An odd fight occurred between two ministries for passing new legal provisions regarding the transfer. CNA and the Culture Ministry worked transparently to draft a law that granted the former the right to manage the process (as was previously the case). At the same time, the Communication Ministry prepared another draft granting this right to a subordinate agency. CNA won this battle—the government assumed its draft. However, the situation raises serious doubts about how Romania will be able to manage the complex process of transferring licenses.

In 2008, CNA remained active in combating some of the most extreme breaches of decency in the television industry. CNA's most prominent "client" is OTV, owned by Dan Diaconescu. OTV is an independent television station, although rumors suggest it was sold to one of the big media owners. OTV has a long history of offering Romanians extreme forms of infotainment. Its formal owner organizes long talk shows with bizarre characters, and the main topic is various crimes and disappearances. From 2007 to 2008, OTV organized several hundred so-called episodes about the disappearance of Elodia Ghinescu, a lawyer who married a police officer. In one episode, Diaconescu instigated a hacker to break into Ghinescu's e-mail inbox and show her personal messages on the air. Ghinescu became a popular icon, although she continues to be missing. Meanwhile, the mainstream media took over the case and followed OTV's example in revealing personal details about her family.

CNA tried to tame OTV by fining it several times and even interrupting the transmission for three hours. But Diaconescu fought back, launching a campaign against CNA with the slogan "Hands-off-the-people television." Although it was able to remove the station's license, CNA did not take this radical step. Another CNA "client" is Mircea Badea, a television host who uses injurious language when commenting on political and social matters. Public opinion is split about CNA's attempts to limit such behavior. Some believe CNA should stop such obviously abusive reporting, while others doubt CNA's integrity and motivations. The long history of suspicion about CNA does not help the institution.

At the same time, other CNA actions raises doubts even from the public, which otherwise would support the organization's actions against filthy media. For example, CNA forbade a television advertisement that showed a group of workers destroying some architectural artifacts. The motivation was that the clip could encourage such behavior. Another example is the warning issued by CNA in January 2009 after the anniversary of "national poet" Mihai Eminescu. Several radio hosts read a trivialized version of an iconic poem by Eminescu, which CNA considered unacceptable behavior. Although many considered it to be only bad taste, serious doubts were expressed about CNA's willingness to endanger its credibility by picking petty fights.

In 2008, CNA faced two similar situations when parliament voted for laws that went against the spirit of media freedom. Two MPs from different parties (the liberal Ioan Ghise and the nationalist Gheorghe Funar) proposed a law requiring broadcasters to show "positive news" and "negative news" in equal proportions. They argued that the bad news affected the development of young people and the mental health of the population. The definitions of "positive" and "negative" were not specified, and the law was supposed to be implemented by CNA, which condemned its passage. The law was not promulgated by the president and changed very little after the strong public outcry. All of the panelists considered the law to be aberrant and raised concerns about the mood in parliament, which passed such a bill.

The same parliament passed another bill with more serious consequences. Before the December 2008 election, the broadcasting law was modified to make television stations charge money for the presence of candidates in the electoral debate. The broadcasters' associations had dual positions, since the stations would have benefited from the law. But the journalists and editors raised concerns about the unacceptable mixing of criteria in inviting the candidates and organizing the debates. CNA was put in the awkward position of implementing a law it disagreed with. In the first instance, many took this as CNA's initiative and blamed the institution for the new situation. Panelist Iulian Comanescu, media analyst, said this was "a time bomb which exploded in CNA's hand before the election." It is obvious that the mix of advertising criteria (tariffs) and content criteria (impartiality, independence, etc.) had lethal effects on the credibility of talk-show hosts, talk shows and television stations that sold policy positions for money during the campaign.

Market entry for a media business is no different than for other businesses, with the exception of the above cryptic licensing process for broadcasters. The legislation for registering companies is still complex, but this is the case for all areas and could be turned into a barrier for media only

if abused during the implementation. With the Romanian media hit by financial crises, some panelists felt that the state should use indirect ways to help the industry. Adrian Voinea, owner and editor of a regional newspaper, believed the VAT for advertising should be reduced to zero as a way both to help media and to encourage companies and consumers to spend. Another proposed policy was to reduce the VAT for media selling (currently 9%). These ideas have little chance of being implemented; Romania began 2009 with severe financial crises, and the budget deficit jumped to a surprising 5.2% for 2008. Stoianovici said, "We always say one industry or another is the top priority, but the media will never be such a priority. We are hit by the crises, and the advertising budgets are the first to be cut." Petrisor Obae, who started the media-dedicated website paginademedi.ro, warned that such a rescue plan for the industry could jeopardize its independence: "We have the mentality that a rescue plan would have some demands from the government attached to it." Some panelists said they decreased the rating for this indicator because the media industry is disadvantaged as the state helps other industries.

While cases of extreme violence against journalists are rare in Romania, the various harassments continue, and the panelists complained about a hostile environment against the profession. *Evenimentul Zilei* newspaper published a series of articles under the name "Cupola" documenting the links between former communist secret-police networks and current businesspeople. In June 2008, one of the involved journalists received death threats.¹ In the spring of 2008, Bucharest hosted the NATO summit. There were no massive public protests, which usually follow NATO gatherings, but small groups of demonstrators (some of them foreign citizens) tried to organize anti-NATO manifestations. The police overreacted and summoned up the youngsters in order to check their documents. It was an inability to deal with such manifestations that triggered overwhelming protests. In one incident,² a journalist who reported the news was taken into custody and spent several hours at the police station. Panelist Rasvan Martin, who heads media-freedom projects within Media Monitoring Agency, was present at the incident to document police intervention. He was also taken into custody without clear justification and was freed after several hours. Although they claimed the intervention was solicited by the owner of an establishment where anti-NATO protesters gathered, the police were obviously overreacting in this case.

The MSI panelists believed that a social intolerance against the journalists was more and more visible. "Nobody reacts. The crimes against journalists do not cause public scandal,"

¹ *Evenimentul Zilei*, June 30, 2008, "Ziarist EVZ amenințat cu moartea"

² *Romania Libera*, April 3, 2008, Petre Badica, Alexandra Radu, "Brutalitate polițienească în numele NATO"

said Voinea. As an example, he described what happened in Craiova, where a group of dubious characters from the underground economy became aggressive toward some journalists who were reporting a funeral gathering, and the police intervened to “protect them from us.” Stoianovici confirmed that “nothing serious happened, but the situation worsened terribly—first, because of a lack of reaction from authorities over small things. When media show up, with the average person violence is the rule: the press is the one poking its nose into your business. There is a clear aversion to media.”

Speaking about underground businesses, Moraru noted that the number of reports about this fell dramatically because journalists are afraid. He also believed that “the punishment of the ones who molest journalists is late or nonexistent. Fortunately, the aggressions are rare, but when they happen the public is not impressed. We don’t count on its reaction.” To make matters worse, the conflict among journalists sometimes becomes aggressive. “Mircea Badea says he will break the neck of X journalist once he catches him,” said Stoianovici, referring to a popular television showman who had this reaction after reading something negative about himself in the media.

Some panelists blamed politicians for instigating against journalists. “After PSD attempted to politically control the media until 2004, now the political class has discovered that it is more efficient to set the people against the media,” said Stoianovici, while Moraru observed that the two electoral campaigns in 2008 made the politicians more aggressive. We

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

asked the panelists if the intrusive methods of some media outlets could explain the public reaction. Stoianovici rejected this explanation, saying this situation was rare.

Public media include Romanian Television (TVR, with six channels), public radio (four channels), and the public news agency, Rompres. The president, the parliament, and the government appoint the boards of national radio and television stations, according to the 1995 law. While a public debate took place in 2005 over efforts to change the law, no changes were ultimately made. The NGOs working for media protection participated in these debates and endorsed the final draft prepared by Raluca Turcan, head of the Media and Culture Committee of Parliament. After she was caught in the middle of the political conflict between the president and the government in 2006–2008, Turcan was not able to put the draft on parliament’s agenda. After the 2008 election, with a new majority, she expressed the intent to use the momentum to push for a new law.

Currently, public television still functions according to the outdated 1995 law, which makes the institution dependent on the electoral cycles. After 2004, a serious attempt was made to break the vicious circle with the appointing of the independent film director Tudor Giurgiu as president. He started some serious reforms in an institution plagued by immobility, waste, and politicization. Independent personalities were involved in hiring new people, especially in the highly sensitive news department. But the political crises created a huge amount of pressure and led to various scandals that we explained in previous MSI reports. Finally, Giurgiu was sacked and replaced with a high-ranking member of the Social Democrat Party, Alexandru Sassu, the first-ever head of TVR coming openly and directly from the staff of a political party.

Until then, parties used to appoint independent public figures close to their views or linked to their leaders through social ties. Sassu started to appoint all the new people who came to TVR in the past several years, surrounding himself with yes-men. He used the same strategy to remove “undesirable” people: to circumvent the legal protection they enjoyed, he simply changed their job title. The former head of the news department, Rodica Culcer, and the former head of the programming department, Cezar Ion, were replaced by this method. They both started lawsuits against TVR, and the former already prevailed.³ Ioana Avadani, director of the Center for Independent Journalism, said that “Sassu’s intervention led to the ‘elimination of some TV shows.’”

³ Evenimentul Zilei, Andreea Vadan, January 16, 2009, “Televiziunea publică pierde în instanță”

But Sassu's actions are only the tip of the iceberg. The real problem is the politicization of TVR's board. Each party appoints its representative there, and they behave as such. The most extreme case involved the representative of the Conservative Party, which despite the name is a left-leaning party led by Dan Voiculescu, a big media owner. His party appointed to TVR's board one of the managers of its private television station,⁴ a direct competitor of the public television station. With the politicians supervising the editorial policy, the MSI panelists again raised doubts about public television. "Public television does not enjoy independence by law, and it was never so evidently politicized. Every crack in legislation to control the institution was exploited," said Stoianovici.

The past several years saw a significant decrease in TVR's audiences and advertising revenues (this will be discussed later in the report). Thus, the politicization is worsened by incompetence and chaotic management. In the second half of 2008, TVR launched two new channels, a regional one and a news-dedicated one. Both have been launched in a rather experimental form, with poor quality and secondhand content (TVR Info, the news channel, mostly transmits live static images from several public locations). Media analyst Comanescu summarized the situation as such: "We could consider the considerable income of public television, which comes from subscriptions, to be a judicial distortion, while the TV station does not serve the public interest or have a high rating. It is rather bizarre to finance with tens of millions per year of public money a TV station that gets high ratings only for football games. For such a thing, it is more logical and fair to have a pay-per-view system. The presence of a former PSD member in the top management of public television raised questions at that time over the political non-involvement of TVR, even though its later evolution shows a lack of expertise of the director-president Alexandru Sassu rather than manipulation tendencies."

The Romanian parliament passed a law in 2006 eliminating prison terms for libel. However, the Constitutional Court reversed this decision on the grounds that the honor of a person cannot be defended only by receiving money. The Court's decision cannot be overruled, and it makes it compulsory for parliament to maintain the libel law in the penal code. However, for now the Parliament has not taken any action to re-introduce libel as a criminal offense into the penal code. The situation may muddle interpretation of the law, even for legal experts. However, in 2008 there were no cases of journalists punished with prison for violating the libel law. Instead, there have been cases where journalists have been fined exorbitant amounts for material damages. One

such case pitted a journalist against the powerful mayor of Constanta, Radu Mazare, who strongly controls the political institutions in his region. Journalist Feri Predescu works for one of the few independent newspapers in Constanta. Predescu wrote a story that expressed some legitimate suspicions about the mayor's connections to a controversial businessman. She was charged with libel and sentenced to pay a more than €20,000 in damages to Mazare.⁵ Ironically, Mazare became a public figure as journalist in the 1990s, when he himself became the target of judiciary vendettas.

Another high profile case had a different ending. In 2008, President Basescu opened a case against Cristian Oprea, a journalist working for Cotidianul. While Basescu is attacked on a daily basis in other media outlets, he chose to start this lawsuit after an article which, though it was evidently biased, was relatively harmless. Basescu asked for a symbolic amount in material damages, however the judges rejected the president's complaint.⁶

Romania adopted a Freedom of Information Act in 2001. It was inspired by the American model and is thus liberal compared to the region's standards. In 2006, the law was significantly improved with the inclusion of all national companies and state-owned firms. Problems continued to occur in the law's implementation, however, since authorities tend to interpret it restrictively in order to hide embarrassing or politically controversial information. Razvan Martin said the 2006 amendment covering the national companies is not well-known and some companies still invoke the law so as not to release information. One case involved Mr. Martin's NGO and the Romanian Post Company. The NGO filed a law suit and won in court. However, going to court is not a solution for journalists who want the information rapidly. Mr. Stoianovici said "the trial is not a solution from a journalist's point of view. You just waste time and do not get the information. As a journalist I will not go in court." "A solution is to threaten a law suit, said newspaper editor Moraru. "But it doesn't work every time." Avadani, director of the Center for Independent Journalism, said "the trials are (often) concluded in favor of those who request information."

Panelists did not consider access to international media to be a problem for Romania. The only possible problem is price.

"Even for central media, but especially for the local ones, access to foreign sources is conditioned by price. Fortunately free information is even more abundant on the Internet" said Iulian Comanescu, a freelance journalist and blogger.

⁴ Declaration of interests for Razvan Barbato, http://www.cdep.ro/camera_deputatilor/declaratii_interese/institutiitvr/barbatorazvan.pdf

⁵ *Cuget Liber*, November 25, 2008 "Feri Predescu a fost condamnată pentru delict de opinie anti-Mazare"

⁶ Cotidianul, January 20, 2009, "Traian Bănescu pierde procesul intentat jurnalistului Cristian Oprea și publicației Cotidianul"

There is no need for a special license to practice journalism in Romania. The state does not control who can enter the profession and journalists are subject to legal working contracts as any other employees are. As panelist Ciprian Stoianovici ironically noted, "The only reason not to be a journalist is to not want to be so."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Romania Objective Score: 2.26

This year's panelists continued to express negative views about the quality of reporting in Romania. The pessimistic mood prevalent in the previous report deepened this year: "Editorial products show even low quality this year," said Avadani. Stoianovici offered the example of Realitatea TV. Once marketed as the Romanian CNN, this news station has descended into infotainment and tabloid style content. Stoianovici also said Romanian media is split into categories: those that try to follow some standards and those who only seek audiences without paying any attention to standards. "We are talking about two types of journalists. Ones that try at least to do their job and others who do not even wonder about their work," Stoianovici said.

One of the preferred methods noted by the panelists is the selection of talk show guests. "The experts are selected to prove opinions already well defined by journalists," Obae said. These experts serve as analysts for a television station or another media outlet. In addition to speculating about the news and providing opinions, analysts' political biases are visible. For example, a Romanian television show hosted a well-known novelist as a monster expert. Another repeatedly insisted that a media analyst participate in a football show, Comanescu said.

As an example, the panel discussed the case of Intact Trust, one of the biggest ownership concentrations in Romania media, which owns the second-largest commercial TV station, a TV news channel, the biggest sport newspaper, radio stations, and several other publications. Intact is owned by the family of Dan Voiculescu, the head of the Conservative Party and a former Securitate informer. The media outlets owned by Voiculescu tend to protect their owner's political allies and attack his enemies. President Basescu, who has long conflicted with Voiculescu, is often attacked on Antena 3, Intact's news television station. In Voiculescu's case, said Comanescu, "A connection between the owner's political interests and some issues raised by newspapers or TV station is easily done. Intact Trust functions as an instrument of political PR, you have no chance to work correctly inside this company" Stoianovici added.

Romania has many different professional codes developed by various organizations and associations. The discussions between various NGOs and professional associations to adopt a unified code and implementation mechanism led nowhere. In 2006, an ethical code was imposed as an annex to the collective contract for the media industry, signed between a trade union and some owners' associations, but so far this has had little impact on the profession. The gap between norms and their implementation is summarized by panelist Comanescu: "the norms exist in different versions but they are not assumed and there is confusion about them. There are diverse violations from speculation in news to an aggressively defiant presence in Romanian media. CNA sanctions do not improve the situation."

Bogdan Chireac was the first Romanian journalist to resign following a conflict of interest. Chireac was deputy editor and a share-holder in the influential *Gandul* newspaper, and a daily presence as a security and foreign affairs analyst on numerous TV shows. At the same time, he owned a company that intermediated sales of communication equipment to the Romanian secret services. He resigned from *Gandul* after the information became public. But the scandal affected his career only in the short term. In 2008, he reappeared as an analyst almost daily on political talk-shows. Obae questioned this professional evolution: "All journalists accept Bogdan Chiriac as an analyst. But this is not about competence, it is about morality. He is a journalist who at one moment was involved in activities worth millions of euro with the state and wrote articles in the area where his company worked."

Another explanation for this indicator's decreased score is the tabloidization of mainstream media, which covers crimes, rapes and other acts of violence in an intrusive and

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).

disrespectful manner. George Ene, general-secretary of the Romanian Press Club, offered details about the case of an 11-year-old girl, who was raped by her uncle and became pregnant. Media reported the case using her initials, the name of her village, and her parents' names, making moot any effort to keep her identity anonymous. Another example which sparked debate was the murder of a child by his social assistant. In this case one of the mainstream TV stations said viewers could see images with the child on its Web site (thus avoiding the CNA's sanctions). Obae also drew attention to the fact that "media exploits funerals. There is no question about respecting human dignity." The line between serious media and tabloid media is not clear: "What is really scary is that media which consider itself to be of high quality and are breaking the rules to a great extent," Avadani said. "There is no quality press in Romania, there is nothing comparable with The Guardian, there is no radio, newspaper, article without non-quality articles." Stoianovici said.

But journalists are not the only ones to be blamed for this tendency: "Each year our readers prefer more articles about homicides, rapes. We see this from focus groups we conduct to find out what people read in our newspaper," said Moraru, editor in chief of the newspaper *Monitorul de Botosani*.

Participants agreed that the ownership structure and involvement of media owners in politics and businesses that operate with public money create conditions that may cause journalists to practice self-censorship. "It is clear that big media groups owned by magnates with penal problems include voices based on political affinities," Comanescu said.

"We don't have the habit of resigning. Romanian journalists do not resign. Why is Vladu Petreanu is still working there?" Stoianovici asked in reference to a respected journalist working for Intact's news television station and who tries to objectively report on his shows, but is an exception in a station dominated by virulent and biased shows.

Ene doubted that media owners are setting the news agenda: "I don't see the magnates meeting with news editors in chief and telling them what to do. That is not how their influence works." Avadani pointed out that this is the essence of self-censorship: "There is no need to be asked, you know very well what is expected of you."

Another problem is that journalists often seek good relations with politicians in order to get a job in an administration: "At the country level, one quarter of the civil servants are former journalists who self-censored while writing about politicians and ended up becoming advisers," Moraru said.

In other cases, advertisers put pressures on journalists. In the Cupola case, where a journalist received dead threats, an advertiser also used an economic weapon: "There were

problems and pressures but they were not recognized by the newspaper. Per my information a client mentioned in one of the articles threatened to cut publicity from the newspaper. The newspaper decided to end the series for other reasons—the articles needed to be analyzed by the legal department to avoid lawsuits. They talked about a new series at another time, however, for the moment the articles remained unpublished," Obae said.

A controversial case occurred during the electoral campaign, when a former police officer accused Home Affairs Minister Cristian David of consuming drugs. Martin, from Media Monitoring Agency, said TV stations did not follow up on the story, including the public television station. This could be explained by the strict rules applied to political reporting during the electoral campaign; thus TV stations preferred to avoid the story. "Only Realitatea FM (a radio station) developed the story, and TV stations were afraid to air it. Their own cowardice and incompetence in interpreting the law are the reason for this situation," Martin said.

Although the panelists agreed there are no taboo issues for Romanian media, they observed some tendencies to avoid various subjects. Comanescu said there is a tendency to rely too much on official information, and to simply retransmit political opinions without looking for original stories or opinions. Inevitably this results in TV stations and newspapers carrying the same stories and information. "You have hurdle style journalism—the same story taken from one station to another. News is checked with competition." Obae said. Manuela Preoteasa, who worked for years as a TV investigative journalist and currently is editor of an online media outlet, said investigations are almost totally absent on TV. But, she said, "The most important issues do not remain uncovered. We have the Internet so that information gets to the public." Ene agrees that it is not the lack of information that is the problem, but the quality of reporting. "Journalists relate the most important events, but they are doing it very poorly," he said.

The panel unanimously said there is no direct connection between pay levels and being vulnerable to corruption. This is not necessarily good news, as corruption, or at least vulnerability to it, persists when wages are decent. "There are reporters who would sell themselves no matter how much they are paid," Moraru said. "It's not the payment that make the journalists vulnerable, but the culture and the environment," Ene added.

The trend in 2006-2007 to increase media salaries stopped in 2008. Some media outlets even announced a reduction of salaries as a result of the financial crises. Intact Corporation reduced its wages 20 percent. Despite this recent development, salary levels remain decent in comparison

to Romanian standards. This is a direct result of major investments made in the industry in the last several years by powerful businesspeople. "One of the few good effects of investments made by some controversial businessmen in media since 2005 is the rise of salaries to levels close to those in democratic countries or even exceeding those. In some cases salary creates the adverse effect of raising suspicion about journalists who might sell their services. Media markets in Romania faced a crisis of human resources starting in 2006. People like Sorin Ovidiu Vintu and Dinu Patriciu (some of the richest Romanians, who are both controversial and involved in problems with the judiciary) up to now have probably invested more than €100 million in their new media assets. Some professionals must split between more than one editorial staff, newcomers are insufficiently educated by universities and have little practical background," Comanescu said.

The trend of media tabloidization continued in 2008. Newspapers continued to expand, and benefited from heavy investments and a competitive market. Only the first three tabloids—*Libertatea*, *Click* and *Can-Can*—represent 53 percent of the total print media market and their share is increasing.⁷ Comanescu offered a gloomy perspective on the recent evolution: "Only entertainment and tabloid formats have good ratings, especially as they neglect serious issues. The phenomenon is visible especially with dailies where in 2008 three tabloids prospered compared with one in 2006. Quality papers instead have reduced sales."

But the problem simply is not the existence of tabloid media but in the unclear border between it and the serious media. There is an obvious pressure towards tabloidization: "Which news programs? They are entertainment," Obae said. Moraru, editor a local newspaper that is struggling to preserve some standards explained this trend is a result of a lack of resources: "Most local news papers, including the one I am working with, can't afford to pay a decent salary to people working on one or two articles per month. I think journalists should know how to conduct an investigation for better or for worse. But reporters want something easy."

Panelists did not perceive the media's technical capacity to be a problem, given the broad access to high technology in Romania. "The new technologies are easily adopted in transition countries and they are cheap. Excepting local media, only television has a gap compared with countries (with more advanced media) but this gap is closing," Comanescu said.

The market for niche publications is developed and continues to grow. Specialized magazines for IT, cars, women, fashion,

⁷ Iulian Comanescu, *Evenimentul Zilei*, December 2008, "Marile schimbări din media în 2008"

and pets are strongly market-oriented and flourish. The most developed are those dedicated to women's issues, where the competition among 15 publications is fierce.⁸ In 2008 the Romanian editions of *Marie Claire* and *InStyle* were launched.

OBJECTIVE 3: PLURALITY OF NEWS

Romania Objective Score: 2.77

More than 17 Bucharest-based daily newspapers are on the market, and three to four local daily newspapers are available in Romania's other main cities. The free newspaper market is developing with three titles in Bucharest, one of which is expanding its territory. The public television station operates six channels, two of which launched in 2008, though the overall audience has sharply decreased in the last two years. There are three private news-dedicated TV channels and one public (launched at the end of 2008, which still experimental).

Urban areas receive a variety of television stations via cable, and in recent years, more cable firms have penetrated the rural areas. The concentration of media ownership is a problem. There are five major media conglomerates:

- **Sorin Ovidiu Vantu:** A highly controversial businessman who built his fortune through an investment fund that bankrupted 300,000 Romanians of their life savings, Vantu organized a media empire using various intermediaries. He controls (without owning on paper) 14 print outlets, three television stations (including the leading news channel), a radio network, and the second biggest news agency. Vantu has a criminal record for fraud and, under the Romanian broadcast law, cannot own a broadcast license, hence his need for intermediaries.
- **Dinu Patriciu:** The richest Romanian, another highly controversial businessman, and former politician, Patriciu is involved in the oil industry and is being prosecuted for manipulating the stock exchange. He adopted an aggressive expansionist strategy, allotting more than €3 million for one newspaper's marketing strategy.
- **Adrian Sarbu:** His conglomerate includes five television stations -- among them the most popular commercial one, Pro TV -- several Bucharest-based publications, two radio networks, a network of local newspapers, and the main news agency.
- **Voiculescu family:** (See above for details about Dan Voiculescu.) Five television stations, six Bucharest-based publications, and a number of radio stations are controlled by this family.

⁸ IBID

- **Ringier:** A foreign company based in Switzerland, it is the biggest foreign investor in Romanian media, with three newspapers (among them the most circulated Romanian newspaper, the tabloid *Libertatea*), an economic weekly, and several magazines.

According to a 2007 report, those five conglomerates controlled 90 percent of national newspapers (in terms of circulation) and 45 percent of the television audience market, but this percentage likely increased in 2008 given the decline of public television.

The panelists expressed their concerns that such a concentration reduced the options for journalists in a media market dominated by several people: "The problem is that you can't leave if you enter in conflict with the owner. The concentration solely does not affect the independence because media is more solid as a business but journalists have very few options," Preoteasa said. Opinions about controlling the news agenda were more diverse. Ioana Avadani said: "Property concentration is a natural process. We have five conglomerates so there is no monopoly danger. What could be dangerous is cartelization. Such was the case with anti-Basescu orientation when the Parliament impeached the President." Ene disagreed and said there were no evidence the media owners reached an agreement on that case. Martin said three out of five big media owners have a pending court case, implying that this could affect their media's coverage.

Internet penetration is estimated between 30 percent and 40 percent (there are several studies with different results).

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.

But the online world is developing fast and has started to compete with mainstream media. The online news portal Hotnews.ro became an influential voice on the public agenda and hired some reputable journalists from radio and TV who had fallen out of favor with big media owners.

Panelists agreed that access to media in Romania is not a problem. The legislation sets absolutely no restrictions on access to foreign news. The only limitations are prohibitively high prices, but this could be overcome with the use of the Internet. The distribution of print media in rural areas is still deficient.

Public television registered a sharp decline in its market position in recent years. While it once authoritatively dominated the TV market, TVR fell to seventh place with audiences in urban areas. An astonishing 73 percent total audience decrease was registered between 2004 and 2008.⁹ The station has more than 3,158 of employees with significant salaries, strict rules which prevent any reform, and a politicized management structure. Sharp competition from private stations found TVR unprepared, and exposed it as black hole where public money enters without significant outcome. TVR is financed by three sources: a special tax paid by the public, transfers from state budget, and advertising. The tax income is problematic since tax evasion is rampant and TVR does not have any convincing arguments to present to the public for paying taxes. Until 2006, the tax was collected by the state-owned electricity company. When that company was privatized the new owner refused to collect the special tax for TVR and the institution started to register financial difficulties. In 2008, it cashed a total of €20 million from advertising.¹⁰ The financial deficit for 2007 was €8.8 million.

While the previous managers were sacked for far less than that, the current one enjoys enough political support not to be held accountable. Alexandru Sassu is a former politician who lost a bid for a seat in Parliament on the Social Democrat party list, and was instead granted this job, not having had any previous experience in media. The politicization of TVR was only doubled under Sassu by blatant incompetence. But his management only covers the real structural problems of this institution. The human resources situation is dominated by a perverse system of incentives. While wages are substantial, they do not depend on performance. On the contrary, the most preeminent personalities in TVR were forced to leave the institution

⁹ Petre Barbu, *Adevarul*, January 22, 2009, "TVR este în criză de bani și audiență"

¹⁰ Estimation of *Adevarul* newspaper, idem

after conflicts with management. This situation is further complicated by powerful unions and highly restrictive rules for hiring, promoting, punishing and terminating people. As Stoianovici put it: "Inside people and immobility do not offer the opportunity to succeed. If you want tomorrow to reform you have no chance because of inside opposition. I don't see how or who would assume restructuration." Both Martin and Obae blamed unions for the situation. As for autonomy from politics, Stoianovici added: "They are equidistant, and serve anyone. They are obedient by nature. There are some very good professionals and their talents are lost because they are not doing anything worthwhile. They stay because of a good salary and less work than is required in the private sector." However, Obae said TVR should be praised for producing some quality cultural programs.

While less exposed to political scandals and pressures, public radio is in only a slightly better situation. The young and reformist manager appointed in 2005 resisted in function with the price of preserving the status-quo and limiting the reformist initiatives only to surface changes. Again, the perverse system of incentives takes its toll: "The tragedy is that for them it is good, for the journalists. They have at least a 50 percent higher salary. They have also bonuses for stories that are broadcast, foreign language and there are a lot of people coming to work only to cash in their salary. They are employees who only know how to cut the tape, as used to be done in the old days, they do it and are paid although they are not needed anymore," Stoianovici said. Ms. Preoteasa said, however, there have been some positive changes in public radio's programming.

The most important news agency is the privately owned Mediafax, which has been the only relevant player on the market for the past decade. A new agency, NewsIn, entered the market in 2006 with big promises, and is supported by the powerful media group controlled by Sorin Ovidiu Vantu. This competitor forced Mediafax to be more flexible and decrease its prices. The opinions within the panel about NewsIn's impact were diverse. Comanescu said the market is still dominated by Mediafax. Both representatives of local media, Voinea and Moraru, believed NewsIn is better than Mediafax, and has a chance to topple the hierarchy.

The state-owned news agency is formally controlled by the parliament, but its market position is rather poor. The name of the institution was changed from Rompress to Agerpress in 2008 by a law passed in Parliament. In July 2008, the editor of the Internal Politics section accused the manager of censorship. An internal scandal occurred, with some employees organizing a union and supporting the editor. The manager responded by organizing a parallel union. Ene said the scandal

had political motivations, as the manager's legal term expired and the editor was seeking to replace him. In any case, Ene said the agency is rather neutral to political forces.

All television stations produce their own news programs. Most radio stations do so also. The panelists' discussion underlined the problem of quality, since journalists tend to practice so-called "herd reporting:" "The same information (or non-information) is visible all over, with the starting point being the political agenda of the parties and authorities which is swallowed by the media as a commodity, out of obedience, and due to a lack of resources and professionalism."

While the transparency of media ownership was a problem several years ago, important progresses were registered. Transparency is not a problem for most of the panelists, since ownership became a subject for the media itself. The competition in media led to open conflicts between outlets and journalists attacking each other with references to each other's owners. The advantage for the public is widespread knowledge of who the owner is and what links exist between owners' interests and editorial content. The down side of this is that trust in media is declining and the public's skepticism of journalists is increasing. It is a common fact that comments below the articles in on-line editions tend to attack journalists based on readers' perception of journalists' self-censorship or other corruption. The broadcasting law requires transparency of ownership, but there is no such legal requirement for print or Internet media.

The panelists observed a tendency in the mainstream media to report on the same subject when it is put on the public agenda, especially by politicians. This leads to "a stereotype regarding media given especially by editorial vision. The stereotype does not manifest at a social level. Niche mass-media are less developed, with the exception of blogs which become numerous (a few thousand are active) and relatively read (a few hundred or thousand visitors daily) since 2006."

The coverage of Roma issues and the image of this minority is biased against them, though violent attacks that continued to be registered up until several years ago has now become rare. Public television introduced for the first time translation of news programs for deaf persons. Martin said that "alternative culture, issues related to broad social categories (young, persons working in agriculture, research) are not covered by media."

OBJECTIVE 4: BUSINESS MANAGEMENT

Romania Objective Score: 2.70

The concentration of ownership in Romanian media led to a professionalization of the industry although that does not mean it is more effective in terms of business profits. A big owner cannot directly control each aspect of activity, as was the case with small owners, thus the need for professionalization. The interest of big businesspersons (the so-called "moguls" as they are known in Romania) in entering this market created an investment boom in recent years. Massive investment provoked not only a human resources crisis (same people worked in several media outlets) but also created an unequal balance between profit and competition. There are media groups who face major losses. As a result, their presence in the market creates an overly competitive situation in which the competitive advantage of older media products is shadowed by the explosion of new assets, Comanescu said.

The media landscape is a mix of outlets that are profit-oriented and others that seek profit only as an incidental goal, but which are primarily developed in order to ensure their owners a political and economic instrument. Being supported by other businesses, the later put pressure on the market and gain more and more influence.

The global financial crisis hit the Romanian media, but the full impact remains to be seen. An insider in the print media industry said the total amount of advertisement money spent on print media would decrease 20 percent in 2009, and probably a quarter of local media will go bankrupt.¹¹ The Media Pro Corporation proceeded with layoffs at the end of 2008 and closed some of its publications or transferred the content to the Internet.¹²

An estimated €593 million were spent on advertisement in Romania in 2008, with the largest share (€383 million) going to TV stations. Print media earned €87 million and radio earned €39 million. The biggest advertisers are multinational companies with Procter & Gamble, L'Oréal, Unilever, and Coca-Cola leading the top. The first Romanian company comes in at eleventh place.¹³ With a disproportionate share of money going to TV, print media must compete harshly for advertising. The Bucharest-based newspapers are at an advantage as they have direct access to the companies and advertisement agencies. The panelists agreed that local

¹¹ Catalin Tolontan, interview for www.iqads.ro, January 27, 2009, "Ziarele nu au murit si nu vor muri"

¹² Doinel Tronaru, *Evenimentul Zilei*, December 16, 2008, "Media, lovită in plin de criză"

¹³ Alfacont quoted by www.paginamedia.ro

newspapers tended to depend disproportionately on sales and subscriptions. Moraru warned that in the current crisis the dependence on subscriptions to produce revenue for local newspapers would increase: "The reputed local press disappears without subscription sales. Also big newspapers with long-established traditions could disappear."

There are many advertising agencies active in Romania. Among them there are the big international players: McCann Ericsson, Grey, Saatchi & Saatchi, Leo Burnett, BBDO, and Young and Rubicam among others. Despite a large number of indigenous agencies, some 80 percent of advertising money is circulated among these international agencies.

As we previously mentioned the local print media tend to depend too much on subscriptions. For the central media, advertising constitutes the largest share of revenues. For glossy magazines, advertising accounts for as much as 80 percent of revenue. Comanescu said reduced consumer spending causes prices for sold copies to be minimal.

Private television stations fiercely compete for advertising money, since they are totally dependent on this revenue source. In 2008, TV stations owned by Media Pro had 36 percent of the total TV advertisement volume consumed in Romania, while the rival group Intact reached 18 percent.¹⁴ But the overall audience for mainstream television has decreased 8 percent in 2008 in favor of niche stations.

There are no direct subsidies for media outlets in Romania. In previous years, the MSI identified state advertising as a form of a hidden subsidy. After the 2004 elections, the new government quickly passed a law to establish a more transparent and competitive mechanism to allot and pay for state advertising. As an indirect result, the total amount spent by the state on advertisements sharply decreased. There were no other scandals concerning this issue in recent years. The panelists agreed this is no longer a problem for media freedom in Romania. Some other small-scale economic interventions in the media market could be considered preferential subscriptions made by local authorities for some media outlets. The scale of this phenomenon has not yet been documented.

Although the profit-oriented media uses market studies to calibrate editorial content, this method is considered to be a standard media practice in Western Europe, Comanescu said. The most advanced outlets seem to be commercial radio stations which are using this instrument to establish play listings. For those companies willing to do so, there are instruments and companies to provide such research and even some local newspapers do so, such as Moraru's newspaper.

¹⁴ Petre Barbu, *Adevarul*, January 13, 2009, "Cum a fost împărțit tortul reclamelor TV"

Last year's MSI indicated that panelists had serious doubts about the accuracy and honesty of market research. These warnings were confirmed in 2008 by several scandals. The Romanian Audit Bureau of Circulation (BRAT) was founded in 1998 as an independent, not-for-profit organization. Many advertising agencies have set the existence of a BRAT certificate as a precondition for allocating any advertising contract. Also, BRAT developed the National Readership Survey (SNA), research that approximates the total number of readers for publications and establishes the demographic data. But this approximation is contested. Moraru said that in the case of his newspaper SNA estimated a copy was read by seven to eight readers, then the numbers fell suddenly to three people. Voinea was faced the opposite situation: "They told me that with a circulation of 3,000 issues I have 12,000 readers." Although advantaged by the numbers, he found them to be exaggerated.

The Association of Local Owners and Editors organized a meeting with BRAT where some errors were recognized and explained that some operators did not follow the methodology and rules.

Through the broadcast law adopted in 2002, the state interfered with the broadcast rating system by allowing CNA to select a single rating system, which is currently in place. The system functions as a private operation and not all ratings data are freely accessible. The professional organization which gathers televisions and advertisers is ARMA. The organization signs contracts for media measurement with research companies. Last year the bidding was acquired by GfK. At the end of 2008, a conflict occurred between ARMA and GfK after an audit showed flagrant mistakes in data gathering. ARMA confidentially informed

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.

its members there is a possibility they will remain without reliable audience data in 2009.¹⁵

In 2008, BRAT also started an audience measurement program, SATI, for Web sites. This service is also contested in the industry since SATI refuses to publish information about referrals, raising the question of whether some sites practice spamming to increase their audience numbers.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Romania Objective Score: 2.52

The journalistic community in Romania remains generally skeptical of joining a trade union. Although started with promise, the MediaSind union did not make significant progress and remains a marginal voice. In 2004, it signed a collective labor agreement for the media industry. The contract establishes the clause of conscience as one of the fundamental labor rights for journalists. Despite all the problems underlined in this report, there was not a single case of a journalist who used this clause in a conflict with his owner.

The Association of Local Publishers gathers the most important local newspapers in terms of circulation. The traditional organization representing both the media industry and journalists is the Romanian Press Club (CRP). The Club experienced a self-imposed revolution in early 2008, which caused a radical transformation. The then-president of CRP, Cristian Tudor Popescu, started a process to separate the journalistic side of CRP from the media owners. The separation resulted in the creation of the Association of Romanian Journalists (AJR) that took from CRP the representation of journalists. Despite the promising beginning, AJR failed to take off and its current activity is rather dormant. As for the Club itself, which now includes only media owners, its profile suffered after Popescu renounced his position. The new president does not command the same respect and is largely seen as someone who is obedient to the media companies. Some members accused her of being a puppet for Media Pro trust, where she works, and that the Club is largely inactive due to her management. Ene, general-secretary of the Club, said the internal elections were held by secret ballot and the suspicions are not grounded.

Broadcasters have their own organization called ARCA, but it does not deal encompass editorial matters. There are some 40

¹⁵ Information leaked to the highly reliable media blog www.tolo.ro, January 19, 2009.

journalists' associations, but most are low-profile, inactive, or immature. Several exist only on paper.

The most important NGOs dealing with media freedom are the Center for Independent Journalism (CIJ), Media Monitoring Agency, and the Romanian Helsinki Committee. They act as an informal coalition and on numerous occasions have defended press freedom. The groups also keep international observers informed, and have succeeded in placing media on the agenda of international organizations. Since they are largely dependent on international support, there are concerns about these groups' survival now that Romania is a full member of the EU. The attention of international donors is moving toward other parts of the world. As was expressed at the 2008 MSI discussion, the panelists expressed concerns that an internal critical mass is not yet developed enough to protect media freedom against the pressures of politicians and owners.

There are around 20 journalism university programs across Romania, both state-supported and private. The average number of students per class is 60. Consequently, a huge number of new journalists floods the market every year. But the panelists who work in top editorial positions said they are not impressed by the newcomers. "In the last two years I saw 400 CVs, about 60 to 70 percent graduated from journalism faculties and I have hired none. They have huge attitude problems" said Stoianovici, who the journalism faculty at Iasi University is an exception because it emphasizes field practice. Moraru agreed with the general skepticism: "Many students graduating from journalism faculties do not intend to practice. They want to directly become VIPs. They want to write in a newspaper to tell people their experiences."

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

"There is a gap between journalism faculties and the profession—and at the same time a lack of practical education in universities. Professors do not have professional background and they reject the competence of journalists and vice versa" Comanescu concluded.

After the closing of the BBC School in 2001, CIJ remains the main short-term training provider. CIJ provides courses for journalists, journalism students, and students in related fields, such as political science, economics, and law. CIJ also provides targeted assistance to media outlets. Visiting professionals from abroad (mostly from the U.S.) also provide instruction at CIJ. A newcomer is Media Management Institute, which provides training, business consulting for media and organizes media-dedicated conferences.

Panelists agreed that newsprint and printing facilities are widely available. Most newspapers own a printing house in order to reduce costs. A single newsprint factory exists in Romania. Its owner is a very controversial businessman and politician but its impact on the industry is limited because of competition from imports. Printing facilities constituted a significant share of media sector investments in the last year. "The printing industry is developed. At least two printing houses of big capacity were created last year," Comanescu said.

Comanescu said there are no political constraints on media distribution but structural shortcomings still exist. "The former national network of distribution for print press, Rodipet, is collapsing, and on a private level distribution is probably the weakest segment in Romanian media. Print press barely reach rural areas," he said.

Local media, which depends on subscriptions, consistently complains about the inefficiency of the Romanian Post Company. In January 2008, the Association of the Local Publishers (APEL) and the Post were at odds because the company sent local newspapers an ultimatum asking them to accept new contracts which doubled the Post's commission for distribution. The Bucharest-based newspapers, as they were in a better financial situation, did not receive such notifications. Stoianovici said "the Post attacked local press because in Bucharest it has no influence." APEL petitioned the government and the Competition Council, and conducted several rounds of negotiations with the company. The matter remains unresolved.

List of Panel Participants

Adrian Voinea, director, *Gazeta de Sud*; vice-president, the Association of the Local Publishers, Craiova

Catalin Moraru, editor-in-chief, *Monitorul de Botosani*, Botosani

George Ene, general-secretary, Romanian Press Club, Bucharest

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

Iulian Comanescu, freelance journalist and blogger specialized in the media, Bucharest

Manuela Preoteasa, editor, EurActiv.ro, Bucharest

Ciprian Stoianovici, editor-in-chief, Radio 21, Bucharest

Razvan Martin, program coordinator, Media Monitoring Agency, Bucharest

Petrisor Obae, editor, paginademedia.ro, Bucharest

Moderator and Author

Cristian Ghinea, journalist, *Dilema Veche*, Bucharest

The Romania study was coordinated by, and conducted in partnership with, the Center for Independent Journalism, Bucharest. The panel discussion was convened on December 5, 2008.

With regard to Serbian media, 2008 will be remembered for a return to institutionalized state interference and renewed politicization of the media industry. Top officials announced that the government has the right to influence the editorial policy of state-owned media.



SERBIA

In 2008, the two dominant political issues in Serbia were Kosovo's independence and Serbian relations with the EU. Presidential elections were held in January and February, and Boris Tadić was re-elected on a pro-European platform. In February, after Kosovo declared independence, protestors attacked foreign diplomatic missions in Belgrade. Although the Serbian government condemned the attacks, some members of the former government gave support to protestors.

Deep divisions between the governing coalition partners, President Tadić's Democratic Party (DS) and the Democratic Party of Serbia, resulted in the fall of the Serbian government in March 2008. Parliamentary elections were held in May 2008. The "For a European Serbia" bloc, led by DS, won the majority of parliament's 250 seats. A new coalition government took office in July 2008, and the new parliament ratified the Stabilization and Association Agreement with the EU in September 2008. In June and July 2008 accused war criminals Stojan Župljanin and Radovan Karadžić were arrested in Belgrade and transferred to The Hague.

Despite high economic growth rates in recent years, Serbia shows signs of instability. Unemployment is still a major challenge. According to the European Commission's Serbia 2008 Progress Report, "Overall, fiscal policy remained expansionary, ahead and after several rounds of elections, contributing to weakened macro-economic stability. The fiscal position therefore remains vulnerable, and fiscal policy would benefit from strong external anchors in the face of growing expenditures pressures and the ongoing financial crisis." But, as of December 2008, the international financial crisis has had a limited direct impact on the Serbian economy and its financial sector.

With regard to Serbian media, 2008 will be remembered for a return to institutionalized state interference and renewed politicization of the media industry. Top officials announced that the government has the right to influence the editorial policy of state-owned media. The government intentionally blocked the privatization of media owned by local governments, the Republic Broadcasting Agency's (RRA) allocation of regional and municipal frequencies pointed to strong political influence, and licensing transparency and accountability remain questionable. The European Commission report also identifies several problem areas in the Serbian media sector: "Serbia has not yet signed the European Convention on Transfrontier Television. There has been little progress in the area of electronic communications and information technologies. Preparations in the area of information society and media are at an early stage. The sector is adversely affected by the legal vacuum and inadequate institutional and regulatory capacity."

Serbia's score changed little this year, as some minor gains and setbacks canceled each other out. Scores for Objectives 1 (freedom of speech), 2 (professional journalism), and 5 (supporting institutions) remained the same. Objective 3, plurality of news, showed only a minor increase. The exception was Objective 4, business management, which did suffer a serious setback, sliding from 2.87 to 2.45.

SERBIA AT A GLANCE

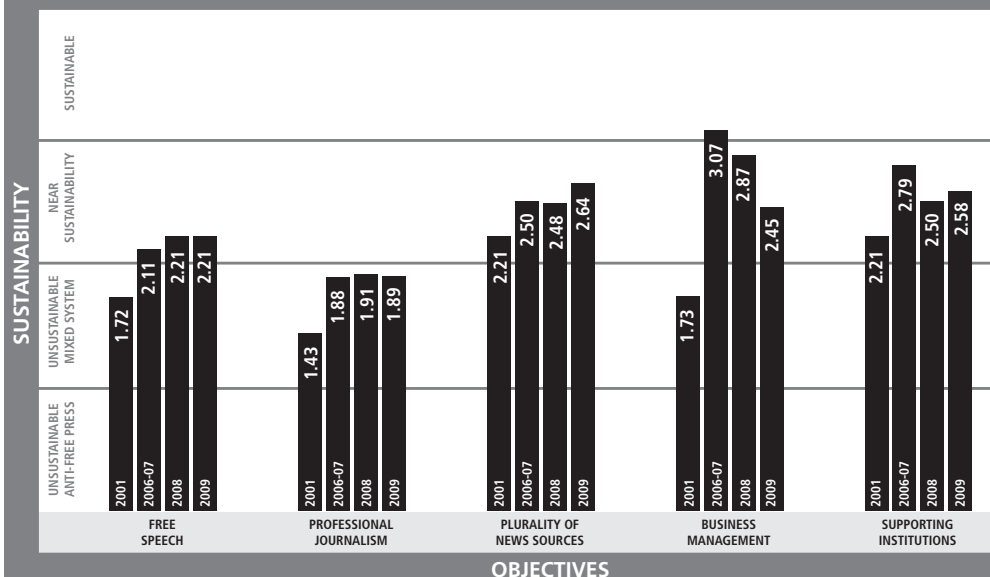
GENERAL

- > **Population:** 10,159,046 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Belgrade
- > **Ethnic groups (% of population):** Serb 82.9%, Hungarian 3.9%, Romany 1.4%, Yugoslavs 1.1%, Bosniaks 1.8%, Montenegrin 0.9%, other 8% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Serbian Orthodox 85%, Catholic 5.5%, Protestant 1.1%, Muslim 3.2%, unspecified 2.6%, other, unknown, or atheist 2.6% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Serbian 88.3% (official), Hungarian 3.8%, Bosniak 1.8%, Romany 1.1%, other 4.1%, unknown 0.9% (2002 census, *CIA World Factbook*)
- > **GNI (2007-Atlas):** \$34.97 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$10,220 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 96.4% (male 98.9%, female 94.1%) (2003 census, *CIA World Factbook*)
- > **President or top authority:** President Boris Tadic (since July 11, 2004)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 149 (dailies 19, weeklies 28, bi-weeklies 14, monthlies 69, others 19); Radio: N/A; Television Stations: 105 (RBA Belgrade)
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** top three television and radio stations: TV RTS 1, TV Pink, TV B92; Radio Beograd 1, Radio B-92, Radio S (AGB Nielsen, November 2008)
- > **News agencies:** BETA (private), FONET (private), TANJUG (state-owned)
- > **Annual advertising revenue in media sector:** Approximately \$275 million in 2008 (AGB Nielsen)
- > **Internet usage:** 1,500,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: SERBIA



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Serbia Objective Score: 2.21

Although the score for this objective is exactly the same as last year, several indicator measurements did change and most received scores well above or below the objective score of 2.21. Indicator 1, the legal framework, suffered a modest decrease in score but still fell close to the average. Indicators 2 (broadcast licensing) and 4 (crimes against journalists) increased a bit but still ended up about a point lower than the objective score. Indicator 5, the legal independence of state media, fell somewhat and remained well below the objective score. Indicators 3 (market entry), 8 (media access to international news sources), and 9 (free entry into the journalism profession) experienced no change but received, like last year, scores of about a point or more higher than the objective score.

This year did not bring any improvement in freedom of speech. Serbian media-freedom laws still exist and are in line with standards in developed countries, but their implementation is worsening. Given these conditions, O.K. Radio editor-in-chief Goran Vladković said, “everybody—including journalists—is taking care in what to say or write. Self-censorship and fear are effectively limiting freedom of speech.”

Because existing freedom of speech laws were passed six years ago and are outdated, the government announced plans for drafting new laws. The new laws essentially question the base principles of media freedom, as they again introduce the right of the state to establish new media. Panelists expressed skepticism regarding the potential new laws. “In principle, there is stabilization of rights and freedom of speech, but there are no improvements,” said Dragoljub Zarković, editor in chief of *Vreme*. And according to Lila Radonjić, chief executive officer (CEO) of the independent television production group *Mreža*, “The working group from the Ministry for Culture is proceeding with [the] practice of [the] non-transparent preparing of new laws under political establishment patronage. The law is stipulated to enable free speech, but there are rumors that the working group will propose solutions that will limit freedom of speech.”

In July, the state-owned Republic Agency for Telecommunications (RATEL) granted state access to all Internet communications without the need for a specific police order. This decision, aimed at combating cyber crime and terrorism, was later withdrawn by RATEL at the request of the ombudsman and under pressure from the commissioner for public information, Internet service providers, NGOs, and citizens.

In 2008, the RRA was tasked with allocating local frequencies and issuing broadcast licenses. The agency had nearly completed the allocations by the end of the year. However, RRA’s guiding principle was to approve every open frequency—a methodology that did not account for the huge number of licenses already allocated. Pirate stations proceeded in broadcasting, producing competition for those who paid all license fees and taxes to RATEL and RRA.

According to panelists, the experience with RRA was poor, and the agency was compromised as an independent regulatory body. “The process of license allocation was extremely non-transparent and politically biased,” said Vladković. “O.K. Radio did not get a regional license for purely political reasons, in spite of fact that in last decade, O.K. Radio always had several times better ratings than the state radio from Vranje that got the license. This year, the work on licenses is endless, without rational reasons, which produces and prolongs chaos in [the] media sector.”

“Compared to expectations and the tasks given to RRA by law, we can say that we do not need such an agency,” said Radonjić. “When RRA was formed, it was expected that chaos on the air would be stopped, that the number of TV and radio stations would be diminished, and that we would have order. None of that happened. The number of stations was not diminished significantly, and the huge license fees were used for filling the state budget.”

As compared to other markets in Serbia, there is no discrimination toward the media industry in tax treatment. This criteria has become market standard. The main problems are market saturation, due to the RRA issuing too many licenses, and excessively high licensing fees paid to RRA. Its fees are 10 times higher than those paid to RATEL, and both sets of fees are a burden to the electronic media, in particular.

As in 2007, crimes against journalists were not prosecuted in 2008. The number of criminal acts against journalists was high; in fact, more journalists were targeted this year than in previous years. This year was more serious due to the declaration of Kosovo independence. During demonstrations against the declaration, journalists were systematically attacked—regardless of their media affiliation—for the first time in Serbian history.

A number of journalists were threatened by different interest and criminal groups. Director and owner of the weekly *Vranjske*, Vukašin Obradović, said that he and his family received serious threats after the paper published articles on the criminal underground in Vranje. He informed the police, but he said the response was inadequate. During the period of the Kosovo demonstrations, several broadcast stations, especially B92, received numerous death threats as well.

Panelist Dinko Gruhonjić, president of Independent Journalists Association of Vojvodina, said that authorities have made some progress in addressing crimes against members of the media. "Police, for the first time, caught some attackers of journalists. Also, the investigation of the murder of [journalist] Dada Vujasinovic in 1994 was finally reopened."

Despite such efforts and the availability of evidence, such as video recordings of the attacks during the Kosovo demonstrations, no prosecutions were carried out in 2008. "A corrupt judiciary is prolonging processes for years," Vladković said. "The editor from O.K. Radio was attacked in the beginning of 2005. After the US Embassy asked for examination of that case, the prosecutor called this editor for the first time in March of 2008."

Serbian media laws do not favor public media, and laws are often discriminatory. In most state-owned media, editorial staff turns over when a new group of politicians comes into power.

Several large and influential media outlets—such as the news agency Tanjug, the dailies *Politika* and *Vecernje novosti*, RTS public service, and TV Studio B—are still partly or completely in state ownership and clearly under political control by the ruling party or coalition. This results in unfair competition with the two private Serbian news agencies funded by market profits. With the obstruction of privatization, a number of media still function under local state financing. Private media are not able to compete for municipal resources devoted to public information.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

Libel is still addressed in the Serbian Criminal Code. Journalists are always freed by state courts when charged with criminal libel, but verdicts in civil lawsuits are often handed down without regard to any legal criteria. Given these circumstances, the number of suits against journalists is enormous and growing daily.

The law on the availability of information is not selective, but in practice some institutions and state employees refuse to disseminate information to the media. In local areas, the situation is even worse—politicians refuse to give unfavorable information to the media, or media outlets are given unreliable data.

However, the situation is improving because of public pressure and the work of Commissioner for Information of Public Importance Rodoljub Šabić. Šabić has helped create an atmosphere in which a journalist's right to receive information is respected. All the panelists praised the commissioner, who has taken action despite inadequate state support. "Thanks to the commissioner's efforts, we now know how much information we don't know," said Voja Žanetić, a marketing specialist with MOSAIK Marketing Agency.

As in 2007, this year members of the media had no problems accessing international news or news sources. The rating for this indicator fell short only due to the media's low buying power, its single limiting factor.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Serbia Objective Score: 1.89

This objective score changed little this year, and most indicators experienced little change and received scores close to the objective score. There were a few exceptions. Indicator 4, journalists cover key events, received a somewhat lower score compared to last year, but still remained about three-quarters of a point above the overall score. Indicator 7, technical equipment, received a modest increase, which similarly put it at about three-quarters of a point higher. Indicator 5 (pay levels), while receiving a notably higher score, still fell about three-quarters of a point behind the overall score.

Professionalism in 2008 was influenced by Serbia's three election rounds. The long process of forming the new government resulted in undue pressure from public relations agencies, spin-masters and increased political pressure. Overall, journalist skill levels are low, and often semiprofessionals appear as "expert" guests on television and radio programs dealing with serious problems.

The low level of professional journalism and the increase of “Google journalism” are dominant trends in Serbian media. Journalism ethics codes exist but are not practiced; attitudes toward ethics vary from outlet to outlet. During the three election campaigns of 2008, political parties were acting as media arbiters and editors. No media outlets had the courage to be critical, which resulted in almost identical programming of party propaganda on different television stations.

Public relations agency spinning spread to more and more media during the year. The public relations industry in Serbia experienced rapid growth thanks to the elections, privatization revenues, etc. Agencies were able to acquire a foothold in the media because the sector was not prepared for such an influx of new information and money. Most outlets lack good journalists to do their own reporting, and editors are not facing the challenge of aggressive public relations managers and protecting professional journalism through critical treatment of public relations products. Journalists and media managers must be further educated to change their attitudes toward advertising and public-relations pressures.

“As editors and journalists, we are getting enormous quantities of trash from PR agencies, and our defending mechanisms are very modest,” said *Vreme’s* Zarkovic.

Almost all media report on key events and cover them well. The few themes that are not addressed are due to inadequate specialization among Serbian journalists or, especially in local media, self-censorship. Certain issues are covered exclusively by the same specialists.

Journalist salaries are around €300 per month—the average in Serbia, but absolutely inadequate to live a comfortable

life or prevent corruption. The average wage did not change significantly in 2008. In most local media, wages and corruption are even worse. Such low wages also caused a hemorrhaging of journalists to other professions, especially to public relations agencies during 2008.

Most media outlets feature entertainment programs, but Serbian media broadcasts include many news and information programs—arguably too many of them—and some have very high ratings. Citizens acquire information easily, as all national television channels broadcast information programs during the day.

The technical capacities of Serbian media are improving every year, and technology is efficient and modern. However, in circumstances where media operate with low revenues, their investments in technology improvement are diverting resources for other purposes, such as program improvement, resisting public relations agency pressures, improving niche and investigative reporting, etc.

There is some niche reporting, but it is unplanned and uncoordinated. Poor knowledge of political and economic issues—and a serious shortage of funds among most media outlets—is the main obstacles to better niche and investigative reporting. Private media outside Belgrade, mainly B92 and the independent production company Mreža, almost exclusively produce such reports.

Overall, the trend toward fewer quality journalists has worsened since the 1990s, leaving newsrooms without knowledgeable journalists or the experienced staff needed to fight corruption and counter public relations agency spinning. As observed last year, Serbia lacks journalism educators for special themes, so schools are not producing young specialized journalists.

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

Serbia Objective Score: 2.64

In 2008, plurality of news sources was the objective with the best score, and it increased slightly compared to last year. Much of the increase came from a much higher score on Indicator 6, transparency of ownership. Still, that indicator scored more than a point below the overall score. All other indicators scored close to the objective score, save Indicator 2, citizen access to media, which scored about three-quarters of a point higher.

Serbia has a plurality of news sources. Citizens can access various media outlets and compare and collect information. Sources of news are spreading, and new sources are

being created. Print media products are available all over the country, with distribution of print media improving constantly. Cable television access is spreading. Internet usage still has no serious limitation; in fact, subscription prices are decreasing, and the state has made moves to diminish the monopoly and improve Internet-access speed. This year, the swift expansion of blogs, cable, Internet, and SMS news continued, with the Internet used by about 24 percent of the population.

No cases of limitation of access to domestic and foreign media were registered. Through cable and satellite services, large numbers of citizens are watching foreign programs. In border areas, citizens can watch and listen directly to foreign programming; many ethnic minorities living in those areas watch programs from their native countries. Foreign magazines are sold freely and widely. The only weakness is the limited buying power of Serbian citizens.

Generally, panel participants expressed satisfaction with the media's coverage of the political spectrum. Government and opposition activities alike are covered by state media programs. (An extreme case is misuse of the RTS's second program by the oppositional Radical Party, which broadcast endless parliamentary sessions in which the party obstructed the body's work and their members far outnumbered other speakers.) In 2008, state television improved its programming and invested more money in advancing public-service programs.

Local media still under state ownership often represent only individual parties or coalition opinions. Fortunately, private media are present in most rural areas and they use a more

professional approach, providing information on all areas of the political spectrum. National territorial coverage by Channel 7 TV is very good, so citizens across Serbia have access to varied political information. The main problem under this objective is modest coverage of minority social issues.

Serbia has three national news agencies: two private and one state-owned. They are successfully producing relevant news. Although the services of all three are inexpensive and would be welcome by media outlets, most do not have funds available for a subscription. This is a reflection not of the price of services, but of the economic standing of most media outlets.

According to Vladković, news from local agencies is not as reliable as the larger agencies. "Small, local news agencies established with donors' money are few and very underdeveloped," he said. "Often they transmit news gathered from local media instead of vice-versa."

The privatization of the state-owned news agency Tanjug is not yet on the agenda. However, its negative role continues: In a market sense, Tanjug uses a discriminatory approach to competition, including dumping practices where it provides services free of charge; and in a political sense, Tanjug is in a position to favor state-originated news. The majority of Tanjug's revenue comes from the state budget, making Tanjug a biased player in the Serbian news agency market.

The practice of quoting agencies as sources of information is improving.

Many electronic media outlets produce their own news programming, with varying quality. Local news programs are showing signs of improvement, with live reports broadcast from the local area, but further development is needed.

Most of the panel participants said that they still believe that ownership of Serbian media is non-transparent. Serbia does have a law that obligates all media owners to register, and the state holds a register of all formal owners of private companies. But the panelists said that they believe that the real owners are hidden behind the formal owner or formal media buyer.

More serious is the continuing problem of blocking privatization efforts and the large number of media outlets under state ownership. To date, the state is the biggest media conglomerate in Serbia. In 2008, the Ministry for Culture announced the drafting of a new law on media conglomeration, but the draft has not been seen and public debate has not begun, contrary to ministry promises. The writing of the new law is one reason the Indicator 6 score improved in 2008, according to panelists.

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.

Although economic reporting is advancing slowly, Serbian print and electronic media outlets have not sufficiently covered social-interest issues, mainly due to a lack of knowledge of those topics by journalists and editors. Most segments of the population (vulnerable groups, the lower class, the young generation and non-ethnic minorities) are not represented sufficiently.

The state media's coverage of ethnic minority issues is poor, not surprisingly given the extremely low number of minority journalists. Only key minority events are reported in the majority language. Tanjug, heavily backed by the state, produces stories exclusively in the Serbian language, while private agencies, functioning on market revenue only, provide products in three minority languages—contributing greatly to public interest.

The complexity of minority programming calls for the state to take a more serious approach, especially after privatization is completed. Clearly, at present minority programs cannot be self-sufficient, as markets for minority-language media are too small. Last year saw a makeshift effort to shore up minority media when privatization of local public media was stopped under the excuse of saving minority programs.

OBJECTIVE 4: BUSINESS MANAGEMENT

Serbia Objective Score: 2.45

For the third year in a row, the score for Objective 4 has dropped and all indicator scores slipped at least moderately. All indicators, however, scored relatively close to the overall objective score. The score reflects the continuing problems of a saturated media market, budget shortfalls, deteriorating fair competition, and normal media development. However, 2008 was an irregular year for Serbian media, with elections and the long process of government formation in the first half of the year, and marketing agencies' reaction to the announced world economic crisis in the second half. Local media are in an even worse position than national media.

This "irregular" year had different consequences for different media. In general, national print and electronic media both had better results thanks to election days, while local media experienced what panelists said was, "the worst business year since democratic changes." The second part of the year was dominated by very cautious behavior by advertising agencies. Some agencies have frozen their budgets, with local media affected the worst. These factors led to a lower score this year for Indicator 1.

There are no formal obstacles for competitive business. Efficiency depends on the market and quality of management. Serbia has several profit-generating electronic media, magazines, and dailies, but too many individual media outlets are functioning at the break-even point. Media outside Belgrade are in a much poorer situation, having a market with lower buying power. Advertising agencies consider local-media ratings, but local advertisers make decisions based on political influence or corruption. Often advertisements are purchased with local media despite low ratings or readership.

Expenses increased for most local media outlets in 2008, between the huge fees owed to RRA and RATEL and obligatory investments in new transmitters.

For the past several years, Serbian media have earned revenue from multiple sources, which has become the industry standard. "Sources of media business are different: market, donations, subventions, owner's appropriations," said panelist Velibor Todorov, director of the privatized television station RTV Zaječar, "But there is no completely independent media—endangered sustainability is producing endangered independence."

In 2008 there were problems with all revenue sources, however. The international economic crisis later in the year resulted in slowed advertising sales, lower-than-average collection of subscription fees for RTS public service, and serious problems in arrears collections for all media.

All media outlets have the same problem of financial obligations to the state. All fiscal dues and agency fees must be paid in advance, and the rate of late payments in the country is growing. According to one local media

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.

director, media outlets owe the state 43 percent of revenue earned annually. The panel members concluded that because of such expenses, many local media outlets will close in 2009.

Advertising agencies are active in Serbia, and they show significant growth year after year. This year started equally optimistic, but the economic crisis diminished expansion in the second part of the year. The latest growth projection rate is only 10 percent, even despite three rounds of elections in 2008. The advertising market still has six or seven strong players, and competitiveness is strong. The main market for advertising agencies remains Belgrade, although larger towns are becoming a stronger market. Smaller local media, however, are still out of serious contention for advertisers.

As in 2007, this year the percentage of revenue from advertising grew for all print and electronic media. However, the percentage of donor funding is dropping significantly. Journal and newspaper subscriptions do not exist as a revenue category in Serbia. The expected drop in budget allocations to state media did not happen, as the government postponed media privatization.

The media receive no direct subsidies—except for the state-owned media, which have 66 to 100 percent of their expenses financed from the state budget. Subsidies to independent media were not registered.

The use of market research is now the industry standard in Serbia. Business decision-making based on research results is spreading, especially with electronic media outlets. The data on station ratings are reliable and used widely; foreign and domestic advertisers use them as the main criteria for advertising decisions. Small and local media are among the growing group of users that understand the importance of market research in their development. Ratings research is now funded by users, not from donations, creating stability and credibility.

While ratings data for electronic media are comprehensive, reliable, and in line with global standards, data on print media circulation are lagging behind. The ABC agency is addressing this issue, auditing the circulation of its members, but its pool of information is limited by the relatively small number of print media that have applied for membership. Nevertheless, data from some of the dailies and magazines with highest circulations are in, so progress is evident and the trend is positive.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Serbia Objective Score: 2.58

Objective 5 experienced almost no change in score. Only Indicator 2, professional associations, achieved any notable change, with a modest increase. Furthermore, all indicators scored very close to the overall objective score except for Indicator 6, access to printing facilities, which was about a point higher.

Last year's statement on Indicator 1 held true for 2008 as well: "The association of media owners in Serbia exists, but it is not well known publicly. It is considered to be a closed organization. The 'media association' is gathering a number of all kinds of media and is lobbying for mutual company interests."

In 2008, professional associations worked to protect the rights of journalists and promote the journalism field. However, the challenges they face are far greater than the effects achieved. Most of their activities were limited to public demonstrations in favor of the media or journalists. There are signs of a selective approach to journalism issues—the Independent Journalist Association of Serbia (NUNS) and the Association of Journalists of Serbia are addressing many of the same themes, while a number of important themes and problems are not afforded attention. In addition, the Association of Independent Electronic Media takes on a role of both a professional association and a trade association.

Association activities should be redoubled in local areas, where the problems of media and journalists are greater than in Belgrade. Young journalists deserve much better guidance from their professional associations.

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

NGOs should be natural allies of media; but in practice, this is not the case in Serbia. The NGO sector is less active than several years ago, and only a few NGOs have a national presence. A number of NGOs are only declaratively for free speech—in reality, they are doing little or nothing.

Panelists had mixed opinions on the effectiveness of NGOs. “In the area of south Serbia, NGOs are interested only in themselves, and their influence on the targets for which they were established is marginal,” said Vladković. “In spite of that, donors are giving NGOs 10 times more money than to media, though obviously media have much more influence on civil society building processes.”

Todorov said that NGOs do have a role to play, given the current global economic situation. “NGOs and especially foreign donors are the only institutions helping local media actively through training, staff education, and technical assistance. That help should be continued, especially in light of [the] coming crisis when media won’t be able to invest in development,” he said.

Serbia has eight faculties for journalist education, but only one, Belgrade Faculty of Political Science (FPS) has practical lectures. FPS has formed an agreement with the Belgrade radio station Studio B to allow students to produce one hour of programming daily. Studio B has also provided the school with television access—three cameras with montage, which students use to produce a weekly program called “Public Defense.” A TV Academy was also established, offering three-month practical programs for young journalists. The Center for Media Professionalization was assessed poorly by panelists as an institution without a clear concept or specialist courses. There are also cases of “uneducated educators” in some schools.

Radonjić emphasized the need for quality education. “The authority and reputation of educators are equally [as] important as technical capacities and professional expertise, which are mantras for educational seminars in Serbia,” she said. “Specific education of journalists is especially important in Serbian towns outside Belgrade, in local and regional media. And besides classic journalism classes, specific tutorials are needed for editors.”

Media editorial offices have little interest in educational programs, however, especially given diminishing donor funds for education. The government also does not seem to recognize the importance of journalism education.

In spite of the clear need for training—especially for local media—short-term educational programs organized by international donors are diminishing dramatically. A number of donors remain in the country, but current economic conditions do not support market-based activities of this kind.

In previous years, NUNS brought foreign lecturers to seminars, but that practice has vanished. Most existing seminars are missing practical work. Electronic media skills have yet to be incorporated into education programs.

Today, newsprint buying and printing facilities are conducting business normally, following market needs.

As in 2007, this year Serbian media dealt with the problem of concentration of distribution channels. The outdated transmission network is still under state control, though more transmitters have been introduced after licenses were granted this year.

List of Panel Participants

Zlata Kureš, deputy general director, BETA News Agency, Belgrade

Lila Radonjić, CEO, Independent TV Production Group Mreža, Belgrade

Vesna Sladojević, deputy editor-in-chief, Radio Television Serbia, Belgrade

Suzana Jovanić, media specialist, Open Society Fund, Belgrade

Aleksandar Đorđević, press and information officer, EU Mission in Serbia, Belgrade

Voja Žanetić, marketing specialist, MOSAIK Marketing Agency, Belgrade

Slobodan Kremenjak, lawyer, Živković & Samardžić Law Firm, Belgrade

Dragoljub Žarković, editor-in-chief, *Vreme* weekly, Belgrade

Darko Bročić, director, AGB Nielsen, Belgrade

Goran Vladković, editor-in-chief, OK RADIO, Vranje

Dinko Gruhonjić, president, Independent Journalist Association of Vojvodina, Novi Sad

Velibor Todorov, director, RTV Zaječar, Zaječar

Author

Goran Cetinić, independent media consultant, Belgrade

Moderator

Dragan Kremer, program manager, West Balkan & Roma Media Programs, medienhilfe, Belgrade

The panel discussion was convened on December 18, 2008.



CAUCASUS

While the MSI panelists observed a variety of positive changes in the media sector, they stressed that such topics as professional journalism, effective media management and supporting institutions remain problematic and need continued improvement, given that the scores remain relatively low despite the improvements.



ARMENIA

Armenian politics in 2008 was dominated by the aftermath of the February Presidential elections. According to official results, Prime Minister Serzh Sargysyan won the elections outright in the first round. Following the election results, opposition protests began in Yerevan's Freedom Square. On March 1st, the demonstrators were violently dispersed by police and military forces and President Robert Kocharyan declared a 20 day state of emergency. The announcement of the state of emergency was followed by mass arrests of prominent members of the opposition, as well as a de facto ban on any further anti-government protests. In the economic sphere, the economy posted a 6.8 percent growth rate, despite dislocations caused by the elections aftermath and the Russian-Georgian war which affected trade.

Against this backdrop, the Armenian media sector recorded some positive changes, with the overall score increasing slightly over the previous year. Panelists attributed this increase to improvements in the objectives of professional journalism, plurality of news sources, and business management. Of concern for the panelists, the freedom of speech objective decreased from 1.93 to 1.82, with the main reason for the decline, according to the panelists' analysis, being:

- Restrictions on media content during the state of emergency. The March 1 state of emergency declaration included a demand for the cessation of NGO activity as well as a media blackout of all but government statements and was followed by a shutdown of independent news reporting and waves of arrests. The press blackout was supposed to be limited to "internal political matters" for the duration of the state of emergency—except for official government announcements. The state of emergency as articulated was supposed to apply only to Yerevan, but unofficially all regional media and print houses were visited by the Armenian security services and were asked to sign documents stating that they agreed to enforce the news coverage limitations in their outlets.
- The halt in the licensing process for broadcast media during 2008.

Panelists noted significant positive changes in technology that could assist media development in the coming years. A third large telecom provider, France Telecom, entered the market and will introduce mobile services through its Orange brand and provide high-speed Internet to both corporate and private users. Additionally, WiMax technology was introduced to Armenia, designed to bring wireless communication to both private and corporate users.

While the MSI panelists observed a variety of positive changes in the media sector, they stressed that such topics as professional journalism, effective media management and supporting institutions remain problematic and need continued improvement, given that the scores remain relatively low despite the improvements.

ARMENIA AT A GLANCE

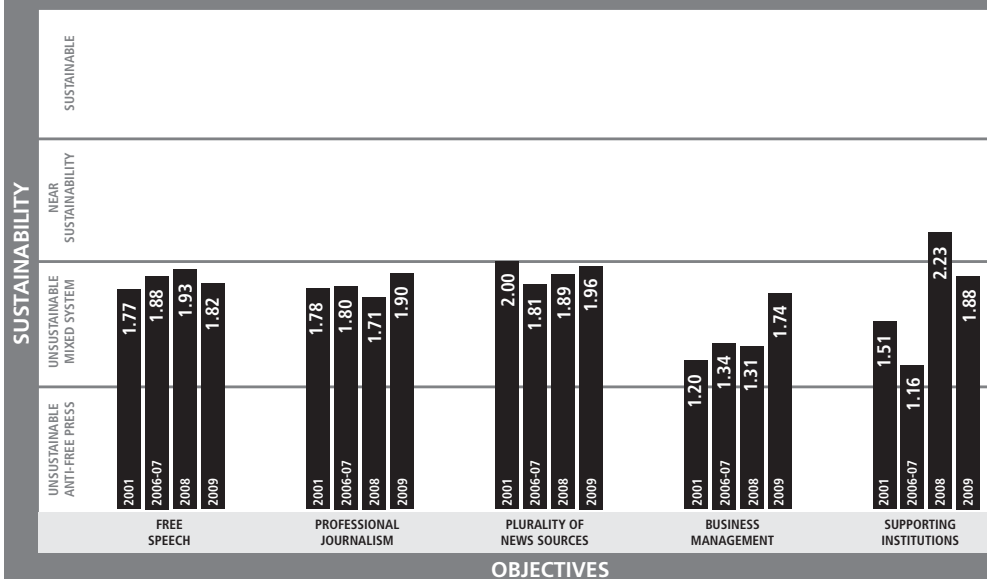
GENERAL

- > **Population:** 2,968,586 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Yerevan
- > **Ethnic groups (% of population):** Armenian 97.9%, Yezidi (Kurd) 1.3%, Russian 0.5%, other 0.3% (2001 census, *CIA World Factbook*)
- > **Religions (% of population):** Armenian Apostolic 94.7%, other Christian 4%, Yezidi 1.3% (*CIA World Factbook*)
- > **Languages (% of population):** Armenian 97.7%, Yezidi 1%, Russian 0.9%, other 0.4% (2001 census, *CIA World Factbook*)
- > **GNI (2007-Atlas):** \$7.925 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$5,900 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 99.4% (male 99.7%, female 99.2%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President Serzh Sargsian (since April 9, 2008)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print 30; Radio 21; Television Stations: 18 (3 local, others relaying from Russia) (National Statistical Service of the Republic of Armenia)
- > **Newspaper circulation statistics:** The maximum circulation cited is 9,000 copies and the average real circulation for most popular newspapers is 5,000. (National Statistical Service of the Republic of Armenia)
- > **Broadcast ratings:** top three television stations: H1, Shant TV, Armenia TV (AGB Nielsen)
- > **News agencies:** Armenpress, Noyan Tapan, Arka, Regnum, Arminfo, Mediamax, Photolur, New Image and Spyur
- > **Annual advertising revenue in media sector:** \$45 million (International Monetary Fund)
- > **Internet usage:** 172,800 (2006 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ARMENIA



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Armenia Objective Score: 1.82

While panelists noted that the Constitution and the Law on Mass Media assure freedom of speech, the degree of implementation of those laws still remains low. As Shant TV news editor Husik Ariskakesyan stated, "Legal and social norms protect and promote free speech and access to public information only on paper, i.e. there's no lack of laws, but they are frequently not enforced." Panelists felt that two main reasons explain this gap: the lack of a truly independent judicial system and the lack of willingness of society, including media professionals, to fight for freedom of speech.

Most Armenian media outlets respected the strictures of the state of emergency and only broadcasted/printed official news. However, a group of print and online media refused report news at all: they preferred to report nothing rather than the allowed official information. *Aravot* newspaper, for example, published issues with blank white pages as a form of protest.

Panelists assessed the licensing of broadcast media poorly due to the National Commission on Television and Radio (NCTR) suspension of the licensing process during 2008. Panelists argued that the suspension of licensing has political implications and is considered to be a violation of the Law on Media. Most of the panelists found the argument of authorities of why they ceased licensing broadcast media (because of delay in the digitalization process) inconsistent. As the director of Hrazdan TV said, "The licensing body depends on the government and implements political orders. A vivid example is the suspension of the licensing process during 2008."¹

Market entry for media is relatively free, and panelists did not identify any basic limitations for entry into Armenia's media market: there are no legal difficulties in registering a media outlet as a company. However, when assessing the practicalities of media market entry, panelists did take into account the halt in licensing in 2008 which effectively limited the ability of new entrants into the broadcast market for reasons other than business law or regulation.

Panelists noted some differences between the taxation of print and broadcast media. Television and radio have less favorable conditions, as they have to pay such additional taxes as broadcast tax and copyright taxes.

¹ Half of the members of Armenia's NCTR are elected by the National Assembly; the other half are appointed by the president. As of this writing, the National Assembly had not appointed its representatives to the NCTR. In 2009, the National Assembly plans to revise the Law on Television and Radio and will define the terms for selection of NCTR representatives by the National Assembly.

Armenia recorded an unprecedented increase of violence against media representatives during 2008, and panelists noted their concern that no prosecution and punishment of the attackers followed. "Journalists were beaten, pursued, their cameras were broken...All kinds of violence have taken place besides murders" said Shushanik Arevshatyan, director of Radio Van. There were at least seven notable cases of violence against journalists. One case occurred on November 17, 2008 and involved Edik Baghdasaryan, chief editor of the Armenian daily *Hetq* (Track) and the president of the Investigative Journalists' Association of Armenia. He sustained severe head injuries after being attacked by three assailants as he was leaving his workplace; the attackers also stole his camera. According to *Hetq* personnel, this incident occurred after repeated "warnings" and "threats" addressed to *Hetq* staff. Another case involved Lusineh Barseghian. On August 11, 2008, Barseghian, the correspondent of the Armenian daily *Haikakan Zhamanak* (Armenian Times), was assaulted and also sustained head injuries outside her home. A week later, Hrach Melkumian, acting head of the Yerevan office of the Armenian Service of Radio Free Europe/Radio Liberty, was also attacked. None of the culprits has been brought to justice.²

There are legal provisions that favor state media. Public television requires no license and therefore skips all dealings with NCTR, instead working under the Council on Public Radio and Television (CPRT). Further, Armenia's public television is exempt from legal provisions applied to private television that limits advertising to 10 minutes per hour. Mnatsakan Harutyunyan added that the law assures editorial independence, but in reality, they depend on government bodies (for instance, the President appoints all CPRT members); thus, so there is a lack of editorial independence. Panelists argued that public media, especially television, serves the government. In addition, in the state of emergency which followed political events on March 1, 2008, all broadcast and print media were censored. As director of Tsayg TV (Gyumri) Margarita Minasyan said, "the published news is edited not only by third, but also by fourth and fifth parties which are delegated to serve for the interests of the third party... I worked with Public TV and stopped it as all the materials were strictly censored...."

Libel continues to remain a criminal offense. However, panelists noted that in practice libel cases are treated more informally. For example, officials prefer to come to a consensus with the journalists by offering money, threatening them, and using violence. Few prefer to take such matters to court. Aram Mkrtychyan explains this preference, "... nobody goes to court... I think the reason is that libel in general is really "fixed," especially in newspapers... So as printed media

² <http://hetq.am/en/society/edik-assault-24/#more-975>

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has low circulation in Armenia, an official prefers more to ignore the case of libel than to treat it as a problem.”

Panelists observed some improvement in the availability of public information. “Availability of information increases year after year. There were no obstacles getting information last year, and journalists had equal opportunity to get information from different sources,” Shushanik Arevshatyan said. Nonetheless, panelists noted some problems regional media encountered in getting information from the local authorities. Large private companies are also not so transparent to provide journalists with information.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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 noted above, in the aftermath of the presidential elections and the state of emergency, Armenian media were, for the most part prohibited from providing independent information to the Armenian public. According to Point 4 of Section 4 of the state of emergency declaration issued on March 1, for a period of 20 days “publications related to state and internal political issues can be made exclusively within the limits of official information of state bodies.” This directive resulted in two kinds of limitations: a lot of Armenian and foreign oppositional Internet periodicals were blocked during the emergency and the Armenian Internet community simply “froze” several sub-domains in the “am” domain. Thus, the sites were accessible only by their IP address. One week later, the Armenian on-line community said that this measure was enforced by the National Security Service and made the following statement, “When the state of emergency was declared on March 1, 2008 the National Security Service of the Republic of Armenia applied to the Internet community of Armenia with a request to temporarily freeze some domains.” Subsequently, it was followed by pressure on Internet providers, the latter were ordered by the National Security Service to block access to the sites on the “black list.”³ Along with Armenian language sites, YouTube video clips were blocked after the appearance on YouTube of a video clip showing March 1 clashes with the law enforcement bodies. Some online periodicals, on their own initiative, suspended their work during this period of time, arguing that they preferred to keep silence rather than to publish official information.

Panelists gave high grades to the access of media outlets to international news and news sources. They agreed that situation in terms of accessibility of international news sources was quite favorable in general, although two problems were noted:

- The high price and low quality of Internet connection.
- Strict limitations on international sources were set during the period of the state of emergency (March 2008).

The government does not control entry into the journalism profession in any way. However, formal accreditation with the government is still required for journalists, and attendance at certain events (National Assembly sessions, for example) requires accreditation that can be withheld. Tigran Harutyunyan of the Noyan Tapan Media Union highlighted a new restriction for newspapers: only papers with a circulation of 2000 or higher are allowed to send journalists to cover matters in the Public Prosecutor's office. None of the other panelists had heard of this restriction, and Shushak Doydoyan, head of the NGO Freedom of Information, verified that no such restriction existed.

³ <http://www.gipi.am/?i=272>

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Armenia Objective Score: 1.90

Panelists continued to stress the weakness of journalists in terms of professionalism, irrelevance and lack of diversity in sources of information, and a lack of verification of information. Panelists mentioned that overall level of articles in term of linguistic and journalistic literacy is low. Reporters do not really rely on multiple information sources or do not verify information. The panelists attributed these weaknesses to three key factors. First, the quality of education is low in university journalism programs. Second, the number of stories required of journalists by management negatively affects the quality of their stories. Third, management influences coverage and has an impact on content and objectivity for political reasons. The net effect, panelists noted, is that the media as a whole does not provide objective and balanced information. Rather, coverage tends to be polarized in support of either the government or the opposition.

Even though there are ethical norms accepted by specific associations and media representatives, those norms are reinforced in isolation from each other and are not universal for the sector as a whole. An ethics committee was created which aims to regulate ethical violations before they go to court; there were 10 such cases in 2008. However, panelists likened the situation in the Armenian media sector to a game without rules. Panelists also noted that some media professionals accept bribes for publishing (or not publishing) specific topics. As Husik Aristakesyan said, "ethical norms are violated every second."

The panelists stated that journalists and editors frequently practice self-censorship because they fear various sanctions by different political forces, including sanctions as severe as switching off a broadcast signal.

Panelists did see some improvement in terms of coverage of key events and issues by journalists. They especially emphasized that some closed and taboo topics started to be covered by the media, such as the army, the police, different state structures, and historical events about Armenia, which were not covered enough previously. However, the panelists did note that even within these larger topics, there are stories that can and cannot be covered.

The salary levels of journalists and other media specialists are not high, but the panelists did not consider this fact as the only reason for corruption. Corruption in media coverage also stems from journalists who are more interested in serving specific political parties than in pursuing professional journalism.

There were disagreements among the panelists on whether entertainment programming unduly eclipsed news and information programming or not. Shushanik Arevshatyan of Radio Van said, "There are nothing besides entertainment programs to watch on TV. There are no proper news programs that people can watch and understand what's going on...I think the entertainment programs eclipse news, but as people have huge demand to get information they search for it in different sources...." The president of Noyan Tapan Media Union, Tigran Harutyunyan, argued the opposite point, "I think there are as many news programs as there needs to be," meaning that entertainment programming does not eclipse news and information programming. The panel did not identify any cases where news programs were canceled and replaced with entertainment. The panel noted that the availability of news for local stations in the regions was as lower that in Yerevan.

Panelists evaluated the quality and efficiency of facilities and equipment for news production relatively high and said that the existing equipment does not hinder the media. In spite of this, many media lack specialists with the skills to use modern equipment.

Panelists observed some improvements in quality niche reporting and programming. As Aram Mkrtchyan of Radio Hay said, "Two spheres, sport and business, stand out as properly specialized." Husik Aristakesyan added, "Print and Internet media stand out in sense of niche reporting, though there are also some positive changes in TV." However, the panelists agreed that investigative journalism is not developed in Armenia. Tigran Harutyunyan believed this was due to both a lack of financial resources and a lack of demand for investigative reports.

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

Armenia Objective Score: 1.96

While the panelists agreed that there does exist a plurality of news sources, there are serious limits on access due to cost and geography. The problem of limited access to different information sources is especially acute in the regions, especially in villages where printed media and Internet connections are almost totally unavailable. The most accessible media, in terms of both physical/technical and financial terms, are Public Television and Public Radio of Armenia: These stations cover all regions in Armenia. However, since Armenia's public television and radio mainly serve the interests of government, the majority of Armenia's population can only get news from these sources. Given low Internet penetration in the regions and limited print publication distribution, Armenians living in the regions do not really have the opportunity to compare the information with other sources. Moreover, Public Radio of Armenia used to rebroadcast news programs of Azatutyun (Radio Free Europe's Armenian language service) and Amerikayi Dzayn (Voice of America);⁴ however, prior to the 2008 presidential elections, these rebroadcasts ceased, further limiting Armenians' ability to get news from an alternative source.

Access to local and international media is not formally restricted for citizens, but their access is effectively restricted by cost. As the vice-editor of *Novoe Vremya*, Karen

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.

Miqailyan, stated, "Media in Armenia, more or less, provide citizens with opportunity to choose their source as in general, the access to media is free. The main limitations are related to technical and financial resources."

The MSI panelists argued that state media are partisan and mainly serve the interests of government. For private media, the panelists stated that these outlets serve the public interest only when those interests correspond to the interests of the political party that supports the particular media outlet. As Shushanik Arevshatyan said, "Mainly media in Armenia are not independent; almost all of them have their founders and follow those founders' orders... Sometimes these founders defend the interests of the society; these are cases when their interests match with public interests."

Armenia has few independent news agencies. The Coordinator of Journalism Department at the Caucasus Media Institute, Lika Mkrtychyan, said, "News agencies mainly broadcast so called "hard news," they try to avoid expressing their own opinion." The practices of using the news provided by news agencies differ from media to media. Many media frequently broadcast the news produced by their own specialists and avoid the use of agencies.

Yerevan-based broadcast media are more likely to produce their own news programs while, for the most part, regional broadcast media have difficulties preparing their own news programs and often broadcast the news of Yerevan channels.⁵ Panelists explained that the reason regional media did not air original news programming was due to population size: in small regional cities and villages, there is little to no demand for locally prepared news since their small population means that everyone knows what is going on in their community.

Panelists agreed that the ownership of media is not transparent. As Aram Mkrtychyan said, "we know about real ownership of major media only by hearsay. We sometimes hear that somebody has bought a part of 'X' TV or we can learn about it when observing programs of this TV attentively. But we never exactly know who really owns this TV." Tigran Harutyunyan added that "...the identity of the real owner of the TV is sometimes kept as a secret."

Media do not always reflect and represent a broad spectrum of social interests, but the panelists also saw some positive changes. For instance, the coverage of gender issues has improved and increased, but other topics remain underrepresented.

⁴ In July 2007, Armenian Public Radio indicated that it planned to halt RFE/RL broadcasts on August 9, citing contractual and payment issues.

⁵ The exception to this situation is that larger cities in the regions (for example, Gyumri) tend mainly to broadcast their own news programs.

OBJECTIVE 4: BUSINESS MANAGEMENT

Armenia Objective Score: 1.74

Panelists concluded that the Armenian media do not operate as proper businesses. In the majority of cases, media outlets do not follow basic rules of market competition. As Tigran Harutyunyan stated, “Many media outlets are financed by their founder as they are unprofitable as businesses.” Mnatsakan Harutyunyan added that since private media are, broadly speaking, not profitable enterprises, state media are in a more privileged position.

Panelist Shushanik Arevshatyan, the director of Radio Van, argued that some distinction should be made between television and radio on the one hand and print media on the other. She was convinced that television and radio can operate as profitable businesses with advertising and, therefore, could operate with editorial independence.

Panelists argued that opportunities to receive revenues from multiple sources strongly depended on the skills of the managers. As Shushanik Arevshatyan said, “If you are a good manager, you can find different sources to get income; a real businessman should be creative to understand where to find money.” Panelists also agreed that newspapers are in the most disadvantageous position in terms of diversity of income sources. This is especially true for regional newspapers which often depend on subsidies from local authorities.

Panelists indicated that advertising agencies do not adequately fulfill their intended functions and operate as just mediators who take money and do not properly organize, plan, and control advertising for their clients. Therefore,

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 most media, existing levels of advertising revenue are not sufficient, even among those media with large audiences. In the print media sector, based on Aram Mkrtchyan’s estimations, advertising revenues do not exceed 5 percent of total revenue.

media see little value added and often sell their own ad time, bypassing agencies. Information from media ratings is still poorly used in the country and this contributes to making the work of the advertising agencies ineffective. Media themselves have not adopted the use of media research on a widespread basis and many media use their own in-house methods to research their audience, which makes others suspicious of the validity of the results.

There are two companies in Armenia that provide television ratings based on internationally accepted research methodology: AGB and GFK. Panelists indicated that access to ratings data that meets international standards is problematic:

- Many media outlets lack sufficient financial resources to buy reliable data from qualified research companies. Thus, some outlets conduct their own research based on different methodologies. As a result, ratings data derived by different media outlets using different methodologies becomes incomparable.
- Large advertising agencies require auditable and reliable ratings data to make decisions about placing advertisements. Because there is limited access to such reliable ratings data, media outlets often lose potential advertising revenue from large ad companies.

Panelists mentioned that they have relied on the market surveys conducted by IREX’s USAID-funded Core Media Support Program for Armenia to make conclusions about their audiences.

For most media, existing levels of advertising revenue are not sufficient, even among those media with large audiences. In the print media sector, based on Aram Mkrtchyan’s estimations, advertising revenues do not exceed 5 percent of total revenue.

In discussing governmental subsidies to independent media, the panelists provided differing interpretations on the benefits of subsidies. Panelists considered them positive when they support programs of social importance that otherwise are not profitable.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Armenia Objective Score: 1.88

Panelists noted an absence of trade organizations representing the interests of media owners. However, they noted that there were positive changes in the work of professional organizations that seek to protect journalists' rights. While their presence in the media sector was positive for addressing the cases of violence against journalists, panelists argued it was still too early to talk about the real influence and scale of these initiatives.

One relatively new example of a trade organization is the All Armenia Media Association, which was founded as a result of the third All Armenian Mass Media conference of September 17, 2006 held in Tsakhadzor, Armenia. The Association aims to unite the mass media of the Diaspora, Nagorno-Karabkh, and Armenia. It organizes active media exchanges within the Diaspora, Nagorno-Karabakh, and Armenia mass media organizations and has created an open electronic database, where the information from all over the world on issues of importance for all Armenians is gathered. In 2008, the All Armenia Media Association saw the following events:

- A general meeting of members was held.
- Number of members of the association expanded to 40.
- An expert survey on the reliability of Armenian media was conducted. Heads of 25 parties, 45 NGOs, and 30 entrepreneurial organizations worked to estimate the degree of media reliability and media outlets were ranked accordingly.

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

NGOs are seen as the more active organizations in terms of supporting free speech and journalists' rights. However, as the main source of financial resources for local NGOs are grants from international organizations, it is difficult to talk about the sustainability of these NGOs' activities. One of the most active NGOs in the area of media support and advocacy is the Freedom of Information Center of Armenia (FOICA) which was founded in 2001 with the primary goal of defending the people's constitutional right to have access to information. Another active organization in this field is the Committee of Protection of Freedom of Speech. Among other things, the Committee works to support democratic reforms in Armenia and promote media's role in this process, and increase media professionalism.

The panelists agreed that Armenia lacks quality degree programs for journalists, with an absence of practical teaching being the main problem. Panelist Shushanik Arevshatyan said that graduates from state universities coming to work in her radio station sometimes cannot use even basic equipment. Margarita Minasyan added, "...they come with zero level of practical knowledge, sometimes they don't even know on what equipment they should put the cameras...."

There is also a lack of short-term in-service trainings in Armenia. Panelists noted that only IREX and Internews provide media specialists with such trainings. Media managers do often try to upgrade the skills of their employees with their own resources, but not all media organizations can afford this. Panelists do highly appreciate the quality of foreign training programs as they see evident changes in work of trained specialists, but they argue for more extensive changes. Lika Mkrtchyan said, "Short-term training programs are too short to upgrade specialists' skills significantly. I don't think that training programs in Armenia can really make big-scale changes during three to four days."

Panelists observed no serious problems concerned with newsprint and printing facilities and saw no basic barriers or problems. However, they pointed to problems with distribution to the regions and the resulting ability to hamper circulation. As Mnatsakan Harutyunyan said, "... in the regions, if an undesirable article is published in a newspaper, this edition will never reach the kiosks. Recently, *Aravot* newspaper published an article about the local governor. I went to buy this newspaper and the salesperson told that this newspaper hasn't been published." One of the panelists said that he had heard about cases when some newspapers were not properly distributed to kiosks in the regions. He alleged that while the distribution company's explanation of the large quantity of returned newspapers was that they had not been sold, in reality the newspapers had not even reached the kiosks.

List of Panel Participants

Aram Mkrtchyan, executive director, Radio Hay, Yerevan

Lika Mkrtchyan, journalism coordinator, Caucasus Media Institute, Yerevan

Karen Miqayelyan, vice-editor, *Novoe Vremya* newspaper, Yerevan

Shushan Arevshatyan, director, Radio Van, Yerevan

Husik Aristakesyan, news editor, Shant TV, Yerevan

Tigran Harutyunyan, president, Noyan Tapan Media Union, Yerevan

Mnatsakan Harutyunyan, president, Hrazdan TV, Hrazdan

Margarita Minasyan, president, Tsayg TV, Gyumri

The following participants filled out a questionnaire but could not attend the panel discussion.

Karen Arshakyan, director, Fortuna TV, Stepanavan

Narine Avetisyan, executive director, Lori TV, Vanadzor

Moderator

Petros Petoyan, director, Marketing Communications Research Company, Yerevan

The Armenia study was coordinated by, and conducted in partnership with, Marketing Communications Research Company, Yerevan. The panel discussion was convened on January 24, 2009.

The journalism profession is not an easy one. Journalism is still perceived as a dangerous profession, given that three journalists, two of whom are prominent editors-in-chief, are currently serving prison sentences. Further, according to panelists, attacks against journalists and impunity of their perpetrators causes self-censorship among journalists.



AZERBAIJAN

Many events in 2008 impacted the development and performance of the media sector. Presidential elections in November did not leave much of a role for the Azerbaijani media to play, as the outcome was widely predicted. Television debates, organized by Public Television, were weak in content and looked like free airtime rather than a real debate. The moderator did not ask questions and acted as a timekeeper. The president did not participate in the debates.

The National Television and Radio Council (NTRC) stopped RFE/RL, VOA and BBC broadcasts on Azerbaijan's FM frequencies. NTRC said it was in order to bring Azerbaijan's legislation in compliance with international standards. Independent observers said the move was politically motivated.

Legal changes also affected the media. Independent experts expressed concern over proposed new amendments to the constitution to be decided by national Referendum. They said new amendments to the Privacy Act, specifically prior consent for video and photo recordings, could lead to increased pressure on media. In August 2008, President Ilham Aliyev signed two Decrees on Support for Media. The first appropriated AZN 5,000 to all regularly published newspapers and was welcomed by all its recipients. Some, however, said that real support would be to create conditions allowing media to prosper. Another decree laid out a "Concept for Support of Media," which envisions creation of a Media Foundation that would lead efforts to support media initiatives. As of February 2009 little was known about this foundation's draft charter and who would serve as its leadership.

The journalism profession is not an easy one. Journalism is still perceived as a dangerous profession, given that three journalists, two of whom are prominent editors-in-chief, are currently serving prison sentences. Further, according to panelists, attacks against journalists and impunity of their perpetrators causes self-censorship among journalists. Fewer students enroll in journalism programs compared to a peak in 1991 when Azerbaijan became independent.

The government's interaction with critical media outlets is minimal, and it does not respond to their criticisms. Government officials prefer short stand-ups versus challenging interviews. Public occasions, such as anniversaries of events, are among the few occasions when journalists can approach officials with questions.

Panel discussions also revealed that editorial independence and objectivity remained the greatest challenge for media outlets, which are not financially independent. Selective distribution of advertisements remained a major problem for development. Independent editors claim that businessmen fear retaliation for placing advertisements in media that are not government controlled or friendly to the government.

AZERBAIJAN AT A GLANCE

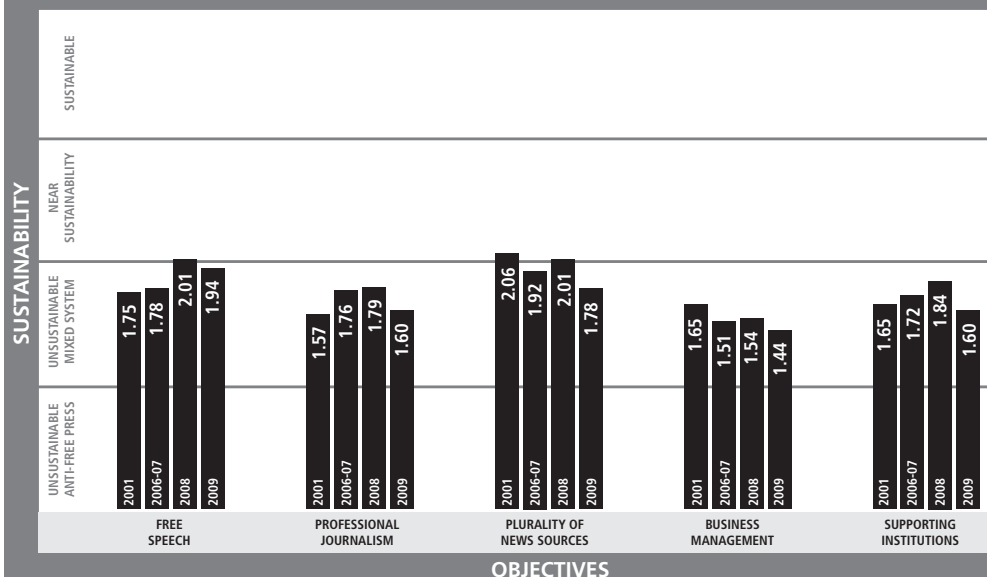
GENERAL

- > **Population:** 8,177,717 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Baku
- > **Ethnic groups (% of population):** Azeri 90.6%, Dagestani 2.2%, Russian 1.8%, Armenian 1.5%, other 3.9% (1999 census, *CIA World Factbook*)
- > **Religions (% of population):** Muslim 93.4%, Russian Orthodox 2.5%, Armenian Orthodox 2.3%, other 1.8% (1995 est., *CIA World Factbook*)
- > **Languages (% of population):** Azerbaijani (Azeri) 90.3%, Lezgi 2.2%, Russian 1.8%, Armenian 1.5%, other 3.3%, unspecified 1% (1999 census, *CIA World Factbook*)
- > **GNI (2007-Atlas):** \$21.87 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$6,260 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 98.8% (male 99.5%, female 98.2%) (1999 census, *CIA World Factbook*)
- > **President or top authority:** President Ilham Aliyev (since October 31, 2003)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 32 dailies, 45 weeklies, 85 monthlies; Radio: 10 AM, 17 FM; Television Stations: 17 (7 in Baku, 10 regional)
- > **Newspaper circulation statistics:** Most widely read publication is the opposition newspaper *Yeni Musavat*
- > **Broadcast ratings:** Top three television stations: ANS-TV (news), Azad TV (entertainment), AZTV (formerly state-owned) (AGB/Nielsen)
- > **News agencies:** Turan, Trend, APA, Day.Az., Azertac.
- > **Annual advertising revenue in media sector:** Newspaper: \$500,000; Television: \$30 million; Radio: minor
- > **Internet usage:** 1,036,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

Azerbaijan's overall score fell by 0.17 compared to last year, and all objectives suffered a similar fate. Objective 4, Business Management, received the worst score at 1.44. However, scores for Objective 2, Professional Journalism, and Objective 5, Supporting Institutions, fell the most compared to last year, at 0.23 and 0.24 respectively; both ended up with a score of 1.60.

OBJECTIVE 1: FREEDOM OF SPEECH

Azerbaijan Objective Score: 1.94

The score for this objective slipped slightly from last year, from 2.01 to 1.94, primarily due to drops in Indicators 7 and 8, access to information and media's access to foreign news sources. Overall, most of the indicators scored close to the overall objective score. However, there were a number of exceptions: Indicators 8 (despite the lower score compared to last year) and 9, free entry into the journalism profession both scored between three-quarters of a point and a full point higher; Indicators 4 and 6, crimes against journalists and libel laws, both scored about three-quarters of a point lower.

Panelists stressed that legal protections of free speech exist but as with past years, implementation is often problematic and inconsistent to the point that, in reality, it is severely curtailed.

Panelists also noted that journalists are being imprisoned on charges not related to their work in what appears to be a recent trend. Eynulla Fatullayev, a critical journalist and editor-in-chief of *Realniy Azerbaijan* newspaper remained in custody on charges of terrorism, inspiring national hatred, and tax evasion. The editor-in-chief of a major opposition newspaper, Ganimat Zahid, as well as his journalist brother Zahid Sakit, also remained in custody, arrested on charges of hooliganism despite several presidential decrees that pardoned a number of prisoners. All three cases were seen as largely politically motivated to stop government criticism in media.

Shakir Agayev, editor-in-chief of *Novoye Vremya* newspaper, said that in the streets of Baku hooliganism is committed every day and police officers try to investigate, but everybody knows why Ganimat Zahid is behind bars. "Every day, when we leave home for work, we think we may be attacked, or imprisoned, or accused of libel. There is no guarantee for journalists," he said.

Agayev considered that one of the reasons for government impunity is the absence of independent courts. "For instance, you want to defend your rights in the court. But the court

does not have the power to freely come to a decision. It receives an order that the newspaper or a journalist should be 'neutralized.' If courts were independent, the laws would be implemented." Maqсад Nur executive director of Region TV, disagreed, saying that judicial independence improved considerably since the 1990s, when Azerbaijan had just received its independence and had to fight to defend its territorial integrity.

The public does not mobilize in support of media rights when they are abused. RFE/RL, VOA, and BBC listeners only complained in private that the only radio broadcasts they used to listen to were off the air. Popular Turkish TV series were stopped on January 1, 2009, which caused another wave of confusion among viewers. Panelists felt that the seeming apathy among citizens is a sign of their apparent hopelessness and inability to improve the situation.

Several developments in the area of free speech and free media occurred in 2008. Following presidential elections in November, a group of pro-government parliamentarians suggested lifting the presidential term limits (currently two terms) and called for a national referendum on this and some 42 amendments to the constitution. Media activists fear that if these are adopted that new restrictions on free speech and media would emerge. Of particular concern was the proposed amendment to the Article 32, the Privacy Act, which would restrict the right of journalists to take photographs and video recordings. If adopted, journalists would be required to receive consent to record and release information.

Shahbaz Khuduoglu, director of Chap Evi Publishing House, called it "unfortunate" that the amendment does not require that people engaged in public and political activities demonstrate more tolerance to criticism. At the same time, he said that the public itself also is not ready for private revelations about government officials. Alasgar Mammadli, an IREX lawyer, also expressed concern. He said the absence of a detailed definition of what privacy is might lead to unjustified prosecution of the media. In a television debate with parliamentarian Aydin Mirzazade, Mammadli argued that a separate article was needed to cover public figures. The parliamentarian told the audience on independent ANS TV that application of such an article would be a discrimination against public figures.

The panelists saw licensing of broadcast media as political. According to Mammadli, "Decisions of the NTRC have never been based on legal requirements." In recent years, pro-government ATV paid AZN 110 for its annual license, whereas independent ANS TV was required to pay AZN 33,000 for the its renewal of its television, radio, and affiliate licenses. The government raised license fees after its preferred stations had been granted theirs. Mammadli also recalled that

in the another case of inconsistency, pro-government STV channel in the Skeki region “won” a tender in the absence of other contenders, whereas ANS TV’s tender was pronounced invalid because of the absence of competitors. Mammadli said the new fee of AZN 11,000 for a national license is also an issue of concern, as it was overpriced for regional television stations (there is no separate, less expensive class of license for regional television broadcasters), whose advertising revenues are limited.

NTRC also tried, unsuccessfully, to control Internet content. When the Internet news agency Day.az started its Internet radio and APA news agency began putting video content on its web site, NTRC called a meeting with the heads of Day,az, APA news agency, and others. NTRC chairman Nurshirevan Maharramli claimed that because Day.az radio and APA’s video are essentially “broadcasting” information, they should be licensed and, in fact, have to compete for such a license. The issue received wide media coverage and raised concerns that the government was trying to control the Internet. The issue eventually died down with no resolution.

In 2008 the government launched a “single window” business registration system, as suggested by the World Bank. The process has significantly simplified the registration process, with a maximum two working days required for registration of commercial entities, including newspapers and magazines. Registration of television and radio remained problematic, however.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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 tax system itself is not a problem for media outlets, the Ministry of Taxes is used as an enforcer by the government. Even if the entity being examined has nothing to hide, the threat of an audit is enough to serve as pressure on critics of the government.

The government’s record of prosecuting crimes against journalists remains poor. Investigations into the murder of the editor-in-chief of *Monitor* magazine Elmar Huseynov in 2005 have not yielded results. Huseynov had a history of several imprisonments and lawsuits with government officials.

The government failed to prosecute and punish perpetrators of violent attacks on opposition journalist Agil Khalil, who sustained a deep chest wound after being stabbed with a knife on March 13. Instead, the government launched a smear campaign against the journalist and claimed that his “gay partners” attacked him. All five pro-government television companies broadcast an interrogation of a man who “admitted” that he stabbed the journalist on the grounds of jealousy. The 25-year-old journalist, who survived the attacks on his life, continues to write for *Azadlig* newspaper after having emigrated to France.

Official media enjoy certain privileges and there is no effective legal guarantee of editorial independence of state media. For example, Parliamentary sessions can be recorded only by the parliament’s own television while all other television channel cameras must record from the back of the chamber. This results in shots of the backs of speaking parliamentarians’ heads. The *Azərbaycan* newspaper, which is an official organ of the Parliament, continued its favorable coverage of the government.

Despite efforts by civil society and the international community, libel is still a criminal offense and journalists can be imprisoned for defamatory writing. In 2008 state officials continued to enjoy preferential treatment before courts, as none of the libel cases against journalists concluded with the latter’s victory. In the absence of an independent judiciary, this often results in self-censorship among journalists and editors.

Officially, all citizens of Azerbaijan have access to public information. However, very few citizens enjoy this access. Furthermore, it is apparent that not all government agencies are aware of their obligation to provide information. The opposition media have difficulty getting the information they require to inform their audience. Panelists noted that the Foreign Affairs Ministry and, to a lesser degree, the Natural Recourses and Ecology Ministry are often better about releasing information. But, they said, the Ministry of Defense is a particular problem. In fact, public press interviews by defense officials are so rare that Minister Safar Abiyev’s exclusive interview, after years of silence, with ANS

TV's weekly analytical program, was perceived in the press as evidence of an improper business relationship between the two. ANS TV filed a libel suit against *Yeni Musavat* newspaper, which published the accusations, and the court case continues.

There is no law that prohibits Azerbaijan's media from citing foreign sources. However, the government's ban on foreign broadcasters made doing so slightly more difficult. Further, it cast doubt on the future ability of media to freely cite such sources; as it is, frequently citing foreign reports critical of the government is likely to result in some form of retaliation against the offending media outlet.

Panelists agreed that entry into the journalism profession and general accreditation is free, but discrimination is nonetheless widespread. For example, only two pro-government media (AzTV and Azertac news agency) are allowed to cover events in the President's office. No opposition media, including the popular *Yeni Musavat* and *Azadlig* newspapers have accreditation with the president's office.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.60

Objective 2 suffered a moderate loss of 0.19 compared to last year driven by lower scores in Indicators 2, 4, 6, and 8. None of the indicators scored particularly better or worse than the overall score, with the exception of Indicator 7, facilities and equipment, which scored about a half point higher than the overall objective score.

True professional journalism remains rare in Azerbaijan, which partly contributes to a large number of lawsuits against media. A limited number of media outlets enjoy a credible reputation: *Zerkalo* and *Ekho* newspapers and ANS TV and to some extent Public Television. Maqsd Nur expressed concern over the level of professionalism of Azerbaijani journalists, which in his view, worsened since independence. Rovshan Hacıbəyli, editor at *Azadlig* newspaper, said that serious problems with professionalism are partly due to journalists' own shortcomings, such as not checking for accuracy, but also, and most importantly, difficulties accessing information. "It is very difficult to obtain information from government organizations and often we are forced to print information without providing the other side's story." He recalled that whenever their correspondent based on the border with Armenia reports that the ceasefire has been violated, attempts to confirm it with the Defense Ministry fail. In his opinion it causes a considerable delay in reporting news. Shakir Ağayev agreed that there is difficulty getting

the Defense Ministry's comment. "We had information about crimes committed in 2008. We wanted to publish this report, but my editor advised against it in order not to have problems with the Ministry."

Maqsd Nur said one of the reasons why journalists fail to live up to professional standards is the fact that it became very easy to become a journalist. "A seller of potatoes may become a journalist," he said. Tahir Mammadov, head of Public TV and Radio's Public Relations Department, said another contributor to "bad journalism" was the fact that some journalists are implementing someone's orders. "Even in pro-opposition media one can see articles prepared on the order of party officials."

Regarding ethics, all media share a single Journalism Code. However, Shahbaz Khuduoglu spoke for the group when he noted that, "Journalists who follow journalism ethics can be counted by finger." The Women's Media Watch in 2008 launched a campaign calling for all media outlets to develop their own guidebook for journalists. Independent ANS TV has long had its own Guidebook, which is mandatory reading for all new employees.

However, problems with journalism ethics are often seen at senior levels. Editors spin articles in order to strengthen a political message and make it sound sensational. It is particularly obvious when the body of an article does not match sensational headlines, or when the same agency's news story appeared with conflicting headlines in various newspapers.

Self-censorship in media organizations has emerged as a result of a large number of libel suits, attacks against journalists, and impunity with regard to crimes against media. Hacıbəyli recalled that in the Soviet era a newspaper could

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).

be published with a blank spot; one could see that the censor did not authorize the article. Nowadays, these articles are published, because there are no official censors. The censors are the journalists themselves.

Pro-government, pro-opposition, and independent media interpret coverage of key events differently. Pro-government and pro-opposition media often lead with stories that best serve their political affiliation. Aynur Talibova from Women's Media Watch said that most Azerbaijani media had an erroneous perception of what is the news. "I recall the day when Abu-Bakr mosque in Baku was bombed. It was same day when the president returned to Baku from China. I thought the bomb explosion would be the top story on all TV channels. But all TV channels led with a story of the president visiting a site to see newly equipped machines for garbage collecting."

Tahir Mammadov said it was unfair to downgrade television's role in informing the public in a timely manner. "When a building collapsed in Baku, two hours later we had construction experts, and even those who issued their license, arguing in a talk-show."

Pay levels of journalists differ depending on where they work. Media outlets that receive a large number of advertisements continue to thrive, whereas independent media struggled to survive; this performance impacts an outlet's ability to pay its personnel. But generally journalists are not among the well-paid in Azerbaijan. Whether pay levels are to blame for all corruption by journalists is debatable, but such corruption certainly exists. The Press Council claims that there are a large number of "racketeer media" and closed some 80 small newspapers between 2007 and 2008 that it said blackmailed people under the disguise of journalism.

Entertainment programming prevailed in five out of seven national television networks in the country. Except ANS and Public Television, all channels considerably increased their air time dedicated to, and cost of, entertainment programs. Primetime on these television channels was dominated by entertainment programs, such as various song contests. Lider TV canceled its 9:00 pm news (its latest news now goes on air at 6:30 pm). ATV has a policy of not having current affairs programs at all. However, ANS TV continued programs that discussed actual problems and political challenges of the country.

Facilities and equipment used by media vary by media type and individual outlet. In Baku, many media enjoy equipment that is modern and efficient. However, with only a few exceptions the media in the regions must make due with equipment that is antiquated and of poor quality. Most media complain about poor access to the Internet, which is both slow and expensive and hinders the work of journalists.

Here again media in the regions have it worse, with even slower connections.

Amongst television channels, ANS TV was seen as offering quality niche reporting. Among newspapers, *Zerkalo* and *Ekho* offer niche reporting on business and social issues, although the latter's reporting is perceived to be targeting "intellectuals." Panelists thought that Public Television improved its programming, especially by providing educational programs, but pace of reforms seemingly bypassed its news-making policy. Investigative reporting remains absent from Azerbaijan. The opposition papers do not investigate; they merely print rumors or innuendo. Most broadcasters are controlled by the authorities or owned by friends of the ruling party and therefore do not engage in investigative journalism.

OBJECTIVE 3: PLURALITY OF NEWS

Azerbaijan Objective Score: 1.78

This objective suffered a significant loss of 0.23, primarily due to the government's decisions to shut foreign broadcasters out of Azerbaijan and the continued polarization and politicization of key media. The latter issue also affected the assessment of news agencies, and Indicator 4 also suffered a loss. Some gains were seen in Indicators 6 and 7, transparency of ownership and a broad spectrum of social interests reflected in the media. Despite its modest gains, however, it should be noted that Indicator 6 still performed poorly and scored below the average. Overall, all of the indicators scored fairly close to the overall objective score.

Overall there is a modicum of plurality in the media, even if few individual media outlets operate in the spirit of plurality. For example, one had to check several media in order to have a complete picture of the personal attacks levied by some media, such as when pro-government Lider TV carried a series of reports attacking opposition leader Ali Kerimli and calling him gay. The main problem with this situation is that it implies a need of individuals to rely on several sources of information in order to be properly informed. In addition to the practical difficulties individuals face accomplishing this, television, the main source of news in Azerbaijan, is overwhelmingly controlled by the government or its loyalists.

Some newspapers strive to provide a second or even third side to stories. However difficulty obtaining opposing opinions affects fair reporting. For example, while opposition media refuse or find it difficult to obtain information from the government, some government media outlets choose to completely ignore the political opposition's views on issues.

It is believed that pro-government television stations have blacklist policies that determine who can be interviewed and what topics can be covered. This often leads to a misinformed audience.

Issues of media access further impede access to a plurality of news options. Access to domestic print media in regions remains problematic, as there is no timely delivery option that is inclusive of all media outlets. Poor Internet connection and high prices for Internet services is still a major problem for many citizens, especially in the regions. Tahir Mammadov said it is impossible to have broadband Internet in the regions such as Ganca city, even if you spend \$700,000 for a fiber optic cable. Rovshan Hacibeyli said access of people to information in rural areas is zero. He called it "absurd" to claim that people in the regions have access to the Internet.

Media have eloquently addressed the issue of poor access to the Internet. The president of the National Internet Forum, Osman Gunduz, and a series of articles in newspapers criticized monthly prices for 1 gigabyte unlimited ADSL service that is around 10 times more expensive than in neighboring Georgia, Russia, and Turkey. According to Gunduz, some 95 percent of Internet users in Azerbaijan use dial-up and only five percent can afford ADSL. In response, the Communications and Information Technologies Ministry promised in late 2008 that prices for Internet services will be revised in the early 2009. Starting February 1, in accordance with the Ministry's decision, many of the 30 Internet providers decreased their prices by more than double. But even after the decrease, Internet prices remained highest in the region.

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.

Citizen access to international media is partly restricted. Viewers can watch international television channels on satellite and cable television. In 2008 the government ended broadcasts by Russian and Turkish television channels on national frequencies. This policy proved to be unpopular with Russian-speaking viewers and a large audience who regularly watched Turkish dramas. NTRC also prevented broadcasts of three foreign radio programs on national frequencies: Radio Free Europe/Radio Azadlig, Voice of America, and BBC's Azerbaijani service.

The licenses given to foreign broadcasters were seen as a democratic gesture by the government. However, right after the November 6 presidential elections, the NTRC warned the foreign broadcasters that their licenses might not be renewed. NTRC chairman Nurshirevan Maharramli said the decision was taken in order to bring Azerbaijan's national frequencies in compliance with international practices. Independent observers believe that the decision was politically motivated. Among the three radios, RFE/RL offered the most airtime and enjoyed popularity for its live, interactive talk shows and often critical of government reporting.

As of February 2009, negotiations between the US Embassy and the NTRC continued. US Ambassador Derse expressed hope that US broadcasts might resume in exchange for Azerbaijani radios broadcasts in the US. NTRC made similar offers to Russia and Turkey in 2007 in order to continue broadcasts of their channels in Azerbaijan, but with no success.

These access issues would have had a definite impact if the population as a whole mirrors the habits of the panelists. Aynur Talibova concluded that the majority of Azerbaijani citizens receive their information from outside the country, primarily Russian, Turkish, and Western television channels. Shahbaz Khuduoglu also said that his sources of information were foreign television channels. Alasgar Mammadli said that he searches in the Internet, as local media outlets fail to report in a timely manner.

In terms of the role of state media, there was a mixed perception as to what serving the public interest means. The official newspaper *Azərbaycan* has a tagline that reads the paper only publishes stories that reflect the interests of the state. The editorial leadership of *Azərbaycan* interpreted this as not printing articles that do not reflect the interests of the government. The newspaper is seen as a puppet of the government and carried out personal attacks against political opposition leaders.

Shakir Agayev said television fails to cover issues that are of public concern. "When people are killed because a building collapses, it should not be broadcast in the middle of news program. Or there is a fire in Sadarak market and televisions

do not cover it at all. I think neither public nor private media serve the public interest.” Tahir Mammadov disagreed that television fails to cover issues of public concern. “Take *Ortaq Maxrac* talk show. We heard from experts, officials, etc. There are programs like that. It is just there is a lack of them.”

Panelists agreed that there are plenty of news agencies gathering and distributing news. As Etibar Babayev put it, the problem is the quality, not the quantity. “There is no lack of news agencies. But how objective is their reporting? Lately, people are watching Xazar TV’s news because it is a different approach to news.”

The affiliation of most media outlets with various political groups narrows down their opportunity to benefits from news agencies. “For instance, [opposition] *Azadlig* newspaper does not use the [official] Azertac news agency. Even if it did use it, it wouldn’t be seen as appropriate,” Rovsan Hacibeyli said.

All television companies produce their own television programs. ANS TV continues to enjoy the highest ratings for its traditional news programs. ATV, which improved its news programs, ensured itself second place.

There was no confusion about who owns ANS TV. Knowing who owns Space TV, Lider TV, ATV, and Khazar TV continues to be a matter of rumor and assumption. Shahbaz Khuduoglu said that there is generally no transparency in media ownership. “We do not know who is behind them.” Alasgar Mammadli agreed that there is little transparency about who owns which television channel. “I know who owns ATV and Lider TV because of my own contacts. This information should be made public. If these media are meant to serve the public, those who finance and guide them also should be people who serve public interests.” He noted that the lack of transparency opens up doors to corruption, whereas media outlets should be organizations that fight corruption.

Panelists agreed that there is more transparency in ownership of newspapers, which are traditionally considered less lucrative businesses. Azerbaijani Law prohibits foreign investment in media and there are no foreign media owners and managers.

Television programs on women’s issues remain supervised by male editors, who ask their guests to share happy stories and women remain underserved. For example, while there are no women ministers in the government, the media continue to claim there is a gender balance in the government. Taboos on issues such as child labor, abortion, single women, etc., remain in place. Some disadvantaged groups enjoy their own newspapers, however no television channels offer services for more than 8,000 deaf viewers.

Several newspapers are published in the languages of ethnic minorities. Shakir Agayev said he does not encounter any problems while publishing a newspaper in the Talish language. Public Television broadcasts a series called *Azerbaijanis*. The one-hour episodes showcase culture and traditions of over a hundred minority peoples living in Azerbaijan. Aynur Talibova, famous for her television programs from various regions of Azerbaijan, said minority people find it thrilling to meet a Baku reporter who came to film their homes, schools, and cemeteries. Over 110 programs broadcast on ANS and Lider TV focus on culture, traditions, cuisine of Talishes. She said these programs are well received by general audiences.

OBJECTIVE 4: BUSINESS MANAGEMENT

Azerbaijan Objective Score: 1.44

The score for Objective 4 fell slightly to 1.44 due to a drop in Indicator 5, government subsidies of media. Proposals for the government to support media and continued control over advertising by the government resulted in a more negative assessment of this indicator. Indicator scores mostly fell quite close to the overall objective score.

The management of media outlets as businesses remained difficult for several reasons. The major reason is the selective distribution of advertising, which by and large bypasses independent and pro-opposition media. *Gun Seher* newspaper, after months of struggle to survive, had to close. With few exceptions, private businesses choose not to place their advertisements in pro-opposition media, fearing pressure from the government.

According to its editor-in-chief Elchin Shikhlinski, *Zerkalo* newspaper is one of the few media outlets run successfully as a business. He said the newspaper is read by decision-makers and others, and attracts advertisers who do not want to be seen as politically biased. Day.az web site is another success story. The Russian-language news agency’s advertisements are sold six months in advance. The news site is widely read and considered a reliable source of information. It outpaced television news, traditionally considered as the fastest media and enjoyed flexibility to update stories as they developed. However, on February 18 Day.az shut down for “technical problems” and several days later its sale to pro-government businessman Ilgar Guseynov was announced.

Television stations continued to be the major beneficiaries of advertising sales in the country. Advertisers said that among seven national television stations, ANS TV is believed to be the most transparent. It has documented its operations

and regularly paid taxes. It was of special importance for ANS leadership, given its closure two years ago because of allegedly airing commercials beyond the 15 percent limitation.

Newspapers are still seen as a means for political propaganda and personal ambitions rather than businesses. "In Azerbaijan people open their newspapers to satisfy their own ego. They don't care if these newspapers are sold or bring profits; they do it for a personal agenda," said Elnur Baimov.

Shahbaz Khuduoglu felt that the reason for poor business management is an absence of a functioning market and demand for advertising. Despite the fact that there are tax privileges, breaks on utilities, etc., for media outlets, successful development is not possible with sale of newspaper copies. "Media's profit should come from advertising," he said.

Etibar Babayev noted that sources for income are potentially diverse: advertisements, sponsorship, financial activities, etc. But in reality one media develops while another one cannot. "Because if there is no structure that supports the newspaper, such as a group of companies, it can not survive and develop."

Alasgar Mammadli pointed to low advertising revenue as the main reason for underperformance by media as businesses. "Because there is a monopoly in the economy, the decisions where to place advertisements are appointed from a single center. This is why there is and always will be problems in this area." Advertising revenue is believed to be controlled by the state, as major advertisers, such as banks, telecommunications, and construction companies are connected to the government. Mammadli continued, "For instance, on holidays take [pro-government] *Azarbaycan* and

[pro-opposition] *Novoye Vremya* newspapers. The first one is packed up with ads, the latter doesn't have any."

However, telecommunications giant Azercell appeared to be somewhat immune from these considerations, as its advertisements appear in independent and occasionally opposition newspapers.

Farman Nabiyeu said that the situation improved in the regions, although that might be linked to the limited number of media outlets in the regions. He noted that in Mingachevir there are only two newspapers, the government's and his own *Mingecevir Isiglari* weekly. Nabiyeu said there was no discrimination towards his newspaper.

Aynur Taliobova said advertisements are produced with little knowledge of target audiences. "Those who pay for ads are guided by personal, rather than corporate interests when choosing contractors. This is why we end up with ads that are not based on proper research and are not designed for specific audiences. This explains why weather announcements are sponsored by Pal Milk and entertainment programs by Broyley Chicken," she said. Taliobova said another reason for poor quality of advertisements is the fact that television networks try to monopolize the production of advertisements. All seven national television networks developed their own advertising production studios, whose production costs were much lower than those produced professionally.

Shakir Agayev thought the recent increase of color magazines with advertisements is a good sign. He said it could be a result of commercial companies no longer having to pay 18 percent VAT for media advertising.

In August 2008 President Aliyev signed two decrees on the occasion of National Press Day. The first decree provided one-time support for media, envisioned to be AZN 5,000 to each of more than 70 regular media outlets. The second decree laid out provisions of the "State Concept of Support for Media." This envisions the establishment of a Media Foundation that will supervise state support for the development of media. As of February 2009, little was known about the foundation. While all recipients of the support welcomed the decree, several said the most effective way to support the media would be to liberate the market and create conditions for media to develop. Countering this feeling, Etibar Babayev said, "Millions of dollars are pouring into the state budget. Why can't media benefit from it, when everybody else does?"

Audience research of media outlets is somewhat sporadic. Newspapers have their own idea about their readership based on perception rather than research. The popular daily *Yeni Musavat* said its audience was "an unhappy constituency."

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.

Television networks have more information about their ratings. In order to attract more advertising, television stations have routinely pointed to audience ratings produced by AGB/Nielson, an international ratings service. Television program schedules have been altered based on the findings. Thus ANS TV's traditionally primetime current affairs program *Point of View* was moved from 8 pm to 6 pm and then canceled completely. Asked whether there were political motives behind the move, ANS leadership said that audience ratings of the show had fallen drastically. Nonetheless, some television stations have reservations about the objectivity of the ratings.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Azerbaijan Objective Score: 1.60

Supporting institutions have little impact on improving the lot of media in Azerbaijan. The score for this objective fell significantly, losing 0.24 points from 1.84 last year to 1.60 this year. Driving this loss was Indicators 3, the role of NGOs. With the exception of Indicators 4 and 5, academic journalism programs and training programs for active journalists, the other indicators performed at their historically poor levels.

Several media organizations are active but possess little power to change the situation facing the media. The Journalists' Union, created in Soviet years, is nominally the largest journalist organization. The Institute of Reporters' for Freedom and Safety is vocal but perceived as pro-opposition and therefore not supported by many journalists. The Women's Journalist Union is new and has limited resources to reenergize the sector.

The Media Council bills itself as a self-regulatory body able to reconcile opposing sides in cases of conflict between media and private companies. However, the fifth annual Congress of the Media Council appeared to be the peak of division among the media. Pro-government media representatives voted for a new leadership, allegedly following a list sent out by Aliyev's office in advance that detailed who should be on the new Executive Board. Instead of conducting an anonymous vote, the head of the Political-Social Department of the president's office Ali Hassanov personally participated at the Congress, viewing from the stage while people raised their hands to vote. Changes were made to the Media Council's charter and Aflatun Amasev became its chairman for the third time in a row, a move harshly criticized by some of his colleagues. Other critics noted that the head of the Yeni Nesl Journalists Union was left out of the Media Council, which he once helped create. No major opposition newspaper representatives became Board members. They

now characterize the Media Council as "a mouthpiece" of the government and distanced themselves. Independent observers criticized the Congress for not being fully democratic. However, Women's Media Watch campaigned for women to be represented on the Executive Board and Vusala Mahirqizi became the first woman member of the 12-person Board.

Media NGOs proved to be poorly coordinated when RFE/RL, VOA, and BBC lost their licenses. Except for separate statements by media figures denouncing the decision, there was no apparent solidarity. Similarly, the closure of independent ANS TV in November 2007 did not lead to any serious actions by the media.

Several Universities have made attempts to provide practical knowledge for students of journalism. The Slavic University opened a television and radio studio and invited a well-known television journalist and former president of Space TV to serve as its head. ANS TV initiated the opening of the US-Azerbaijan Journalism Academy together with the US Embassy in Azerbaijan. The US Embassy sponsors veteran television and radio journalists to teach journalism skills and law at the Academy. However, only a small percentage of graduates end up working as journalists, while many practicing journalists majored in other fields. The majority of journalists learn the basics on the job.

Except for ANS TV, new employee training is not present at television stations. Occasional short-term training is conducted, but not regularly. For instance, Russian television presenter Vladimir Pozner taught lectures at Space TV. OSCE sponsored training for Public Television staff by BBC's training instructors.

Azərbaycan Printing House remains the most used printing facility. Despite a number of new private print companies, formerly state-owned Azərbaycan is the cheapest. In 2008,

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Azərbaycan newspaper offered color print newspapers, and several others switched from black and white to color. According to its editor-in-chief Bakhtiyar Sadikhov, the total number of advertisements immediately went up. Management raised prices for color advertisements, allowing it to cover the increased expenses demanded by color printing.

Several publishers remained skeptical. Editor-in-chief of *Azadlıq* newspaper Azer Ahmadov said no matter how good the newspaper looked, it would not attract advertisers. "Advertisers do not place their ads in *Azadlıq* for political reasons. Switching to color would not make any difference. Further, our audience will not stop reading us because we are black-and-white," he said.

Media distribution remained restricted and often political. Due to the selective delivery of newspapers by pro-government companies such as Azermetbuatayim, there is no regular delivery of newspapers to the regions. Even in Baku there is a selective distribution of independent and opposition newspapers. For example, the chief of Baku's subway system banned the sale of opposition newspapers within the system, claiming he disagreed with what they wrote. The government has also directly interfered with distribution in the past, confiscated news kiosks of the private Qaya distribution company. These have not been returned despite a presidential decree ordering their return in 2005.

List of Panel Participants

Agayev Shakir, editor-in-chief, *Novoye Vremya* newspaper, Baku

Rovshan Hacibeyli, editor, *Azadlıq* newspaper, Baku

Maqsad Nur, executive director, Region TV, Khachmaz

Etibar Babayev, director, Baku Slavic University Television Studio, Baku

Vusal Behbudov, democratization officer, OSCE, Baku

Farman Nabiye, editor-in-chief, *Mingachevir Ishiglari* newspaper, Mingachevir

Şahbaz Khuduoglu, director, Chap Evi Publishing House, Baku

Aynur Talibova, specialist, Women's Media Watch, Baku

Alasgar Mammadli, lawyer, IREX, Baku

Tahir Mammadov, head, Public Television and Radio Public Relations Department, Baku

Moderator and Author

Sevinc Osmanqizi, chairwoman, Women's Media Watch; chairwoman, The Network of Women Journalists, Baku

Observer

Aliyeva Nargiz, assistant, Women's Media Watch, Baku

The Azerbaijan study was coordinated by, and conducted in partnership with, Women's Media Watch, Baku. The panel discussion was convened on January 5, 2009.

Georgian media suffered through a tempestuous year in 2008, marked by armed conflict with Russia and homegrown political turmoil. The health of press freedom deteriorated amid the continued political brushfire, a holdover from the past year's unrest. Mirroring the polarized political scene, news media have essentially split into two opposing camps, leaving little room for neutrality and balance in the news.



GEORGIA

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Georgian media suffered through a tempestuous year in 2008, marked by armed conflict with Russia and homegrown political turmoil. The health of press freedom deteriorated amid the continued political brushfire, a holdover from the past year's unrest. Mirroring the polarized political scene, news media have essentially split into two opposing camps, leaving little room for neutrality and balance in the news. Media- and human-rights watchdogs observed decline in press freedom: in its annual survey of global press freedom, Freedom House ranked Georgia on par with Colombia and behind countries like Nigeria.

Media were caught in the middle of the bitter fight for the presidential office early in 2008. Media were then pushed around by both sides of the political divide, and accusations of bias dogged major news companies throughout the year. Followers of presidential runner-up Levan Gachechiladze, who claims that his electoral victory had been stolen from him, lambasted the largest television companies for backing incumbent Mikheil Saakashvili. The ruling establishment, in turn, moved to tighten the screws on opposition-minded news outlets. The pressure has manifested itself in verbal attacks, picketing, harassment, and discriminatory enforcement of media regulations.

The media careened wildly off the rails during the Russian invasion of Georgia. As tensions over breakaway South Ossetia swiftly snowballed into war in August, Georgian media struggled to rationalize the developments. Facing an onslaught of propaganda, spin, and censorship, reporters were often making choices between professional ethics and patriotic feelings.

Georgian Public Broadcasting (GPB) has been at the center of the ongoing political struggle for media supremacy. The government and the opposition spent the better part of the year jockeying for control over the public television station, as well as for Imedi TV, a private television station that used to be critical of the authorities.

The lack of transparency and diversity in media ownership also cast a pall on development of free media. The news industry still relies on occasional financial buttressing from political patrons and other noncommercial sources. The plunging economic conditions in the second half of 2008 left smaller media companies gasping for cash.

The overall country score slipped by 0.18 point since last year, which is part of a continuing trend since two years ago when Georgia's score was a high of 2.40. Notably, this is the first time that Georgia's overall score has fallen below a 2.00—"near sustainability" according to the MSI scoring definitions—since 2003 when the score was a 1.96. Furthermore, no individual objective score exceeded a 2.00. All objective scores dropped except Objective 4, Business Management, which showed a modicum of improvement. Of particular note were the scores for Objectives 1 and 2, Freedom of Speech and Professional Journalism, which received the lowest scores and dropped about a third of a point compared with last year.

GEORGIA AT A GLANCE

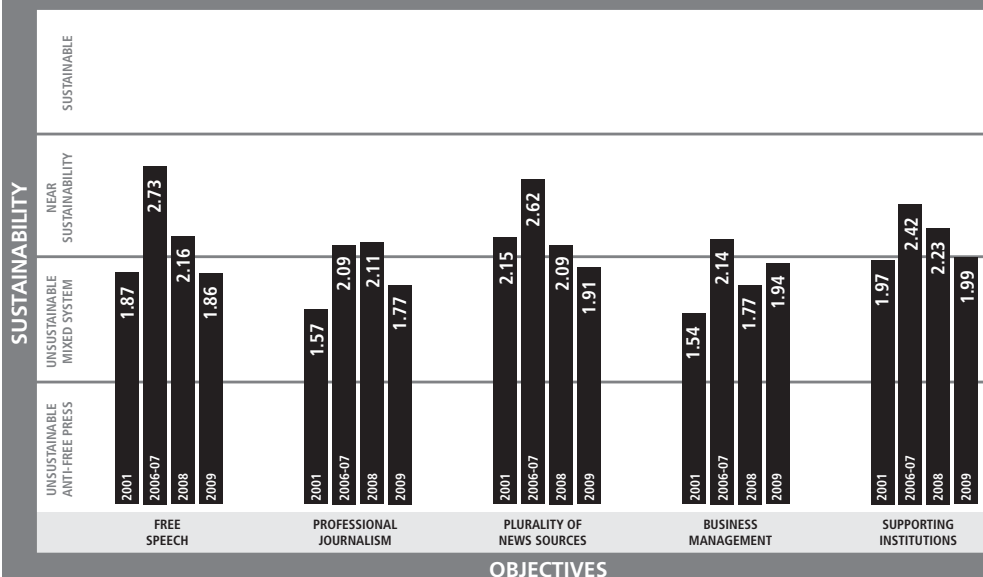
GENERAL

- > **Population:** 4,630,841 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Tbilisi
- > **Ethnic groups (% of population):** Georgian 83.8%, Azeri 6.5%, Armenian 5.7%, Russian 1.5%, other 2.5% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Orthodox Christian 83.9%, Muslim 9.9%, Armenian-Gregorian 3.9%, Catholic 0.8%, other 0.8%, none 0.7% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Georgian 71% (official), Russian 9%, Armenian 7%, Azeri 6%, other 7%
- > **GNI (2007-Atlas):** \$9.337 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$4,770 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 100% (male 100%, female 100%) (2004 est., *CIA World Factbook*)
- > **President or top authority:** President Mikheil Saakashvili (since January 25, 2004)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 89 newspapers (61 regional, 28 Tbilisi-based); Radio: 28 (9 regional, 19 Tbilisi-based); Television Stations: 40 (31 regional, 9 Tbilisi-based) (Open Society - Georgia Foundation, Media and Civil Society Program)
- > **Newspaper circulation statistics:** *Rezonansi* (30,000 weekly circulation; daily circulation varies from 4,500 to 5,000), *24 Saati* (25,000 weekly circulation; daily circulation varies from 4,200 to 5,800) The *Kviris Palitra* Director General office refused to provide circulation information over the phone. (Sources: individual newspaper claims)
- > **Broadcast ratings:** highest rated television outlets in Tbilisi: Rustavi 2 – 6.3%, Imedi – 2.2%, Channel 1 – 0.9% (TV MR GE, Licensee of AGB Nielsen Media Research)
- > **News agencies:** AP Bureau, Reuters Bureau, Agence France Presse (representatives), Bloomberg (local representative), Black Sea Press, Novosti Gruzia, Sarke, Interpressnews, Iprinda, Itar Tass, Kavkazpress, Media News, Prime News, Prime News Business (business news), Pirveli, GBC News (Georgian Business Consulting, Business News-Analytical Agency), GHN (Georgian Hot News) (Source: www.yellowpages.ge)
- > **Annual advertising revenue in media sector:** For television, approximately \$35 million (unknown for print and radio) (TV MR GE, Licensee of AGB Nielsen Media Research)
- > **Internet usage:** 360,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: GEORGIA



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Georgia Objective Score: 1.86

The free-speech score has plummeted 0.87 point in the two years since 2006-2007, when it reached a high of 2.73. Most indicators received scores near or below the overall objective score. Indicator 8 (media access to and use of international news sources) was in this category despite being a strong performer in the past; it suffered a serious setback due to voluntary and involuntary measures taken by the media and the government to control information during the conflict with Russia. Only Indicators 6 and 9 (libel laws and access to the journalism profession, respectively) received scores noticeably higher than the overall score.

Panelists almost unanimously praised freedom of speech laws as generally liberal and progressive, but most agreed that the laws are good only on paper. The panel said that the government practices discriminatory implementation of the laws through regulatory agencies and docile courts. The work of the Georgian National Communication Commission (GNCC) was also assessed as poor.

In 2008, several amendments were introduced in the Law on Broadcasting. A March 2008 amendment to the law obliged GPB to spend "not less than 25 percent" of its programming budget on preparing minority-language programs and news related to the twin secessionist republics of Abkhazia and South Ossetia. Further, Article 55 was added to the law on October 31, which requires GPB to allocate airtime to weekly political debate shows inviting political entities to participate on a nondiscriminatory basis. Tamar Kordzaia, a lawyer with the Georgian Young Lawyers Association, expressed the opinion that this should be regulated by the Broadcaster's Code of Conduct, not the Law on Broadcasting.

A majority of the panelists concluded that in the sphere of media licensing, the rule of law is often compromised by selective enforcement. Citing a row over a small opposition-backed television studio, most of the panelists said that broadcast licensing decisions are politically driven. Until recently, GNCC has been denying Maestro television studio a permit to air political programming. Entertainment had been Maestro's programming staple until it launched critical political shows last year. GNCC found Maestro to be in breach of its license, because it did not cover programs of a political nature. GNCC's subsequent reluctance to issue a broader license to Maestro turned into an eight-month-long dispute between the chief broadcast licensing authority and the television company. On September 30, 2008, the Tbilisi District Court upheld the decision of GNCC citing a stipulation in the law that imposes a year-long ban on issuance of a modified

license to a company that had received an official warning for violating the terms of its license.

GNCC, however, awarded the license on December 2 after the speaker of the parliament and several high-profile lawmakers weighed in on the matter. Some participants believe that the government caved in to the pressure from opposition parties and journalists. "If Maestro is legally entitled to the modified license, why couldn't it get it through legal means? Why did it become necessary to make a political decision?" asked Zviad Koridze, journalist and media analyst.

Radio Hereti has been waging its own battle with GNCC. This small regional radio disputes a GEL 5,000 fine that was imposed last year by the GNCC for Hereti's alleged failure to present timely proof of its license fee payment. Denying the allegation, Radio Hereti construed the fine as a retribution for its critical coverage of Mikheil Saakashvili's 2008 presidential campaign. After its appeal to rescind the fine was turned down by both the Tbilisi District Court and the Court of Appeals, Radio Hereti said it would seek justice in the Supreme Court.

For two years, GNCC has not awarded a broadcasting license to two community radios that operate with support of the European Commission and other donors. The community radios, a joint project of BBC World Service Trust and a local association, Studio Re, provide news and information in the Azeri and Armenian languages, as well as in Russian and Georgian, for ethnic minorities living in the Kvemo Kartli and Javakheti regions. According to Mamuka Kuparadze, of Studio Re, GNCC in its most recent vaguely worded written response said that public opinion should be surveyed before a decision is made about announcing a contest for broadcast frequencies. In the meantime, the radios go on air via loudspeakers.

Panelists said that GNCC's powers are too broad, allowing the regulator to exercise control over broadcast editorial content. GNCC issues content-based permits (a political programming permit, an entertainment programming permit, etc.), rather than a general broadcast license that would allow television and radio companies to choose programming to their own liking. As exemplified by the case of Maestro, this has become an editorial control tool for the authorities, Koridze said. To avoid this, panelists said, GNCC must restrict its role to dealing with technical aspects of broadcasting, such as regulating frequencies, rather than regulating content via licensing.

A number of local and international human-rights and media watchdogs that are active in the country have observed a decline in press freedom. In 2008, Reporters without Borders downgraded Georgia's ranking by 57 points on its annual freedom of the press chart. Panel participants noted some level

of civic fatigue caused by the chronic domestic turmoil, which has allowed government officials to get away with attacks on the media freedom and face little resistance from the nascent civil society. Khatuna Maisashvili, editor of the monthly magazine *Sitkva*, believes that hefty sums spent on civil-rights advocacy have gone to waste, as there has been little consolidated public effort to confront attacks on civil liberties.

Most of the panel discussion hinged on the embattled Imedi television company that was forced off the air at gunpoint by riot police in 2007. Amid the crackdown on an anti-government rally, police occupied the company's studios and physically abused its employees. Admitting that police overstepped their bounds, the government promised an investigation into the raid, but to this day nobody has been held responsible for the attack.

In response to a prosecutorial request, GNCC pulled Imedi's license for three months, holding the television company responsible for fomenting unrest. Most of the channel's key news anchors and show hosts have since found a good home for themselves at GPB. Imedi did not reopen until September 2008.

In the wake of the riots of November 2007, President Saakashvili called snap presidential elections. Media mogul and Imedi owner Badri Patarkatsishvili ran against incumbent Saakashvili in the poll held on January 5, 2008. Patarkatsishvili's sudden death in February set the stage for an ongoing battle for Imedi between the late financier's family and his business associate Joseph Kay.

A distant relative of Patarkatsishvili, Kay took over Imedi by purchasing a controlling interest in the television's parent company, JMG. Calling Kay a front man for the administration, Patarkatsishvili's widow accused the government of expropriating the company from her family. The opposition parties also cried foul at what they call efforts to muzzle the country's only critical news network with nationwide reach. Before fleeing the country, former owner of JMG, Gogi Jaoshvili, told a news conference on December 10, 2008, that he had surrendered his shares to Kay in the face of physical and psychological pressure from government officials. Patarkatsishvili's widow hopes to reclaim Imedi shares through legal action.

The tax environment neither discriminates against nor favors the news industry, save for a concession for the print media. Pursuant to Point 1 (u), Article 230, Chapter 33 of the Tax Law, print media are subject to a VAT exemption. Regional media representatives said they would like to see more tax breaks to keep their shoestring operations afloat.

Journalists faced intimidation and harassment during the elections and conflict with Russia. Regional media representatives said they and their colleagues received harassing phone calls from local officials. Panelists also noted an assault on Eliso Chapidze, the duty editor of Tbilisi-based daily *Rezonansi*. Chapidze was physically abused at a precinct polling station in the town of Signaghi on the day of the parliamentary vote, May 21, 2008, by a group of men who were harassing voters at the polling station. Panelist Ekaterine Pirtskhalava, news executive at Radio Green Wave, mentioned the alleged beating of regional reporter Saba Tsitsikashvili by the governor of Shida Kartli, a region that bore the brunt of the Russian invasion. In an article published on the news website media.ge, Tsitsikashvili claimed that the attack was retribution for his criticism of the governor's handling of the crisis. In neither case have any offenders been prosecuted.

Government officials do not enjoy preferential legal treatment in their dealings with the media. However, the airtime of the largest television channels is readily available for the ruling party officials, but to a far lesser degree for government critics, some panelists said.

Libel is regulated by civil law, in particular the Law on the Freedom of Speech and Expression. Paragraph 3 of Article 17 of the law gives the offending party an option to make restitution to the claimant through "correction by retraction" of the libelous matter, but the court may impose further compensation of actual or moral damages if the retraction or denial is found insufficient to make up for the damage claimed by the offended party. In a dispute related to allegedly defamatory matter, the plaintiff must prove the

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

charges, and the owner of the media outlet concerned shall be the only respondent.

Panelists said that the law guarantees media's access to public information, but Levan Alpaidze, commercial director at Imedia TV, and Ramaz Samkharadze, director of Radio Hereti, said that state institutions create serious red tape to hinder release of public information, especially concerning law enforcement and state spending records. Samkharadze said that as a rule the Kakheti region governor's office is reluctant to respond quickly and properly to his radio station's requests to release information related to public spending. "We had to place repeated requests to receive information on the cost of renovating the governor's office," Samkharadze said. He said that such information often comes later than is stipulated by law.

The conflict with Russia led to government measures (as well as self-censorship, described below) that impacted media's ability to access and make use of international news sources. In particular, the government blocked access to Russian Internet sites and cable channels. Panelists returned much lower scores for this indicator than in the previous year due not only to the fact that the measure was taken, but also because of the ease with which the government was able to effect this.

Panelists noted no restrictions on entry into the journalism profession.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Georgia Objective Score: 1.77

Tightened political control in tandem with lax editorial commitment to established journalism standards hindered delivery of objective and well-sourced information. As a result, this objective experienced a 0.34 decrease from the previous year. Several indicators showed notable declines, and almost all scored relatively closely to the objective score. Only Indicator 7 (technical facilities) maintained its score from last year and scored notably higher than the overall objective score.

Although reporters do make efforts to present stories from a variety of angles and viewpoints, neither news executives nor society at large have fully embraced the need for objectivity and pursuance of facts, panel participants said. Pirtskhalava said, and others agreed, that coverage of key events has been perfunctory and lacking due depth and critical analysis.

With a few exceptions, media lean toward "Gonzo" journalism because it is perceived to be the most saleable

genre. News executives believe that the western journalism values of balance and ethics have not fully gained currency with Georgian audiences. "Publishers believe that content that is not aggressively critical doesn't sell well," said Lana Ghvinjilia, manager of the Open Society Georgia Foundation's Civil Society and Media Support Program. The media scene is therefore replete with sensationalist headlines and "gung-ho" journalism pieces.

Coverage of the Russian invasion was marked by the flare-up of patriotic tenor in the mainstream Georgian media that often stretched ethical and professional constraints. According to Ghvinjilia, news companies cranked out a series of reports from the frontlines but failed to raise critical questions and maintain balance mostly due to poor professionalism. Other panelists added that political convictions also dimmed the judgment of reporters and editors alike. Letting their emotions get in the way of professional ethics, many reporters and editors produced extremely opinionated stories larded with snide remarks about the separatists and the Russians alike, panelists said.

Panelists directed much of their criticism at Rustavi2, the nation's top television channel, which is widely viewed as pro-government. Discussion revolved around a senior Rustavi 2 reporter, whose war diaries were laced with caustic, if offensive, language. Rusudan Vashakidze, a producer at Rustavi2, defended her colleague, saying that this style is his personal trademark, that the reporter had to work in extremely challenging circumstances, and that the dizzying pace of developments and risks faced by the war-zone correspondents left little time for critical analysis.

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).

Pirtskhalava said, and other panelists agreed, that at the height of the confrontation the Georgian government hijacked the news-breaking role from the news media. Government officials took turns breaking news, and the media did little to second-guess the credibility of the official statements.

Several efforts to introduce cross-media ethical standards have largely fallen flat. However, after three years in the making, the GNCC produced what appears to be the final draft of the code of conduct for broadcast media. GPB, key private television companies, local NGOs, and international organizations worked on the draft that was posted on GNCC's website on November 21, 2008.

Containing both mandatory and discretionary clauses, the code-of-conduct project attempts to set ethical and legal boundaries for the broadcast media to ensure responsible delivery of information and entertainment. It contains a set of guidelines for newsgathering and reporting practices such as door-stepping, use of anonymous sources, and signposting challenging content. The draft outlines standard procedures for media self-regulation and public accountability.

Before the code of conduct becomes effective, the Ministry of Justice will review it to ensure consistency with the law.

In a separate initiative, a group of regional media came up with a proposal to introduce a nationwide Journalism Charter, a set of professional rules of thumb and self-imposed ethical limitations meant to ensure conformity with international journalism standards and values. The proponents of the project say that the law does not and cannot entirely regulate ethical and professional dimensions of media activity, and therefore journalists themselves should fill this void.

The authors of the project have invited individual journalists, rather than media companies, to become signatories to the Charter. Ia Antadze, a prominent journalist spearheading the effort, suggested creation of a rotating supervisory council that would oversee adherence to the guiding principles of the Charter by its signees. The Charter will have its own logo, and the work of those journalists who comply with the Charter's requirements will carry this logo as a stamp of quality. Koridze noted that regional media have keenly embraced the idea, but Tbilisi-based journalists have proved harder to engage.

Kutaisi-based newspaper *P.S.* has also drawn up its own code of ethics with the help of the Open Society Institute and Media Development Foundation. The code was presented on December 20, 2008. Editorial staff of the newspaper say that they will oversee adherence to the code by the newspaper's reporters.

Since elections in 2008, the Media Council has become moribund. Davit Paichadze, media analyst and member of the council, said signatories displayed little interest in self-regulation and none have filed any complaint to the council.

The highly politicized media environment and the government's interference in editorial content led to proliferation of top-down self-censorship in the media. Political agendas permeate the media, turning them into tools in partisan political toolkits. Generally media provide a diverse range of political views, but the largest outlets remain under the influence of their owners and political patrons and therefore news-slanting is common.

Growing dependency on advertising also poses new challenges to the editorial independence of regional newspapers. Several news outlets found themselves hostage of much-wanted advertisement revenues. Ia Bobokhidze said her struggling *Akhali Gazeti* newspaper experiences direct pressure from advertisers, who expect favorable coverage in exchange for placing ads. "There are companies that, just like some politicians, feel that they become owners of a newspaper if they purchase ad space," she said.

News media tread cautiously on the most sensitive issues, such as the war with Russia and religion. Alpaidze said that mainstream media are averse to present opinions that buck the official line on the war. Nino Jangirashvili, director of independent television company Kavkasia, said she practiced self-censorship during the conflict with Russia, lest they broadcast sensitive information or invite the government's anger.

Criticism of the Orthodox Church is largely taboo in the media. Jangirashvili said her television shies away from airing stories critical of religion, as even mildly critical reports spark an angry outcry from the audience. Despite pressure from conservative groups, the regional newspaper *Akhali Gazeti* pursued a story on a long-running dispute between the Catholic and Orthodox Churches over a cathedral building. Both claim ownership of the building, and *Akhali Gazeti* was pressured to side with the dominant Orthodox Church.

Panelists agreed that key events and issues are normally covered in the media but noted instances of selective coverage. While reporting extensively on the coverage of the Russian-Georgian conflict in the world's leading news outlets, Georgian television eschewed negative international press.

The panel said the coverage of internally displaced persons (IDPs) has been riddled with deficiencies, with political statements often given priority over human-interest angles. Television crews tend to shadow government officials visiting IDP communities, rather than pursuing refugee stories on their own.

Most of the panelists agreed that media barely scratch the surface of social woes faced by the country. Reporters tend to follow socially themed stories when they are tied to some government or development organization project, rather than address such issues on their own. Samkharadze said, however, that the local authorities increasingly take measures to tackle problems raised in civic journalism pieces often aired on his Hereti Radio. Yet generally such reporting is still not very popular.

Broadcasting companies headquartered in Tbilisi offer competitive salaries, but pay levels remain very low in the regional news outlets. Regional journalists complained about the drain of well-educated reporters from the regions. "Regional labor markets don't offer competitive salaries," Bobokhidze said. Media professionals therefore tend to seek greener pastures in Tbilisi. However, salaries seem to be sufficient to discourage media graft. As a rule, salaries are much higher in broadcasting (especially television) than in print media.

Panelists believe that entertainment does not eclipse news and information programming. The panel focused on the quality rather than quantity of news and political shows. Pirtskhalava said that televised political debates are not very informative and are presented as a "sport," where two sides engage in a petty exchange, rather than meaningful discussion.

The technical capacities of media companies vary across media types and locations. Leading Tbilisi-based television channels are equipped with state-of-the-art gear, but regional newspapers and broadcasters are looking for donor funding to cope with equipment and facility wear and tear.

An increase in specialized journalism occurred in 2008. Some media analysts ascribe this to rapid economic growth that screeched to a halt in August. The major private television companies—Rustavi2, Mze, and Imedi—offer business and health programming. Radio stations also provide routine business broadcasts. Radio Fortuna and Radio Imereti offer business shows—*Business Courier* and *Economics*, respectively. Koridze said these programs enjoy limited popularity and their sustainability relies on private sponsors.

Rezonansi daily newspaper launched a new pull-out section devoted to state spending. Key television channels produced documentary series, but panelists believe that science-related programming is not popular. Investigative journalism has been barely visible throughout the year. Panelists said that the poor investigative skills of reporters and growing fear of retribution put a damper on development of this genre.

OBJECTIVE 3: PLURALITY OF NEWS

Georgia Objective Score: 1.91

Diversity of news sources and views has deteriorated somewhat throughout the year due to both homegrown political strife and challenges to national security. Several panel participants said that formerly opposition-friendly Imedi TV turned into a government mouthpiece, a label already widely applied to Georgia's three remaining major television channels—Rustavi-2, Mze, and Georgian Public Television. As a result, the score for this objective fell a bit from 2.09 last year to 1.91 this year. All indicators either fell noticeably or remained static. Further, all received scores relatively close to the overall objective score, except for Indicators 3 and 6 (state media reflect the views of the political spectrum and transparency of ownership, respectively); these two received scores more than a half-point lower.

Media generally still provide an outlet for alternative views, but the content of mainstream television has become increasingly homogenous. Some panelists said that no matter which channel you switch to you would get the same news in the same order.

The government-imposed international news brownout left Georgians without full access to foreign information sources during the Russian invasion. On August 8, the Georgian government cut most access to Russian television channels transmitted through cable services and websites in an effort to stonewall the Kremlin's propaganda. Georgian Internet users promptly found their way to the websites parked on

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.

the .ru domain via proxy servers. The ban was eased on September 9. The ban on Russian channels persists on cable television, but the channels have been available via satellite all the while.

Internet subscribers also suffered from bitter corporate rivalry between two major telecommunications companies. The owner of Tbilisi's telecommunications grid, United Telecom Georgia (UTG), disconnected subscribers to the Caucasus Online Internet service, citing the company's \$3 million backlog in payments for using UTG's infrastructure. Caucasus Online denied UTG's allegations and accused UTG of attempting to elbow its key competitor out of Georgia's small Internet service market of an estimated 360,000 users. As it is asserting itself on the market, UTG is prompting Internet users to switch to its own cheaper Internet service.

UTG launched a special advertising campaign, stating that it fell prey to false accusations and prompting users who suffered to switch to UTG services. Several television programs pitted the CEOs of these companies against one another, but media coverage was fairly balanced. Both companies are big advertisers, but panelists did not notice a decrease or increase in advertising due to their confrontation.

Television remains the most popular medium, panelists said, but there is also a lively and increasingly competitive radio market. Featuring music, news, and analytical shows, radio stations rarely turn a profit. The nation's two quality newspapers, *24 Saati* and *Rezonansi*, are complete opposites, with the former being loyal to the authorities while the latter is a vocal government critic. There is also whole panoply of tabloids and niche periodicals, but few can be described as reliable news sources and sound businesses.

The national printed press is available in the major cities and regional centers, but several mountainous areas remain impervious to both national and local media, leaving the communities little or no access to news. "In the Imereti highlands—Tkibuli, Sachkhere, Chiatura—there is a total information vacuum," Bobokhidze said. Local newspapers do not distribute to these areas because it is not cost-effective.

Throughout 2008, the government worked to cement a greater hold over the mainstream media, effectively securing fawning coverage and marginalizing alternative views, some panelists said. Several participants criticized the authorities for installing government loyalists as managers at main news networks.

During the election seasons in early winter and spring 2008, Public Television came under strong pressure from the opposition parties, which accused the company of toeing the government line. The OSCE's Office for Democratic

Institutions and Human Rights election monitoring mission report noted that campaign coverage by television stations overall "lacked balance both in terms of time allocation and tone," but added that GPB's coverage was in fact the most balanced of all. GPB made efforts to dole out airtime more or less equally and provide a multitude of views.

Staging rallies in front of the head office of GPB, and on one occasion even barging in to the company's headquarters, opposition leaders demanded access to live airtime, as well as dismissal of the news directors and the company board.

The tug of war for the control of GPB resulted in changes in both management and the format of the company. After many bouts of bitter political bickering, the ruling clique and the coalition of opposition parties reached a grudging compromise in February 2008. According to the deal, both sides nominated members of the company's board on a near-parity basis.

GPB's new board and news team overhauled the channel's programming, which was widely perceived as jejune, irrelevant, and biased. The renewed GPB brought back the old name of Channel 1, acquired a new logo, and from the beginning of December 2008 started a new program schedule offering several lively entertainment and educational programs with an emphasis on history and culture. GPB increasingly provides a forum for different ideas; however, the makeover has not fully assuaged the accusations of bias, and discussions continue about the role of public television.

A number of independent news agencies gather and distribute news. This includes several highly professional operations, such as Prime News, Kavkasia-Press, and the Civil Georgia news site.

Local radio and television stations generate original news programming and mostly do not rely on feeds from the national networks.

Ownership of the leading Georgian broadcasters remains obscure due to complicated corporate ownership structures and chronic changes in majority control. News Corp. has had a vaguely defined role in the embattled Imedi TV company. Last year, Imedi founder Badri Patarkatsishvili gave power of attorney over his shares in the company to News Corp. The media giant pulled out from Imedi in the wake of Patarkatsishvili's death.

When it comes to the media ownership debate, Rustavi-2 television channel stands in a class by itself. The company's majority shareholder is Geomedia Group, incorporated in the Marshall Islands. The identity of the controlling director of the offshore group remains under wraps, but some media allege that it is owned by the president's loyalists. Rustavi-2

founder Erosi Kitsmarishvili, a one-time Saakashvili ally-turned-vocal critic, claims that Saakashvili wrested away control of the Rustavi-2 in order to dominate the media. Geomeia also owns Mze and Stereo I television stations.

Tamar Kordzaia said that current laws cannot effectively prevent monopolization of the news outlets by one corporate owner. Article 60 of the Law on Broadcasting forbids a person or legal entity from owning more than one broadcast license for television and radio in one service area. But Kordzaia says that a single media owner or a corporation can still amass shares of various broadcasting companies through third parties. "Rustavi-2, for instance, already holds one broadcasting license; therefore, by law, Rustavi-2 itself cannot acquire another company with a similar license, but the [corporate or individual] owners of Rustavi-2 can purchase as many broadcasting companies as they will," she said.

Panelists like Pirtskalava believe that the government's growing monopoly over mainstream media has taken a toll on the quality and variety of the news. Instead of engaging in a competition, national television channels have a gentlemen's agreement to split time slots for newscasts so that the timing of their news programs does not overlap, she said. "Not only do they not compete, they also provide the same information in all but identical order," Pirtskhalava said. "Time and again at news conferences I've heard reporters of competing channels tell each other, 'Are you going to cover this? No? Then I'm not going to cover it, either.'"

Ownership and sources of financing of the Russian-language Alania TV, which caters to the Ossetian minority, also remains shrouded in mystery. Many media observers believe that it is an open secret that the government sponsors the channel with a view to promote reconciliation with breakaway South Ossetia. Koridze noted that while often-critical Maestro television hit a snag over licensing, government-backed Alania had been free to broadcast without a license until 2008, when it finally received one.

Minority-language news programs have a growing presence. Public television offers newscasts in all widely spoken minority languages. Radio Hereti carries news in Russian to serve Kakheti's minority listenership. Radio Hereti also offers a weekly Azeri-language program to deliver news to the region's largest ethnic minority. Other topics of interest to non-mainstream segments of society are rarely covered, except for coverage of issues related to the poor; even then this is mostly covered by the opposition Kavkasia and Maestro. Further, gender issues are covered or discussed rarely; when they are, it is normally at the behest of NGOs.

OBJECTIVE 4: BUSINESS MANAGEMENT

Georgia Objective Score: 1.94

Since last year, Georgian media have made little headway toward becoming self-sufficient and profit-generating businesses, panelists said. Profitable media are still a rare commodity. This area did see a modest 0.17 increase, compared with the previous year, owing primarily to ratings and research becoming more entrenched. Therefore, while all other indicators remained relatively static, Indicators 6 and 7 showed noticeable gains. However, no indicator scored significantly better (or worse) than the overall objective score.

Media outlets increasingly draw a line between news and business operations. Previously journalists often operated as "jacks of all trades," combining marketing, distribution, and reporting functions. Several business-promoting NGOs are helping *Akhali Gazeti* to upgrade and streamline its marketing and accounting operations. "Among other things, we will have a modern accounting system that will help us make better marketing decisions," Bobokhidze said. "Previously we could calculate neither precise daily costs nor revenues of our newspaper."

But most regional newspapers can ill afford such improvements without securing external sources of funding. The lack of well-qualified managerial cadres sends the media industry scraping the bottom of the barrel in search of professional media managers. Management, in turn, routinely interferes with editorial content, Pirtskhalava said.

The leading television channels continue to receive financial injections from the government or private owners, while

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.

donor funding still helps cash-strapped regional media get through each day. Alpaidze said that even Imedi TV, seemingly a well-oiled business operation, received occasional financial infusions from its late owner, media tycoon Patarkatsishvili. Sources of funding of independent media companies are not transparent, leaving the door open to charges of corruption and clientelism. Koridze believes that pro-government television networks are indirectly underwritten by the state.

GPB receives commercial income, but the bulk of its funding comes from the state budget. The two public television channels asked for additional state funding after deciding to turn the lackluster 2nd Channel into a C-SPAN look-alike, featuring nonstop public-affairs programming. 2nd Channel will carry live broadcasts of parliamentary sessions, government meetings, and other proceedings and will host political debates. According to a recent account on media.ge, on December 30, the Georgian parliament approved the new state budget with GEL 500,000 allocated for Channel 1, exceeding the previous year's funding by GEL 597,600. As media.ge states: "According to Levan Gakheladze, chairman of the GPB Board of Trustees, the allocated amount is sufficient to make Channel 1 and both radio stations function, but not enough for the reorganization of 2nd Channel." An additional GEL 7 million is needed to fully transform 2nd Channel.

As was the case last year, many panelists believed that advertisement placement is affected by politics as much as by marketing strategies. Due to the purported roughshod treatment of private business by the government, many companies are wary of association with media companies that have run afoul of the authorities, some panelists said. Representatives of opposition-minded Kavkasia Television and Radio Hereti claimed that businesses were pressured by the authorities to pull commercials from their companies. Beeline, one of Georgia's three mobile-phone operators, walked out on a year-long advertisement deal with Hereti after the local radio got on the government's bad side, Samkharadze claimed.

There has been little progress in narrowing the gap in income levels between central and regional news outlets. The advertising market is concentrated in Tbilisi, where several successful advertising companies are based. Attracting advertising remains a daunting task for the regional media that remain subsistence businesses. Panelists said that advertising agencies cannot be bothered to work with local media, as they view the market size as infinitesimal.

According to the SakPressa press distribution company, the sales of Georgian newspapers and magazines decreased by about 30 percent in the last two months of 2008. It

attributed this to the increase of print media's retail price by 50 percent. However, SakPressa also states that in general, during 2008, print media sales in Georgia increased from 2007. Regional print outlets barely make ends meet and are heavily dependent on noncommercial sources of income. "Newspapers are barely breaking even, so reinvesting in technical upgrades is next to impossible," said Bobokhdze.

Local news companies find financial solace in a host of ongoing socially important campaigns funded by development organizations. Samkharadze said his Radio Hereti relies on grants to supplement the meager pay of its reporters. "Newsmen earn some GEL 300 to GEL 500 [\$188 to \$310 per month] if there is some grant or project; otherwise, it's within the GEL 120-to-GEL 150 range," he said.

Regional advertising sales, never flourishing, saw a slump in the second half of 2008. The triple whammy of the worldwide financial crisis, armed conflict, and reduced competition has had a chilling effect on both investors and advertisers across the nation's border. Bobokhidze said that before the war with Russia broke out, her newspaper had been posting intermittent gains. Now the newspaper is in financial straits as the war and lending crunch have depressed the nascent local advertising market. "Chances that advertisers will extend their contracts are small, as the current environment is not conducive to any business activity," Bobokhidze said. "It feels like we have been pushed several years back."

Government subsidies to commercial media are shrouded in mystery, and one can only speculate. Panelists said that the government is sponsoring the pro-government media, but it is not possible to provide any proof for this claim. It does not happen through advertising or preferential legal treatment. The president's loyalists give money to support the key media. It is an open secret that Georgia's Security Supremo Gela Bezhuashvili is sponsoring Rustavi-2, but there is no way to confirm this. Nonetheless, a "choir of government critics" believes that the government is indirectly and covertly sponsoring Rustavi-2.

Newspaper and magazine circulation numbers are mostly kept under wraps. Several panel participants said that many print outlets and publishing houses do not present tax authorities with real sales rates to avoid paying taxes. At the same time, newspapers claim inflated circulation rates when dealing with advertisers.

Leading television companies have grown conscious of ratings and are trying to tailor their products to the audience's preferences. There is a credible television ratings system in place run by TV MR GE and BCG. The former is the Georgia chapter of TV MR, an official licensee of AGB Nielsen Media Research. Both companies place PeopleMeters, an electronic

television metering device, in randomly selected households to collect data on audience preferences and viewing patterns. The surveys and rating often dictate programming decisions of the television broadcasters.

IPM, a marketing consultancy firm, surveys radio listenership using face-to-face interviews. The company also conducts monthly print-media readership surveys for advertisers. There is still no market research conducted for print media unless they themselves decide to do so.

In June 2008, BCG completed an OSI-funded readership research for *Akhali Gazeti*. BCG conducted face-to-face interviews with 200 readers and identified reading and purchasing patterns of the audience. The survey showed that the in-depth coverage of local issues gives *Akhali Gazeti* a competitive edge over national newspapers. Fifty-seven percent of the newspaper readership is based in Imereti's biggest city of Kutaisi. Bobokhidze described the survey as very useful and said that it will help her better adjust the content to the target audience.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Georgia Objective Score: 1.99

The score for this objective fell by 0.24 this year, mostly due to lower scores for Indicator 7 (apolitical channels of media distribution) and Indicator 3 (the role of NGOs). While most indicators scored relatively close to the overall objective score, Indicator 2 (professional associations) scored more than three-quarters of a point lower.

There are no professional associations representing the interests of media professionals. Several trade associations are active, but their influence is marginal. "Regional media associations that for the most part have been set up with assistance of donors didn't prove viable, as they were not based on initiatives coming from media business," Lana Ghvinjilia commented.

A host of NGOs are active in the media development sphere, but some panelists said that the interest of the nongovernment sector in media issues has dwindled. The Georgia Young Lawyers Association, Liberty Institute, Internews, and HumanRights.ge are among the associations advocating journalists' rights and freedom of speech. Internews Georgia operates a popular media news portal Media.ge.

The Georgian Regional Media Association (GRMA) attempts to coordinate the efforts of individual regional journalism practitioners and news companies to tackle the litany of problems faced by Georgian journalists, such as the lack of

accessibility and transparency of public information, crimes against journalists, and poor professionalism.

With Tbilisi being the only exception, GRMA brings together both individual reporters and news organizations from around the country. GRMA, along with the Center for Social Sciences and Civil Society Institute, is helping to promote the idea of creating a national Journalism Charter described in Objective 2. The idea of the Charter was first floated during the parliamentary elections in May 2008, when a number of regional news outlets agreed to subscribe to several fundamental principles of fairness and balance in election coverage. "The Association proved effective in helping to share information among different newspapers, especially under pressing circumstances," Mamaladze said. Other panelists agreed that during the war when mainstream media failed to provide the complete picture of developments, GRMA served as an effective tool for information exchange.

The GRMA is funded by donor organizations. The chairwoman of GRMA, Ia Mamaladze, said that in the future they plan to start charging a small membership fee.

The director of Batumi-based television company Channel 25, Merab Merkviladze, said that similar cooperation does not take place between regional and central broadcasting companies. "Part of the reason is that such information exchange is not technically feasible for the television and radio organizations," he said. According to him, the Georgian Association of Regional Television Broadcasters and Internews are now working on a project that will involve linking major cities by fiber-optic cables to facilitate audiovisual information exchange between broadcasters.

Panelists agreed that journalism education programs offered by the state universities are obsolete and fail to respond

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

adequately to the needs of the fast-changing industry. The deficit of academic staff with professional backgrounds in journalism was mentioned as one of the key problems, followed by the lack of modern textbooks and equipment. Some instructors use modern English-language textbooks, but students' command of English is generally poor.

Maia Mikashvidze, dean of the Caucasus School of Journalism and Media Management (CSJMM), noted some positive trends. CSJMM broke the mold in Georgia's journalism education by offering intensive hands-on training at the graduate level, and other schools have recently started to follow the suit.

CSJMM is one of two private educational institutions that offer highly professional journalism programs. CSJMM's curriculum is molded after US journalism education programs, and American and European instructors teach at the school along with their Georgian colleagues. Offering instruction both in Georgian and English, the CSJMM has gained South Caucasus-wide notoriety.

Mikashvidze said that despite growing interest in the program, the school tries to keep admission rates in sync with real demand in the labor market. Along with the core master-level studies, CSJMM also offers long-term training courses. "These courses incorporate elements of an academic program and professional trainings," Mikashvidze said. She added that graduate employment rates are encouraging.

A new Caucasus School of Media established in 2006 at the Caucasus University also boasts a Western-educated faculty and innovative curriculum. Its well-structured undergraduate program is aimed at building cross-media competence in students. The school launched a master's degree program in 2008.

State schools are hamstrung by the lack of up-to-date technical facilities and professorial cadres with modern education. Tbilisi State University is cooperating with donor organizations to upgrade its equipment, curricula, and academic staff. Under the Open Society Institute's Academic Fellowship Program, a pool of western-educated media professionals and scholars is teaching at the university's journalism department. The caveat is that the number of returning scholars is limited, and their courses are not organically integrated into the department's curriculum.

Journalism and communications remain to be among the priorities of international fellowship programs available in Georgia. The Presidential Fund also sponsors the studies of Georgian journalism students in Western universities.

Some panelists say that not all journalism professionals share international journalism values and standards. Therefore,

graduates of the best journalism programs often end up working for companies that do not hold such values in high esteem. "One day I may speak to a class about ethics, and next day a journalist [invited as a guest speaker] tells them that objectivity is a 'bluff,'" Koridze said.

Media professionals can avail themselves of a variety of in-service training programs. Organizations involved in media development offer generic skills-building training as well as specialized coaching in several areas such as covering conflict, business, and gender issues. Regional media representatives said that without donor funding their organizations cannot afford to send journalists to paid trainings. Pirtskhalva said that subject-oriented trainings often are not tailored to the needs of media outlets.

Newsprint and the several printing facilities are free of political control, but the poor quality of regional printers is still a turnoff for newspaper publishers. "It is often cheaper and better to print in Tbilisi than in Kutaisi because of the quality issues," Bobokhidze said. Advertisement agencies often look for high-quality printing solutions abroad.

Channels of media distribution are private but by no means immune to political pressure. Print media are mostly distributed through newsstands and kiosks. Only larger institutions tend to subscribe to newspapers and magazines. Citing national security considerations, in August the government instructed cable companies to stop transmitting Russian channels, as their coverage of the war was perceived by the authorities as disruptive. The Internet also faced restrictions on the same grounds.

Newspaper distribution channels are apolitical and free. Print news distribution works effectively in Tbilisi, but many rural areas are underserved. Further, several regional distributors started charging print media a fixed fee in lieu of retaining a percentage from sales. This raised the stakes for regional newspapers that are struggling to cut production costs.

List of Panel Participants

Maia Mikashvidze, dean, Caucasus School of Journalism and Media Management at the Georgian Institute of Public Affairs, Tbilisi

Zviad Koridze, independent journalist and media analyst, Tbilisi

Tamar Kordzaia, lawyer, Transparency and Accountability Support Project, Georgian Young Lawyers Association, Tbilisi

Levan Alpaidze, commercial director, TV Imedi, Tbilisi

Rusudan Vashakidze, producer, Rustavi-2 TV, Tbilisi

Nino Jangirashvili, director, TV Kavkasia, Tbilisi

Merab Merkviladze, founder and director, Channel 25, Batumi

Ekaterine Pirtskhalava, head of the news service and broadcasting director, Radio Green Wave; radio journalism class instructor, Tbilisi State University, Tbilisi

Ramaz Samkharadze, director, Radio Hereti, Lagodekhi

Ia Mamaladze, chairwoman, Georgian Regional Media Association, Tbilisi

Avtandil Gvasalia, executive director, Georgian Association of Regional Television Broadcasters, Tbilisi

Khatuna Maisashvili, editor, monthly magazine *Sitkva*; editor, publishing house 7 Dge Ltd, Tbilisi

Ia Bobokhidze, editor-in-chief, *Akhali Gazeti*, Kutaisi

Lana Ghvinjilia, manager, Civil Society and Media Support Program, Open Society Georgia Foundation, Tbilisi


Moderator

Ellada Gamreklidze, independent expert, Tbilisi

Author

Giorgi Lomsadze, reporter and analyst, EurasiaNet.org

The panel discussion was convened on November 26, 2008.



**RUSSIA AND
WESTERN
EURASIA**

Panelists indicated that Belarusian independent media would remain hostage to the government's political games with the West. "Should we fall out with Europe, strangling them [the surviving independent media] is a technical issue," a panelist commented.



BELARUS

D

Despite a slight increase from last year, 0.84 against 0.73, Belarus remained a country where the government allowed little media freedom, although media advocacy efforts were still pushed by some groups and new media continued to develop as an alternative.

Two restrictive laws were adopted with a view to tightening the grip over the media and ensuring they had little chance of publishing information critical of the government. In a coordinated effort in March 2008, the KGB raided local offices of independent donor-funded broadcasters. Equipment was seized, and journalists were detained for questioning.

Conversely, in an end-of-year attempt to improve its strained relations with the EU, the government allowed two independent newspapers back into the state press distribution network and the postal service. Both newspapers were banned from those monopolized distribution channels in 2005, together with a dozen other publications critical of the government. Elsewhere, the government organized a roundtable with international and domestic press freedom watchdogs to discuss Internet regulation. The government has vowed to take the watchdogs' recommendations into account while drafting the soon-to-be-adopted cabinet decree on Internet media. Until now, the Internet has been the least-regulated of media in Belarus. Those latest developments left some of the panelists with hope that there would not be an immediate crackdown on the independent media.

Throughout 2008, Belarus attempted to offset an increasingly unfriendly relationship with Russia, its closest ally, by thawing ties with the West, primarily the EU. In August, the country's last political prisoners were released from jail, including former presidential candidate, Alyaksandar Kazulin. However, a parliamentary election a month later was deeply flawed, according to domestic and international observers. Candidates loyal to Belarus's president, Alyaksandar Lukashenka, won all of the 110 seats in parliament. Despite the release of the prisoners, this suggests Belarus is not planning even a token political liberalization that might eventually undermine Lukashenka's rule. Still, improved relations with the West would build the president's bargaining power in negotiating Russian subsidies—in the form of discounted gas and oil—for Belarus's unreformed economy. Any Western investment that might follow would allow Belarus to avoid being economically over-dependent on Russia.

Panelists indicated that Belarusian independent media would remain hostage to the government's political games with the West. "Should we fall out with Europe, strangling them [the surviving independent media] is a technical issue," a panelist commented.

BELARUS AT A GLANCE

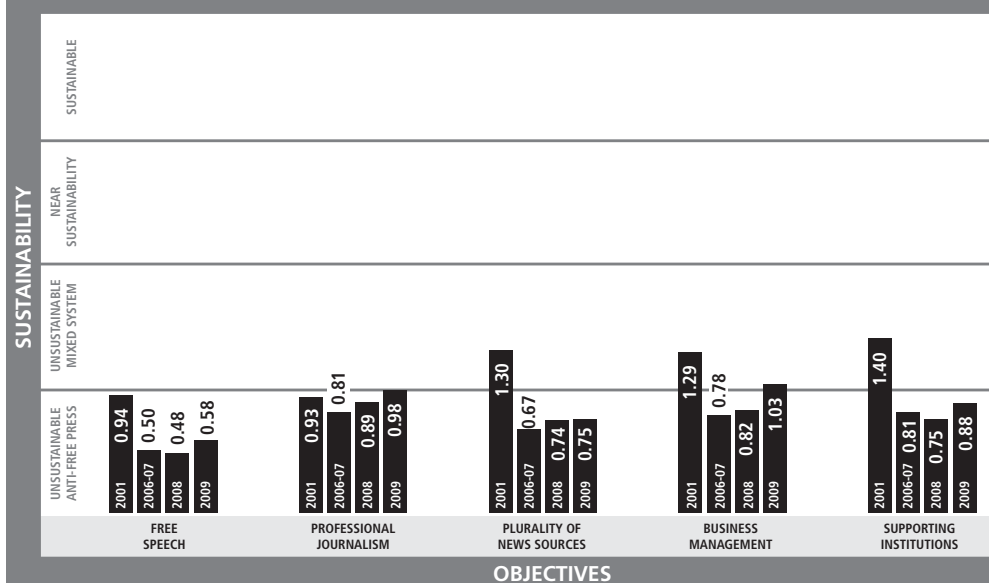
GENERAL

- > **Population:** 9,685,768 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Minsk
- > **Ethnic groups (% of population):** Belarusian 81.2%, Russian 11.4%, Polish 3.9%, Ukrainian 2.4%, other 1.1% (1999 census, *CIA World Factbook*)
- > **Religions (% of population):** Eastern Orthodox 80%, other (including Roman Catholic, Protestant, Jewish, and Muslim) 20% (1997 est., *CIA World Factbook*)
- > **Languages (% of population):** Belarusian, Russian, other
- > **GNI (2007-Atlas):** \$40.90 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$10,740 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 99.6% (male 99.8%, female 99.4%) (1999 census, *CIA World Factbook*)
- > **President or top authority:** President Aleksandr Lukashenko (since July 20, 1994)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:**
Print: 1,307 (673 newspapers (9 daily), 586 magazines and journals, 42 bulletins and 6 catalogues); Radio: 158 radio stations (2 nationwide); Television Stations: 69 (6 nationwide) (Belarus Ministry of Information, December 2008)
- > **Newspaper circulation statistics:** Top three by circulation: *Sovietskaya Byelorrussia* (state-owned, 2,809,830 weekly circulation), *Komsomolskaya Pravda v Belorussii* (independent, 548,000 weekly circulation), *Respublika* (state-owned, 286,000 weekly circulation) (Belarus Ministry of Information, December 2008)
- > **Broadcast ratings:** Share of television audience: ONT (15.318%, state-owned) NTV Belarus (9.6%, Russian-owned, broadcasting state-controlled), Channel One TV (7.296%, state-owned) (Institute for Sociology at the National Academy of Sciences, July-November 2008)
- > **News agencies:** BelTA (state-owned), BelaPAN (private), Interfax-Zapad (Russian-owned), Prime-TASS (Russian-owned), Ecopress (private), Agentstvo Grevtsova (private), Minsk-Novosti (state-owned), Registr Information and Legal Agency (private) (Belarus Ministry of Information, 2008)
- > **Annual advertising revenue in media sector:** \$114.1 million (\$70 million television, \$18 million press, \$6 million radio advertising, \$6.3 million Internet) (ZenithOptimedia advertising group, December 2008)
- > **Internet usage:** 6,000,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: BELARUS



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

Note: MSI panelists in Belarus agreed to participate only if they were not named publicly. Amendments to the criminal code were introduced in December 2005 to add an article, "Discrediting the Republic of Belarus," that provides for criminal liability for giving international organizations "false information" about the situation in the country. Human-rights groups, both domestic and international, believe the article's vague wording makes it possible for the government to detain for up to six months anyone reporting negative information or to imprison them for up to two years.

OBJECTIVE 1: FREEDOM OF SPEECH

Belarus Objective Score: 0.58

Freedom of speech scores saw minimal changes from the previous year, effectively keeping Belarus in the category of the most repressive countries. The government remained actively opposed to freedom of speech and access to public information. Indicator 8, media access to foreign news sources, showed modest improvement and, like last year, was the only indicator to exceed a score of 1.00. All other indicators showed no change and scored very close to the overall objective score.

One panelist commented, "[On the] Constitution level, everything is wonderful. Laws are 50-50. [There are laws, but some provisions are draconic—registration, accreditations, regulation of the Internet]. Enforcement is even more brutal than when these laws that are good-for-nothing are not enforced."

By amending the law on civil service, the government banned state officials from talking to the media except when they have a go-ahead from higher-level bureaucrats. The law on "information, informatization, and protection of information" adopted in November 2008 sets its sights on further restricting access to any public information, independent media experts claimed. Most notably, a new media law was adopted in August 2008 that orders online media to register with the Ministry of Information while also updating registrations of all existing media outlets. Separately, it introduces burdensome procedures for accreditation of journalists, especially those working for foreign media. A provision under the earlier media law, which ordered state bodies and officials to provide information within 10 days of a newsroom's request, was abolished altogether. A fuzzy requirement of "compliance with reality" for media materials was introduced. The law is poorly synchronized with other laws, notably employment legislation that is likely to cause confusion and expose independent media outlets to administrative sanctions and fines.

Licensing of broadcast media remains far from fair, competitive, and apolitical, according to panelists. They recalled Lukashenka speaking out in 2007 to say that broadcast licensing was politicized and that launching a radio station, for example, would not be made easier for non-state actors. Still, two more privately owned regional television channels launched FM music stations (in Homiel and Svetlahorsk, both in southeastern Belarus) and several more Minsk-based stations have gone farther into the regions. SKIF television, a privately owned network of regional television stations, is starting up in the city of Bobruisk. Local officials openly admitted there was no competition. The broadcaster simply received "positive recommendations" from other local governments. Separately, a license was granted for a cable television channel in the capital, Minsk, to target the hearing impaired.

Broadcast licensing is handled by the Ministry of Information. Yet even its officials openly admit that *de facto* decisions are being made by the Lukashenka administration, which considers licensing of great importance for the state, a media lawyer added. Another panelist estimated that Belarus had \$300 million to \$500 million a year in lost license fees because its full broadcast frequency was not being used.

Market entry for media outlets is more complicated than for other businesses, panelists agreed. Licensing comes from ministries of information (print and broadcast media) and telecommunications (broadcasters). Unlike other businesses, media operations can be suspended following a warning from the Information Ministry—without a court ruling. In one of the very few positive developments, the new media law abandoned the requirement that newsrooms register their locations with local governments. Unlike other industries, the same law restricted direct foreign ownership of media to 30 percent for a publisher or broadcaster, although this could be easily sidestepped with extra effort and at additional cost. Taxation of media outlets is no different from other businesses, and media have no tax breaks. In 2005, radio stations were ordered to air 75 percent Belarusian music. This affected business: The stations have been losing both audiences and advertising revenues ever since. The Internet remained the least regulated sector even though, with \$6.3 million in revenues in 2008, it has for the first time surpassed radio.

Crimes against journalists were rare. As in previous years, photographers and cameramen suffered most, and more often, possibly because they work closer to the scene, panelists noted. As in the past, the biggest threat to journalists' security came from law-and-order forces; these were also the first entities to obstruct journalists' work. On March 25, 2008, Andrej Liankevich, a photojournalist with *Nasha Niva*, was brutally beaten and arrested by riot police as he covered an opposition rally in Minsk. Siamen Pechanko,

One panelist commented, “[On the] Constitution level, everything is wonderful. Laws are 50-50. [There are laws, but some provisions are draconic—registration, accreditations, regulation of the Internet]. Enforcement is even more brutal than when these laws that are good-for-nothing are not enforced.”

another journalist from the same newspaper, was arrested and sentenced to 15 days in jail by a Minsk court for alleged participation in the same “unauthorized” rally. Separately, a Lithuanian television crew was detained as it tried to film the rally. The crew’s footage was confiscated by the police.

Just two days later, the Belarusian KGB raided offices of several independent broadcasters, the apartments of their journalists, and other businesses they believed were working with those outlets. The searches started at almost exactly the same time in Minsk, Homiel, Hrodna, Viciebsk, and other cities. The KGB seemed to be targeting two independent outside radio stations, the Polish-funded Radio Racja and the EU-backed European Radio for Belarus (ERB), as well as the U.S.-funded RFE/RL. Satellite television channel Belsat, mostly Polish-funded, said its premises had also been raided. These broadcasters are primarily headquartered in neighboring Poland and their journalists have all been denied government accreditations.

Broadcast equipment and computers were seized during the raids and the KGB detained dozens of journalists for questioning over alleged connections with the creators of animated cartoons that were deemed insulting to President Lukashenka in 2005. According to a panelist, the targeted journalists had their phones tapped. The entire large-scale operation was supervised and carried out by the KGB’s counterintelligence department. Ironically, the actions may have helped sustain Belsat, since panelists believed its funding was about to be cut back. After the raids, the Polish Foreign Ministry—the major funder of Belsat—announced it would increase funding for the television channel to cover losses suffered by journalists. Other governments and international organizations also pledged support for the media outlets affected.

In a more positive development—obviously an attempt to improve relations with Europe—the Belarus Foreign Ministry accepted accreditation applications from several Belsat journalists who had previously been denied accreditation on dubious grounds.

Throughout the year, independent publications—ARCHE magazine and two unregistered newspapers, *Svaboda* and *Glos znad Niemna na uchodzstwi*—were investigated for suspected dissemination of extremist information. This dangerous development implied criminal liability for the publications’ editors and writers. “There were no improvements as far as journalists’ security or even the feeling of security is concerned. It’s true journalists are not getting killed here, but there is no normal feeling in your profession either,” a panelist commented.

There are no truly public-service media in Belarus. The market is dominated by state-owned media with the exception of the Internet. State media are far from editorially independent, since their editors, whose contracts are usually renewed annually, are directly appointed by the Ministry of Information. By and large, media laws favor neither state-funded nor independent media. However, the law limits advertising in non-state general news publications to less than 30 percent of content compared with 25 percent for state-owned. That is hardly consolation for the former, since every year the budget law provides extra funding (\$75 million in 2008) for state-owned media. This comes in addition to state media’s subsidized salaries, rent, printing and distribution. Independent media also have a disadvantage when it comes to access to information since many events require accreditations, and officials withhold information and comment from non-state media. However, according to one panelist, even state media are not getting comments. Civil

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

servants prefer to play it safe. They avoid comment and do not provide any information.

Belarusian law carries criminal penalties for libel and offers greater protection for top officials, particularly the president. Furthermore, Belarus libel laws do not allow for the public figure doctrine, under which public figures and officials may win libel lawsuits only if they can demonstrate that the publishers' knew the information was false or that it was published with reckless disregard for the truth. There were no reports of such cases in 2008.

More common are "honor and dignity" cases covered under civil law. In these cases, the prosecution does not have to prove malice, or even falsity. It is enough that the article in question caused "emotional distress" to the person described.

As noted above, access to public information is restricted, primarily for independent media. Under a presidential decree adopted several years ago, official bodies have the right to classify their activities and documents as top secret. Even statistical data is withheld. The national statistical committee is said to operate a department to protect secret information, according to a panelist. The committee is apparently the only state body that charges media for CDs or brochures containing very basic statistical data. The prices for this information are generally not affordable.

Restrictions on information combine with resource problems and harsh laws to further restrict investigative reporting. The only examples of investigative journalism panelists could name were stories occasionally published by the electronic newspaper *Ezhednevnik* and, even more rarely, by independent weekly *Narodnaya Volya*. With so many obstacles and safety concerns, journalists' investigative skills have almost fallen into disuse. "Access to information is the cornerstone of journalism, everything else is being built on top of that. The government is perfectly aware of that and will keep the media on a 'starvation diet,'" a panelist commented.

Access to international news and news sources, mostly via the Internet, remained largely unrestricted by the government. The affordability of Internet fees—to say nothing of international news subscriptions—and language barriers are still handicapping the broader use of international news sources. Although Internet access became somewhat cheaper in 2008, some smaller regional newsrooms still use the Internet on a limited basis; those journalists have to queue at the editor's desk, the only one connected to the Internet. Still, according to one panelist, very few Belarusian media are interested in or can make good use of international news sources.

Entry into the journalism profession was made more complicated in 2008, at least as far as getting professional education at state journalism schools. The government

There are no truly public-service media in Belarus. The market is dominated by state-owned media with the exception of the Internet. State media are far from editorially independent, since their editors, whose contracts are usually renewed annually, are directly appointed by the Ministry of Information.

introduced new requirements in 2008: applicants must provide recommendations from local authorities and then undergo interviews by a special commission. The commission mostly checks on how politically loyal would-be journalists are, officials admitted openly. Moreover, graduates of journalism schools are subject to Soviet-style "distribution" and must work for two years wherever the government sends them. At the same time, a journalism diploma is not a legal requirement to work as a journalist.

Other restrictions affect Internet media workers and freelancers. They do not enjoy the status of journalist since they are not employed by a registered media outlet. As a result, they are even less protected. Those working for foreign media should be accredited with the Foreign Affairs Ministry. Accreditations are also needed for an increasing number of events. These accreditations are often denied for independent media outlets.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Belarus Objective Score: 0.98

There has been no improvement of note in professional journalism. Most indicators showed little change from last year, except Indicator 1, reporting is fair, objective, and well sourced, which dropped modestly, and Indicator 7, technical facilities, which saw a modest improvement in scores. All indicators scored within a half point of the overall objective except for Indicator 7, which scored slightly better than the other indicators.

Both state and non-state media fell short of complying with professional and ethical standards, the panelists agreed. Political polarization cultivates propagandistic approaches on both sides. Even independent broadcasters based outside Belarus and funded by foreign donors with a view to offer an alternative to state propaganda are following this pattern, according to panelists. "There is no will and no skills," one

“There is no will and no skills,” one panel participant commented. “Across the spectrum, facts and comments are being slanted so as to fit certain concepts. That is Soviet-style journalism.”

panel participant commented. “Across the spectrum, facts and comments are being slanted so as to fit certain concepts. That is Soviet-style journalism.”

Technical experts remained a sore point. There is a small pool of them contacted by numerous media outlets on every pertinent occasion. There have been attempts to broaden that list but to no avail. The quality of experts’ comments is another problem “They have polished their presentation skills and style, but as to their economic analyses and forecasts, there is a feeling they are coming from the heart, rather than from the head,” a panelist commented. On the other hand, “no expert can be smarter than the author of the story. If questions the latter asks or the topic itself are silly, there is very little an expert can help with,” another panel participant added. Meanwhile, interviewing and research skills are poor, especially among younger journalists. Understaffed independent newsrooms find it very hard to produce high-quality in-depth reporting, to say nothing of more involved investigations. That is why science, technology, and industry are hardly covered at all.

There are two journalistic associations in the country: the Belarusian Association of Journalists (BAJ), which brings together independent media professionals, and the Belarusian

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).

Union of Journalists (BUJ), the “official” journalists’ association. Each has an ethical code of conduct. Unfortunately, the codes are not always followed, although independent journalists are more likely to adhere to them. “Getting on top of a barricade [i.e., taking an impassioned stand on an issue] is the easiest, as a result ethical standards suffer. Thus, the profession is eroded, the respect for journalism is eroded, so no wonder there is no public outcry when media are being harassed,” said one of the panel participants.

The selling of stories or the selling of positive coverage is not widespread since Belarus is a small market, both politically and economically, and dominated by the state. Sometimes, however, hidden advertisements are sold to sidestep legal limitations on the amount of advertising, a matter affecting both ethics and survival, a panelist added.

The panel agreed that self-censorship is widespread, and panelists noted that journalists are becoming accepting of the need to self-censor. “Once in a while, looking through the clippings of my past stories or electronic archives, I get surprised that I dared to write it that way. Right now, I would have chosen a euphemism. This is an illustration of the creeping erosion of journalism. Nobody wants to get into trouble through a single phrase—better to use Aesopian language. As a result, we see verbosity, ambiguity, lots of metaphors, and allusions, which put us on the brink of deprofessionalization,” a panelist commented.

“There was a taboo—either internal or imposed from outside—or intimidation or a habit not to write about the private life of the president, his family, and his allies. [That is] until he showed up at a public event with a 4-year-old son, previously concealed. Then there was sort of a go-ahead and both non-state and state media started writing about the child,” a panelist said. Independent media are more willing to discard self-censorship, although sometimes they have to be more cautious not to endanger their sources.

Almost all key events are being covered. The question is quality and reach. “You can bring up topics of paramount importance in a newspaper with a circulation of 299 [any publication circulating more than 300 copies must be registered with the government] or a blog, but who’s to read that?” a panel participant asked. Another panelist added that minor topics and events are not covered at all, and there is a big question of whether journalists are actually aware of all key topics given the degree of secrecy and the restricted access to information. “This is mere guesswork, yet some issues are either entirely missing or there are only allusions,” according to the panel.

There is no strong correlation between pay levels and corruption, panelists argued. Journalists, especially

independent ones, are not earning much, yet there is no one to buy them off. Still, there is some selling of stories or brokering positive coverage, mostly to businesses and sometimes to politicians. Journalists working for state media are better off than a year before. Their earnings depend on the official salary grids and, with state-mandated wage hikes throughout the year, they are now paid at least twice as much as those in non-state media. A journalist at a state newspaper earns around \$700 a month in the regions and up to \$1,000 a month in the capital. Journalists at Belarus' biggest daily, *Sovietskaya Byelorussia*, the key organ of the Lukashenka administration, and Channel One TV, are paid at least \$1,500 a month.

There is hardly any pronounced move of independent journalists to other professions (mostly advertising) or state-controlled media. Very rarely do they leave for other countries, typically Ukraine and Russia. Media workers' salaries are quite competitive when compared with those of teachers or doctors, a panelist noted.

The balance between news content and entertainment has remained consistent for several years, with the latter—by Western standards—somewhat surpassed by information programming, a legacy of the Soviet Union, where the media's main role was to inform. Channel One TV, for example, allots 20-25 percent of its airtime to information programming, according to a panelist. Nonetheless, the quality of both news and entertainment remained low. Independent newspapers provide very little relief as far as entertainment content is concerned. Their coverage is one-sided and the topics uninteresting. Surprisingly, weekend issues of *Sovietskaya Byelorussia* were complimented for their high-quality infotainment, notably historical publications. On the Internet, a panelist added, there has been a buildup of audiences everywhere and entertainment Web sites outperformed online news sources.

As far as technical facilities, "the situation is not catastrophic yet leaves much to be desired." State media are better equipped than independent news outlets, and Minsk-based media fare better than regional outlets. Although some basic level is sustained most everywhere, media professionals lack the skills to make a good use of the facilities at their disposal. For many journalists, computers are nothing more than digital printing machines. They do not have the practical skills needed to use up-to-date software and online services, some of which are free of charge. Although Internet fees dropped further in 2008, not all newsrooms can provide high-speed connections without a traffic cap for their staff. Meanwhile, the independent press cannot afford their own distribution facilities (vehicles, points-of-sale, etc.). For non-state

"The politics are distorted, so is political journalism. There is no normal business, so its coverage is also warped, with no specialized media products," a panel participant said.

broadcasters, where technology is center stage, keeping up-to-date is even more difficult.

Some niche reporting exists, mostly in business, politics, and sports, but panelists rated its quality as somewhat unsatisfactory. This is despite the fact that many independent journalists, and especially editors, received specialized training from international and domestic media-development organizations. On the other hand, the environment itself trammels quality reporting. "The politics are distorted, so is political journalism. There is no normal business, so its coverage is also warped, with no specialized media products," a panel participant said.

OBJECTIVE 3: PLURALITY OF NEWS

Belarus Objective Score: 0.75

This objective remained unchanged from last year. Only Indicator 1, plurality of news sources, showed minor improvement. All other indicators remained unchanged, and all indicators scored relatively close to the overall score of 0.75. There is some theoretical plurality of news sources, panelists agreed, yet not all of them are readily available (independent press and broadcasters) or easily affordable (the Internet and satellite television and radio). What is more, an average citizen is hardly willing to take the effort to acquire alternative sources of news.

Urban areas offer a wider selection of news sources. Villages and smaller towns are often reached by two national state-owned channels, two or three state newspapers (usually *Sovietskaya Byelorussia* and local ones), and state radio channels. Overall, state television dominated an October 2008 independent opinion poll: 90.1 percent of Belarusians aged 18 and older said they were watching Belarusian TV; 84 percent named Russian channels; 46 percent said local television; and 18.3 percent cited satellite television. For radio, 53.6 percent listened to state radio and 51.8 percent listened to private FM stations offering mostly entertainment content. Independent broadcasters based outside Belarus reached far smaller audiences according to this survey: European Radio for Belarus, 1.9 percent; Radio Liberty (Belarusian service),

State newspapers retained a dominant position in the market. The government subsidizes their rent, subscription, printing, postage, and distribution. Back in 2005, the government banned 13 independent newspapers from state-owned distribution and 16 independent newspapers from subscription networks.

1.2 percent; and Radio Racyja, 1.4 percent. International broadcasters like Voice of America (2.0 percent) and the BBC (1.4 percent) were not in demand, either. Earlier surveys, however, showed audiences for the international broadcasters that were two or three times larger than this survey, and the external radio stations are increasingly operating as *de facto* news agencies with their stories posted at popular Web sites (portals and news sites).

Internet usage has increased slightly: 10.9 percent of those polled said they were using it daily with an additional 12.4 percent using it several times a week.

Regarding newspapers, 35.9 percent of those polled in another survey by the same company said they read local newspapers: 28.4 percent read *Sovietskaya Byelorussia* and 28.3 percent read the popular Russian tabloid *Komsomolskaya Pravda v Byelorussii* with a Belarusian insert. The leading

opposition weekly *Narodnaya Volya* and the more moderate independent weekly *Svobodnye Novosti* were read by 5.4 percent and 3.0 percent of respondents, respectively.

One of the panelists argued that poor marketing was to blame for media startups' failure to achieve success. For example, this panelist argued, a year after independent satellite television Belsat was launched, only 4.1 percent of those surveyed said they were watching it.

"There is neither total jamming [of foreign broadcasters] nor Internet filtering. Rather, the state is engaged in throwing sand into the gears, a shameful practice for a European country. On election days or during opposition rallies, independent news sites are cordoned off via shaping [bandwidth prioritizing and limiting]. Or another example: Cable operators used to say 'You are watching 48 TV channels,' yet when one of them, NST, Russian humor TV, had satirized President Lukashenka, it was replaced by another channel the following day. That new television channel could be just as good, but their meddling into my menu and deciding what should be on my plate is displeasing," a panelist argued.

State newspapers retained a dominant position in the market. The government subsidizes their rent, subscription, printing, postage, and distribution. Back in 2005, the government banned 13 independent newspapers from state-owned distribution and 16 independent newspapers from subscription networks. Some of those banned newspapers closed down altogether. Others had to rely on their own small-scale distribution incentives, and it "will take years for them to recuperate," a panelist said.

In an attempt to improve its relations with the European Union, the government in November 2008 allowed two of those banned newspapers, *Narodnaya Volya* and *Nasha Niva*, back into distribution systems. "The question is for how long and whether it will be worth their while," a panelist said, adding that applications of almost a dozen other independent newspapers to distribute via state-owned networks were rejected just a week later. Furthermore, Belsayuzdruk (a nationwide network operating around 1,400 newspaper kiosks) charged *Nasha Niva* a 55 percent markup and introduced a cap on how many copies it could sell. These networks often delay for up to 90 days their payments to publishers for the copies sold, further undermining newspapers' efficiency.

To be distributed or broadcast in Belarus, foreign print and electronic media need express permission from the Ministry of Information. On top of that, 136 cable operators now offering 90 television channels (including 50 Russian ones) must have their subscription packages approved by

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.

local governments. Cable television is available in urban areas only and is more or less affordable. According to the aforementioned survey, 39 percent of respondents watch cable television. Most Western, Polish, and Ukrainian news channels were banned from cable networks several years ago. However, they are available via satellites, quite often for free, or are just pirated. As for foreign press, only Russian publications—usually unaffordably priced—are available.

State media are hardly serving the public interest, other than through educational and cultural programming, panelists said. For years, they have been reporting mostly on the government and speaking with a single voice, quite often that of President Lukashenka. Marginalized opposition, independent trade unions and non-governmental organizations are mostly—and at best—ignored; they are sometimes smeared. Despite their efforts, independent broadcasters based outside Belarus were unable to fill the non-partisan public media gap. Meanwhile, panelists felt the pressure was mounting to make independent Belarusian media more servile toward the opposition.

There are nine news agencies in Belarus, according to the Ministry of Information. However, only BelaPAN can be considered independent. Panelists not only praised its objective and professional reporting but also noted the variety of services it offers: news subscriptions, e-paper, and photos, as well as some infographics, audio, video, and multimedia content.

BelTA, the mouthpiece of the government, offers news, photo service, infographics, and publishes the weekly *7 Dnei* and several journals. Two more prominent market players—Interfax-Zapad and Prime-TASS—are Russian owned. At around \$300 a month, subscriptions for most independent newspapers are only just affordable, to say nothing of news Web sites. Privately owned radio stations were banned from using BelaPAN news back in 2003 and since have relied on other sources, mostly the Internet.

There are 41 privately owned television broadcasters out of 69 broadcasters in total, yet they are mostly local stations offering little of their own programming. Most are limited to daily local news, personal messages (like birthday greetings), and weekly news programs. These broadcasters steer away from criticism of the government.

Panelists differed on the level of transparency of media ownership. The law orders disclosure of direct owners (publishers and broadcasters). But the state remained the only media tycoon, since “nobody views media as a business, that is more of a toy,” a panelist explained. There are some Russian-owned media, notably popular daily *Komsomolskaya*

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Pravda v Byelorussii and weeklies *BelGazeta* and *Argumenty i Fakty*.

Like the broader political spectrum, social issues are underrepresented. The government prefers to ignore minority issues; they remained marginalized in the mainstream media and covered to very little extent by special media. Most notable were ethnic minorities' newspapers and bulletins, led by Polish and Hebrew publications, circulated within those communities.

OBJECTIVE 4: BUSINESS MANAGEMENT

Belarus Objective Score: 1.03

For the first time since 2003, Objective 4 received a score exceeding 1.00. Most of the indicators saw slight improvement, but panelists' observations of the growing advertising market (covered by Indicator 3) accounted for most of the improvement. Otherwise, all indicators received scores close to the overall objective score, except for Indicator 5, government subsidy of independent media, which scored more than a point higher. Despite the improvement, Belarusian media still face serious problems in terms of their management and financial performance.

“All in all, the industry is just surviving,” a panelist said while commenting on how efficient the media have been as businesses. An under-reformed and illiberal economy with no significant private sector is unable to generate enough earnings to sustain the media. Compounding the situation, the government either directly owns or controls both production (like printing presses) and distribution facilities (postal service, press distribution network, telecom infrastructure). Unreformed and largely inefficient, these supporting institutions have been hampering the development of the media sector.

“All in all, the industry is just surviving,” a panelist said while commenting on how efficient the media have been as businesses.

By and large, Belarus’ media have been hit by the economic crisis of late 2008. Some media faced decreasing advertising revenues by the end of the year, although others have seen unexpected jumps in ad sales as advertisers set out to spend ahead of the recession expected in 2009. Banks and car dealers have already announced they would be cutting their ad spending by 70 percent in 2009, according to a panelist.

Even the state television channels have seen their spending capped by the government and have had to cancel some expensive entertainment shows, according to a panelist. He quoted one of the television bosses at Channel One as saying: “As you know there is no crisis in Belarus [President Lukashenka vowed to retain control over the economy and ‘banned panicking’], yet there is no money either.” The government has even been contemplating selling stakes in its propaganda pillars, state-owned national television channels, according to the same panelist.

Elsewhere, the privately owned weekly *Express-Novosti* announced in December 2008 that it would suspend operations for six months because of its owner’s difficulties with other businesses.

There is some basic business-planning, a panelist argued. Still, following those plans is difficult in such a turbulent environment. Accounting practices and laws are not fully

compatible with recognized international standards. The government, however, has vowed it would simplify the overly complicated accounting and taxation systems, lower taxes, and curb red tape. Human resources management remained a weak point. Certified specialists are hired to manage accounting, which is a legal requirement. Sales managers are common. But only bigger media companies can afford lawyers, marketing, finance, and personnel managers.

Revenues come from a variety of sources that have remained largely unchanged for many years. State media relied heavily on government funding and on subsidized advertising fees. The latter are often used to lure advertisers away from privately owned media. Businesses may come under pressure not to advertise in independent newspapers critical of the government. Private radio stations rely mostly on advertising, as do non-state television companies where revenues also come from personal messages, like birthday greetings, sms-chats, etc.

The independent press generally depends on advertising. The sale of copies is important for a couple of popular tabloids and the opposition weeklies, which advertisers shun. Regional non-state newspapers rely mostly on classified ads from local small and medium-sized businesses, as well as, to some degree, on newspaper sales. Some of these publishers also run side businesses, mostly small advertising agencies that have developed out of their in-house ad sales departments. Foreign donors funded independent broadcasters based outside the country, as well as some non-state publications and online media. Private media do not receive direct subsidies from the government.

Commenting on how those revenue sources affected editorial policy, a panelist said the media absolutely would not criticize advertisers.

Throughout 2008, the Belarusian advertising market grew 30.4 percent, to total \$114.1 million annually, according to advertising group ZenithOptimedia. The Internet has more than doubled its earnings, to \$6.3 million from \$3 million. Other sectors were less successful. Television spending totaled \$70 million, print media \$18 million, and radio \$6 million.

Big international agencies continued to dominate the advertising market. So did their clients, multinational giants like Procter & Gamble, Colgate-Palmolive, and domestic mobile telephone operators which, seeking wider audiences, traditionally channel their budgets to national television networks. The law limits advertising to 20 percent of total daily broadcast time and 30 percent of prime time (6 p.m. to 10 p.m.). Smaller media outlets are missing opportunities to build up their ad sales, a panelist argued, possibly because of stereotypes or lack of pertinent experience.

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.

Little market research is being done, panelists agreed. Only a handful of bigger media outlets, like national state television channels, some national newspapers, and radio networks, can afford commissioned research, mostly in the form of opinion polls and, sometimes, focus groups. The research results are principally used to impress advertisers and, sometimes, to customize content. Donor-funded broadcasters like satellite television Belsat and European Radio for Belarus are also using commissioned research. Other media, at best, do their own research, mainly via questionnaires and phone surveys.

Panelists noted some improvements as far as broadcast ratings and, especially, Internet statistics are concerned. One more company, GEVS, started offering television broadcast ratings based on PeopleMeters. It joins the institute for sociology at the National Academy of Sciences. The Independent Institute of Socio-Economic and Political Studies (IIEPS) conducts mostly political polls but sometimes has television, radio, and newspaper questions in its surveys. MASMI is offering ratings of radio stations and statistics on the use of the Internet. NOVAK is still selling subscriptions to its diary panel and does quarterly face-to-face interviews on media consumption. In 2008, it launched an Internet usage panel. Gemius, a new actor on the Belarusian market, started offering Internet usage statistics gathered through online counters, online questionnaires, and offline face-to-face interviews. At best, only generalized information is available to media outlets. Detailed data are offered on subscriptions, affordable to major advertising agencies and rich media companies. Actual press sales remained suspect since there is no independent audit authority.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Belarus Objective Score: 0.88

The average score for Objective 5 edged up slightly from 0.74 a year earlier thanks to modest improvements in Indicators 1, trade associations, and 5, short-term training opportunities. All other indicators showed little to no change. A few indicators received scores that differed noticeably from the overall score. Indicator 2, professional associations, scored nearly a point higher than the overall score, just as it did last year. Also similar to last year, Indicators 6 and 7, access to printing facilities and apolitical distribution, both scored more than half a point lower. All other indicators scored close to the overall score.

Panelists were not aware of the existence of active trade associations representing publishers or broadcasters. "Not out of my own experience, but rather from an Information Ministry official I have learned such organizations do exist," one panelist said rather ironically. Still media owners

The independent press generally depends on advertising. The sale of copies is important for a couple of popular tabloids and the opposition weeklies, which advertisers shun. Regional non-state newspapers rely mostly on classified ads from local small and medium-sized businesses, as well as, to some degree, on newspaper sales.

and managers—especially regional ones that are not competitors—communicate and share their experiences with each other, added another panelist.

Two professional associations benefit media professionals in Belarus. The Belarusian Union of Journalists is an "official" organization uniting around 2,000 professionals who work for state-controlled media. Its activities, according to a panelist, are restricted to mostly giving out prizes, although it also offers limited training incentives.

The 1,200-strong Belarusian Association of Journalists (BAJ), meanwhile, works to protect journalists' rights via legal advice and defense, professional development, and public advocacy. Panelists traditionally paid tribute to what the BAJ was doing to protect both journalists and freedom of speech in the country. However, its resources and reach are limited. "BAJ is doing a great job, but that is not enough. Despite all the heroic efforts, there is little they can do. They have got excellent lawyers, but you can actually count cases when they

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Panelists were not aware of the existence of active trade associations representing publishers or broadcasters. "Not out of my own experience, but rather from an Information Ministry official I have learned such organizations do exist," one panelist said rather ironically.

have really succeeded, since you cannot chop wood with a penknife," one panelist said.

In principle, there are non-governmental organizations involved to some degree in free speech and media advocacy work, but they are mostly human-rights groups, assisting journalists to the same degree as other citizens. At best, they provide limited publicity and—occasionally—legal assistance when journalists' rights are violated. As a rule, such organizations operate in urban areas only. "The situation is that journalists have got BAJ and do not need anything else. In critical situations such NGOs do help, but these are one-off cases rather than systematic work," a panel participant said.

Panelists criticized universities for their curricula, faculties, and the quality of journalism training offered. "There is no institute in Belarus you could send a person to and at least hope a more or less qualified specialist would graduate," an independent editor explained. His counterparts from state-owned media are similarly dissatisfied. The director of the state news agency BelTA was quoted as saying he would rather hire a person with a degree in economics or political studies. Still, journalism degrees are offered by state universities, most notably the journalism institute at Belarusian State University (BSU) in Minsk, and state schools in Homiel, Hrodna, and Viciebsk. There are also three privately owned institutions, all based in Minsk, that train journalists. BSU's journalism institute vowed to stay up to date with journalism trends and, correspondingly, offer more practical training. As a result, a major in Web journalism was introduced in 2008. Although the institute spent around \$3.5 million on a new television studio, students were not allowed in, according to a panelist. Instead, a lottery show was produced there for one of the national television channels.

External alternatives include, first and foremost, the European Humanities University (EHU), once a Belarusian university now in exile in Vilnius, just 110 miles away from Minsk. Panelists said they had not come across an EHU journalism student or a media product from the university and could not generalize

as to the quality of the training. There have been no graduates from the university yet, so it is too soon to judge.

Other minor opportunities include government and foreign donor-funded scholarship programs in Ukraine, Poland, the United Kingdom, and the United States. As in previous years, panelists doubted that graduates would find it easy to locally apply the knowledge and experience they gained abroad.

Short-term training opportunities are abundant and there is a wide selection, addressing all levels and all departments. Most trainings are offered for free by both domestic and foreign media-development organizations. However, the effect is sometimes minimal, a panelist argued, saying skills are often lost as soon as trainees get back to their routine work. Another panel participant said the quality of such trainings was deteriorating, especially those offered by foreign trainers and he was less willing to send his staff. Such courses often concentrate on general issues such as ethics—possibly because donors are more willing to fund them—than on professional development. Longer-term in-service trainings, especially those held abroad, are less readily tapped by key staff since understaffed newsrooms depend heavily on these employees. According to panelists, trainings should concentrate more on improving journalists' interviewing and investigative skills, business reporting, and everything related to the presentation of information (visual design, infographics, multimedia).

Sources of newsprint are not yet monopolized, yet the government was reportedly ordering some state regional printing presses to switch to domestically produced newsprint that is more expensive and of somewhat inferior quality. Printing facilities are mostly owned by the state. The few remaining ones are directly controlled by the government via the Ministry of Information, the regulator of both publishing and media industries. "There is no problem buying newsprint, yet what will you do with that given the situation with printing houses? Private ones are even more likely to say no," an independent editor commented. Under the law, a director of a printing house is responsible for the content of the printed materials produced. Furthermore, there is an issue of quality and non-standard orders. In the latter case, it is both easier and cheaper to print abroad.

The government retained tight control over all media distribution channels. Broadcasters and newspaper kiosks are owned by the state. Postal services, too. There are some sales of mostly non-political publications through newsstands in shops and supermarkets. Some independent papers operate their own very small distribution systems. These allowed them to keep afloat after they were banned from state distribution networks.

Most of the telecom infrastructure is also owned by the government via the state telecom monopoly Beltelecom. It controls all international Internet traffic and charges exorbitant rates for that and for interconnection of private last-mile Internet service providers. As a result, Internet-access remains unaffordable to many Belarusians. Most have to choose between slow connections and traffic caps. A one megabit ADSL without a traffic cap is offered for around \$500 a month.

List of Panel Participants

Note: MSI panelists in Belarus agreed to participate only if they were not named publicly. Amendments to the criminal code were introduced in December 2005 to add an article, "Discrediting the Republic of Belarus," that provides for criminal liability for giving international organizations "false information" about the situation in the country. Human-rights groups, both domestic and international, believe the article's vague wording makes it possible for the government to detain for up to six months anyone reporting negative information or to imprison them for up to two years.

For economic or political reasons, journalism in Moldova is strongly marked by self-censorship and partisanship. A significant part of the population, especially those living in the villages, does not have access to a variety of information sources due to poverty. Profitable media still represent an exception rather than the rule.



MOLDOVA

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Parliamentary elections will take place at the beginning of 2009, which made 2008 a pre-election year. Although the Republic of Moldova has not managed to fulfill all of the EU-Moldova Action Plan commitments (which expired in February 2008), especially those concerning the independence of both the mass media and judiciary, the Communist government has been trying to begin negotiations over a new agreement with the EU. This final agreement should lead to the establishment of more advanced relations compared to the current status of being simply an EU neighbor.

On the other hand, steps have been taken to establish closer relations with Russia, which sought to improve its global image in the wake of its war with Georgia by addressing the Transnistria issue. Moldovan authorities hoped that new Russian president Dmitri Medvedev would exert pressure upon Transnistria's separatist leaders to accept the settlement project proposed by Chişinău. If this would have occurred, the future parliamentary elections would have taken place throughout the entire territory of Moldova, including Transnistria. But this did not happen: Russia suggested that Moldova reconsider the settlement plan proposed in 2003 by Moscow, which stipulated, among other things, continuing deployment of Russian troops in Moldova in spite of commitments to withdraw them made at the 1999 OSCE summit.

Switching to domestic issues, the unofficial government coalition, composed of the Communist Party (PCRM) and the Christian Democratic People's Party (PPCD), continued the process of monopolizing the Moldovan broadcast media by supporting each other in the Parliament and taking the Broadcasting Coordinating Council (BCC) under their control. At the same time, the tandem refused to award frequencies to independent media outlets and it harassed and intimidated those media who dared to offer access to the opposition parties or criticize the coalition's rule. As the elections get closer, one has noticed an increase in the amount of cases where police treat journalists brutally and restrict their access to events of interest to the public.

All of this occurs despite legislation that, in general, strives to reach European standards. Unfortunately, the observance of the law in Moldova is selective and arbitrary. Authorities apply the law in accordance with the interests of the ruling party. The public broadcaster Teleradio Moldova (TRM) continues to be a propaganda instrument of the party in government.

For economic or political reasons, journalism in Moldova is strongly marked by self-censorship and partisanship. A significant part of the population, especially those living in the villages, does not have access to a variety of information sources due to poverty. Profitable media still represent an exception rather than the rule. Increased revenue from advertising is below generally accepted standards in other countries. Moldovan media barely receive investment from foreign countries, with the exception of Russia.

MOLDOVA AT A GLANCE

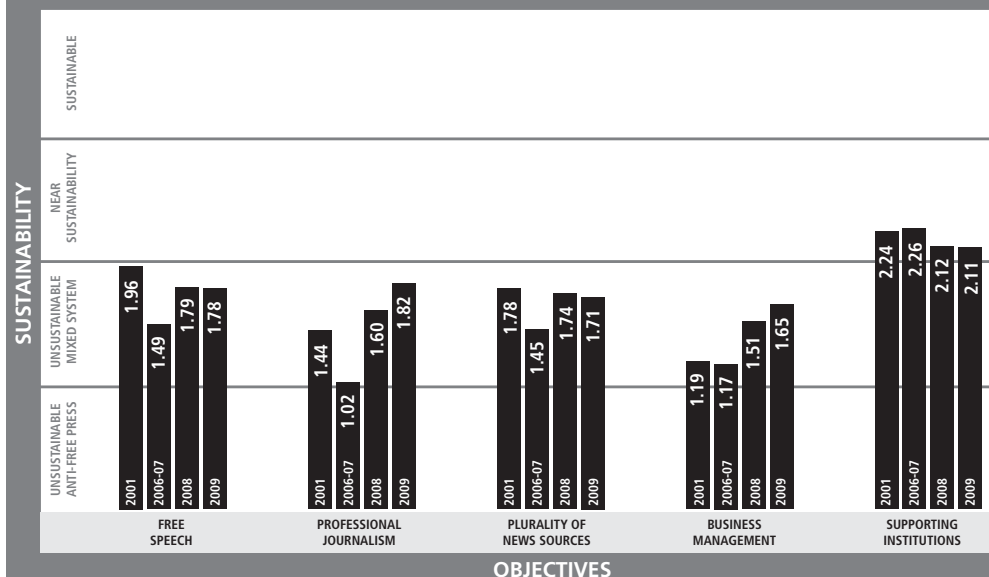
GENERAL

- > **Population:** 4,324,450 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Chişinău
- > **Ethnic groups (% of population):** Moldovan/Romanian 78.2%, Ukrainian 8.4%, Russian 5.8%, Gagauz 4.4%, Bulgarian 1.9%, other 1.3% (2004 census, *CIA World Factbook*)
- > **Religions (% of population):** Eastern Orthodox 98%, Jewish 1.5%, Baptist and other 0.5% (2000 est., *CIA World Factbook*)
- > **Languages (% of population):** Moldovan (official, virtually the same as the Romanian language), Russian, Gagauz (a Turkish dialect) (*CIA World Factbook*)
- > **GNI (2007-Atlas):** \$4.323 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$2,930 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 99.1% (male 99.7%, female 98.6%) (2005 est., *CIA World Factbook*)
- > **President or top authority:** President Vladimir Voronin (since April 4, 2001)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: approximately 170 total newspapers in magazines, primarily in Romanian and Russian; Radio: 49; Television stations: 38 (www.moldpresa.md)
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** top ranked television station: TV Moldova 1; top ranked radio station: Radio Moldova
- > **News agencies:** Infotag, Basa-press, Reporter.MD, Moldpres (state agency), Info-prim Neo, InfoMarket, Deca-press, Flux, Novosti/Moldova
- > **Annual advertising revenue in media sector:** Approximately \$34 million
- > **Internet usage:** 700,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: MOLDOVA



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

The political views of the journalists divide them and undermine their solidarity. Despite being active, the NGOs that fight for press rights and freedom of expression are ignored by the government.

Note: the violence occurring after the April 2009 elections took place after the preparation of this report. The impact on the media and its coverage of these events will be included in the 2010 study.

OBJECTIVE 1: FREEDOM OF SPEECH

Moldova Objective Score: 1.78

The majority of panelists believed, that in spite of the “good” media laws, the overall situation of the freedom of expression has not seen a change in 2008, on the contrary, it has “deteriorated” a lot.

According to Article 32 (section 1) of the Constitution, “All citizens are guaranteed the freedom of thought, opinion, as well as freedom of expression in public by words, images, or any other possible means.” The Press Law (Article 1), passed in 1994, “Guarantees to all individuals the right to freely express their views and ideas and to access truthful information on domestic and international events.” It also prohibits “... censorship of any type against periodicals and news agencies, interference with their information gathering and dissemination work.”

The Broadcasting Code, passed in 2006, “...aims at, among other things, guaranteeing to broadcasters the right to editorial freedom and freedom of expression, and establishing democratic principles for the operation of broadcasting in Moldova....”

However, some articles in the Constitution and other laws can be used as a pretext to limit the freedom of expression. Article 32 (3) in the Constitution punishes “defamation of the state and the nation.” On December 8, 2007 the government approved a legislative initiative to eliminate from the Constitution the phrase “undermining and defaming the state and the nation.” Nevertheless, on December 24, 2008, the Constitutional Court revoked the amendment, ruling that it could lead to “...infringing the constitutional provisions that guarantee the sovereignty, independence, and unity of the state and suppressing the fundamental rights and freedoms of the citizens and their sense of security.”

There is more legislation that does not parallel international agreements regarding human rights and freedom of expression. Criminal Code 347 sets punishments for “defiling the flag, coat of arms, or anthem of the Republic

of Moldova or of any other state.” Additionally, the Administrative Code provides up to 30 days imprisonment for libel and verbal abuse.

A result of the Soviet past, the freedom of expression is not truly valued in Moldova. Violations of freedom of expression are seen as a habitual thing, not as an uncommon thing. “Cases of freedom of speech violations do not trigger the attention of the state representatives. It only receives the concern of the journalists, media organizations and foreign embassies in Chişinău,” said Eugen Uruşciuc, director of press monitoring agency Monitor Media.

The main obstacle in implementing the laws is the formal and declarative attitude of the authorities towards freedom of expression and of the press, as well as the lack of independence of the judicial system.

No government authorization is required for Internet access. The Government does not block or limit access to particular websites.

Radio and television licenses are issued by the BCC, which, according to the Broadcasting Code, is an “autonomous public authority.” However, BCC members are selected and appointed by the PCRM-dominated parliament, and appointees are selected based upon their party loyalty. Most panelists believed that the BCC does not issue licenses in a balanced and objective way, by treating preferentially media outlets that support the PCRM.

For instance, BCC has not rejected a single license application from NIT TV that, according to monitoring results, favors the PCRM. Moreover, it has ensured national coverage to NIT. At the same time, BCC has rejected the request for a new license to the radio station Vocea Basarabiei and ProTV, who disseminate information critical of PCRM, consequently preventing the development of these stations.

The tendency of the authorities to suppress the opposition media and other critical voices could be discerned in the May 7 to 8 BCC meetings, when 16 radio frequencies and 60 television frequencies were distributed. Vocea Basarabiei radio station was not awarded any of the eight FM frequencies it applied for. It is significant to note that this was the 26th time that BCC rejected this station’s request for a frequency in Chişinău.

In exchange, Radio Antena C, who belongs to PCRM, was awarded five frequencies, including one in Chişinău. Pro TV Chişinău has not been issued any of the seven licenses that it applied for (in some cases those frequencies remained unused), while Euro TV, managed by PPCD received nine; NIT received 12 licenses.

After these decisions, several NGOs issued a joint statement. In summary, it said "BCC behavior indicates that its decisions are prescribed from higher above and BCC members only express partisan interests, which undermines the watchdog role of the media."¹ "Despite the legislation stipulating a transparent and equal attitude towards every candidate who applies for licenses, one cannot trust that these principles will be followed. BCC does not offer convincing and proven reasons for its refusal to issue licenses to particular aspirants," noted Dmitri Kalak, deputy editor-in-chief of *Ekonomicheskoe obozrenie*.

A telling example in this context is the case of Pro TV, whose license expired December 23, 2008. Initially, in the response to Pro TV's application to extend the license, BCC said that the television channel's application does not meet the conditions stipulated in Article 24 of the Broadcasting Code, because during the period of validity of the license, Pro TV did not respect all the stipulations of the broadcasting legislation and the terms of the broadcast license. According to Vitalie Nagacevschi from the NGO Juristii pentru Drepturile Omului (Lawyers for Human Rights), BCC cited "criminal chronicles" in Pro TV's 5 p.m. newscast several years previous and non-compliance with regulations that stipulate simultaneous interpretation for the hearing impaired; no other television station upholds these regulations.

Afterwards, at a news conference on December 12, BCC president Gheorghe Gorincioi said that the broadcasting authority would not extend the license of Pro TV for other reasons: under Article 26 of the BCC Statute, only those broadcast licenses "obtained in accordance with the Broadcasting Code" (as adopted in 2006) can be renewed. Since Pro TV's license was obtained before the 2006 Broadcasting Code was adopted, BCC could not grant a renewal, Gorincioi said. Pro TV's case is now being heard by the Constitutional Court, which will examine the contradictions between the Broadcasting Code and the BCC Statute.

Refusals to award a license can be challenged in the court, but panelists doubt it would have any effect because judges obey the ruling party and, on a regular basis, rule in favor of BCC. A good illustration is the TVR1 case, whose license was illegitimately auctioned off. Even though the Appeals Court has ruled that TVR1 is allowed to broadcast during the lawsuit, the Supreme Court of Justice overturned the decision in record time. The complaint was accepted by the European Court for Human Rights and is still pending. In another example, the Chişinău Court of Appeals rejected Pro TV's appeal to sue the BCC for refusing to automatically prolong its license.

¹ www.ijc.md/index.php?option=com_content&task=view&id=342

Media companies that are awarded a license access the market without any restrictions. The tax system for media is comparable to other business areas; media companies are not exempt from taxes. There are no restrictions to market access for online and print media. "Legislation does not directly limit market access of media. Instead, there are other methods to create obstacles to restrict it," said Anatol Golea, manager of TV 7.

The past year saw an increasing number of cases in which journalists were abused. On February 16, 2008 a journalist representing *Timpul de Dimineaţa* newspaper was harassed by a bodyguard of Prime Minister Vasile Tarlev during an inspection of a public facility. Despite the fact that the reporter had presented her identification card, one of the prime minister's bodyguards forced her to leave the premises of facility. Before this incident, this specific correspondent had published a number of articles in connection with some illegalities committed by the government while purchasing 17 Škoda vehicles.

On July 10, cameraman Ghenadie Brega was verbally and physically assaulted by a person at the General Prosecutor's Office while he was trying to capture video footage of one of the young web commentators accused of "repeatedly calling for a violent upheaval of the constitutional regime, dissolution of the statehood and territorial integrity of Moldova" through a web forum. Although the cameraman informed the aggressive individual that he was a journalist and was filming lawfully in a public institution, the man

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

dressed in civilian attire brutally forced him to leave and struck the camera several times.

On April 30, journalist Oleg Brega was detained and arrested for three days for peacefully protesting in front of the National Palace where a celebration was held to mark the 50th anniversary of the foundation of Moldova's public television station. The police prevented Brega from approaching the National Palace. The Buiucani District Court ruled that his placard, which bore the inscription "50 Years of Lies," constituted "injury" and sentenced him to three days' detention. This violated a number of legal provisions and international norms on the right to opinion and free expression. Cameraman Ghenadie Brega, who accompanied his brother Oleg and filmed the incident with the police, was fined. On May 10, Ghenadie Brega, who was then protesting in front of government offices against the detention of his brother, was ill-treated by police officers dressed in civilian clothes, arrested, and taken to the police department of Buiucani district where he was held for 48 hours in inhumane and degrading conditions. He was accused of "deliberative insubordination, resistance, and insulting the police."

Ziarul de Garda announced that it was subjected to pressure and was threatened by phone and email after it published, on September 4, 2008, an article titled "Torrid Summer at SIS [Security and Information Service]." Following the article's publication, unidentified persons called the members of the staff on their cell phones from unidentified numbers, threatening them with "troubles with SIS." They were pretending that they knew the names of the article's authors, their personal addresses, and the contacts of their family members. The unidentified persons also said that they were tapping the authors' phones and hacking their emails.

On November 29 the vice president of the Parliament and the leader of PPCD publicly insulted and verbally brutalized PRO TV Chişinău reporter Tatiana Turcanu after she had asked him to comment on a previous statement regarding the owner of Pro TV. "Miss, go find yourself a job, soon there'll be no place for you to prostitute yourself," said Iurie Rosca. On December 26 a policeman physically abused Domnica Negru, a reporter with Pro TV. Upset that the journalist insisted that her questions be answered, he twisted her arm and grabbed her microphone, throwing it on the ground.

As usual, only the opposition press reports on cases of abuse against journalists. Little is done to punish the culprits. "Unfortunately, officials of different ranks are encouraged to continue to hamper journalists as such behavior it is not condemned by society," said Vasile Botnar, Radio Free Europe bureau chief.

"Practice shows that the judicial institutions and courtrooms work as the government's tool for sanctioning media critical to them. In 2008, the bank accounts of a few newspapers were frozen following courts decisions that came while there were attempts to file lawsuits against the newsrooms. For example, *Jurnal de Chişinău* and *Edinaya Gagauzia* had their bank accounts blocked without a justified reason," said Eugen Urusciuc, director of Monitor Media agency.

Even though, according to the law, public media should have editorial independence, this does not happen in reality. It has become a tradition for the political powers to repress the public media. Also, Moldovan legislation stipulates that public and private media should be treated equally and balanced. In spite of this, the authorities discriminate against private media when it comes to access to information and the use of public money for advertising purposes. According to monitoring by the Independent Journalism Center spanning December 2007 to May 2008,² the amount of advertising the state places in a particular paper does not depend on its circulation. *Daily Timpul*, with five issues per week and a weekly circulation of 46,750, received four times less advertising from state-owned companies and local public administrations than *Moldova Suverana*, which comes out four times a week and has a weekly circulation of 19,452. Outside the capital, the discriminatory practices are more evident.

Local public media are, by rule, controlled and financed by local administrations, which also designate their management. A Council of Regents made up of members loyal to the PCRM appoints the leadership of the public broadcaster TRM. Big businesses have the power to influence the editorial policies of state media by making their wishes known to the ruling party.

Any individual who feels defamed may file civil charges according to article 16 of the Civil Code. The offending information must be retracted and damages paid unless the defendant can prove that the information is true to the smallest detail. Despite the fact that the information may be correct, it is still possible for journalists to lose the lawsuit because of minor details. The law does not impose a ceiling on how much in damages an individual can ask for. There is an absence of cases where public officials are punished and usually these lawsuits are swept under the rug. Internet service providers, however, are not held liable for the content published by their clients online. Criminal penalties for libel have largely been taken off the books.

Although the Supreme Court of Justice has recommended to judges that they offer less protection to public figures in defamation cases, this has yet to be implemented. For

² http://ijc.md/Publicatii/presa_stat_raport_final.pdf

instance, a judge from Chişinău decided to freeze \$300,000 in *Jurnal de Chişinău's* bank account, which could block the issuance of the newspaper. This was in order to ensure action against the newspaper brought by an ex-prosecutor who claimed that *Jurnal de Chişinău* injured his honor and dignity in two articles published four years previously.

A statute of limitations on defending honor, dignity, and professional reputation is not provided by law, but totally different is the situation for claiming moral damages. According to Article 1424 of the Civil Code, the term for claiming damages expires after three years from the moment when a victim was aware of the damages. Since the moral damage could not have been paid to the claimant anyway, the only reasonable presumption is that behind the judge's decision to freeze the bank account was intent to intimidate and block the paper's activity.

However, in March 2008 parliament recommended that the judiciary, prosecutors, and the police should adopt practices in line with the European Court of Human Rights (ECHR) in cases of libel and that the judiciary should stop ignoring ECHR decisions.

According to the Access to Information Law passed seven years ago, any individual legally residing in Moldova can request any information or documents from the government or public institutions without having to justify their inquiry. Even so, journalists continue to face serious problems with this matter, in particular those from media considered disobedient to the ruling party. "Both PCRM and PPCD members hang up the phone when journalists from *Timpul de dimineata* daily contact them for an interview," said Gheorghe Budeanu, deputy editor-in-chief of that newspaper.

From time to time, journalists disclose the cases in which they were denied access to public information and even take the issue to court. A number of media NGOs publicize the legislation concerning access to events among journalists and media workers, both in Chişinău and outside the capital.

According to monitoring carried out by Acces-Info, "Out of 4,839 requests for information addressed to public authorities and institutions from Moldova, the applicants received answers in only 19.3 percent of cases. Out of 934 responses submitted, only 78.1 percent contained full answers, 13.8 percent were incomplete, and in 8.1 percent of cases entities gave only a formal answer. NGOs received 18.5 percent of the answers, mass media 21.2 percent, and citizens 17.2 percent. The number of answers to the requests of citizens was much smaller than expected, compared to the number that press organizations received."³

³ www.acces-info.org.md

On November 25, the Parliament passed a final reading of the draft law on state secrets in spite of calls from the international community to improve the bill. Miklos Haraszti, the media freedom representative of the OSCE, said in Vienna that the draft "... would not reduce unnecessary secrecy and other obstacles to access by the media to governmental information." He noted that in many areas the draft expands secrecy, including in the definition of state secrets and the types of information that can be classified, and includes a new undefined category of "restricted" secrets that does not require proof that it is potentially harmful to national security. The draft also reduces parliamentary oversight over secrecy.⁴

"The legislation guarantees access to information, but still, public institutions receive orders that contradict the law. For example, in Rezina local aldermen could not access common data about aid distribution in agriculture that they officially requested. Employees are afraid to talk to journalists without their superiors' permission," said Angela Zaharova, editor and anchor with Elita TV. "Civil servants are required by law to ensure access to information. However, they are not sanctioned when they do not honor this obligation," affirmed Anatol Golea, manager of TV7. "Access to information is restricted by some incompetent public officials who are 'hostages' of the excessively bureaucratic and centralized administrative system. This system is a relic of the Soviet times, when information of public interest was always undisclosed. Mass media cannot fully perform its role of an honest informer since journalists' access to official information is scarce, at times discriminatory, entailing certain professional risks," noted Petru Macovei, executive director of Association of Independent Press.

Dmitri Kalak, deputy editor-in-chief of *Ekonomiceskoe obozrenie* had a different opinion, remarking that, "2008 brought good and important changes regarding the access of journalists to information of public interest. Many institutions renewed their websites (Customs, the National Bank), providing additional information and the opportunity to interact online and address questions. Other state departments (National Bureau of Statistics, the State Chamber of Registration) extended the range of services, including offering necessary information, in some cases free of charge."

The government does not restrict in any way the access of the media to foreign news and information sources, including those from the Internet. Journalists have the opportunity to use the Internet to gain access to international news and other information. Relaying news from foreign agencies is not restricted in any way. Television stations are permitted to broadcast international programs only in their original version. There are no regulations

⁴ <http://www.azi.md/en/statement/321>

concerning publications in foreign languages. The only reason that Moldovan media outlets cannot get foreign news is because of financial difficulties.

The Press Law, passed in 1994, provides the requirement to seek accreditation with public authorities. Article 21 (2) of the Press Law stipulates that "Periodic publications and news agencies may accredit journalists with public authorities, as well as for artistic and sports events, according to the relevant procedure." By taking advantage of this ambiguous provision, state agencies and the presidency deny accreditation to journalists from critical media.

Foreign journalists in Moldova are accredited by the Ministry of Foreign Affairs and European Integration in accordance with regulations approved by the government in 1995. As in previous years, in 2008 foreign journalists, especially those originally from Romania, were denied access to events in Moldova. On December 1 the Vienna-based South East Europe Media Organization (SEEMO) released a statement that condemned the Moldovan authorities' refusal to issue an accreditation card to Cristina Dumitrescu, a journalist for Radio Romania News. She applied for it on October 13.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Moldova Objective Score: 1.82

Oftentimes politically involved journalists do not strictly follow professional standards such as fact checking and the use of multiple sources. Objective and unbiased journalism represents an exception. It is seldom that reporters present all sides of a problem and the opinion of all participants in an issue. Journalists do not necessarily consult experts in specific fields or examine the background of a story. Most panelists believed that professional standards are oftentimes deliberately ignored and that a change in this aspect would depend on the social-political circumstances generally, and on press becoming a business. "Journalists are not properly trained, according to current international standards. Events are reflected tendentiously, subjectively, and are politicized," said Dmitri Kalak.

"Being short on funds, media owners try to hire the smallest possible number of journalists in their newsrooms. Having too many responsibilities and an extraordinary amount of duties, these few reporters lose the chance to develop their abilities and to follow all ethical and professional standards," said Gheorghe Budeanu.

The Code of Professional Ethics Principles for Journalists adopted in May 2000 comprises principles similar to the rules widely accepted by international journalism associations. The

Code states, among other things, that "The journalist must clearly differentiate between information and opinion, use only information that he/she considers reliable and comes from known sources; such information must be reported in an impartial manner; the journalist must not receive any direct or indirect compensation from third parties for the publication of any opinion or information; the journalist must respect the privacy of individuals." Even though the journalists are familiar with and accept these principles, they do not follow them as a law.

Unfortunately, the Ethics Committee of the Union of Journalists of Moldova has no practical power, despite the numerous cases of serious ethical violations. Offering material rewards for a special type of report is part of the Soviet "tradition" of the Moldovan journalism. This practice can be encountered in all branches of the media and all generations and categories of journalists. "Our journalists have a problem with responsibility, accuracy, quality, and ethics," said Nicolae Pojoga, photojournalist and senior lecturer at the Journalism Department of the State University. The most regrettable thing is the fact that the majority of journalists do not make any efforts to improve their professional quality," noted Dmitri Kalak.

Veaceslav Tibuleac, manager of Vocea Basarabiei radio station disagreed, saying that "in most cases, Moldovan journalism meets professional standards." "Roles have switched when it comes to slander and deliberate defaming language; they are performed more and more often by the so-called advocates of the state," noted Vasile Botnaru.

All panelists agreed that nothing has changed in the matter of self censorship: it is practiced both in public and private 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).

The reasons are that the journalists are afraid of losing their jobs and of upsetting the authorities, sponsors, or advertising agents. Self-censorship is evident among the editors and publishers, as a result, the reporters and photojournalists are censored as well. "In most cases, reporters and editors that work for public media practice self censorship for the fear of losing their jobs," said Petru Macovei, executive director of Association of Independent Press.

The majority of the panelists believe that important events are not always covered by Moldovan media either due to economic or political reasons. Public media considers as significant only the issues that directly involve the authorities. The private broadcast media carefully select events they should cover, since they risk being deprived of their license. "News became like a propagandistic entertainment, this is the latest ethical perversion. For example, the ex-prime minister Tarlev announces the launching of a campaign for supporting the local producers. This initiative is being boycotted for political reasons, and soon after that it is being forgotten completely. Later on, nobody calls Tarlev to account for the abandoned project," said Vasile Botnaru, bureau chief of Radio Free Europe.

No important changes have occurred regarding the salaries of media professionals. Both in print and in broadcast media, the wages are not high enough to discourage corruption. There is not a big difference between the salaries paid in public media and those paid by private outlets. Broadcast journalists have slightly higher wages (averaging \$250 to \$300 monthly) than those in print media (averaging \$200 to \$250 monthly). Correspondents from the capital earn more than their colleagues from smaller towns and the countryside. In general, journalists are not paid any better than other professionals. "Selling" articles to politicians or to economic agents is a widely spread practice.

"Low wages do not contribute in any way to improving the condition of Moldovan media. Journalists migrate intensively from one newsroom to another in the hope of finding bigger incomes. It is the case of many TV7 correspondents who switched to NIT," considered Dmitri Kalak.

"It is not the uncomfortable, troublesome journalist, advocating for the public that is recognized as an example of professional standards, rather the cooperating, tolerating reporter, under the false impression that he is willing to work with the state and to serve its interests. For example, the funds meant to benefit all of the media institutions were allocated on a selective basis, on political criteria. The conclusion was established by a group of experts who recently examined the fulfillment of the commitments mandated by the European Union's Moldova Action Plan," stated Vasile Botnaru.

Most panelists believed that entertainment programs produced abroad and broadcast by Moldovan television channels continue to overshadow news programs. "Local TV and radio stations do not produce their own entertainment programs at all. Also, local broadcasters have trouble finding enough stories to fill up a typical newscast. The reason is the lack of media professionals outside the capital," said Angela Zaharova, editor and anchor, Elita TV in Rezina.

According to Anatol Golea, manager of TV7, in Moldova there is a shortage of local news and entertainment programs. This situation could be repaired if there were investments in this area, but these are lacking for the time being. Most television stations, including the public ones, broadcast fresh newscasts only in the evening. Introducing day-time newscasts would attract more viewers to those stations. In order to get informed during the day, citizens listen to the hourly five-minute radio newscasts, which are based on news agency feeds. Dmitri Kalak considered that, "Entertainment does not overshadow the newscasts. However the quality of news is poor. Broadcast news fails to optimally cover topics such as social and specific business problems—life in general in the regions of Moldova. Basically, news is made from official events, press conferences and presentations, etc."

The broadcast media is getting better equipment, although still not according to international standards. Only two television stations could afford to buy remote trucks and to broadcast live on-location. Print media lack modern printing technologies. Newspapers do not have professional cameras and licensed editing software. The media in the provinces is equipped even more poorly than the media in Chişinău.

Regarding niche reporting, the participants' general opinion was that quality stories are quite rare. However, in 2008, with American financial aid, a number of private newspapers did a series of investigations about corruption. "As compared to previous years, in 2008 the politically independent press published a larger number of investigations into fields such as corruption in the public administration and their institutions, human rights, organized crime, etc. But society and the authorities do not respond to these reports," said Tudor Iascenco, director of *Cuvantul* newspaper. Broadcast media pay less attention to niche reporting than print media does. Print media also covers economic problems more often and is more competent in this aspect. "Publications covering specialized areas are few in Moldova. Many of the magazines or newspapers specializing in construction, medicine, business, are created with the support of firms or associations that have interests [in those areas], therefore they report on subjects in a biased manner," noted Dmitri Kalak.

OBJECTIVE 3: PLURALITY OF NEWS

Moldova Objective Score: 1.71

The majority of the panelists believed that access to multiple objective and trustworthy sources of information is more difficult in rural areas than in the cities. This refers especially to news offering critical yet objective reporting, since the current government monopolizes national broadcasters. "The segment of independent press is declining more and more every year," considered Gheorghe Budeanu.

None of the broadcasters presenting the opposition's perspective has national coverage. Both private and public television stations that air over the entire territory report only on the actions of the authorities, while ignoring those of the opposition. A small number of private, local, and national newspapers do have an editorial policy that promotes pluralism. Yet these papers have a modest circulation that does not grow because of the high price in relation to the population's income. Only about seven percent of the population can afford to purchase national private newspapers. The papers published in Chisinau reach villages in the country with an average delay of two or three days.

Countryside residents receive their information from Moldova 1 and other television stations with national coverage controlled by the authorities: NIT TV, Prime (relaying the Russian public television station ORT), and 2 Plus (now transmitting on the frequency that used to be operated by the Romanian public station TVR1). Euro TV, which has quasi-national coverage, is under the wing of the PPCD. Radio stations with national coverage, Radio Moldova and Antena C that were privatized by the current government, cover stories from the ruling coalition's perspective.

According to the October 2008 Public Opinion Barometer, 76 percent of the respondents rely on media controlled by the authorities (Prime TV, Moldova 1, and NIT) as their primary means of information.⁵

Community stations are only just beginning to flourish, while some districts already have local television stations producing local news. According to BCC data, 20 percent of Moldovan cities and villages can access cable television.

Internet has reached a penetration of 3.7 percent, according to Vladimir Voizian, head of the Research and Prognosis Unit with the National Regulatory Agency for Electronic Communications and Information Technology. The above-mentioned study showed that 3.4 percent of respondents consider the Internet as their primary

source of information. There has been no official data collected concerning the use of blogs. For a small fee, cell phone carriers send news feeds by SMS, but this means of information has not become very popular. Setup fees for Internet are, on average, €50, and the monthly subscription is €10 to €15, while the average monthly salary in Moldova is €160. The initial subscription fee for satellite television is on average €100.

Pro TV, Vocea Basarabiei, and TV7 are private and independent broadcasters whose Romanian and Russian newscasts come closer to an impartial and pluralist coverage of the news. These stations broadcast in Chisinau, as well as in several district centers: Cahul, Cimislia, Edinet, Rezina, Soroca, Floresti, Basarabasca, etc. "The TV stations that produce quality news do not have national coverage, therefore are not able to reach a broad audience. People in most villages have access only to NIT and Moldova 1, which provide stories that talk about the authorities concern for the population," said Angela Zaharova.

"People have a multitude of information sources to choose from. Nevertheless, the vast majority of the media is controlled by the government and is used to promote a positive image of themselves as well as to discredit the opposition parties," said Anatol Golea. "Usually, small town residents have access to the press controlled by the authorities. I refer both to print and electronic media. The number of community papers and radio stations has fallen compared to the previous year when the amount of such media was on the rise," said Eugen Urusciuc.

The authorities control the international and national media that people have access to by keeping a tight grip on BCC, by issuing broadcasting licenses based on political criteria, and by approving the list of channels transmitted through cable. Other than these means of limiting access to media, legislation does not restrict in any way listening to foreign broadcasters or reading international publications. However, with the exception of Russian ones, no foreign publications are present in Moldova due to cover price. The authorities do not block access to online international media. Subscribing to Internet services, as well as to satellite or cable television is a function of one's financial capabilities.

The accessibility of the Internet in rural regions is very low. The difference between access to cable TV and satellite TV in rural regions is determined only by the economic conditions. "The BCC, following instructions from the authorities, refused to award extending frequencies to Vocea Basarabiei radio station. In such a way the state limits the access of all citizens to their product," stated Gheorghe Budeanu.

⁵ www.ipp.md/barometru1.php?l=ro&id=34

The majority of the panel participants believed that Moldova 1 and Radio Moldova cannot be considered true public institutions, because they are not open to opposition perspectives and do not air alternative opinions. These broadcasters serve rather as tools for propaganda and stretching the truth. In most instances, Moldova 1 newscasts tend to focus on the activity of the country's president and of the government. The opposition is ignored and shown in a negative light. Moldova 1 and Radio Moldova do not offer airspace for public debates.

Almost half (48 percent) of the respondents of Monitor Media Agency's Public Opinion Barometer survey conducted in October 2008 think that Moldovan media is not free to publish news and articles without being censored by the government. Further, 41 percent of the respondents believed that Moldova 1 and Radio Moldova, which together form TRM, cover events from the angle of the ruling coalition. This figure represents a 10 percent increase from 2006. On December 4, 2008, the party Alliance Our Moldova (AMN) demanded that the president of TRM explain in front of the Parliament why, in its report about the Exhibition of the Political Parties, TRM showed only PCRM's exhibit even though there were 17 different political parties participating in the event. AMN argued that TRM violated the norms of the Broadcasting Code by advertising the governing party and making favorable comments about its exhibit, while at the same time showing the other parties in a negative light.

The ideological factor is also present in cultural and educational programs. It is noticeable as well in the way that participants to debates are selected. "With the goal to

manipulate public opinion, state-owned and public media does not reproduce multiple points of view and does not interview various people for more opinions on a particular problem," considered Anatol Golea.

On November 6, Dumitru Diacov, the leader of the Democratic Party, stated in front of the Parliament that the opposition does not have access to public radio and television stations. Diacov made everyone burst into laughter by stating that he is willing to have the government charge him with criminal offenses, as, according to him, this would be the only way he can appear on television in Moldova. A statement issued on December 8 by the Democratic Party noted that, "Although officially denationalized, the public institutions continue to misinform citizens and to offer media support to the leading party. The access of the opposition to public TV and radio is restricted."

"The lack of political will to transform TRM into a genuine public service that would offer balanced and impartial information is detrimental to the general welfare of the population and creates conditions for misinforming citizens in the interest of a particular political party," said Petru Macovei.

"There are four independent news agencies in Moldova: DECA-press, Info-Prim Neo, INFOTAG, and Reporter.md. On the other hand, there are Moldpres, Novosti-Moldova, Basa-press, and Omega, who serve the interests of the ruling party. Public media prefer to subscribe to the news from the agencies loyal to the authorities," said Eugen Urusciuc. The independent agencies sell their product on a non-discriminatory base to any client for a set fee. These news agencies offer information only in written form, not in video.

Most media outlets use the news feed provided by news agencies, without always paying for this service or indicating the source. With a few exceptions, media companies from Moldova cannot afford to subscribe to international news feeds. News from international agencies is accessible on the Internet.

Private radio and television stations usually produce their news programs in-house. The content of the news produced by the private channels with national coverage, NIT, Prime, and Antena C does not differ significantly from that produced by public outlets Moldova 1 and Radio Moldova.

According to the Press Law and the Broadcasting Code, media outlets are under the obligation to identify their owners. However, only the formal executives are identifiable, whereupon the true owners are not visible. The stockholders who own the majority of the shares in stations like NIT and Pro TV are offshore concerns, whose owners remain unknown. BCC does not compel them to reveal their identities.

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.

OBJECTIVE 4: BUSINESS MANAGEMENT

Moldova Objective Score: 1.65

"It is unfortunate that in Moldova a law that would require the founders to disclose the identity of the owners of the media outlets is absent. In this context, it is strange that a request made in the Parliament to reveal the names of the owner of Pro TV provoked such a stormy reaction from certain politicians and journalists. I consider that it should become a norm of a civilized society, as well as a legislative norm," remarked Dmitri Kalak. Angela Sirbu considered that, "The journalists reacted in a stormy way not because of the inquiry itself, rather because of the intention to intimidate and harass the above mentioned TV station. A MP in front of the Parliament accused Pro TV of being biased for the opposition, of discrediting the state institutions, and betraying the national interest." "Instead of proposing ways to improve the legislative framework, the member of the Communist-allied PPCD demanded that Information and Security Service of the Republic of Moldova bring to light who backs Pro TV, without showing any interest for who backs other broadcasters, including the ones the do partisan work for the Communists or PPCD," she added.

Most panelists believed that the PCRM and the PPCD acquired a number of media outlets through intermediaries. According to research carried out by Raisa Lozinschi ("Mass-media in the Republic of Moldova," June 2008), all national broadcasters and a few local ones are part of the "Communist trust." "Lately there has been a tendency to attract media institutions in press trusts that are loyal to the authorities," said Anatol Golea.

Oligarchs so far have not joined in on media ownership. Big corporations do not show any interests towards media in Moldova, because it has not yet become a profitable business. Similarly, foreign investors are not interested in Moldovan media and this hinders the development of mass media as a business. "There have been no major foreign investments in Moldovan media so far, which is rather a disadvantage for the consumer of information," said Petru Macovei.

Public media institutions fail to cover certain problems in society in order to preserve the image of the ruling party. Stations that show the abusive behavior of police are placed under pressure (for instance, Pro TV). There have been no cases of journalists being harassed for covering minorities. The only troubles minorities have with publishing newspapers in their native language are financial in nature. TRM has programs in Russian, Ukrainian, Bulgarian, Gagauz, and Yiddish. There are also publications in Russian, Ukrainian, Gagauz, and Bulgarian. The Jewish community publishes a newspaper in Russian. Several private television and radio channels broadcast in Russian, Gagauz, Russian, and Bulgarian.

Most panel participants believed that this objective has developed slower than expected, since in the second semester the development of the advertising market decelerated due to the world crisis. It has been noted that media and auxiliary companies have begun to work more efficiently. However, as in previous years, despite having elaborate business plans, accounting practices, and financial techniques in accordance with internationally accepted standards, only a few media companies are profitable. The lack of investments is another factor that hinders the development of media and printing companies as efficient and professional businesses.

The lack of management and marketing experts is a problem. "In most of the cases, the journalists double up as managers and they don't see media as a business, rather as a way to assert themselves," said Eugen Urusciuc. Dmitri Kalak said, "Few politically unaffiliated media outlets are profitable businesses in Moldova. Most media institutions represent an instrument of political fights and propaganda, therefore profit is not their primary concern. One cannot speak about the editorial independence of such media. Advertising agencies sometimes avoid dealing with politically involved media."

However the majority of panelists believe that covering political topics is not the problem, rather political alignment. "Only media outlets that cover the opposition repel advertising agents," noted Angela Sirbu, director of the Independent Journalism Center. "Various times company managers frankly told *Timpul* newspaper: 'I would rather help you some other way than to advertise with you, otherwise I might receive lots of inspections,'" said Gheorghe Budeanu. At the same time, "Outlets loyal to the government exceed the allowed limit of advertising set by the Broadcasting Code. NIT TV might serve as an example," added Angela Zaharov.

Tudor Iascenco, director of *Cuvantul* newspaper in Rezina contradicted this picture and wondered why there is not more investment in the media. "Considering the poor circumstances, the fact that a number of politically independent media companies have existed for 10 years or more proves that they are viable businesses," he said.

Private media draw funding from a number of sources, such as sales, advertising, and sponsorship. The way that public media receive funding is neither adequate nor assured. It gets money from national or local government budgets, a fact that transforms them into politically dependent media. Unfortunately, media companies operating throughout the country do not have access to advertising services, most

of which are based in Chisinau. Furthermore, advertising agents avoid working with the private media critical of the government, even though their circulation may be higher than that of other media. It is the same situation with state-owned companies, ministries, and government agencies: they advertise exclusively with the media that are loyal to the authorities. According to monitoring conducted by the Independent Journalism Center, state-owned companies chose where to advertise based on loyalty rather than on circulation of the newspaper. Discrimination against private media is more often encountered in the provinces.⁶

Various types of sponsorships and hidden advertising, including political ads, serve as an important source of income for private media. In return, the outlets must adjust their editorial policy and the final product. "The game continues with the aces in the sleeves, beginning with hidden subsidies for loyalty: *Moldova Suvernana* and *Nezavisimaia Moldova* newspapers [both privatized but widely believed to receive hidden subsidies from the state], but also the gift offered to Teleradio Moldova from the state budget. There is no transparency. For instance, because of political reasons *Moldavskie Vedomosti* is boycotted by companies that could potentially advertise in their pages, while others who have special 'sympathies' stealthily buy advertisements as if they are paying services in a brothel," said Vasile Botnaru. "A large number of media outlets receive money from advertising and from foreign sponsorships, but this income is not stable enough to protect them from the editorial interference of the government. Still, the most vulnerable under this system is public media that is financed by public money," said Eugen Urusciuc.

"Moldova has a small advertising market and many newspapers would not be capable of surviving only from advertising revenues. Another concern is the monopoly of Moldpresa, which at times can charge 40 percent of the price of the paper for the distribution. I wonder what occidental investor would undertake the adventure to come to Moldova amid these conditions," said Anatol Caslaru, editor-in-chief of the weekly *ECO Magazin*.

The advertising market in Moldova has seen rapid development recently. According to the AGB Nielsen Media Research data, it was estimated at \$34 million in 2008, compared to \$14 million four years ago. About 59.3 percent of advertising goes into television, 21 percent to billboards, and radio receives 10.3 percent. Print media get 7.4 percent, while Internet and cinemas receive 2 percent.

Moldova continues to have the lowest advertising prices in the region. Even though the amount of advertising going to

print media has grown recently, (with a growth of \$1.5 million in 2006, \$2 million in 2007, and \$2.5 million in 2008), it still remains relatively small compared to neighboring countries. Because they lack money, most newspapers can only afford to be printed in black and white. With a few exceptions, print media do not have marketing departments and the job is handled oftentimes by the director or the editor-in-chief.

Sixty percent of total broadcast advertising goes to a single channel with national coverage, Prime. All of the other broadcasters get the rest. Advertising accounts for about seven to 10 percent of airtime, according to data provided by Anatol Golea. The Broadcasting Code limits advertising to 15 percent of airtime and stipulates that advertising cannot exceed 12 minutes per hour.

Outside of the capital and larger cities, the advertising market is only beginning to develop. There are 140 advertising agencies, but the most significant role is played by only a handful of multinationals. About 60 percent of broadcast advertising is distributed by a local agency, CasaMedia. Veaceslav Tibuleac thought that, "The advertising market is controlled by the Communist government. The advertising agencies are at the beck and call of the governing clique." Angela Zaharov said that, "Advertising agencies work with big TV stations, which are controlled by the authorities, which oftentimes allow for the advertising limit to be exceeded."

With a few exceptions, the share of advertising revenues in Moldovan media remains below generally accepted standards in other countries. Media managers would happily include more advertising, but they lack buyers, especially in the countryside. Most panelists said that 60 to 70 percent of revenues of the print media come from subscriptions and sales.

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.

⁶ ijc.md/Publicatii/presa_stat_raport_final.pdf

As a rule, independent media receive no subsidies from the government, although some private media do. The fact that the government applies pressure on independent media shows that only media that provide positive coverage of the government receive subsidies. In his study "Development of Mass Media Freedom in the context of the implementation of the EU-Moldova Plan of Action," Eugen Ribca points out that, "When the EU-Moldova Plan of Action was adopted, the Moldovan authorities pledged to provide assistance to the print and electronic press according to objective and fair criteria. This did not happen. Unfortunately, the state offers direct financing only to the mass media that places the public authorities in a favorable light."

API members have said on various occasions that if the government is financially able to subsidize media, then all companies should benefit from it equally and transparently. Subsidies are given indirectly through tax facilities and reduced fees for shipping and distributing publications. "In Moldova, direct allocations are a tool for influencing the editorial policies," said Tudor Iascenco. "The government does not subsidize independent media on paper, but it offers assistance to some by endowing technical equipment and advertising with them," believed Dmitri Kalak. For example, a private pro-PCRM channel, NIT TV, recently received discounted antennas and transmitters that were installed by the state company Radiocomunicatii. Eugen Urusciuc said that, "As a rule, the government subsidizes ex-state-owned media that were subsequently privatized. Since they maintain their past editorial policy, they continue being subsidized."

Few media outlets can afford to buy research made from polls and phone surveys, unless sponsors help them. For the time being, the results of the research studies do not have an impact on the quality and attractiveness of the media products. The number of companies that specialize in doing research is small. "Because of the high costs, companies cannot frequently afford to order market studies with the goal to develop their strategic planning or to adapt media products for the public interest," said Petru Macovei.

The local offices of independent international companies such as AGB and TNS do audience measurements. Not all media have the opportunity to access the research results, since specific outlets order them. Advertising agencies recognize this research data, while media institutions are skeptical about its truthfulness, arguing that someone's interests influence it. "Economic and political groups try to direct companies' advertising budgets towards media they own. In order to achieve this goal, they manipulate the advertising agencies that measure the audience and the ratings," said Anatol Golea.

All attempts to create circulation audit agencies in Moldova have failed so far. In November 2008, the Independent Journalism Center organized an initiative group meant to establish such an institution. Most panelists think that circulation disclosed by newspapers is oftentimes phony. "There is no circulation audit. The rating measurements are often ordered and reflect specific interests," asserted Dmitri Kalak.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Moldova Objective Score: 2.11

The role of the supporting organizations was undermined by two factors: first, the lack of solidarity among journalists and media owners who continue to be divided politically, and; second, by the authorities who reward only loyal journalists.

API and Electronic Press Association (APEL) continue to be the only active trade organizations supporting the media. API was founded in 1997 and counts 17 national and regional newspapers and two news agencies as its members. APEL, founded in 1998, represents 22 broadcasters and production studios. It is significant to note that none of the newspapers loyal to the ruling party are members of these two organizations. API has undertaken many activities, including providing legal and technical support to its members, helping outlets attract advertisers, and organizing professional trainings. Meanwhile, APEL focuses on improving media laws with a concentration on the implementation of the new Broadcasting Code passed by Parliament in 2006. It also monitors the process of transforming TRM into a public broadcaster.

The interests of journalists, editors, photographers, and other media professionals are represented by the Union of Journalists of Moldova (UJM), which does not function much as a trade union, rather it focuses on protecting the freedom of expression. UJM is a member of the International Federation of Journalists and associate member of the Romanian trade union MediaSind. Officially, UJM has 1200 members, however only 353 are active. Any journalist who has worked in the field for at least three years can join the organization. The government tends to ignore UJM's requests asking for supporting of independent media.

Journalists who work for government controlled media do not get involved with UJM. Instead, in 2004 they founded the League of Professional Journalists, which has been operational for one year.

There is also the Association of Business Journalists that provides professional assistance to journalists reporting on the economy. The Investigative Journalism Center launched an Investigative Journalists' Club, which brings together investigative journalists from all over the country. They assist and help each other in producing quality journalistic investigations.

The Independent Journalism Center (IJC), API, APEL, the Press Freedom Committee, Acces-Info, and the Center for Young Journalist from Moldova are some of the most noteworthy NGOs supporting independent media and advocating for the freedom of speech and press. These groups monitor media laws, formulate draft legislation, and offer legal assistance to journalists who are sued. They also react on a regular basis to cases of freedom of speech violations, harassment and intimidation of the journalists, and restricting access to public events. Media NGOs perform their watchdog activities in cooperation with international profile organizations from abroad (Article XIX, Reporters without Borders, SEEMO, etc). They are less active in the provinces than in the capital. The government typically ignores the appeals launched by these NGOs and even tries to discredit them by declaring that they serve the opposition or foreign interests.

Journalism schools in Moldova such as State University, International Free University of Moldova, European Studies University, and State University of Comrat lack media specialists because of low wages. They also lack equipment. Therefore graduates do not have the necessary practical training. The exception is the Advanced Journalism School with the Independent Journalism Center. Students have the opportunity to study abroad although some do not return to

Moldova. Even though the number of journalism graduates increases each year, the media have trouble identifying good journalists to hire.

Media specialists have the opportunity of upgrading their professional knowledge in short-term courses organized by IJC, UJM, API, APEL, Access-info, and Media Impact with the support of international organizations. There is a demand for courses in online journalism, photo journalism, management, advertising, design, radio journalism, and television journalism. Usually the employers permit their staff to attend these courses, as they are free of charge.

Newsprint suppliers are private companies and there are no restrictions on newsprint supplies. There are no restrictions imposed on public printers either. In some cases, newspapers belonging to the local public administrations are constrained to use the services of the state-owned printer, despite there being private providers in their town. This is the case for *Farul Nistrean* from Rezina. For both private and state-owned printers, there is a problem with the quality of printing services due to lack of investment.

Media distribution is managed by the state. By monopolizing the press distribution system, especially in the villages, the state dictates prices without ensuring speedy distribution. Private distributors have emerged recently in Chişinău and Bălţi, although most newsstands are affiliated with Moldpresa, the successor company to the state-owned Moldsoiuzpechat. The development of private distributors is hindered by the lack of investment in the field. All radio and television transmitters in Moldova are managed by a state company, which can suspend, for various reasons, the transmission of certain broadcasters. Internet services are provided by Moldtelecom and many other private providers, which have to use Moldtelecom's network.

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Vasile Botnaru, bureau chief, Radio Free Europe, Chişinău

Anatol Golea, manager, TV 7, Chişinău

Dmitrii Kalak, deputy editor-in-chief, *Ekonomicheskoe obozrenie*, Chişinău

Petru Macovei, executive director, Association of Independent Press, Chişinău

Nicolae Pojoga, photojournalist, senior lecturer, Journalism Department, State University of Chişinău, Chişinău

Angela Sirbu, director, Independent Journalism Center, Chişinău

Vasile Spinei, chairperson, Acces-Info Center, Chişinău

Gheorghe Budeanu, deputy editor-in-chief, *Timpul de dimineata* newspaper, Chişinău

Eugen Uruşciuc, director, Monitor Media Press Monitoring Agency, Bălţi

Angela Zaharova, editor and anchor, Elita TV, Rezina

Tudor Iascenco, director, *Cuvântul* newspaper, Rezina

Veaceslav Ţibuleac, manager, Vocea Basarabiei radio, Chişinău

Moderator

Nicolae Negru, editor-in-chief, Mass Media in Moldova, Independent Journalism Center, Chişinău

The Moldova study was coordinated by, and conducted in partnership with, the Independent Journalism Center, Chişinău. The panel discussion was convened on November 21, 2008.

“[Last year] left me with a very bad feeling, because there was an absolutely obvious drift towards undisguised propaganda,” said one panel participant. “There are less and less independent media. And authorities do not even put any special efforts towards this—they just create economic conditions where some media cannot survive.”



RUSSIA

In 2008, Russian authorities maintained their control over the information sphere. The government's influence became obvious to observers during the Russian media coverage of the presidential campaign in the spring and the August military action in South Ossetia, Georgia. And for a long time, Russian media did not acknowledge that the global economic crisis is affecting the national economy.

The majority of Russian media outlets are owned or controlled by the state and affiliated entities, and therefore propagate the state's interests and positions on issues. They receive state funding and the authorities use their power to increase the reach of their circulations. At the same time, state media outlets compete with independent media in the advertising market. "[Last year] left me with a very bad feeling, because there was an absolutely obvious drift towards undisguised propaganda," said one panel participant. "There are less and less independent media. And authorities do not even put any special efforts towards this—they just create economic conditions where some media cannot survive."

The majority of Russian citizens either do not value freedom of speech or view it as useless because critical publications do not affect any changes. Crimes against journalists are not prosecuted vigorously. As a result, many journalists are either afraid or see no sense in being "watchdogs" for the public interest, and resort to self-censorship.

Nonetheless, Russia still has a small cadre of independent media—mostly in the regions—that are committed to internationally recognized professional and ethical journalism standards. These media outlets operate as well managed, efficient businesses that generate most of their revenue from advertising sales. The expansion of Russia's advertising markets has enabled these media outlets to grow. In 2008, many of them launched informational Internet sites and media projects in neighboring regions.

Russian media experienced the effect of the global economic crisis only in November 2008, when their advertising revenues dropped sharply. As a result, several media outlets, both state-owned and private, laid off some of their staff. Given the delayed impact of the global economic crisis in Russia, MSI panelists were not prepared to evaluate the full effect of crisis on the Russian media sector, so their scores mostly represent the situation before the crisis struck.

Overall, the score for Russia showed little change, inching up from 1.78 to 1.88 this year. There was some modest improvement to Objective 1, free speech, and Objective 2, professional journalism, which helped drive the increase. Objective 4, business management, also experienced slight growth and moved back to the early stages of "near sustainability." However, it must be noted that all objectives aside from Objective 4 remain below their 2001 baseline scores.

RUSSIA AT A GLANCE

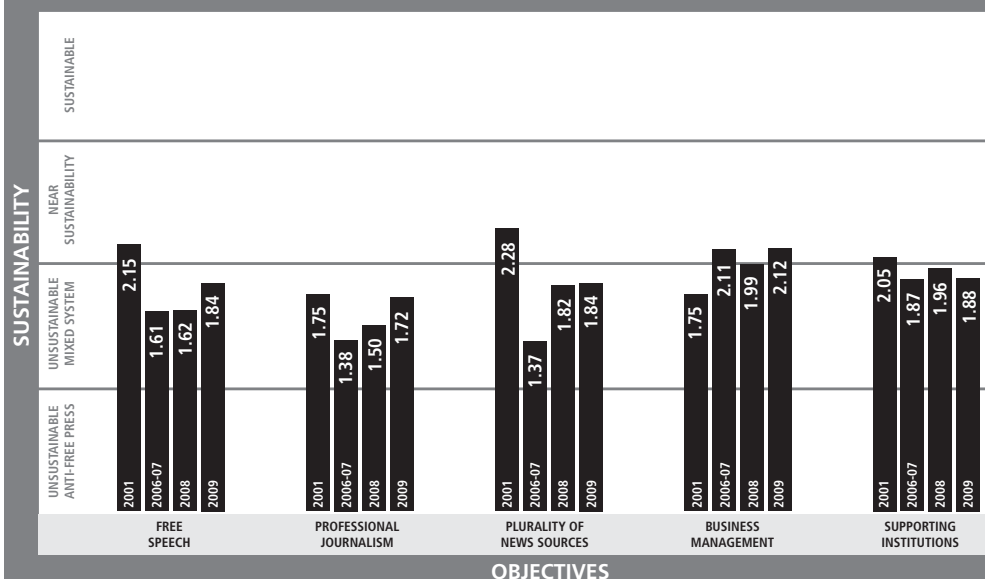
GENERAL

- > **Population:** 140,702,096 (July 2008 est. *CIA World Factbook*)
- > **Capital city:** Moscow
- > **Ethnic groups (% of population):** Russian 79.8%, Tatar 3.8%, Ukrainian 2%, Bashkir 1.2%, Chuvash 1.1%, other or unspecified 12.1% (2002 census *CIA Factbook*)
- > **Religions (% of population):** Orthodox 86.5%, Muslim 10%, Armenian-Grygoryans 0.8%, Pagan 0.5%, Catholic 0.35%, Lutheran 0.3%, Budhist 0.25%, Jewish 0.15% (2002 Census)
- > **Languages (% of population):** Russian, many minority languages
- > **GNI (2007-Atlas):** \$1.071 trillion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$14,400 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 99.4% (male 99.7%, female 99.2%) (2002 census, *CIA World Factbook*)
- > **President or top authority:** President Dmitriy Anatolyevich Medvedev (since May 7, 2008)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 35,500 newspapers, 23,500 magazines; Radio: N/A; Television Stations: N/A (Federal Agency of Print and Mass Communications, 2008)
- > **Newspaper circulation statistics:** 7.8 billion total newspaper copies, 1.9 billion total magazine copies (Federal Agency of Print and Mass Communications, 2008)
- > **Broadcast ratings:** top three television station: Channel One (21%), Rossiya (16.3%), NTV (13.7%) (TNS Gallup Media)
- > **News agencies:** ITAR-TASS (state), RIA-Novosti (state), Interfax (private)
- > **Annual advertising revenue in media sector:** \$6.36 billion (Association of Communication Agencies of Russia, 2008)
- > **Internet usage:** 30,000,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: RUSSIA



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Russia Objective Score: 1.84

This year, modestly higher scores in most indicators resulted in a moderate increase in Objective 1's score. Only indicators 5 (preferential legal treatment for, and guaranteed legal independence of, state media), 7 (access to information), and 8 (media access to foreign news sources) remained static. Furthermore, Indicator 9 (free entry into the journalism profession) experienced a slide in score. Despite the higher score overall, panelists pointed to the persistence of some problems with free speech in Russia; as a result, Indicator 4 (crimes against journalists) and Indicator 5 both lagged behind the objective score by about three-quarters of a point. Indicator 8 was alone in receiving a score remarkably better—in this case more than a point—than the objective score.

Russian society and media have effectively split. The government controls outright or, through various connections, heavily influences the majority of media outlets, and these champion government positions. The majority of the Russian people find this situation acceptable. Oleg Panfilov, director of the Center for Journalism in Extreme Situations, estimates that only 6 percent of Russian citizens are interested in alternative information, and they find it on the Internet and from the few remaining independent media, which are mostly print.

In 2008, Russian authorities continued to expand the reach of state-owned print media. Natalia Znamenskaya, chief editor of *Zhukovskie Vesti*, noted that free copies of the national and governmental *Rossiyskaya Gazeta* were delivered to all local residents for several months, and the city administration required all heads of local enterprises to subscribe to a municipal newspaper owned by the administration as well as make 100 to 150 of their employees subscribe. "People are just swamped with state publications," Znamenskaya said. "People may not really read them, but they feel bad about the propaganda being imposed on them, and this erodes the trust in newspapers."

Several panelists noted that in 2008, the pressure on the independent media continued. Stanislav Glukhov, general director of the Grand Express Publishing House and chief editor of *Khabarovskiy Express*, said that "authorities tighten their grip slowly but surely. They keep separating loyal media outlets from non-loyal ones. The [non-loyal media] that try to introduce journalistic standards, build civic society, and grow with this society experience restricted access to information, economic pressure, and endless inspections by authorities."

In some cases, authorities start criminal investigations of the business operations of independent media outlets to put pressure on them. An example is the case of Tomsk TV-2, "the last independent TV company in Russia," according to Leonid Nikitinskiy, commentator for *Novaya Gazeta* newspaper. The station aired several reports about work methods used by Tomsk police officers, and in response, authorities started a new investigation into a five-year old criminal fraud case against the company related to purchase of its office.

Panelists had varying opinions on the Russian court system. "Russian legislation provides optimum protection for all rights related to free speech," said Fedor Kravchenko, an attorney with the Bar of Media Lawyers. But Znamenskaya said, "We do not have independent courts that would ensure enforcement of media laws or any other laws. Often the courts serve political interests."

The practice of freedom of speech differs considerably among Russian regions. According to Boris Timoshenko, head of monitoring for Glasnost Defense Foundation, "There are less and less light spots" on the map of Russia. The situation is best in Novosibirsk region, the city of Yekaterinburg and the region of Sverdlovsk,¹ Saint Petersburg, and Tomsk (the above example notwithstanding). The worst situations are in Bashkortostan, Kalmykiy, Kemerovo region, and in central Russia.

"In the regions, local authorities are afraid to be disagreeable to the central ones, so they try to suppress any attempts to speak openly about many topics," said Andrey Ponomarev, editor of Echo of Rostov radio station.

In general, the licensing of broadcast media is competitive. However, as Kravchenko noted, if a state company takes part in a competition along with private ones, it always wins. "It is not a problem to get a license. But one cannot be sure that this license won't be suspended for unclear reasons. In this regard, the arbitrariness of authorities almost reaches 100 percent—both in theory and in practice," he said.

Authorities issue broadcast media outlets hundreds of warning notices for non-compliance with approved regulations, even though the rules for compliance are still unclear.

Market entry conditions and tax structure for media outlets are comparable to other industries. Kravchenko commented that Russian tax legislation is not quite clear, so media outlets sometimes try to use its ambiguity to "optimize" their taxes, which is risky for any business. In addition, tax inspections are used by authorities as an instrument for putting pressure on

¹ For example, Boris Kirshin, chief editor of *Chelyabinsk Rabochiy* (Chelyabinsk, Sverdlovsk region), scored the free speech indicator about twice as high as the average returned by the other panelists.

Oleg Panfilov, director of the Center for Journalism in Extreme Situations, estimates that only 6 percent of Russian citizens are interested in alternative information, and they find it on the Internet and from the few remaining independent media, which are mostly print.

media outlets, although some NGOs and other businesses are subjected to this as well.

Several panelists commented on the unfair competition between state-owned and private print media outlets. "In the market of print publications, there is a huge segment of state-owned media that have state funding and at the same time sell advertising space, naturally at discount prices. They are able to sell ad space for nothing. And this draws advertisers [away] from private media," said Maria Eismont, director of the New Eurasia Foundation's Russian Independent Media Program.

According to the Glasnost Defense Foundation's 2008 statistics, five journalists were murdered in Russia, 58 were assaulted, and two are missing. Panelists felt that crimes against journalists were prosecuted poorly and Znamenskaya said that this belief is shared by Russian citizens. *Zhukovskiye*

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

Vesti surveyed its readers on the possible outcome of the investigation of the assault of journalist Mikhail Beketov from the city of Khimki, near Moscow. Beketov, who published a series of articles about plans to cut down a local protected forest to build a federal highway, was beaten almost to death in November 2008. "Nobody believes that [this crime] will be investigated. Everybody believes that this will be a long process that will not bring any results," Znamenskaya said.

Timoshenko noted, "Usually there are 70 to 90 assaults a year, and this year, initially there was a significant drop," indicating that the number of violent crimes against journalists may be on the decline. Timoshenko attributed this to the fact that journalists are already scared and do not make themselves targets for assault. He also said that although methods of violent influence are now used only in extraordinary situations, the media environment is still hostile. "There is a paradox: on the one hand the manners have gotten milder—there is less physical violence—but on the other hand, a journalist is besieged from all sides and the free space he has for maneuvering is disappearing," he commented.

A similar opinion was expressed by Glukhov, who was sentenced to a year in jail and put on probation for disseminating libel against a member of the Khabarovsk Kray legislature. He detailed his ordeal for the panelists. "Before I was beaten up and stabbed, my print house was set on fire three times. So they used physical methods. Now they use judicial ones. And they are more effective, actually. Journalists feel the consequences of being under investigation. These are searches. The newspaper office was searched three times, my apartment was searched. All computers used for accounting were seized. I did not give the name of the author of the article, and they were looking for his name in the payment documents. And they took all accounting documentation. They kept it for a month, and did not even look at it. They told me, 'You should not be writing wrong things,'" he said.

Boris Timoshenko said that law enforcement authorities never look for anyone but the person who actually committed the crime, and investigation of crimes against journalists tends to focus initially on domestic or economic motives. The possibility that the crime is related to the professional activities of journalists is always considered last.

Crimes against journalists do not cause wide public outcry, although there are some positive examples. Veronika Dmitrieva, regional program director for CIS of the Media Development Loan Fund, described the recent case of a juror in a murder trial coming forward and stating to the media that the jurors were forced to sign an agreement to keep the proceedings closed to journalists. This case "evidences that there is still public interest in independent journalism and in investigation and prosecution of these crimes," she said. A

meeting held by 200 residents of Khimki in support of Mikhail Beketov is additional proof that some people care about independent journalists.

Libel is a criminal issue in Russia, and a journalist can be sentenced for up to three years in prison. In 2008, a group of Russian legislators proposed dropping libel from the criminal code and making it a civil law issue, but this amendment is still pending. At the same time, Russia's civil code includes an article against defamation. In the criminal process a plaintiff has to prove libel, but in a civil case the burden of proof is on the media outlet, which must prove that the information it published about a public official is true. However, court decisions are often not independent. According to Znamenskaya, no matter what evidence a media outlet presents, the ultimate court decision will be determined by the official's status and influence on the court.

Russian law guarantees editorial independence of state-funded media, but in reality, these media outlets engage in propaganda in support of state interests. Znamenskaya commented that in the city of Zhukovskiy (near Moscow), municipal newspaper journalists are government employees. "They hold positions of state executives; they receive benefits as state executives; they receive retirement benefits as state executives," she said. "State executives cannot be independent."

The law guarantees all media access to public information, but it is very difficult to obtain any information from state agencies. Znamenskaya and Glukhov said that authorities often do not let reporters from their respective newspapers attend official press events, and when newspapers send official requests for information they receive only meaningless formal replies. In many state agencies, staff can give interviews only upon permission from a superior, and it is almost impossible to get this permission.

State agencies have their own press offices, but these offices promote agency achievements and do not assist journalists in gaining access to agency information. Oleg Panfilov said that he believes that this mostly has to do with the level of legal knowledge of press office employees. Though access to public information is complicated, panelists who work as chief editors commented that they learned how to get public information anyway.

Media have unrestricted access to international news and news sources. People who do not know a second language can read online translations into Russian of international publications, e.g., on the website InoPressa.

Entry into the journalism profession is free. "Anyone who gets the job at the newsroom becomes a journalist," said Glukhov. "Even if a media outlet considers a person to be

Panelists had varying opinions on the Russian court system. "Russian legislation provides optimum protection for all rights related to free speech," said Fedor Kravchenko, an attorney with the Bar of Media Lawyers. But Znamenskaya said, "We do not have independent courts that would ensure enforcement of media laws or any other laws. Often the courts serve political interests."

its freelance reporter, this person by law will have a status of a journalist." Leonid Nikitinskiy, commentator for *Novaya Gazeta*, noted that the absence of restrictions for entering into the profession has a downside. "This undermines the prestige of the journalism profession," he said. "I would prefer that there were some qualification rules."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Russia Objective Score: 1.72

Professional journalism experienced a modest rise in score this year due to notable increases in indicators 2 (ethics), 5 (pay levels for journalists), and 6 (balance of entertainment and news programming). Despite the increased score, it was still the lowest of the five objectives and several key indicators remained at or below the objective average. Indicator 3, self-censorship, was on the bottom, more than a half-point behind. Indicator 7, technical equipment, again this year lifted the average significantly, with a score about one point higher.

Even independent media do not always produce fair, objective, and well-sourced reporting. According to Znamenskaya, the reason is the relatively recent advent of journalism meeting international standards in Russia. "In Russia, we do not have a history of practicing true journalism," she said. "Before 1991, we were doing propaganda. And propaganda does not require using several sources. You have a task and you have to fulfill it. The journalism profession was born in 1991, so it is not even 20 [years old] yet. It is still in the making. We have only the first generation of people who know that journalism is about different sources, different commentary, and different points of view," she said.

Boris Kirshin, general director and chief editor of *Chelyabinskii Rabochiy*, added that journalists often do

Znamenskaya said, "Before 1991, we were doing propaganda. And propaganda does not require using several sources. You have a task and you have to fulfill it. The journalism profession was born in 1991, so it is not even 20 [years old] yet. It is still in the making. We have only the first generation of people who know that journalism is about different sources, different commentary, and different points of view."

not use several sources because they have to work on many stories at once.

Still, there are examples when media—even small local newspapers in the regions—adhere to professional journalism standards and cause outrage among their readers. According to Maria Eismont, during the August 2008 Russian military campaign in South Ossetia, newspapers that included the Georgian point of view in their coverage "immediately experienced the storm of hateful and outraged comments from their readers, because the public completely supported all activities of Russian authorities, and the majority of the media were under the spell of overall propaganda and state policy," she 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).

Russian media have a theoretical understanding of ethical journalistic standards, but putting theory into practice remains elusive. According to Ponomarev, journalism departments teach ethical standards to their students, "but as soon as a person enters the profession, he recognizes that if he follows these standards in our country, he will not be able get information and make this information interesting," he said.

Ethical standards are followed by a small number of independent private media outlets—the same outlets that follow overall professional standards. "I have a corporate code of ethics in the newsroom. We adopted it by a joint meeting of staff. A new reporter coming to the newsroom has to confirm in writing that he read the code and agrees to follow it," said Znamenskaya. According to Anna Koshman, executive director of the Alliance of Independent Regional Publishers, 46 of the publishing houses that are members of the alliance have their own ethical codes and try to follow them. Russian ethical standards are very similar to the international standards upon which they are based. For example, journalists working at *Zhukovskie Vesti* used *The New York Times* code of ethics as the model for their own code.

For the majority of media outlets, however, "materials 'made to order' are an unwritten standard," according to Kirshin. These materials are viewed as a version of advertising, but many media outlets publish these materials without labeling them as advertising.

Media members accept kickbacks for coverage only if the newsroom has an atmosphere conducive to them. "If the chief editor considers this practice acceptable, journalists will do this. If [the editor] finds it unacceptable, then they won't," said Eismont. For example, Znamenskaya said she would never allow this in her newsroom.

Journalists and editors regularly practice self-censorship. "I have to practice it almost every day," Ponomarev said. "I'm unable to broadcast a lot of information, though it is checked and true, because I can be punished by the administration, local authorities, representatives of authorities, and law enforcement agencies."

Znamenskaya believes that media practice self-censorship because they are scared by crimes against journalists that are not investigated, and they experience economic pressure from authorities. Kirshin noted, "For older journalists, self-censorship is a sort of Soviet remnant. Younger journalists practice it under the pressure of media managers, who have to yield to various political and business interests."

Journalists' pay levels depend considerably upon the level of development in the media outlets where they work. According to Koshman, strong print media pay average salaries for their regions, and these salaries are higher than

those of teachers and doctors. Znamenskaya reported that at her newspaper, journalists are paid about the same as the staff at the local municipal newspaper, but her reporters work harder. However, in general, the pay level of journalists in Russia is low.

Russia has a small number of informational newspapers in which entertainment does not eclipse news and information. In other media, especially on television, entertainment has effectively ousted news and information. Entertainment materials are easier and cheaper to produce than quality news, and they are popular with audiences and advertisers. In addition, according to Kravchenko, "When a media outlet makes entertainment materials, it does not attract the attention of authorities and is less likely to become a target for the state-imposed pressure."

Several panelists noted that the economic crisis that started in Russia in fall 2008 stimulated interest in news and information. Several newspapers covering the crisis saw increased circulation.

In general, Russian media outlets have modern and efficient facilities and equipment for gathering and producing news. The quality of facilities and equipment depends upon the financial well-being of the media outlet or its owners.

Panelists had different opinions regarding the current state of investigative reporting. Nikitinskiy said that court and economic reporting is gradually improving, though this trend cannot be considered stable yet. But Ponomarev said that fewer new journalists are conducting investigative reporting, due to the decline in quality of education in general and journalists' training in particular.

Znamenskaya agreed. "There are extremely few people who do investigative reporting. Why? Because today, investigative reporting is risky. But worst of all, readers do not care about it. As one journalist told me, 'It does not make any sense to stretch yourself doing investigative reporting, because nothing will happen after your report is read. There will be no follow-up, except for my death,'" she said.

OBJECTIVE 3: PLURALITY OF NEWS

Russia Objective Score: 1.84

Little change occurred in this objective. Modest increases in Indicators 2 (citizen access to media) and 6 (transparency of ownership) were offset by several minor decreases elsewhere. Overall, the scores of most of the indicators were clustered close to the overall objective score. The exceptions were Indicator 2, which scored about three-quarters of a point

Several panelists commented that Russian television is not a means of mass information anymore; it is rather an instrument of mass state propaganda.

higher, and Indicator 3 (state media are non-partisan), which scored well over one point lower.

Russia has many news sources, but the majority of them are owned or controlled by the state. For example, Kirshin estimated that 93 percent of Russian media outlets are in some way influenced by the authorities. Znamenskaya said, "There are only four independent newspapers in the whole Moscow region. The rest are a network of state or state-affiliated newspapers." Tamerlan Aliev, aide to the president of Chechnya, said that in Chechnya there is no longer any newspaper that is not funded by the state. In the panelists' opinion, this severely limits plurality of opinions in the media as a whole. Several panelists commented that Russian television is not a means of mass information anymore; it is rather an instrument of mass state propaganda.

Television is the principal media used by Russians. According to the results of a survey² conducted in September 2008 by the Public Opinion Foundation, 96 percent of Russians watch television and 44 percent use it as a source of news. An near totality—91 percent—of Russians are able to watch both state television channels (Channel One and Russia), 76 percent are able to watch NTV, 59 percent access the Culture channel, 56 percent TBT, and 55 percent REN-TV. Far fewer—42 percent—can access local television channels, 16 percent have cable television, and 10 percent satellite television. The most popular television channels are the state channels Russia (48 percent of respondents watch it) and Channel One (44 percent).

Of Russians aged 12 and older, 62.7 percent listen to the radio, according to TNS Gallup Media.

According to the Federal Agency of Press and Mass Communications, the number of officially registered newspapers is 35,500, but experts estimate that only 15,000 actually operate. There are 400 national newspapers; the rest are regional and local. The majority of regional and about 80 percent of local newspapers are established by state and municipal authorities. The Federal Agency of Press reports that newspapers are the principal producers of information content in the country. According to the All-Russian Center for Studying Public Opinion, 26 percent of Russian citizens do not read newspapers at all, 28 percent read national

² This survey included 1500 respondents in 100 locations in 44 regions.

Both in Moscow and in the regions, the majority of media outlets are owned by large business conglomerates. Owners regularly influence editorial policy to avoid conflict with authorities.

newspapers, 25 percent read regional newspapers, and 36 percent read district and city newspapers.

According to the Public Opinion Foundation data, in 2008, Russia's Internet audience increased from 27 percent to 30 percent of the adult population, and daily Internet usage increased from 12 to 14 percent. In Moscow, 58 percent of adults are Internet users and 76 percent of them log on every day. In the regions, 23 to 38 percent of the adult population are Internet users, and from 31 to 51 percent of users log on daily. Most Russian Internet users log on from home (71 percent overall; 90 percent in Moscow and from 60 to 80 percent in the regions), 41 percent log on from the workplace (53 percent in Moscow and from 36 percent to 42 percent in the regions), and 10 percent log on using mobile devices.

According to a survey conducted by the IBM Institute for Business Value, the majority of Russian Internet users search for news. Ninety-three percent of users aged 15 to 24 and 98 percent of users aged 40 to 60 reported reading news online. One in two Internet users creates his or her own information content.

However, panelists had opinions that differed from the above statistics. In one of his public presentations, Oleg Tylevich,

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.

Internet projects director of Media-3 Holding Company, said that at present, the Internet is turning from a source of information into a way of communication. Eismont also said that most Russian Internet users go online not to search for news but to communicate with each other in social networks.

According to panelists, many private regional publishing houses launched new print publications in neighboring regions in 2008. Koshman highlighted one more trend that emerged: many print media, including regional ones, launched websites. Regional newspaper websites hold second or third position in lists of the most popular Internet news sources in their regions. Thus, the number of news sources available to people in the regions has increased. On the other hand, as a result of the economic crisis that hit Russia in the fall of 2008, a number of nationwide publications (for example, *Rossiyskaya Gazeta*), closed their regional offices. Eismont said that many corporate newspapers have also closed because of the crisis.

Russia has many news sources, and panelists said that most people can afford them. Smaller cities and rural areas have fewer available news sources than major cities. Residents of big cities still have more access to the Internet, but the outlook has improved elsewhere as well, since most rural schools in Russia now have access to the Internet. Blogs are also more typical for larger cities. Mobile data platforms are still not widespread.

Access to domestic and international media is not restricted. Foreign newspapers are not sold in Russia, but people can read them online.

There is no public media in Russia as traditionally defined in other areas of the world (for example, Western Europe and the United States), and state media are absolutely engaged politically. "State media reflect the position of only one political party [Unified Russia] and serve state interests. They are under strict censorship," said Koshman.

Several panelists commented that state media is not a true means of information dissemination but rather an instrument of state propaganda. "It is unlikely that state media will present any point of view that is not supported by the power structure," said Kravchenko.

Out of three major Russian news agencies, two—ITAR-TASS and RIA Novosti—are state-owned and receive state funding. "Leading agencies belong to the state. I think that they can produce quality information on general events, but political information is for sure heavily censored," said Koshman. Privately owned Interfax is the third major news agency.

The major news agencies disseminate information, photo and video materials, and infographics by subscription. Most

nationwide media use these services, but for many regional media they are too expensive. In the regions there are also news agencies, e.g. Rosbalt, that disseminate information for free through their websites. Federal and some regional media (e.g. Boris Kirshin's newspaper *Chelyabinskiy Rabochiy*) use international news agencies, but in general such services are too expensive for regional media.

Independent broadcast media produce their own news programs, but other than REN-TV, Echo of Moscow radio station, and Tomsk's TV-2, Russia has very few independent outlets. "There are no independent radio and TV stations in our city," said Znamenskaya, who is from Zhukovskiy, near Moscow.

The majority of private radio and television broadcasters in the regions are partners of federal television and radio stations, and rebroadcast their programs and produce only local news. Dmitrieva, regional director for Russia and CIS at the Media Development Loan Fund, commented that the quality of this news often is very poor.

Both in Moscow and in the regions, the majority of media outlets are owned by large business conglomerates. Owners regularly influence editorial policy to avoid conflict with authorities. Information about media ownership is not transparent; however, according to Dmitrieva, it is possible to find out who owns a media outlet. For example, information about acquisitions of media companies can be found online. Eismont has said that in small cities, people know everything about everybody, so readers know who owns local newspapers. Znamenskaya noted that she usually learns who owns a newspaper from its content. "I can know this from the way information is presented—'well, this person was mentioned three times on three pages. This must be his newspaper.'"

Foreign investment in Russian media is small, and foreign publishers prefer to invest in glossy magazines rather than newspapers. Koshman attributes this to high political risks and the major differences between western and Russian models of newspaper business.

Russia has minority-language media, and many of them are funded by state. Some minority communities publish their own newspapers, e.g. there are Chinese newspapers in Moscow. The state funds media for people with disabilities as well. At the same time, Russian society at large remains quite intolerant. This restricts the range of public interests reflected in mainstream media. "Editors and managers of media outlets follow public stereotypes. They are not leaders that change public opinion. They do not try to...make people more tolerant to minorities and promote their interest in minority issues," commented Dmitrieva.

OBJECTIVE 4: BUSINESS MANAGEMENT

Russia Objective Score: 2.12

The score for Objective 4 increased only slightly compared to last year, but did exceed a 2.00 again, having dipped just below last year. Few indicators changed significantly, although several received scores slightly higher than last year. Indicator 4, balance of advertising revenue compared to other sources, showed a modest gain. All indicators received scores very close to the overall objective score.

Over the last several years, Russia's advertising market has been growing rapidly, and as a result, both private and state-owned media have become profitable. At the same time, according to a number of panelists, competition in the Russian media market is unfair. State-owned media outlets are active in the advertising market but state funding enables them to sell advertising at drastically reduced prices, thus undercutting the advertising rates of private media. According to the Federal Agency of Press and Mass Communications, the budget of the city of Moscow for the year 2008 allocated RUB 4.8 billion for municipal television and RUB 697 million for municipal print media. In the Tatarstan 2008 budget, RUB 3.4 billion was allocated for state-owned media, including RUB 630 million for print media. The 2008 budget of Bashkortostan allocated RUB 1 billion for state-owned media outlets, including RUB 448 million for print media. Independent private media outlets also have to compete with corporate newspapers that are published as public relations tools for large enterprises.

Eismont said that, in her opinion, financial success is unrelated to editorial independence of a media outlet and its adherence

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.

to journalistic professional standards. “Advertising markets were growing. This allowed many editors, publishers, and owners of media outlets to generate revenue and invest in the development of content and quality journalism. On the other hand, many other media outlets that had neither ethical nor professional values were getting the wrong impression that they were good, professional media,” she observed.

Russia started to feel the effects of the global economic crisis in the fall of 2008. In the media sector, outlets in major cities were the first affected by the crisis—in November, their advertising revenue dropped sharply. Koshman said, “The crisis spread like a wave. First it was felt in Moscow and St. Petersburg, then in larger cities, and it still did not reach small cities. The larger the city and the closer it is to the capital, the more advertising budgets have already been removed.”

As their revenue dropped, many independent media outlets had to lay off a number of employees or freeze their salaries. For example, Znamenskaya reported that the staff of her newspaper expected salary increases at the end of 2008. As a result of the crisis, her newspaper has already lost two pages per week of job posting ads. At a meeting, Znamenskaya offered her staff a choice: “Either we lay off several people and then increase salaries for the rest, or we tighten our belts and keep everybody.” People decided to do without the salary increase to keep everyone on board.

Many national state newspapers closed their regional offices. According to Dmitrieva, “Our partners in the regions say that state-owned newspapers are closing en masse. *Rossiyskaya Gazeta* closed its regional offices and laid off all staff. They were paying very high salaries, which also had a negative effect on independent publishers. A lot of oligarchic media outlets closed. This makes a life a bit easier for independent publishers, because unhealthy competition will ease.”

Over the past several years, managers of independent private media actively learned to manage their business. Many companies established financial management systems and human resources departments. “People realized what it means to manage business,” said Dmitrieva. “So even now, during the crisis, they try to optimize their business—they take it seriously. They cut costs, but they do it mindfully.”

According to the panelists, government media outlets are not managed properly. “In the state media, budgets are stolen, the costs are overstated, and people work inefficiently,” said Znamenskaya.

Before the fall of 2008, private independent media outlets typically had multiple sources of revenue. Private media outlets received about 80 percent of their revenue from advertising sales and 20 percent from circulation sales. There were many advertisers, so none of them could actually

affect editorial decisions. In November 2008, however, many advertisers started to withdraw their ads to cut costs, and revenue of media outlets dropped.

In 2007, the Russian advertising market totaled RUB 228.7 billion, according to the Association of Communication Agencies of Russia, and it was expected to grow further in 2008.³ Koshman commented that the market was not balanced: the lion’s share of advertising budgets went to television stations (almost 50 percent in 2007, while worldwide television gets only 38 percent of advertising revenue). Major national advertisers focus mostly on large cities with populations of one million or more, and very little money is spent on advertising in cities with fewer than 500,000 residents.

Advertising agencies place ads in all kinds of media outlets. Kravchenko noted that the television advertising market is still rather monopolized by the Video International advertising agency. Znamenskaya commented that due to advertising agencies, her newspaper runs advertisements from major companies that do not work with small newspapers. However, business from ad agencies has its downside, she said. “Several times, staffers at the advertising agencies asked for kickbacks for placing ads in our newspaper.” She was also asked for kickbacks by managers of advertising departments of companies that work directly with newspapers.

Russian legislation regulates the amount of advertising in the media, and the Federal Antimonopoly Service strictly controls compliance by media. In print media focusing on information and news, advertising must not occupy more than 40 percent of space, while in broadcast media, advertising must not exceed 20 percent of air time. But according to Sofia Dubinskaya, executive director of the Alliance of the Heads of Russian Regional Media, many advertising articles are not marked as advertising, and the Federal Antimonopoly Service has no authority over such placements.

Private media outlets do not receive government subsidies. Several panelists have noted that private media have fewer opportunities to access government funds than state-owned ones: when authorities hold tenders for publication of official information or competitions for social project grants in the media, state media outlets mostly win.

Market research is growing in popularity. Nationwide media commission the services of marketing agencies, while regional media outlets usually do market research themselves. For example, Znamenskaya noted that her newspaper conducts phone surveys and holds focus groups.

³ MSI scores given by panelists relating to Russia’s advertising market refer to its state before the global economic crisis began to affect Russia.

Russia has an established system of audience measurement. TNS Gallup Media and Comcon are two major players in this area. In the regions, these two companies work through local partners. Panelists commented that the system has its deficiencies. "In many cities there are no media measurements. As a result, local media lose access to national advertisers. The system of media measurements is also criticized for the quality of surveys conducted in the [regional] cities," said Koshman.

Glukhov said that when he initially subscribed to TNS Gallup Media and received his first report, he saw on the list of measured newspapers *Khabarovskie Izvestiya*, which had already been closed for four years by that time, but according to the survey report, people were still reading it. Znamenskaya has said that TNS Gallup Media does not measure media in small cities at all. According to Koshman, successful private media outlets started conducting their own audience measurements, and the quality of these measurements is increasing.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Russia Objective Score: 1.88

In 2008, the state of institutions supporting independent media did not change, so the scores for the corresponding indicators remained mostly static. A modest gain in Indicator 4 (academic journalism programs) was offset by a similar slide in Indicator 2 (professional associations). All indicators received scores close to the overall objective score.

Russia has several trade associations of media owners and managers, such as the National Association of Television and Radio Broadcasters, the Guild of Press Publishers, the Alliance of Independent Regional Publishers, and the Alliance of the Heads of Russian Regional Media. "Of course, we are trying to protect the interests [of our members] by means of lobbying, participating in various coordinating councils and meetings," said Koshman, executive director of the Alliance of Independent Regional Publishers (AIRP). "We try to express their position, voice it, make it heard. But it is difficult for me to assess how effectively it is reflected in the new laws and in improvement of the situation."

Znamenskaya, an AIRP member, said that AIRP is the only organization that really protects the interests of publishers and journalists.

Dmitrieva said that trade associations remain in the development stage. "Associations are still rather weak. They need time, they need more money, they cannot do much with membership fees. They need to hire more people. Harden

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more. This is not their fault—the industry is still young, and they were established quite recently," she said.

Russia has a national union of journalists, but panelists felt that its performance in championing journalists is poor. "Besides rare instances when leaders of the professional community help individual journalists, we can say that associations do not protect the rights of journalists," commented Kravchenko.

Russia has NGOs that support free speech and independent media, but they are few in number and do not have significant resources. "We have to recognize a certain collapse of NGOs that to some extent happened under government pressure. On the other hand, the stream of money that in the beginning of the 1990s enabled NGOs to prosper has diminished. Now they are often restricted financially," said Kravchenko.

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Boris Timoshenko of the Glasnost Defense Foundation commented that NGOs cannot help journalists if they do not want to be helped. "At present, many [journalists] do not want to fight for their interests," he said. "They say it is useless—just a waste of time, money, efforts and everything—and it is better to give up and keep working."

Boris Timoshenko of the Glasnost Defense Foundation agreed. "Before, we could provide more effective assistance because we had more resources," he said.

He also commented that NGOs cannot help journalists if they do not want to be helped. "At present, many [journalists] do not want to fight for their interests," he said. "They say it is useless—just a waste of time, money, efforts and everything—and it is better to give up and keep working."

Several panelists commented that currently NGOs are experiencing internal crises. "I think that the development of [NGOs] stopped. There is nothing new. ...Nobody cares that the situation has fundamentally changed; that there is a financial crisis. Everybody wants to keep doing what they were already doing for ages: seminars on ethics and covering social problems. Sorry, if you did not manage to teach professional ethics to people, you won't teach them now. ...Media moved ahead—they made a great step forward. But NGOs have stayed at the same level," said Dmitrieva.

The panelists did not have positive opinions of academic journalism programs. "I'm absolutely dissatisfied with the quality of training of the graduates of the journalism departments. Usually we start training people in the newsroom from zero. And almost all regional editors face this problem," said Znamenskaya.

Koshman agreed. "Many regional newspapers try not to hire graduates of journalism departments. I know many publications that think that it is easier to train people who have no journalism education than to re-train people who were studying the wrong things for five years."

Journalism departments do not include sufficient practical training, and graduates do not have good general knowledge or a broad understanding of societal issues. "Recently I talked to a graduate of the Journalism Department of Moscow State University. She is absolutely narrow-minded. She is a journalist but deliberates like an average man in the street. I think that

journalism departments should broaden the mental horizons of their students," said Dmitrieva.

Panilov, a professor at Moscow State University, is also frustrated with his journalism students. "I've been teaching at the university for four years already, and I just feel like quitting," he said. "It is useless. I work with third-year students, and my students are already cynics. Out of 20 students, only two or three people say that they will work as journalists. The rest openly say that they will go into PR, which pays better."

Short-term journalism training courses, provided mostly by NGOs, are occasionally held. They are often given free of charge, but the NGOs ask media outlets to cover travel and per diem expenses of attendees. Training for media managers and advertising sales staff is provided on a fee basis. Before the economic crisis impacted Russia, this training was quite popular.

The printing industry has been developing actively over the past several years. At present, according to the Federal Agency of Press and Mass Communications, Russia has more than 16,000 printing facilities, both private and state-owned. Some independent media outlets have their own printing facilities. Printing facilities are not politically selective in providing services for media outlets, although there are some economic restrictions. Znamenskaya noted that many print houses refuse to print small print runs.

Media distribution networks are owned both by state and private enterprises. Glukhov said that in the regions, if local authorities dislike a newspaper, the state-owned network of kiosks will take fewer copies of this newspaper and almost hide them among other publications on display. Most often, though, distributors put economic pressure on media outlets by asking for a payment for "entry" into the distribution system. Znamenskaya commented that salespeople at the kiosks are not interested in selling newspapers because sales of non-media products (e.g. stationery, soap, etc.) generate more revenue. Thus, many independent editors start their own distribution facilities and newsstand networks as well as their own incentive programs for salespeople at the newsstands of distribution companies.

According to the Federal Agency of Press and Mass Communications, press distribution is not a profitable business because of the low newspaper prices. "The system is corrupt, and entry is complicated. We have considerably fewer newsstands per capita than in developed countries," said Koshman. (According to the Federal Agency of Press, Russia has one newsstand for every 3,000 people.)

The government-run postal service holds a monopoly on subscription delivery. Moreover, subscription prices are high, even though they are partially subsidized by the state. The price

of a subscription copy of a newspaper is about 40 to 60 percent higher than the price of the same copy on the newsstand.

Access to the Internet is unrestricted. Broadcasting is allowed only with a license from the Ministry of Telecommunications. The state controls many transmitters through a special government agency, but private broadcasters often have their own transmitters.

List of Panel Participants

Tamerlan Aliev, aid, Office of the President of Chechnya, Grozny

Veronika Dmitrieva, regional director for Russia and CIS, Media Development Loan Fund, Moscow

Sofia Dubinskaya, executive director, Association of the Heads of Russian Regional Media, Moscow

Maria Eismont, director, Russian Independent Media Program, the New Eurasia Foundation, Moscow

Oleg Panfilov, director, Center for Journalism in Extreme Situations, Moscow

Boris Timoshenko, head of monitoring, Glasnost Defense Foundation, Moscow

Anna Koshman, executive director, Alliance of Independent Regional Publishers, Moscow

Fedor Kravchenko, lawyer, Bar of Media Lawyers, Moscow Office, Moscow

Natalia Znamenskaya, chief editor, *Zhukovskiye Vesti* newspaper, Zhukovskiy

Boris Kirshin, general director and chief editor, *Chelyabinskiy Rabochiy* newspaper, Chelyabinsk

Stanislav Glukhov, general director and chief editor, *Khabarovskiy Express* newspaper, Khabarovsk

Andrey Ponomarev, editor, Echo of Rostov Radio Station, Rostov-on-Don

Leonid Nikitinskiy, commentator, *Novaya Gazeta* newspaper, Moscow

Moderator and Author

Natalia Kosheleva, director, Inter-Regional Institute of Media Consulting, Moscow

Conflicting panelist schedules prevented a panel discussion from being held in Moscow. However, individual phone interviews with panel participants were conducted between January 1 and January 17, 2009.

The government was neither interested in reforming state and municipal media nor introducing public broadcasting. The government was not willing to become more transparent by improving access to information and licensing procedures. It also typically did not react or respond to media discussion and criticism of socially important topics.



UKRAINE

The year 2008 was another year of wasted opportunities both for Ukraine and its media. There was no remarkable progress in any sphere, due to ongoing political chaos and conflict caused by an alliance of politicians with oligarchs. The international nature of the economic crisis that hit Ukraine in the last quarter of 2008 was compounded by corruption of the state and weakness of the economy. Due to a high level of personal ambition, politicians failed to unite even around tremendous economic challenges. Surveys show a low level of public support for all leading political forces.

With regard to the media, the government was neither interested in reforming state and municipal media nor introducing public broadcasting. The government was not willing to become more transparent by improving access to information and licensing procedures. It also typically did not react or respond to media discussion and criticism of socially important topics.

Part of the responsibility for the permanent political crisis lies with the media. Most media belong to competing political clans and are therefore part of the conflict. They fail to provide in-depth analysis of political and social problems or involve relevant experts, instead focusing on superficial reports about events and persons. Commercialization and yellow journalism increased, especially at the national television channels.

Ukraine is one of the fastest growing media markets in Europe—media advertising showed a 30 percent growth compared to 2007. Still, per capita advertising spending is as low as \$40. In the fall, advertising budgets substantially decreased and printing costs and newsprint prices considerably increased, which put media outlets under threat. All media responded by cutting expenses, staff, salaries, investment projects, etc.

The first quarter of 2009 will be hard, as most advertisers delay making decisions about upcoming budgets, and these decisions will determine which media will survive. On the one hand, the crisis must favor commercially successful outlets and put an end to failing media players. On the other hand, the crisis may serve as an excuse to compromise more and accept money for everything. Media may shift from programs more useful for Ukrainian audiences in favor of more sensationalist ones perceived to be more profitable. With a number of uncertain variables, predicting the specific consequences of this crisis is difficult.

The MSI panelists continued to criticize the media situation and predicted lowering of scores in the future. However, Ukraine's overall score of 2.14 was slightly higher than last year's 2.00, thanks to increases in objectives 4 and 5, business management and supporting institutions. These two also received the highest scores of the five objectives. As it has every year since 2001, Objective 2 (professional journalism) scored the lowest, although it experienced a slight improvement. The other two objectives showed very small gains.

UKRAINE AT A GLANCE

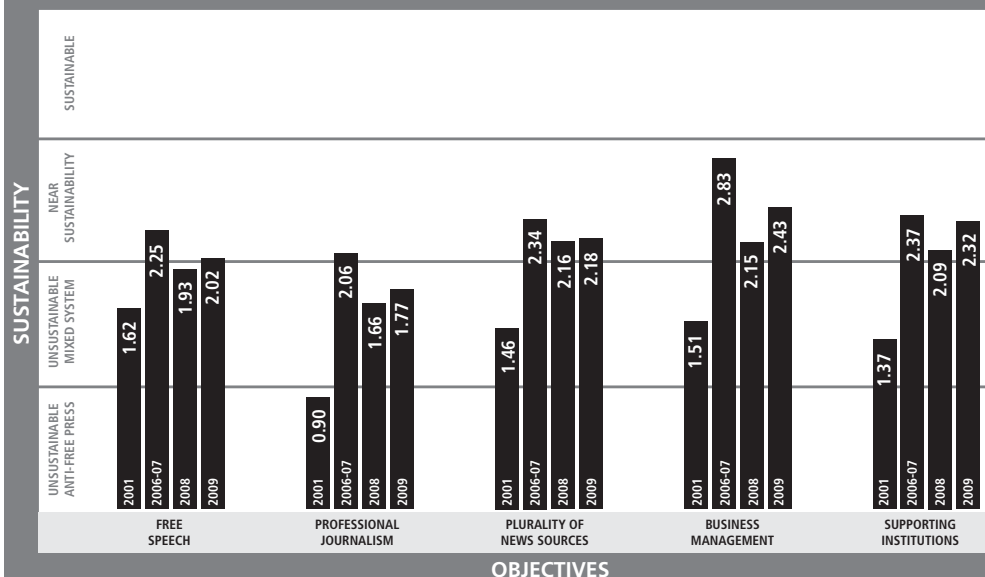
GENERAL

- > **Population:** 45,994,288 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Kyiv
- > **Ethnic groups (% of population):** Ukrainian 77.8%, Russian 17.3%, Belarusian 0.6%, Moldovan 0.5%, Crimean Tatar 0.5%, Bulgarian 0.4%, Hungarian 0.3%, Romanian 0.3%, Polish 0.3%, Jewish 0.2%, other 1.8% (2001 census, *CIA World Factbook*)
- > **Religions (% of population):** Ukrainian Orthodox - Kyiv Patriarchate 50.4%, Ukrainian Orthodox - Moscow Patriarchate 26.1%, Ukrainian Greek Catholic 8%, Ukrainian Autocephalous Orthodox 7.2%, Roman Catholic 2.2%, Protestant 2.2%, Jewish 0.6%, other 3.2% (2006 est., *CIA World Factbook*)
- > **Languages (% of population):** Ukrainian (official) 67%, Russian 24%, other 9% (includes small Romanian-, Polish-, and Hungarian-speaking minorities) (*CIA World Factbook*)
- > **GNI (2007-Atlas):** \$118.4 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$6,810 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 99.4% (male 99.7%, female 99.2%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President Viktor A. Yushchenko (since January 23, 2005)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 30,000 newspapers and magazines, 12 major daily newspapers; Radio: 524; Television Stations: 647, most being local stations (State Committee on Television and Radio, comin.kmu.gov.ua)
- > **Newspaper circulation statistics:** top three: *Fakty i komentarii* (private, circulation 780,000), *Expres* (private, circulation 700,000), *Komsomolskaya Pravda* (private, circulation 300,000)
- > **Broadcast ratings:** top television: Inter, Studio 1+1, Novyi kanal, STB, ICTV, TRK Ukraina (all private); top radio: Radio Shanson, Hit FM, Russkoe radio, Lux FM, Nashe radio, Evropa plus (all private) (PMP report 2008)
- > **News agencies:** Interfax (private), UNIAN (private), Ukrainski Novyny (private), Ligabiznesinform (private), DINAU-Ukrinform (state-owned)
- > **Annual advertising revenue in media sector:** television: \$400 million, print: \$265 million, radio: \$20 million, Internet: \$13 million (All-Ukrainian Advertising Coalition)
- > **Internet usage:** 10,000,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: UKRAINE



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Ukraine Objective Score: 2.02

Ukraine has rather good media legislation that was adopted before 2004, but it is still applied in favor of politicians. Licensing procedures are unclear and depend on political decisions. Introduction of public broadcasting is impeded, and there is no progress in investigation of old high-profile crimes against journalists. State and municipal media subsidized by the state depend on the government for their editorial policies and create unfair competition with private media.

The overall score for the objective is 2.02, up slightly from 1.93 last year but still below the high of 2.37 in 2005. A few indicator scores showed noteworthy changes from last year: Indicator 3, (market entry and tax treatment) fell, while indicators 6 and 7 (libel laws and access to information) increased. Further, several indicator scores deviated significantly from the overall objective score. Indicators 2, 4, and 5—broadcast licensing, crimes against journalists, and preferential legal treatment for state media—received scores more than a half point below the objective score. However, indicators 8 and 9, media access to foreign news sources and free entry into the journalism profession, each received scores well in excess of a point higher.

In spite of Ukraine's rather developed media legislation compared to other the post-Soviet countries, and its harmony with international provisions for many years, problems with enforcement remain. The panelists noted particular obstacles under this indicator: the media community's inactivity in using available legal mechanisms to support its rights, increasing social apathy towards the media, and the problematic nature of issues covered by media. Further, neither corrupt courts nor law enforcement bodies work adequately, and the application of laws is getting worse, panelists agreed.

"Since the Orange Revolution, there have been no changes in the media legislation for the better, as there has not been a capable parliament since president Kuchma's times," said Kostyantyn Kvurt, chair of the board of Internews-Ukraine. "Absence of progress—stagnation—is an obvious regression."

Representatives of the media industry and its supporting associations stated that licensing criteria are not clear and transparent. In the opinion of Natalia Ligachova, chief editor of *Telekritika* magazine, the situation with broadcast licensing substantially worsened this year. It became especially obvious during the very non-transparent bid for digital multiplex broadcasting (MX-4). The rights were won by 10 companies, eight of which are unknown companies established on the eve of the bid. Shortly after the bid, some of the

companies started to offer their newly won rights to the bid losers—well-known channels—for \$20 million. *Telekritika* found links to high-ranking politicians behind the owners of the winning companies.

In addition, the conflict between cable operators and the National Television and Radio Broadcasting Council (NTRBC) to forbid re-broadcasting of certain Russian television channels seemed to have both political and corrupt motivations. Some Russian channels were returned "temporarily" to cable television.

Further, NTRBC closed its eyes to one of the more blatant violations, the so-called "exchange of logos" between K1 and Megaspport channels, both of which belong to the company Inter Group. Megaspport is a terrestrial sports channel for all oblast capitals except one, while K1 is an entertainment channel with a broadcast signal in only 13 cities plus cable broadcasting. The license holders of these channels supposedly exchanged the ownership of channel logos, but in reality they exchanged licenses and frequencies. K1 received wider coverage than Megaspport, but the license was given to Megaspport based on an understanding that it would be the only free-to-air channel for sports coverage. In response to the scandal, an article in *Telekritika* magazine stated, "As far as every channel is violating the law or its license to a certain extent, NTRBC may be a universal tool of influence on television businesses like the tax administration or fire inspectors [government agencies traditionally used to harass businesses]."

Panelist Gennadiy Sergeev, director of TRC Chernivtsi, agreed that the broadcast licensing situation is far from being transparent. Certain groups receive numerous licenses, while new mechanisms are in place to influence and punish broadcasters during possible inspections and re-licensing processes.

He added that a broadcast license term is seven years and now the price has increased tenfold. In July 2008, the Cabinet of Ministers approved a new methodology for calculating license fees based on the scope of territorial coverage, transmitter capacity, and zone of distribution. Previous prices had been valid since 1995. Several media outlets were surprised by this when their licenses came up for renewal shortly after the change. For example, the Automobile Channel's previous fee had been UAH 780,000 for a renewed license, but the fee increased to UAH 3.5 million. NTRBC had to cancel the channel's license based on its refusal to pay.

Representatives of Gala Radio as well said that they applied for re-registration in March 2008 but were put off several times by NTRBC. Now they say that they do not plan to pay UAH 4.7 million, owed under the new methodology—they

“Since the Orange Revolution, there have been no changes in the media legislation for the better, as there has not been a capable parliament since president Kuchma’s times,” said Kostyantyn Kvurt, chair of the board of Internews-Ukraine. “Absence of progress—stagnation—is an obvious regression.”

expected UAH 550,000. They said that they have a small coverage area and competing with national radio stations is difficult to begin with, but such an increase will mean several years without profits.

Panelists said that they fear that such unaffordable increases will hurt media plurality, as small stations rely on patrons or else are sold off to large companies.

Market entry for regional broadcasters is impeded by licensing complications. Mikhaylo Kumok, a regional publisher and broadcaster, said that cancellation of preferences for regional broadcasters meant unequal conditions for smaller players. Further, NTRBC increased its regional representatives whose major function is to “detect and destroy”—to find violations and ruin companies, as opposed to serving as a local resource to develop local media.

Market entry and commercial regulations for the media business are the same as for other businesses. Publishers enjoy a VAT exemption for sales and subscriptions of print publications.

In 2008, the Independent Media Trade Union recorded at least five serious cases of violence against journalists. According to Lyudmila Pankratova, vice-president of the Media Lawyers Association (MLA), the number of such crimes increased and the law enforcement bodies hardly categorize cases as crimes—they tend to define them as simple hooliganism. Since 2004, there has been no example of punishment for any violation of journalists’ rights, nor solving of past high-profile crimes against journalists. Only a few criminal cases have ever been successfully closed by the authorities. Oleg Khomenok, print media adviser of Internews Network, stressed that such crimes are cynically ignored, and those who commit crimes against journalists feel untouchable and emboldened by the inaction of courts and law enforcement bodies.

Subsidized state and municipal media create unfair competition for private media, particularly because these outlets are sometimes weak and not otherwise able

to compete with their private counterparts. The state broadcasting company and its regional counterparts receive growing funding from the state budget. In 2008, in spite of the president’s appeal to the government, again there was no transformation made into public television.

Another unfair practice is that government journalists have the status of civil servants and therefore receive related increases in pensions and salaries. While not competitive with the pay levels of most successful private media in the biggest cities, these can be significantly higher at the regional level.

On the other hand, chief editor of the municipal newspaper *Nova Doba* Sergiy Tomilenko said that financing of state-owned print media is decreasing, but they are hostages of the base political needs of those politicians who oversee them, and most often ignore legal provisions of editorial independence. As a result, such state media fail in the market.

Ukraine has legal provisions on editorial independence for all types of broadcast media, but the laws are not exercised. By March 2007, television companies had to adopt editorial statutes that establish provisions for an editorial council and non-interference by publishers into editorial policy. Print media have no such statutes, but some laws declare the importance of editorial policy independence and ban censorship. The general practice is that they are not working in full force to defend editorial independence. The only prominent case related to this dates back to 2007: a criminal case was opened against the head of the local council who

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

read through the small communal newspaper and made “corrections.” This case has yet to be resolved by the court.

Since 2001, libel has been exclusively a civil issue. There is a tradition of defamation claims, and the court practices vary. One of the most notorious examples was the suit filed in November 2007 by the EDAPS consortium, a printer of secure documents such as passports, against the newspaper *Biznes*. The suit sought UAH 46 million in damages for a story that it claimed defamed the company. The court of first instance awarded UAH 27 million of this claim in May 2008. The court of appeals vacated the entire amount, but required proof from the newspaper that the information in the story is true.

According to estimates by the MLA, the most “greedy” plaintiffs are politicians and public officials (48.8 percent of the 738 law suits against media during the last 10 years), followed by individuals (33.9 percent), entrepreneurs (16.2 percent), other journalists (0.79 percent), and NGOs (0.19 percent). Typical damages awarded by the courts to judges or public servants range from UAH 25,000 to UAH 100,000. The president of MLA, Tetyana Kotyuzhynska, believes that officials have plenty of opportunity to refute information, but they prefer law suits to prove that they can punish the media. According to Pankratova, court practice is more or less balanced. Mistakes of the first instance courts are usually corrected by the court of appeal, cases of claims for abnormal sums of damages decrease, and public officials are treated the same way as average citizens. Judges have begun to file lawsuits against media more frequently, however.

Journalists still can be sued for their opinion and judgments. Several landmark Ukrainian cases have been submitted to the European Court of Human Rights (ECHR). Local authorities execute the ruling of ECHR, but the courts in Ukraine do not necessarily follow ECHR precedent when considering media cases.

An interesting case involving Ukrainian media occurred outside the country. The richest Ukrainian oligarch, Rinat Akhmetov, sued the website *Obozrevatel* for \$100,000 at the High Court of Justice in London. Akhmetov’s lawyers used this venue because the story in question was published on the Internet and became known to the Ukrainian community in London, where he claimed his reputation was harmed. In this case, *Obozrevatel* did not have an opportunity to present its case or hire a lawyer, and the web site was forced to pay damages.

Government agencies have not become more open and transparent to the public. Access to public information is still complicated and inefficient. Journalists are not engaged enough to request information or pursue it in courts. According to Ihor Chayka, journalist and the head of *Vartovi*

Mikhailo Kumok, general director of MV media holding from Melitopol, said that as a publisher they regularly complain to the prosecutor’s office in cases of refusal to provide public information.

Democratii project, a reporter is likely to receive some regular data from a request, but if the investigation is regarding a serious matter, such as a large government contract, a reporter will get a formal but empty reply.

Pankratova said that no change has been made to the Law on Information adopted in 1992, which provides for access to information and establishes a term of one month for reply. According to her, existing draft laws may even worsen access as they do not correspond to international standards, and some provide for various definitions of information (such as mass and confidential), which gives officials an opportunity to interpret which type of information they can or cannot give. It is unlikely that the legislation will be harmonized in the near future.

For the most part, journalists are aware of legal provisions, and they tend to request information often. But in the course of regular coverage, when they do not receive a reply in time, their interest dissipates. Pankratova said that she believes that journalists need to request information more actively and go to court in cases of refusal. Access to some information of commercial companies can also be obtained through court orders, if the court decides it is in the public interest and not a commercial secret.

Panelist Sergei Guz, editorial writer for *Ukrainisliiy Tyzhden* magazine and former leader of the Independent Media Trade Union, told the panel of the union’s survey of journalists in eight oblasts. The results indicated that 75 percent of the journalists had never filed information requests because they do not believe they would get results. However, at least 50 percent of those who did so said that they received the information as expected. Oleksiy Pogorelov, director of the Ukrainian Association of Press Publishers (UAPP), explained that high staff turnover among journalists results in newcomers not being aware of legal tools and professional standards.

Mikhailo Kumok, general director of MV media holding from Melitopol, said that as a publisher they regularly complain to the prosecutor’s office in cases of refusal to provide public information. When a prosecutor’s order is obtained and ignored, they go to court. Such a relationship hinders full answers to their information requests, but also does not let

the government off easy. Two or three media outlets in every oblast exercise similar practices.

Access to foreign news sources is not restricted in any way. Price is not a prohibitive factor, even in the current economic conditions. Acquisition of foreign content is widespread. The Internet is affordable and widely used by media outlets. The only limit is low foreign language proficiency among journalists.

Entry into the journalism profession is free; however, many panelists mentioned that unfortunately, the profession is full of pseudo-journalists lacking basic skills.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ukraine Objective Score: 1.77

Professional journalism remains the biggest weakness within the overall media sector. Although this year Objective 2 gained 0.11 compared to last year, it is by far the lowest scoring of the five objectives. Indicators 1 and 2, fair reporting and journalism ethics, both lost ground compared to last year, and Indicator 2 scored about three-quarters of a point lower than the overall score. Indicators 5 and 7, pay levels for journalists and technical equipment, both gained; Indicator 7 scored more than a point higher than the objective score. Other indicators remained relatively static and scored close to the objective score.

The quality of news is decreasing, and pressure by owners and political forces is increasing on the eve of the next presidential elections. The professionalism of the majority of journalists is low, and regression of professionalism is connected with tabloidization of the media. Tabloidization and yellowing of the national broadcasters and print media, as Natalia Ligachova stressed, causes the quality of information to fall and media to not explain the essence of events to the public. Media chase ratings and search for sensationalism. The level of corruption in the media, the quantity of purchased stories, and the number of hidden ads is growing in all types of media. Shadow salaries for journalists and the absence of standard labor agreements remain a lever of influence on them. Coverage of the current economic crisis vividly shows that major media crave fresh and hot facts, exaggerate, and do not explain the essence of events.

“Journalists haven’t realized their responsibility to the society,” said Vitaliy Portnikov, a journalist with Radio Svoboda, in an interview with *Realnaya Gazeta*, “In recent years, most of them were busy increasing their wealth but not improving professional skills. Few of our colleagues covering economics can challenge the premier and president, who are absolutely not versed on economics, as journalists usually

are not proficient in the issue either. The same relates to journalists covering politics, culture, and international affairs. Broadcasting a talk between a poorly educated official and a poorly educated journalist is very dangerous for society.”

Media infrequently consult experts, and when they do, it is the same narrow group of experts who are usually not objective and promote a certain political viewpoint. One may find a formally “balanced” story with the opinions of three experts, but still be misinformed about the issue. Viktoriya Syumar, director of the Institute of Mass Information, said that Ukrainian media lack the databases that many Western media have of contact persons to verify information and ask for comments.

Sergei Tomilenko explained low professionalism of Ukrainian media by its rapid development in recent years: it led to massive entry into the profession of unqualified staff who are “learning by working.”

Ethical standards are not complied with in the majority of media. According to Ligachova, in conditions of sincere, large-scale, and industrialized *jeansa* (paid-for hidden advertising) we can not expect ethics from journalists, managers, or media owners. Viktoriya Syumar added that financially secure media are not necessarily ethical and professional: the tremendous profits of national television channels do not stop them from paid-for news. Moreover, they actively encourage such sales to businesses and politicians. For example, during the Kyiv mayoral election campaign in spring 2008, the price for *jeansa* at the major television channels amounted to \$12,000 to \$20,000, with participation in a talk show costing \$30,000. Before the elections the standard price was \$3,000 to \$5,000, and only

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).

\$1,500 if one bought directly from “friendly” journalists. Print stories cost from \$100 to \$5,000.

Oleksiy Pogorelov stated, “In Ukrainian media, nobody thinks about the end user—everything is created for the system. Large channels and publishing houses just use it [*jeansa*] as a technological scheme, a business process. And the audience doesn’t have a choice as 99 percent [of news and information] at each media outlet is *jeansa*.”

As reported last year, a group of journalists began an initiative called “We are not for sale” to combat *jeansa*. While this has not ended the phenomenon, it is an important component of self-regulation among journalists. *Telekritika* and the Institute of Mass Information continue monitoring of *jeansa* and publish regular reports.

Codes of ethics have been developed by the National Union of Journalists and, in 2004, by the Commission on Journalism Ethics. The latter was signed by 600 journalists. However, regional publishers Mykhaylo Kumok and Viktor Danylov emphasized that following ethical standards depends more on management than journalists.

According to Ligachova, self-censorship exists and pressures from management and ownership are increasing. Every journalist knows what to write in order to be published. Syumar added that especially during the economic crisis, self-censorship will be growing due to a fear of losing jobs. The panelists mentioned several examples in 2008 at the leading television channels (Inter and 1+1) when famous, experienced journalists were easily fired due to disloyalty to the new management or were forced to embrace the editorial policy dictated by managers and owners.

For the most part, key events and issues are covered, but not always with sufficient quality or depth. Sound analytical articles are rare. Syumar said that unfortunately, media have turned into simple re-broadcasters, thinking that the main news is disasters and politics. There are numerous essential topics beyond the media’s attention. Pogorelov added that one will hardly find news of companies or their social projects that is published for free. Certain news is simply ignored if it is not paid for.

Generally speaking, salaries for media professionals substantially increased during the last year. On the other hand, the pace of salary increases at state and municipal media was rather high and private regional media could hardly compete. This situation led to unfair competition, as state television companies are overstaffed, journalists are better paid in comparison with their private counterparts, and their workload is less. Still, the level of journalists’ salaries is not high enough, for the most part, to secure minimal needs in cost of living and to prevent them from

“Journalists haven’t realized their responsibility to the society,” said Vitaliy Portnikov, a journalist with Radio Svoboda, in an interview with Realnaya Gazeta, “In recent years, most of them were busy increasing their wealth but not improving professional skills.”

selling editorial materials. In addition, part of their salary is still in the shadows, so the journalists risk earning less in cases of disloyalty.

Disparity of the salaries paid to journalists’ and public relations staff encourages movement of journalists to press departments of government agencies and businesses. Often journalists combine journalism and public relations careers by working as a public relations consultant on the side. Nonetheless, the panelists believe that pay level does not determine integrity of a qualified journalist, but the number of honest journalists is not increasing.

In general, the panelists agreed that balance of news and entertainment still exists, but there is a noticeable trend of tabloidization of national media, especially among the leading television channels. One of the most noteworthy examples is the reformatting of 1+1 into an infotainment tabloid. The economic crisis may accelerate further specialization of channels and deeper market segmentation. The trend shows that in 2009 there will be fewer “intellectual” channels, but entertainment channels will switch to cheaper products. Syumar noted, “Influential and mighty central channels cancel serious programs and their news becomes close to criminal chronicles, when viewers are informed of how many cars crashed and how many corpses found.”

Khomenok explained this from a resource base point of view: Producing high quality entertainment requires huge resources and access to national stars, neither of which are available for regional media. Regional media win with their local news and have more of an informative function, while national media tend toward sensationalism in their news and entertainment.

Quality news production in Ukraine is not affected by problems accessing or funding technical facilities. Syumar said that in the age of information technology, technical facilities are available, they do not equal overly high costs, and only the desire to do so is needed to create modern multimedia newsrooms. On the other hand, costs for television equipment are usually higher in Ukraine. They decreased recently, but they are still twice as high as in the West.

The panelists agreed that plurality of affordable news sources exist, however, technically the access to them varies depending on geography. In rural areas and small towns, people rely mostly on a limited choice of television and radio, rather than on scarce print sources or the otherwise growing and influential high-speed Internet.

Certain progress has been made towards quality niche reporting and programming, and audience demand for it is increasing. Many more investigative pieces appearing on television and in newspapers, but they are not always professional and sometimes too neutral. According to Pankratova, the time has come for the development of niche reporting, but much more needs to be done and it is too early to judge the current results.

Syumar believes that in spite of the growing number of business publications, journalists usually just rewrite statistics and comments by experts without the ability to judge legitimacy for themselves. Underscoring the lack of bona fide experts, editors of certain niche topics have become “experts” about their issues for other media.

OBJECTIVE 3: PLURALITY OF NEWS

Ukraine Objective Score: 2.18

The Orange revolution stopped total control of government over media. However, censorship expresses itself in media outlets that “bravely” criticize the government in general without naming specific persons or transactions and in between carrying paid-for stories. Plurality of news sources now means only the diversity of interests of media owners. In his interview with *Realnaya gazeta*, Portnikov said, “In modern Ukraine, with the disappearance of *temniks* [secret government directives], the interests of owners became much more important than the interests of the state. The owner is not very much concerned about profits from the media business; media often turn into an instrument of manipulation. In these conditions, the risk of returning the state dictate over media remains high, as the development of professional, qualified, and socially conscious journalism is not observed in Ukraine.”

The score for this objective remained essentially the same as last year, rising by just 0.02. Most indicators did not register much change, save Indicator 1 (plurality of news sources), which increased; and Indicator 7 (broad representation of minority and social interests reflected in the media), which declined. Many indicator scores varied significantly from the objective score. Indicators 1 and 2 scored well above the overall score. On the other hand, Indicators 3 and 6, objectivity of state media and transparency of ownership, both scored about a point lower.

In 2008, television channels broadcast expensive shows, increased their own production, bought many premier programs and new series, established new production companies, launched many new niche channels, executed the buyout of highly paid anchors and journalists, and expanded staff. The number and quality of documentaries increased.

The panelists agreed that plurality of affordable news sources exist, however, technically the access to them varies depending on geography. In rural areas and small towns, people rely mostly on a limited choice of television and radio, rather than on scarce print sources or the otherwise growing and influential high-speed Internet. Not all terrestrial national channels have 100 percent availability all over the country. According to GFK Ukraine, more than 30 percent of Ukrainian households (about 16 million people) use cable television. The satellite platform Vision TV–Viasat, the first to receive a license for multi-channel television operation from the NTRBC, was introduced in 2008. Ukraine has 78 satellite channels, with the number of niche channels noticeably increasing, even during the last “crisis” months of the year.

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 December 2008, Ukraine finally ratified the European Convention on trans-border television. The president also suspended introduction of digital broadcasting, as without due state support of its social component, it may limit citizen access to information.

Out of 30,000 registered print publications in Ukraine, only 4,200 are regularly published, as estimated by the UAPP in mid-2008. Among them are 2,400 newspapers and 1,700 magazines, with 1,550 having primarily nationwide distribution. There are 53 daily newspapers (printed four times a week and more), and four dailies that are free of charge. The average circulation of a daily paper is about 70,000 copies. About 2,000 publications are weeklies, and there are about 300 monthly newspapers. In the first half of 2008, a half-dozen new publications were registered every day.

The Ukrainian Association of Internet Advertising has ordered regular monitoring of the Ukrainian Internet audience since August 2008. The first results showed that the total number of Internet users is 6.6 million people, while in the 25 to 40 age group, every second person in cities of more than 50,000 inhabitants is an Internet user. The 25-to-34-year-olds spend more time on the Internet than 16-to-24-year-olds. Twelve percent of Ukrainian citizens are active Internet users, and they are generally people with a higher income.

Generally, citizens' access to domestic or international media is not restricted. Among foreign media, Russian-origin sources prevail. In August 2008, Newspaper Direct, a foreign company that distributes about 700 print titles all over the world (such as *The Times*, *Financial Times*, *New York Times*, *Le Monde*, etc.), entered the Ukrainian market to provide foreign newspapers on the day of publication. Before, they were usually delivered from other countries with delays.

On November 1, 2008, the NTRBC enforced existing laws and instructed cable television providers to stop rebroadcasting a number of foreign channels that are not compliant with Ukrainian legal provisions. This was applied primarily to federal Russian channels (REN TV, Pervyi kanal, RTR, TVCI) and related to violations of advertising, copyright, and other provisions. Many cable operators in the east and south of Ukraine ignored NTRBC's resolution. The decision also raised protests among some citizens and created a political debate. Some of these channels, except RTR and TVCI, are already being rebroadcast. On December 25, NTRBC updated the list of permitted foreign channels with 13 more Russian channels, primarily niche and entertainment, which correspond to the requirements of the European convention on trans-border television. The matter has been controversial and handled in a rather non-transparent way. Panelists have said that political or shadowy economic motives are behind this matter.

A significant amount of news and information programming is produced by individual commercial broadcasters. However, the substantial growth of in-house production may stop in 2009 due to economic crisis. Many political programs and shows on the top 10 channels were terminated.

Konstantin Kvurt said that NTRBC did not correctly handle the issue of blocking Russian channels—which, he said, are not media in the true sense but rather an element in a war of information and propaganda. Kvurt echoed the sentiments of many in the media profession: that the abundance of accessible Russian-language programming hinders the development of content within Ukraine.

One more state regulator tried to obtain stronger influence in the media arena in 2008: the National Experts' Commission for Protection of Public Morale, with 90 employees all over Ukraine. It plans to expand monitoring of television to 24 hours daily and to monitor the Internet to fight access to pornography. In 2008, the commission blamed the newspaper *Blik*, published by the Romanian company Adevarul Holding, of threatening public morale, resulting in the cancellation of its registration. In response to this, the World Association of Newspapers and World Editors Forum sent a protest to the prime minister of Ukraine.

Public media does not exist. State and municipal media blindly serve the interests of those in power, not public interests.

Numerous news agencies provide a plurality of information; however, their independence is questionable. Plurality is secured due to the fact that they sell news reports to all parties. Ligachova called it "Pluralism or freedom of *jeansa* as an equal opportunity of corruption for all clients able to pay for it." Guz added that political influence on formally independent news agencies increased over the past year, including "political renting" of agencies during mayoral elections.

Another problematic practice widespread among Ukrainian media is copyright violation, to the disadvantage of news agencies. For example, the UNIAN agency complained to the Journalism Ethics Commission of the National Union of Journalists that a number of media, especially several FM stations and websites, illegally reproduce its news without purchasing it.

A significant amount of news and information programming is produced by individual commercial broadcasters. However,

According to Pogorelov, only 15 percent of media outlets use market research. The largest national media and regional leaders participate in research, as it is a cost-effective way to increase the advantage they have over other media. Market research is unaffordable for the majority of media, especially regional broadcasters.

the substantial growth of in-house production may stop in 2009 due to economic crisis. Many political programs and shows on the top 10 channels were terminated. The most popular political shows are *Svoboda* at Inter and *Shuster Live* and *Svoboda Slova* at ICTV. Panelists called them “political infotainment” rather than an unbiased guide for the public.

Telekritika made note of the increase of depersonalization—elimination of recognized values and spirit in favor of corporatization and branding. The trend was evident at the second largest channel, 1+1. The channel lost the “face” it had formed during the previous 11 years when, in October 2008, it became 100 percent owned by CME. Reorganization of the channel started in March, management staff was replaced, and it announced a number of changes: refusal to air political programs, a new graphic profile and new faces, orientation for a younger audience (18-54), and in-house production of Ukrainian series. In November, many employees of the channel were fired.

Inter and Novyi kanal maintain their leading positions due primarily to Russian products, particularly entertainment and the most popular series. “Ukrainian media are in a disadvantageous position: the low costs of Russian TV productions, which already recouped their costs in the Russian market, undermine production capacity of informational programs by Ukrainian channels,” Syumar said. There were also examples of acquiring the best Western series.

Regional television keeps its ratings positions due to its local news programs. The panelists also mentioned the trend of absorbing local radio and television companies by nationwide networks, which, they said, could possibly threaten local news content.

On December 11, 2008, the Ministry of Justice launched a website to access the state register of print media and information agencies, where everyone can check the publisher of a title. However, Ukrainian legislation does not require naming the actual owners of media outlets. Attempts

to trace ownership of major television channels have led to foreign companies.

The major lobbyists for non-transparency sit in the Parliament. The professional media community may judge the ownership more or less adequately, and rumors about certain national media owners circulate in the community, but the average person cannot judge the objectivity of news. An initiative in 2007 by the Parliamentary Committee on Freedom of Speech and Information to draft a law that would provide more info on ownership ended up failing. With regional-level media, the public better understands the ownership and political affiliations of media outlets.

There is also a trend toward concentration of media ownership. Neither antitrust legislation nor the Executive Body of the Anti-Monopoly Committee are effective. Media monopolies are not regulated. For example, oligarch Viktor Pinchuk, the son-in-law of ex-president Kuchma, owns three large television channels, one of the leading dailies (*Fakty i kommentari*), the publishing house *Ekonomika*, and several radio stations, but has not attracted the attention of the government. Though currently these media are relatively neutral in political debate, it has potential to become an issue of concern.

Ukrainian media cover a wide variety of topics, including ethnic minorities, gender issues, and other specialized segments of society. However, panelists criticized the coverage for lack of in-depth analysis and ignoring many issues of public concern. Minority-language newspapers exist, but more often they are aimed at a very narrow audience and supported by grants.

OBJECTIVE 4: BUSINESS MANAGEMENT

Ukraine Objective Score: 2.43

Problems remain in the distribution and subscription infrastructure, oligopoly in the media market, disproportion of advertising between national and regional media, and the lack of professional market research. Nonetheless, almost all indicators showed at least modest progress and the score for this objective rose from 2.15 last year to 2.43 this year. Only Indicator 7, reliable audience and circulation measurement, did not receive a higher score; it was also the only indicator that did not score near the overall objective score. It fell short by about three-quarters of a point.

The Ukrainian media market continued its successful growth through the beginning of the financial and economic crisis in fall 2008. The panelists said that mainstream private media outlets operate as profit-generating businesses with efficient

management; however, there are lots of media outlets subsidized either by politicians or the state. "The crisis is the second large-scale challenge for all who came to play in the media business," Pogorelov stated. "When their main business is under threat, there will be no resources and no desire for the toys. Subsidized outlets, lacking a commercial component in their strategy and operating from the accounts of rich owners, will have to seriously reconsider their existence."

The first half of 2008 was very encouraging for the printed press: new print publications were launched, large foreign investors expressed their intention to enter the market, and Kyiv publications planned to enter the regions and establish national networks. Later, the industry started to count its losses. In June 2008, German company Handelsblatt and Czech company Economia a.s. sold controlling stakes of publishing house Ekonomika to Viktor Pinchuk's group EastOne. At the same time, the Russian publishing house Rodionov closed its magazine *Der Spiegel Profil*. In November, Dutch publishers Telegraaf Media Group left the Ukrainian market. KP Publications closed its Ukrainian language weekly *Novynar* and two magazines, *Vona* and *Pani*. Media Invest closed regional offices of *Status* magazine and kept only its capital edition. Perekhid Publishing House closed its magazine *Delovoy*, and U.A. Inter Media Group stopped publishing the weekly *Chistaya Pribyl*. Other publishers reduced the frequency of publications, pages, staff, and other expenses. Newspaper 24 is printed three times a week, down from five times a week; and weekly magazines *Dengi* and *Time Out* became bimonthly publications. *Gazeta po-ukrainiski* reduced its regional outlets. Worse news is expected in the first quarter of 2009.

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.

In the regions, leading media use modern business approaches to increase profitability. These outlets are usually independent private newspapers and television channels, and their market advantage over other regional competitors substantially increased during the last year. Regional publishers and broadcasters Kumok and Danylov stressed that to face the coming crisis, independent regional media have to cut costs, reduce pages, publication frequency, some sections or products, staff, and salaries; but they believe that in spite of lowered advertising revenue, these media businesses will survive.

The panelists also expressed high hopes that by cutting expenses, the state and politicians will stop financing weak partisan media. On the other hand, despite the budgetary realities, the state is unlikely to cut back on its tools for propaganda. Kumok stressed that public funds supplied to the state and municipal media are distributed not only in contradiction to morality but also to the law—it is done without any bid procedures. Otherwise successful independent media would be eligible for these funds in the form of agreements with municipalities to cover local government issues. Local authorities give out funds to weak municipal newspapers with low circulation, low quality, and no idea how to run media as a business.

Media receive revenue from a multitude of sources. Among them are hidden business and political advertising that influence editorial policy. And this influence is not transparent, as usually it is paid unofficially in cash. At successful media outlets, the advertising share of revenue is growing faster than other types of revenues.

Kvurt characterized the advertising market as well organized, stable, structured, monopolized, rather non-transparent, and hard for new players to enter. Others agreed that it is "gray" and corrupt. Ukraine has many advertising agencies whose practices vary, but a bribe from media to the agency to encourage it to obtain advertising deals is a common thing. Also, for the most part, the agencies prefer to work with national media and networks rather than the numerous regional media, and they do not publicize data about successful regional media to their clients. They rarely work with small and local publications.

The five leading television channels switched to direct sales of advertising. Channel 1+1 stopped working with Video International Prioritet agency to do so. Pinchuk's media holdings (channels STB, Novyi kanal, ICTV and M1) signed an agreement with a new agency run by media company Inter Group. Of the leading 10 channels, only Ukraina and Pervyi kanal will work with external companies to sell advertising.

Many advertisers have not decided on their 2009 budgets, which are usually approved in November. In addition, due to changed television sales schemes, the largest advertisers have not made their choices regarding advertising at major television channels and therefore have delayed decisions on advertising at other media outlets. The first quarter of 2009 will be the hardest for survival of many media, due to these delays in decision-making.

One of the sticking points in negotiations between media and advertisers is the denomination of prices in hryvnia, due to uncertain forecasts of the U.S. dollar exchange rate. Television channels are especially resistant to fix prices in hryvnia, as they buy foreign television programs in U.S. dollars.

The competition among all media has increased during the crisis. Advertisers forecast a consolidation of major budgets in favor of the leading five or ten television channels. Small niche channels and regional television are under serious threat due to lack of revenue.

The rapid downfall of the advertising market happened in the last quarter of 2008, due to the economic crisis. Final revenues were therefore lower than forecasted a year before and lower than overall growth rates showed during 2008. Research company Cortex forecasts further shrinkage of the advertising market by 22 percent in 2009 (television by 16 percent, print by 30 percent, and radio by 15 percent, with only the Internet increasing by 25 percent). The All-Ukrainian Advertising Coalition is more optimistic, and other media experts expect a reduction in certain segments of up to 40 percent. Due to fluctuations of the exchange rate from UAH 4.5 per U.S. dollar up to UAH 10 per U.S. dollar, the 2008 advertising market figures were estimated in local currency.

According to the All-Ukrainian Advertising Coalition, the media advertising market (television, radio, print, and Internet) totaled UAH 5.412 billion, up 30 percent from 2007, and will lose 12 percent in 2009. The television advertising market reached UAH 2.7 billion, up 14.4 percent from 2007, with the share of regional television, including so-called advertorial television programs, of just UAH 150 million (six percent lower than 2007). In addition, the television sponsorship market was estimated at UAH 400 million, up 6.7 percent from 2007. In 2008, national television stations might lose 10 percent of advertising revenues, while regional television might lose up to 20 percent. Television channels expect a reduction of new soap opera series and expensive shows, a transition to cheap in-house productions, and staff and salary cuts.

A new law that prohibits alcohol and tobacco advertising and sponsorship on television and outdoors became effective in January 2009, and will restrict such advertising in print media

in 2010. Given the dismal projections above, some MPs are lobbying against the law and to permit television advertising by alcohol sellers; otherwise, television production will have to be reduced.

In 2008, print revenues increased by 30 percent, totaling UAH 2.052 billion. A major portion (UAH 1.035 billion) went to magazines, and the rest (UAH 460 million) to newspapers. For the first time, the UAPP estimated unmarked advertising (*zakazukha*) and inserts, which amounted to approximately UAH 557 million. The average pricelist discount in 2008 was confirmed at 40 percent. UAPP estimated regional press advertising at UAH 240 million, but the Independent Regional Press Publishers Association insisted on UAH 692 million.

Radio advertising decreased by 6 percent to UAH 160 million, and it may lose 19 percent in 2009.

Internet advertising grew by 67 percent to UAH 100 million, with a forecast of 20 percent growth in 2009. This year was better estimated with the inclusion of sales by numerous small websites and foreign websites with Ukrainian traffic. In spring 2008, the largest Internet-holding company Bigmir switched to a dynamic cost-per-mille model of advertising placement on its websites and cancelled a static placement scheme. Experts believe that due to this transfer, the Internet has become more efficient as an advertising option.

Independent commercial media do not receive government subsidies. Ukrainian authorities used to form agreements on coverage with local media in exchange for insignificant amounts of money, but leading regional media are not influenced by this money. In some regions, however, some lesser media became more loyal due to such agreements. Under the umbrella of programs supporting ethnic culture, the government provides funds to some private Crimean-Tatar newspapers in Crimea, but it does not prevent these outlets from publishing critical coverage of the government.

According to Pogorelov, only 15 percent of media outlets use market research. The largest national media and regional leaders participate in research, as it is a cost-effective way to increase the advantage they have over other media. Market research is unaffordable for the majority of media, especially regional broadcasters. For example, \$25,000 is a rather high price for a regional broadcaster to learn its ratings. Others who might be able to afford a small budget to do research on their own usually do not conduct such research. The reason for this is the relatively low professionalism of media managers in advertising, marketing, and public relations.

In 2008, as well as the previous year, the UAPP ordered professional market research of the readership of business publications among 2000 executives and department managers in the six largest cities in Ukraine. TNS Ukraine,

the implementer, conducted presentations on the results for advertising agencies.

This year, the members of the Independent Regional Press Publishers Association contracted TNS Ukraine (now a part of Kantar Group, a research division of the transnational communication holding WPP) to conduct the National Readership Survey Plus. Such a survey had not been conducted since 2005. The new survey was conducted in 20 Ukrainian cities of less than 1 million inhabitants. (Cities with more than one million inhabitants are regularly surveyed within NRS by TNS Ukraine.) The survey was then distributed as a bonus to advertising agencies and other TNS subscribers in order to attract more advertising to the regional media.

However, the benefits of the survey are limited. Market research is closed information and available only to those who pay for it. Even an official press release or clear official instructions on how to interpret the survey data were not available to the public. According to Pogorelov, the survey's objectivity is under question, as TNS does not have enough interviewers in the field: it normally researches cities of more than 100,000 inhabitants and cannot survey narrow audiences. Small media can not afford TNS's research.

According to Kvurt, the system of broadcast rating is independent but corrupt, and serves the interests of the largest channels and advertising agencies.

In 2008, GfK Ukraine introduced a nationwide panel of people-metering in addition to "50,000+ cities," which major television channels have used since 2002. Channels made their decision to use this information for sales efforts after publication of the first results: that numbers improved substantially only for 1+1. However, the Industrial Television Committee (ITC), an association uniting several of the largest television channels, expressed doubts about the representativeness of the nationwide panel and the published international audit results.

In 2009, all members of ITC will continue metering using the 50,000+ panel; only 1+1 will sell according to the nationwide panel. In fact, the leading channel is still Inter. 1+1 lost a significant audience share and is now closer to being in the second echelon (i.e., 11th to 20th place). The next most popular channels are Novyi kanal, STB, and ICTV, which belong to Viktor Pinchuk. Channel Ukraina reinforced its position as a strong player.

In the radio sphere, TNS conducted metering of radio listenership, but the market players were not satisfied with the results. This year, TNS has won a bid for further metering, but under certain strict conditions of control and transparency of results. Radio audiences will be measured in

cities of 50,000 or more using the DAR CATI methodology and will cost \$600,000 per year for the industry.

Most print publications, even the leaders, lie about their circulation figures, since all their competitors lie as well. Nobody calculates true circulation figures. Several past attempts to create an audit bureau of circulation failed. The industry as well as advertisers and advertising agencies are not interested in publishing true figures and incurring the additional costs to do so.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ukraine Objective Score: 2.32

The score for this objective increased by 0.23 from last year, and increases in every indicator fueled this modest gain. In particular, Indicator 7, apolitical sources of distribution, showed a strong gain. Indicators 2 and 4, professional associations and academic journalism programs, still showed weaknesses and received scores more than half a point lower than the objective score. Indicator 6, apolitical sources of newsprint and printing, finished well ahead of the overall objective score.

Two major trade associations are the Independent Association of Broadcasters (IAB) and the UAPP. IAB unites about 100 television and radio companies. UAPP unites 90 publishing companies, 35 of which are based in Kyiv, and 55 from 21 different regions. UAPP's members publish more than 310 publications. Mirroring their memberships, both associations are gradually and slowly defining the common interests and priorities of member media. They provide regular services to their members, such as information resources, legal advice, and training workshops.

In June 2008, UAPP conducted an estimate of the number of distribution outlets and the number of print publications regularly published—in contrast to numerous registered titles. It also ordered a survey of business press readership. In December 2008, UAPP expressed the common concerns of the print industry about the outbreak of the economic crisis, appealing for governmental support of the industry. This included credits to publishers for purchase of newsprint, which is rapidly increasing in price, and a VAT exemption for newsprint in 2009. According to UAPP, the most pessimistic scenario in print media would result in a 50 percent reduction of media employees (about 20,000 workers) and losses of UAH 350 million in tax revenues for the state.

Niche television channels are establishing the Association of Satellite Niche Broadcasters. The smaller Independent Regional Press Publishers Association combined efforts to

survey readership of regional publications. The Ukrainian Association of Internet Advertising, founded in October 2007, represents the four largest web sites and three advertising agencies. It has ordered regular monitoring of Ukrainian Internet usage and audience since August 2008.

According to the panelists, many association members are dissatisfied with the lack of obvious progress in their activities, in establishing industry rules, etc. However, some said that the members themselves are to blame. Kvurt noticed that there is also an imbalance towards serving certain members rather than the priorities of all players. The panelists named the Industrial Television Committee as a business project of six founders—the leading television channels—rather than an industry association. Sergeev said that trade associations could hardly achieve their aims in the environment of a lasting parliamentary crisis, a corrupt broadcasting council, and “gray market” advertising agencies.

The panelists noted the lack of solidarity among Ukrainian journalists as well as an unwillingness to stand up for their rights. For example, after numerous staff reductions at 1+1 channel, only famous personalities Ganna Bezulyk, Lyudmyla Dobrovolska, and Oles’ Tereschenko stood up for their rights by taking court action.

Trade union activity slowed down and its influence decreased. One of the reasons for stagnation was the acceptance by the Independent Media Trade Union of numerous quasi-journalists as members. The other key reason is the lack of legal agreements between workers and employees. A large share of salaries is paid illegally, in order to avoid taxes. In his interview, Portnikov stated, “Professional associations could work effectively if there was an honest situation in relations between owners and employees. When more than half of all

employees in this country receive salaries in ‘envelopes,’ do not pay taxes, yet try to protect their rights, it’s just funny. People themselves enter into a conspiracy with company owners.”

The National Union of Journalists (NUJU), the largest Soviet-type organization, acts mostly on behalf of its most active pre-pensioner journalists who worked for decades in state-owned media. Its officials and local leaders are usually editors of state and municipal media. Tomilenko, the Cherkassy oblast head of the NUJU, mentioned that in his region, the union always reacts to any violation of journalists’ rights and local authorities will pay attention to NUJU, whereas in other oblasts, active positions taken by the union are rare. In addition, the main problem of any professional association is passiveness of its members and a lack of understanding of common interests.

Ukraine has many national and regional media-support NGOs, such as Internews Ukraine, the Institute of Mass Information, the Academy of Ukrainian Press, the Regional Press Development Institute, the Media Reform Center, the Association of Journalists of South Ukraine (Kherson), the Journalism Initiative (Kharkiv), the Poltava Media Club, Media Professionals in Cherkassy, the Information and Press Center in Simferopol, the Association of Free Journalists in Crimea, and the Guild of Vinnichina Editors. The Media Law Institute and the Association of Media Lawyers deal with media legislation and legal protection of media and journalists.

Almost all NGOs rely on financial support from international donors. They do not have other sustainable sources of income, partially due to legal restrictions on economic activities of non-profit organizations. Nonetheless the “third sector” in Ukraine is rather developed. In Kumok’s opinion, however, the role of media support NGOs is quite narrow—they hardly influence the Ukrainian media landscape.

The situation with journalism degree programs remains unchanged. Their curricula and professors do not produce graduates that meet the needs of the media market. Panelists feel that most programs are poor in quality. The only respected academic program for journalists is the Journalism School of the Kyiv-Mohyla Academy (NAUKMA). Razvitie Ukrainy (Development of Ukraine), the charitable foundation of Ukraine’s richest oligarch, Rinat Akhmetov, financed a new media course, “the Digital Future of Journalism” at NAUKMA and has plans to contribute to the doctoral program. The foundation of Viktor Pinchuk ordered a feasibility study to determine the prospects for establishing a Western-type journalism school in Ukraine.

The media industry compensates for the lack of professional education with short-term training courses. Some media outlets have established their own in-service programs, 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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

other media employers pay for their employees to attend outside training courses. The number of courses is not sufficient to satisfy all the industry's needs, however. Many new media outlets have opened in recent years, creating a deficit of journalists and great demand for them; however, journalists have not invested in themselves. These economic crisis conditions call for journalists to be more motivated to improve their professional skills and get ahead, but many media owners will certainly cut expenses for training, and journalists cannot afford to pay to attend on their own.

More and more private printing facilities are available, and access to them is not constrained by political issues. Newsprint brought via special economic zones, which in fact continue to operate due to court decisions, is exempt from certain duties, and printing facilities operating in the zones enjoy lower production costs, while other printing presses can not offer competitive prices compared to them.

The Ukrainian Zhidachiv newsprint factory produces 35,000 tons per year, and more than 100,000 tons are imported from Russia and Poland. Paper for magazines is not produced in Ukraine at all. Since the crisis, the price for newsprint and printing services has risen tremendously, ranging from UAH 7,500 to UAH 10,000 per ton. At the very beginning of the crisis, the government forbade prepayments abroad, and publishers were not able to buy cheaper newsprint in advance.

UAPP estimates found that Ukraine has only 5,800 press sales outlets, amounting to one outlet per 8,000 people. In Europe, the standard is one outlet per 1,000 to 1,500 people; In Kyiv, the density of press stands is one per 3,000 to 4,000 people. In the Kyiv metro, for safety reasons, the press stands were reduced to 25, with one winner of the bid process permitted to sell publications there.

According to Pogorelov, industry lobbying and the absence of legal provisions and self regulation led to a situation in which distribution networks are small, an oligopoly is in place, and bribing is commonplace at the local government level. In Kyiv, the rent of land for press kiosks is higher than for other retail kiosks. Kumok agreed that the system of getting all necessary permissions for press kiosks, which has to be renewed every three to five years, keeps the kiosk owners on a short leash. Owners do behave directly and honestly, instead looking for half-legal methods to obtain permits.

Delivery service Ukrposhta, a state monopoly, increased subscription delivery prices by 27 percent and delivery to its retail outlets by 150 to 225 percent in January 2009. It also applies a complicated price calculation logic that does not allow for market management of price. Last year, panelists reported cases of Ukrposhta refusing to deliver certain critical publications, but no cases of this were reported in 2008.

List of Panel Participants

Sergiy Guz, editorial writer, *Ukrainiskiy Tyzhden* magazine, Kyiv

Oleg Khomenok, print media advisor, Internews' Network U-Media program, Kyiv

Kostyantyn Kvurt, chairman of the board, Internews-Ukraine, Kyiv

Natalya Ligachova-Chornolutska, director and chief editor, *Telekritika* magazine, Kyiv

Oleksiy Pogorelov, general director, Ukrainian Association of Press Publishers, Kyiv

Sergiy Tomilenko, chief editor, *Nova Doba* municipal newspaper, Cherkassy

Viktor Danylov, director, TRC Rivne-1, director, Publishing House OGO, Rivne

Gennadiy Sergejev, director, TRC Chernivtsi, Chernivtsi

Lyudmila Pankratova, vice-president, Media Lawyers Association, Kyiv

Mykhaylo Kumok, general director, MV holding, Melitopol

Ihor Chayka, head, Media Projects Studio Vartovi Demokratii, Kyiv

Viktoriya Syumar, executive director, Institute of Mass Information, Kyiv

Moderator and Author

Kateryna Laba, executive director, Regional Press Development Institute, Kyiv

The panel discussion was convened on November 24, 2008.



CENTRAL ASIA

Severe political pressure affected both the operations and reporting by independent media. The government persists in trying to limit citizen access to opposition and independent media, with the result that it controls perceptions of reality to a degree. Society and government, especially in the regions, do not value freedom of the press.



KAZAKHSTAN

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Media in Kazakhstan suffered some disappointments in 2008, and old challenges and obstacles continue to hamper its performance. Several legal changes had been anticipated, and in a promising development, were written with input from media members and civil society. The changes would have liberalized media regulation and established the groundwork for future development of the sector. But ultimately, the proposed new laws were ignored by Parliament and replaced with proposed amendments to the existing law.

Severe political pressure affected both the operations and reporting by independent media. The government persists in trying to limit citizen access to opposition and independent media, with the result that it controls perceptions of reality to a degree. Society and government, especially in the regions, do not value freedom of the press.

However, some positive developments occurred, which is reflected in the MSI scores. Committed independent media outlets and supporting NGOs continued to push the media development and freedom of the press agenda. Thanks to more savvy media lawyers, media outlets are sometimes victorious in their court cases for libel or enforcement of freedom of information provisions. Training initiatives that promote better journalism and management practices are valued by media outlets and are in demand by journalists. More and more, market principles are being applied to management of media.

For the time being, Kazakh media has limited progress upon which to build. While all five objectives scored higher, none of the objectives attained a score of 2.00. Most of the improvement was observed in Objectives 2 and 4, professional journalism and business management, which increased by 0.60 and 0.51, respectively. The lingering problems will no doubt pose a significant challenge in the years to come, and the progress to date could be reversed with relative ease by the government, should it choose to do so.

KAZAKHSTAN AT A GLANCE

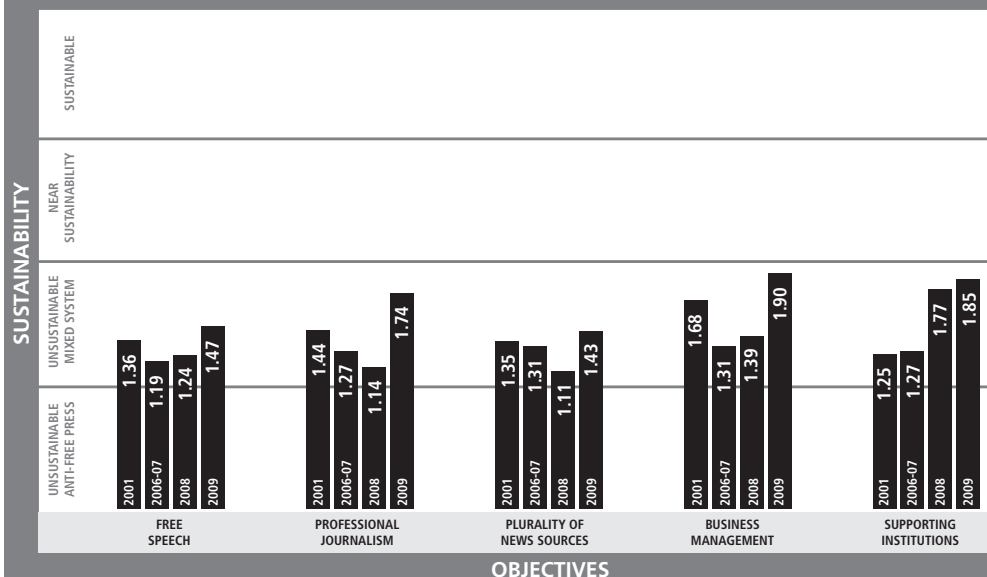
GENERAL

- > **Population:** 15,340,533 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Astana
- > **Ethnic groups (% of population):** Kazakh 53.4%, Russian 30%, Ukrainian 3.7%, Uzbek 2.5%, German 2.4%, Tatar 1.7%, Uygur 1.4%, other 4.9% (1999 census, *CIA World Factbook*)
- > **Religions (% of population):** Muslim 47%, Russian Orthodox 44%, Protestant 2%, other 7% (*CIA World Factbook*)
- > **Languages (% of population):** Kazakh 64.4%, Russian (official) 95% (2001 est., *CIA World Factbook*)
- > **GNI (2007-Atlas):** \$87.28 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$9,700 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 99.5% (male 99.8%, female 99.3%) (1999 est., *CIA World Factbook*)
- > **President or top authority:** President Nursultan A. Nazarbayev (since December 1, 1991)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 937 total, 5 main daily papers, 6 other main weeklies; Radio: 4 main stations, over 40 total; Television Stations: 14 local cable networks
- > **Newspaper circulation statistics:** Top three: *Vremja* (private, Russian language), *Karavan* (private, Russian language)
- > **Broadcast ratings:** Top four television stations: Khabar TV, Kasakh TV (Kazakhstan 1), KTK (Kazakh Commercial TV), El-Arna
- > **News agencies:** Kazinform (state-owned), Interfax Kazakhstan, KazTAG, Kazakhstan Today
- > **Annual advertising revenue in media sector:** \$60 million (2007, Video International Analytical Center)
- > **Internet usage:** 1,901,000 (2006 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: KAZAKHSTAN



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Kazakhstan Objective Score: 1.47

Objective 1 showed modest improvement compared to last year, but freedom of speech still languishes in the lower half of what the MSI scoring system defines as an “unsustainable, mixed system.” Gains were recorded in indicators 1 (legal framework), 2 (broadcast licensing), 4 (attacks on journalists), 5 (legal preferences for, and guaranteed editorial independence of, state media), and 6 (libel laws). None of these improvements pushed the indicator scores above the objective average of 1.47; indicators 2 and 6, in fact, scored three-quarters of a point lower. Only indicators 8 and 9, media access to international news sources and free entry into the journalism profession, scored well above the overall objective score.

Kazakhstan’s law on the media has been repeatedly amended, mainly to abolish repressive amendments made in 2006. In January 2008, the government rejected a liberal bill mostly authored by NGOs; it was withdrawn from Parliament without being considered. The government announced that instead, it would start working on amendments to the existing law together with civil society. The Ministry of Culture and Information (MCI) led the work on the amendments, with advice from a working group that included representatives from six NGOs, four of whom were the authors of the previous bill. On December 10, 2008, the new changes were outlined.

The changes approved by the Mazhilis (the lower house of Parliament) were very controversial. On the one hand, they are positive and symbolic moves by the authorities just before the country becomes OSCE president.¹ On the other hand, media members feel deceived, as they had united and lobbied for the legal framework to be liberalized. No civil society representatives, nor members of the MCI advisory group, were allowed to participate in discussion of the amendments. A whole raft of proposals from the working group members was ignored. When discussing innovations in early December 2008, Parliament demonstrated an uncommon efficiency, as it speedily discussed and approved amendments to the law in two readings.²

A large number of NGOs asked the Senate to send back the bill approved by the Mazhilis to be amended. At the same time, the authorities published an open letter from 35 NGOs

supporting the most liberal and progressive amendments to the law on the media. Seitkazy Mataev, the chairperson of the Kazakh Journalists Union Board of Directors, noted that the majority of these organizations are not linked to the media and some of them are perceived as loyal to the government.

Media professionals have expressed disappointment because it seemed in September and October that the dialogue with MCI would lead to improvements. After the hasty approval of the imperfect amendments by the Mazhilis, it has become clear these efforts were manipulative and insubstantial.

Although the state often declares its adherence to democratic values and liberal ideology in its rhetoric, there are no tools in the legal framework that guarantee freedom of speech in practice. Legislation regulating the media, and journalists in particular, are among the strictest in the former states of the USSR.³ For example, the criminal code contains six articles protecting the honor and dignity of people, depending on their position. The code on administrative offenses names more than 50 separate offenses that can lead to a media outlet being suspended, closed down, or having their print runs seized. This includes such minor offenses as not submitting control and obligatory copies on time and violating the procedure for publishing circulation data.

A number of laws on national security and the fight against extremism allow the authorities to interpret and restrict the freedom of speech quite arbitrarily, justifying their actions as benefiting the government. “Currently, government interests override the public interest,” said Yevgeniy Zhovtis, director of the Kazakhstan International Bureau of Human Rights and the Rule of Law and well-known human rights activist.

The courts are not free, as is made clear by international organizations’ evaluations⁴ made in 2008. Panelists said that in court proceedings involving journalists, government employees are regarded as innocent, and therefore favored regardless of whether they are plaintiffs or defendants.

In general, Kazakh society is apathetic, although the popularity of opposition newspapers shows that Kazakhs prefer to have a plurality of media. Protecting freedom of speech is still perceived as a specific problem for a narrow professional group of journalists. In 2008, there were multiple incidents involving non-government newspapers, such as *Almaty Info* and *Taszhargan*, but the community did not defend the journalists. The majority of citizens distrust journalists and the media and think they are all representatives of the “yellow corrupt” press.

¹ The Way to Europe State Program was specially developed to cover Kazakhstan’s presidency of the OSCE in 2010 and it changes some legislation

² A clause-by-clause comparison of the changes in the law on the media can be found at www.izdatel.kz.

³ <http://www.medialaw.kz/index.php?r=1&c=3076>

⁴ In particular, the OSCE evaluation of the Freedom from Torture Program was discussed

According to panelists' assessments, controlling licenses for broadcast media permits officials to abuse their positions and exert unseen censorship. Panelists said that successful licensing results depend on money and the political situation. In 2008, the Committee for Issuing Frequencies once again relied on old stratagems and committed numerous violations of the tender rules. It gave 18 frequencies in the country's key cities to Era Television Company, a private entity. As listed below, panelists noted several facts and details of how the tenders were run.

1. In early July, MCI officials assured civil society and business associations' representatives (including panelist Sholpan Zhaksykbaeva, executive director of the Kazakh Television and Radio Broadcasters' National Association) that the tender would not be held before autumn. However, a tender announcement appeared in the press later in July, stating that documents had to be submitted by August 12.

2. Four tenders were submitted, and one of them (from the Tandem Radio Company in Aktau) was disallowed because it had submitted an incomplete package of documents. Two other companies (TV TOO from Kostanai; and Atyrau Regional Television and Radio Company, a government enterprise) submitted applications to acquire just one frequency in their respective cities. The fourth bidder, Era, was the only applicant for 16 television channels. However, paragraph 18 of the tender rules states, "If an application to tender has been submitted from only one participant during the designated term, the Committee shall declare the tender null and void and hold a new tender."

3. Era felt it was wrongly refused a frequency in a tender in 2007 so it fought to overturn the committee's unfair decision. The repressive sanctions following the public application resulted in a change in the company's ownership. According to the panelists, the new owner's close affiliation with the authorities helped ensure Era's successful application in 2008. In her letter of protest to President Nursultan Nazarbaev, Zhaksykbaeva wrote: "Society and the press actively discuss the probability of high-powered officials being linked to the ownership of Era Television Channel,⁵ as they are close to the government and, in fact, they own the Era Television Company either directly or through nominees."

4. The application documents submitted by Era did not contain all the required information. For example, nothing was mentioned about adherence to copyright and allied rights, and no date was shown for when the guarantee was paid. However, these details were not taken into

consideration when the committee members were making their decision.

The legislation of Kazakhstan does not single out the media as a special type of business and it provides neither additional conditions (for example, taxes) nor privileges. Privileges on VAT for the printed press were abolished several years ago and the media have been treated like any other type of the business since then. In 2008, however, a new draft of the tax code was approved that exempts newspapers and local broadcasters with revenues of less than \$300,000 from VAT. As the worldwide economic crisis continues, such support will at least allow local media to survive, as advertising revenue in 2008 alone fell by an average of 30 percent.

The panelists confirmed that there are significant obstacles to entering the television and radio broadcasting market. Unlike other types of businesses, entering depends entirely on the authorities' support and the possibility of getting a frequency and licenses. When ideological and political pressures are taken into consideration, a media company becomes a much less profitable and higher risk proposition. An indirect indicator of this is the fact that more television and radio companies are choosing a safe, exclusively entertainment media niche, as they do not want to risk raising their social and political profile.

Although panelists thought the situation has improved, crimes against journalists and the media are still frequent. Investigations into these crimes are delayed and information on the progress and results of investigations is either difficult

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

⁵ Articles appeared in a number of Kazakh media on the eve of the tender concerning the fact that Prime Minister Karim Masimov had recently become the owner of Era Television Company.

to obtain or completely lacking. The most common crimes against journalists in Kazakhstan registered by the Adil Soz Public Fund in 2008 included threats, assaults (accompanied by the seizure of equipment and other valuables), limited access to news sources, and harassment.

Statistics from a number of rights protection organizations show that representatives of the opposition media suffer the most assaults and threats. In 2008, those most affected according to the monitoring reports were *Taszhargan*, *Law and Justice*, *Vremya*, *View*, *Svoboda Slova*, and *Liter* newspapers, and a number of media that are not controlled by the state, such as *Uralskaya Nedelya*, and *Akzhayik*.

Officials, businesspeople, and underworld figures are constantly engaged in cases against the opposition newspaper *Taszhargan*, and its staff members are under threat. Journalist Ermurat Bapi from *Taszhargan* reported at a press conference on May 8, 2008 that a bomb had been planted in his car (it failed to properly explode and he was unharmed) and that he was being spied upon. He said that he thought this was an attempt to influence his professional activities. Bapi declared in advance that he was physically and mentally healthy and if he were to be murdered, it should be treated as premeditated and not a fatal accident.

Bapi is not the only persecuted journalist. At the end of December, another journalist from *Taszhargan*, Artem Miusov, was stabbed three times by an unknown assailant. The attack is believed to be the result of an article titled "Poor Large Landowner" about a civil lawsuit between Almaz Kuserbaev and state officials. Journalist Sergey Hodanov from *Liter* newspaper was badly beaten not far from his office, and his attackers stole his cameras and other valuables worth KZT 1 million. Zhanat Kartamysov, an employee of the Temirtau City Tax Committee, threatened Helen Kulakova, a reporter from *Svoboda Slova* newspaper, because she published an article on arrears in the city budget and he demanded that she disclose the source of this information. Only the intervention of the Adil Soz Fund's representative office in Karaganda Region helped her deal with the threats from this government official. These and other crimes against journalists are common practice.

The investigations into murders or other crimes committed against journalists, when they are related to political issues, have little chance of being closed. Instead, the legal machinery and other authorities put pressure on the media and journalists seeking information about how investigations are progressing. For example, panelists reported that in the case of the 2007 disappearance of journalist Oralgaisly Zhabagtai Kyzy Omarshanova of *Law and Justice* newspaper, a secret gag order was issued to stop journalists from making any inquiries. The fact that crimes against journalists are not

properly investigated reinforces the feeling among journalists that they must protect themselves by censoring their work.

Kazakh law does not give advantages or preferences to any form of media, but in practice, assistance from local authorities and limits on access to government information have become the standard. Civil servants are forced to subscribe to government newspapers as a condition of employment. Local government administrations have even established pools of journalists and procedures to accredit or not accredit them, as a way to substantiate refusal to provide information. A significant regulator is the practice of limiting opposition media's access to information on key politicians and government institutions, while providing state media total access. For example, when the prime minister traveled recently to Kazakhstan's regions, the majority of opposition media had great difficulty covering all events planned, because local authorities broke the law and only accredited one or two journalists from non-government media in advance.

The courts are also continuing their policy of limiting access to information, as they fill their chambers with government media representatives, leaving no room for opposition reporters. "When we or other non-governmental regional media asked the mayor for information, he replied he was not obliged to answer opposition newspapers," said Tamara Eslyamova, chief editor of *Uralskaya Nedelya*. "Refusals and formal replies are given to almost 90 percent of all requests for information. We have already learned at our newspaper to phrase our written questions very politely and in great detail, so as to get at least some information from state officials."

Kazakh law does not protect the editorial independence of state media. In fact, the authorities interfere in the editorial policy of both government and private media. Khabar television station, for example, is completely censored, and in November 2008, the president's office decided who would run the Nurmedia private media concern. Regional governmental media are under the diktat of local authorities.

The Kazakh criminal code still contains articles on libel, slander, and damaging and offending the honor and dignity of officials. Panelists thought cases increased in 2008, and statistics from human rights organizations show that the overwhelming majority of criminal, civil, and administrative cases are filed against non-government media. Panelists said that journalists tend to be tried under civil code, and called court cases between officials and media representatives "authoritarianism with a human face." Several panelists gave multiple examples of journalists or ordinary residents receiving sentences after being accused of libel and slander. Others expressed concern specifically on the court decision to close the www.posit.kz website for spreading inter-ethnic discord.

Eslamova said that if journalists practice professional standards, they can possibly prove their innocence even in biased courts. An example was when her paper published an interview with the well-known violinist Marat Esengaliev, who criticized the chief of the regional sports department. The chief charged the newspaper with libel and damaging a person's reputation. The journalists were able to defend themselves in court by submitting a recording of the interview. Experts proved that they asked no leading questions and confirmed the accuracy of the quotation.

When media members bring suit, charging that their honor and dignity have been damaged as a result of politicians' public statements, dismissing the cases has become the norm. For example, in the 2007 case of Minister of Culture and Information E. Ertysbaev versus *Vremya* newspaper, the judge of the Sary-Arka Rayon Court in Astana defended the state official and rejected the newspaper's claim, on the basis that the minister's statements "were an expression of his subjective opinion, and the defendant's ethical opinion was debatable."

Vremya spent more than a year using the courts to restore the newspaper's reputation. Vindication came only after the minister was sacked in May 2008, and the Kazakh Supreme Court declared the newspaper innocent and "recognized that the information disseminated by Ertysbaev in the *Republic* newspaper and *Tochki nad I* broadcast on Channel 31 was untrue, and this information ruined the business reputation of the *Vremya* newspaper and its chief editor." The ex-minister was obliged to withdraw the information damaging the newspaper "by announcing in the same newspaper that this information is untrue."

The constitution, the law on mass media, and the law on providing information contain provisions regarding access to public information; however, the procedures for such access have not been defined in practice, and in most cases, acquiring especially significant information is impossible. As noted in previous sections, panelists said that state officials do not heed the law on the mass media, stating that this law specifically regulates the media sector and not their conduct.

The existing laws on government secrecy cannot resolve all problems, however, and must be significantly developed. The panelists quoted a long list of examples where rights on access to information from specific media and other community entities (for example, NGOs), have been violated. It is essentially impossible to access information on who owns the national media, monopolies, and many other enterprises, or actual data about the National Fund. Information about drafts of socially significant laws is also often placed on a "secret list." Panelists noted that bills on political parties and local government have been placed on the list after they were submitted to parliament for discussion.

One panelist recounted the story of *Kolos* newspaper. Journalists from *Kolos* submitted official requests for information to the Akkayin Rayon police department in the Northern Kazakhstan Region three times. The letters were returned to sender on the grounds that the family name of Chief Peter Martynuik was spelled incorrectly. It turned out the police chief of the region refused to accept the requests because his family name was written in the dative case, although in fact it was proper Russian.

Panelist Olga Kaplina said that she thinks that access to socially important information has grown significantly due to the "electronic government." However, journalists' functional illiteracy is problematic here, as they do not know how to correctly search for information. Today, it is clear that a framework of departments is being formed as a result of the "electronic government" and they are working more transparently and provide requested information. Unfortunately, access to information is also complicated in many other governmental structures, in spite of the changes made.

As a rule, state officials do not make comments or give effective interviews, and especially not by phone. The employees of *Uralskaya Nedelya* have started fighting state officials and departments, especially those who consistently ignore requests. The newspaper has set up a database showing dates and how many requests for information have been made, organized by government department. This database was submitted to the government Service Affairs Agency with a request that government employees be prompted to satisfy requests based on Kazakhstan's laws. The newspaper's editor, Eslamova, said that a little bit of movement has been made, although the local mayor is still causing a lot of fuss and bother.

The media can enlist world news sources via the Internet, which is becoming more accessible for the population in general. Most provincial media, especially those in Kazakh, cannot access the Internet because the license fee for legal entities is still very high (KZT 90,000 or about \$600). Many media find a way around this by registering as an individual at the much lower rate of only KZT 4,500 (\$30). Panelists noted the appearance of alternative suppliers to Kazakhtelecom, and legal entities can access the Internet via satellite for a monthly payment of KZT 16,000 (\$107).

Some media subscribe to feeds of world news agencies, including AP, Reuters, and the BBC. However, Kazakh media are responsible for all content when using foreign news sources. No legal provisions inhibit accessing such sources.

Entrance to the journalism profession is not regulated by the state. A professional education in journalism or any other

sector is not necessary to become a journalist today. Other professionals (physicists, mathematicians, engineers, doctors, etc.) work in the majority of the most successful social and political media. As noted above, however, accreditation is sometimes used by the government to limit access by critical media to government-sponsored activities.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.74

Most indicators showed either minor or modest gains compared to last year, and received scores close to the overall objective score. The exception is Indicator 7, technical facilities, which received an increase of about one point and scored more than half a point higher than the overall objective score.

Professional journalism is a rare phenomenon at government and opposition media, the panelists said. "Government media and those linked to the authorities are still very Soviet, and the opposition media is a copy of the government media but with a negative attitude," Zhovtis said. In spite of the fact that a balanced opinion should be given by opposition newspapers and journalists personally, this professional standard is not always adhered to. Due to censorship and possible persecution, the opposition media, in general, try to use the opinions of two or three parties.

Subjectivism is visible in all types of media, as each editorial office has its own secret belief that government media paint a cheerful picture of reality, whereas opposition ones paint a sad one. Zhovtis stressed his own experience of working with government and opposition media: "If government media always think they should cut out criticisms in their interviews with me, the opposition ones not only sometimes reduce positive points, but they also fabricate some criticisms [and attribute them to] me."

Journalists encounter some obstacles in including balanced or expert opinions. Editorial offices do not have databases of experts, and many state officials and businesspeople do not want to be interviewed, as they are afraid of "showing themselves." Yaroslava Naumenko, a reporter for *New Generation* weekly newspaper, noted that journalists sometimes cannot reference an expert's opinion because editors think it is just hidden public relations for the expert. Panelist Olga Kaplina said that the media have a standard way of working with businesses, but only for their public relations purposes and not yet as providing expert opinions.

Journalists' ethics have been discussed repeatedly by the press in recent years, and attempts have been made to adopt

common ethical standards. But to date, no single document has been approved by journalists, and not many of them adhere to ethics in practice. Zhaksybaeva summarized the predominant feelings on ethics: "Under the existing legislation, the approval of ethical codes at a national level and the introduction of self-regulation will lead to a worsening of journalists' position and limitations on their rights."

Nevertheless, journalists continue talking about the importance of introducing ethical principles. The dominance of paid-for articles and stories with no reference support the need for an ethics code. A number of media NGOs, including Media Life from Astana, Media Net from Almaty, and the Northern Kazakhstan Legal Media Center Public Fund, are actively promoting development of a journalists' code of ethics.

However, some private print media have had their own ethics code for many years, and adherence to the code is written into each employment contract. Such rules apply at the Alau Television Company in Kostanai, Fifth Channel in Karaganda, Otyrar in Shymkent, and TVK-6 in Semei. The example of *Uralskaya Nedelya* deserves attention, because its ethics code was approved many years ago and employees use it effectively. Panelists came to the conclusion that an ethics code can be developed and become a useful tool if media legislation is liberalized and initiatives on ethics are "bottom up" and not "top down."

The manifold forms of authorities' pressure have led to self-censorship practices among editors and journalists alike. Only a small circle of journalists try not to censor their articles and so they and their media outlets are persecuted. "As Kazakh media serve the interests of the authorities, financial

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).

and industrial groups, and the opposition, media leaders are generally told how and what to cover," Zhaksybaeva said.

One case monitored by Adil Soz Fund is quite typical. "K. Petrov, the chief of the Aktauinsk Regional Akimat's Internal Policy Department, called E. Getmanova, the chief editor of *Diapason* newspaper, and expressed his interest in the fact that the editorial office had plans to cover the visit of the opposition politician Peter Svoik to Aktobe. When this was confirmed, the state official insisted that he write nothing about Svoik and declared, 'This issue is being controlled by the president's administration' and those newspapers that write about him 'will be put on the blacklist.' As a result, articles about Svoik's visit and his recommendations on how to rescue the country from the current crisis were only published in *Diapason*, whereas other media in Aktobe did not cover this event."

The existence of taboo subjects exemplifies self-censorship and censorship in the media. Overall, the media very rarely report protests, opposition meetings, or cases of mismanagement or crimes by local authorities. Panelists noted that the state exercises control over newspapers, and television especially. Taboo subjects cannot be broadcast, but opposition newspapers sometimes report on them. Likewise, opposition party leaders will not receive coverage on television and have better luck getting covered in the print media.

In particular, problems concerning inter-ethnic relations are taboo. The media strive to create an exceptionally bright and cheerful image of mutual cultural enrichment and cover all possible ethnic festivals, etc. The reality is different: Kazakhstan experienced an outbreak of inter-ethnic conflicts in summer 2008 and the media found themselves in the epicenter of these events, including the Otrar TV Channel with its weekly 15-minute broadcast in Uzbek.

Reporting of any problem facing the country's capital, Astana, is also taboo. The panelists joked, "Nothing bad has ever happened in the capital city, and it is always warm there."⁶ The media can never report on the family of the president of Kazakhstan, regardless of what they do and whatever influence they have on the country's politics and economy.

Censorship and self-censorship result in reported events sometimes bearing no resemblance to reality. Key events are underreported, distorted, or not covered at all. For example, in spite of stagnation in the economy and the problems in the country's financial and banking systems, the media are not allowed to cover these subjects. Since before last autumn,

⁶ If one takes into consideration that winters are very cold in Astana—perhaps the frostiest in the country—the panelist's degree of irony becomes understandable.

discussion of the global and national economic crises has been prohibited, and those opposition media that cover these problems have been isolated from the government media community. The crisis officially took place only when Nazarbaev publicly pronounced the word "crisis."

The panelists noticed a decline in journalism's prestige and the falling level of professionalism. In early 2008, many journalists switched to public relations work, then due to the increasing crisis and the shrinking advertising market, they had to come back to journalism. Good journalists also leave to join private companies and government press services.

In addition to persecution and pressure, low salaries contribute to the professionalism problem. Compared with similar professional activities (for example, public relations), journalists' salaries lag far behind. Within the media industry, wide differences in salaries exist. For example, journalists in Almaty typically earn between \$500 and \$800 per month, but some journalists make between \$1,000 and \$2,000 per month in the main cities of Almaty and Astana for writing "specially-ordered articles," as directed by their editors. The employees of local print media receive much smaller salaries, from \$100 to \$300 per month. Panelists said that, on average, the salary range for employees of regional broadcasters is \$300 to \$1,000 per month—comparable to other professions in the area.

Much of the private printed press pays some or all of journalists' salaries and expenses in cash (off the books), and none of them complain about this illegal practice. The nature of government media accounting also permits additional payments, bonuses, and pay other expenses from a special account.

There is not always a visible difference between the salaries for regional government and non-government media employees. According to the Uralskaya Nedelya's editor, the difference between the various media is insignificant in the region, and it varies from KZT 10,000 to KZT 15,000.

Kaplina noted an unfortunate recent tendency: all articles that mention the names of any commercial firms are treated as advertisements by the media. Businesses order these articles and programs and they do not include a disclaimer such as "this is an advertisement." This misleads viewers and corrupts journalists, as they cannot criticize business actions and measures but only praise them.

Kazakh television features no political debates or live programs. The increasing proportion of entertainment programs in the media, noted in previous years, continued in 2008. A striking example is Channel 31, where virtually all the most relevant information and analytical programs have ceased to exist and entertainment programs dominate. What the channel was proud of—flagship and popular talk shows,

special reports, etc., especially in the Kazakh language—have been replaced by poor quality Russian serials. With the start of NTS broadcasting on Channel 31, programs such as *Kym?*, *Yiman*, and *Burdas* in the Kazakh language and *News and To Dot One's 'I's'* and *Cross One's 'T's'* in the Russian language are no longer broadcast. News broadcasts in Russian and Kazakh have been reduced, and Channel 31's offices in Aktobe, Karaganda, Ust-Kamenogorsk, Aktau, and Shymkent have closed down.

The same trend is typical of most media. The only exception is KTK channel, where news dominated after the resignation of Rakhat Aliev. However, according to experts, what is happening in Kazakhstan is only a reflection of global trends: entertainment is what audiences want. Panelists said that media surveys show that the audience prefers to watch Russian television channels and Turkish soap operas while the news is being broadcast on other channels. It is no accident that Nurmedia, Arna Media, and other media conglomerates are working on developing the entertainment industry. Since producing competitive entertainment programs is costly, various television companies often buy and broadcast Russian entertainment programs.

Television ratings are not the only reason for the growing proportion of entertainment. The panelists said that the media is developed more easily without meddling in politics. Zhovtis said, "Since almost all TV and radio broadcasting companies are under the direct or indirect political control of the authorities, they do not take the risk of discussing acute social and political problems. As a result, entertainment programs are obviously displacing information programs and news broadcasts."

Good facilities and modern equipment for gathering information, producing, and distributing media are available in major media companies in the capital. Regional media use out-of-date technology or have no equipment at all. Regional publishers still cannot provide staff with computers, voice recorders, or cameras; most regional journalists purchase any equipment they need out of pocket. According to Galiya Azhenova, manager of the Adil Soz International Fund's Expertise Social Center, the Atyrau regional workshop for journalists revealed that only one of them was the lucky owner of a camera and the rest had no equipment at all.

The situation with television companies is much better. All the regional television channels have switched to digital technology, and five of them even have their own virtual studios. Credit for this technological advance is due to Internews Network, which has enabled media professionals to upgrade their skills through on-site training as well as grants for purchasing equipment.

Large television and radio broadcasting studios are also in a difficult situation regarding content. Evidence indicates that no Kazakh television or radio studio is above broadcasting unlicensed media content such as pirated movies and concerts. Even the wealthiest companies cannot afford to work exclusively with legal media content.

Last year the number of media specializing in economic or business topics increased. In particular, the magazines *Semeyny Budget* and *Lichnye dengi* were founded. The REC-studio in Almaty increased the number of economic programs from two to eight, due to the state starting a grants program to promote economic knowledge. Other media may be able to count on this support in the future.

Investigative journalism is still a rarity, but a few journalists dare to undertake these projects. During the discussion, panelists noted that a distinction should be made between different types of investigative articles. In particular, some journalists (the panelists cited a journalist from *Law and Justice* as an example) are investigating individual orders from senior officials. Typically, such investigators get mainly "compromising information" and have "patrons." Such investigations are often unplanned by the media outlet, rather are organized and authorized by government officials.

In other cases, journalists cannot easily get an editor's go-ahead for investigations. Editors avoid publishing compromising facts, especially if these investigations are linked to senior officials; and because investigative reports are time-consuming, they are expensive under the current circumstances.

OBJECTIVE 3: PLURALITY OF NEWS

Kazakhstan Objective Score: 1.43

The modest increase in score compared to last year, 1.43 compared to 1.11, can be attributed mostly to improved scores in indicators 4 and 5 (news agencies, and private broadcasters produce their own news and information programming). These two indicators also were the only two to score more than a half-point higher than the overall objective score. All other indicators remained more or less static. However, indicators 3 and 6 (state media reflect the political spectrum, and transparency of ownership) again seriously lagged this year, with scores nearly a full point lower.

Due to the relatively high cost of printed media, the average number of newspapers read by Kazakhs has fallen. There are disparities in the media market between cities and villages; in rural areas, the choice of media is more limited. Since local newspapers are cheaper than national ones and also contain news about rural areas, regional readers prefer local

publications. Moreover, opposition newspapers are not always available in the regions. According to panelists, in some areas such as Kustanai, the *Vremya* newspaper is impossible to buy and *Taszhargan* is not on sale in all regions.

A media consumption survey conducted by TNS Gallup Media Asia revealed a high proportion of citizens who prefer Russian television media, primarily because of the language. Also, more and more citizens are using satellite dishes to watch a wide range of television channels. According to the research, 34 percent of the population have already installed satellite dishes and have access to foreign media. "Public access to international media is practically unrestricted, except for several blocked opposition websites," said Zhovtis.

In 2008, the number of bloggers increased considerably in Kazakhstan; they fill a lack of information in the media. Bloggers are not active everywhere, but the more technologically advanced younger generation searches for and finds independent information. However, according to panelists' data, the level of Internet access is still very low and, in general, not more than 10 percent of the country's population has regular Internet access. One hour of working on-line in a private Internet café costs KZT 250 to KZT 300 (\$1.50 to \$2) on average.

Monitoring of news broadcasts on the Khabar Channel in 2008 showed that 78 percent of news coverage was about major newsmakers such as the president, parliamentarians, and the government. Few media highlighted opposition activity; rarely were events in the lives of ordinary citizens presented in the media as socially significant, which is why panelists talk of shortfalls covering all political life in the

country. According to Zhaksybaeva, media in Kazakhstan always serve somebody's interests: the authorities, large businesses owned by oligarchs, and the opposition, and therefore can be said to be engaged in politics. "Information in Kazakhstan consists not of the media but their owners in the person of the state, financial-industrial groups, and opposition leaders, all of whom consider the media as a tool for struggling for influence and resources," she said.

Non-government news channels are different from those of the official media, primarily because they cover a larger number of topics. The private channels do not confine themselves just to press conferences and meetings—they invite interesting people, cover relevant topics, and conduct audience surveys on various government initiatives. At the same time, in certain regions, press secretaries and representatives of the department of internal policy dictate the content of information programs and check the texts of journalists from both the government and private media.

In 2008, the number of national news agencies increased by one: KazTAG. As Zhovtis noted, "There are no local independent news agencies, except those that are government and pro-authorities."

Regional television companies can use material from the Internews News Factory information pool. In 2008, the information exchange database was expanded to regional broadcasting companies, so that currently 44 members contribute to the pool and are able to receive information.

Among the foreign news agencies, the most active are AP, Reuters, and the BBC. Relaying the reports of foreign news agencies is only allowed if they cover "approved" topics and issues; media editors will self-censor to avoid liability for reprinting foreign media reports.

Most television and radio channels produce their own news and other programs. All the regional television channels produce news in the Kazakh and Russian languages. Several television channels broadcast their own talk shows. The majority of government and national channels also produce their own news programs. According to the law, 20 percent of broadcasts by channels should be news, but what proportion of the other 80 percent should be information or entertainment is not regulated. Therefore, the trend toward entertainment content is purely a decision of editorial and media owners.

Kazakh legislation prohibits monopolies, including in the media. But no special law or regulation provides for transparent information about media owners, thus no one officially supplies these facts. When journalists try to guess or report their investigations about media owners or the presence of oligarchs in the media, such statements often

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.

result in legal action against the journalists with predictable victories for the “alleged” owners. Rumors are circulating in society about the owners of the media and what monopolies have been established (for example, everyone knows that the owners of Era TV have recently changed, but one can only guess who owns the company now). But verifying such rumors is not possible.

Foreign ownership is limited by law to a small percentage of the media.

In 2008, the strategy to create a “uniform opinion in the media environment” continued, by uniting the regional media into regional holdings. This resulted in replicating print and electronic newspapers in various regions into a united format with identical articles. This strategy has already been tested in several regions of the country, including Petropavlovsk and Atyrau, and according to panelist Eslyamova, “The appearance of such types of holdings has continued in the country, and internal affairs department employees [of local governments] often become informal employees of them.”

Kazakhstan has more than 40 media outlets for ethnic minorities in their languages, most of which are fully financed by public funds or through grant aid from the state. However, the minority media prefer the status of “cultural” editions, which are doomed to limited market presence and circulation. According to panelists, these media are more like booklets than real newspapers.

Regional television channels broadcast educational, children’s, gender, and legal programs. At least to some extent, these programs cater to public interest and address some segments of the population.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.90

All indicators in Objective 4 showed modest improvement this year, resulting in a strong increase of 0.51 compared to last year. Further, all indicators scored very close to the overall objective score.

The legacy of Soviet-era authoritarianism has a profound effect on the perception that the media is an ideological instrument and not a business. Editorial business plans are an indirect indicator of the lack of purpose to make a profit and develop the business. Television companies have business plans in place and are moving towards market reality faster than the newspaper industry, which is not mature enough

to develop business plans. Panelists noted a few cases of successful development.

In particular, *Uralsky Vestnik* has had the largest circulation in the region for seven years and is consistently profitable, despite persecution by the authorities. Success has not been easy, however. The paper had to establish its own distribution system to lessen its financial and political dependency on the government distribution system; it has to constantly look for the most effective management strategies, etc.

The dream of each independent newspaper owner is to establish a complete newspaper that also has its own printing press. Some finally understand the essence of the media business and are trying to re-brand and improve the quality of their products (e.g. *Nasha Gazeta*, which, having improved its commercial appeal, has increased its circulation). Many regional newspapers are beginning to acknowledge the client-oriented nature of media and are doing their own audience surveys and introducing new management techniques. The limited print market remains a significant obstacle to the further development of more efficient management.

Any kind of investment and educational interventions have a much greater effect on private media. Panelist Olga Kaplina spoke of cases of government media misusing public funds when purchasing equipment. It turned out that some years ago, several public television companies bought expensive studio equipment that has still not been unpacked.

In general, the cheapest to run—and most profitable—media in Kazakhstan is radio.

The main sources of income are advertising, circulation revenue, subscriptions, receipts from the sale of media content, government orders, and sponsorship. According to TNS Gallup Media Asia, advertising revenues are falling quickly compared to 2007, particularly national television broadcasting.

The regional press has not yet felt the effects of the global economic crisis, possibly because they occupy a special place in the advertising market. For example, according to the editor of *Uralskaya Nedelya*, the paper managed to increase its advertising revenue in 2008. In 2008, a number of private regional newspapers tried new ways of running subscription campaigns. Despite past (and some current) mandates that civil servants and local officials must subscribe to official local papers, private newspapers have been actively competing for subscriptions. A striking example is *Rabat*, a Shymkent Holdings newspaper that has a larger number of readers than regional and city government newspapers. The reason was an innovative and aggressive advertising campaign launched during the subscription period for all the Shymkent media.

STS and the media seller Video International–Kazakhstan entered the advertising market in 2007 as the newest players to rival the politically affiliated Sellers’ House. In 2007, Video International Analytical Centre initially estimated the advertising market at more than \$200 million, then \$120 million, \$80 million, and, finally, they have lowered estimates to \$60 million. Panelists said that the large gap between expectations and reality was related to inclusion of major advertisers and advertising agencies in regional television and radio broadcasting.⁷

The advertising market is problematic due to a lack of ratings information for regional channels and programs. TNS Gallup Media Asia has little measuring equipment (people meters) in the regions and is unable to provide ratings of the regional media products.⁸ In 2008, the largest advertising agencies and advertisers turned to selling advertisements based on ratings; they cannot advertise on regional television and radio channels without ratings data.

According to one ratings survey, First Channel Eurasia, STS, and KTK have the largest share of television advertising, but in evening prime time, while those channels broadcast the news, most audience members switch to the El-Arna channel, an affiliate of Khabar, to watch Turkish serials.

According to Kazakh law, the volume of media advertising is limited and should not exceed 20 percent of television and radio broadcasting output.⁹ However, the media often violate these regulations, and given the opportunity, seek to exceed the legal share of income from advertising. To date, nobody has been punished for doing so. An increasing number of journalists and editors are not fully aware of the standards in this field. As the editor of *Uralskaya Nedelya* noted, “If an advertiser comes along, we are ready to find additional space for advertising, increasing the volume of advertising. We are constrained only by the reader, who starts to complain that there is too much advertising. Nobody else responds to this increase, neither the tax inspectorate nor anyone else.”

Some panelists clearly recognize that the availability of government subsidies stifles development of the market and competition. Others thought government grants are aimed at killing off opposition media, because it is then dependent on government subsidies and subject to government influence. Panelists believed that the latter is especially

dangerous during the economic recession, when profits from advertisements and revenue from selling newspapers falls.

There are examples of government subsidies given to private media. Special budget funds are unevenly distributed at various levels and do not fall into the hands of the regional media. The state has started to give grants to promote economic knowledge through supported programming.

Last year was not the first in which the media received state orders, but in 2008, the internal policy departments of *hakimats* (local governments) started visiting non-government media, urging them to participate in the competition for state orders. The subjects offered for these state orders are appealing and are in the public interest, so many independent media agreed to participate and successfully implemented their orders. In some regions, local authorities chose to not re-award grants to opposition media that had not become more loyal to the government. One example is TV Art, which, in the opinion of the head of the region, spent its previous grant improperly.

It is interesting that compared to the previous year, when many complaints were lodged regarding “sharing” the grants with corrupt officials to win allocated funds, in 2008 no such cases were reported—even though grants increased significantly.

In 2008, media leaders began to better understand the importance of audience research, updating media products based on survey data, and restructuring management strategies. However, the results of ratings surveys in the regions by TNS Gallup Media Asia did not meet the needs of local editors and owners, and some regional television companies had to order individual surveys. Rika TV (Aktobe), Alawi (Kostanai), and ART (Karaganda) carry out routine

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.

⁷ Advertisements are published based on circulation.

⁸ The main measurements are taken in Almaty and Astana; there are different opinions in the country concerning the number of people-meters: panelists believe that there are more than 1,500, whereas according to data of Kyrgyz advertising agencies there are less than 800 people-meters in Kazakhstan.

⁹ Article 8 of the Kazakh Law “On Advertising.” Article 9 explains that periodicals can choose what they advertise.

surveys in their area. ART has a market research specialist who conducts surveys via telephone or on the streets to get feedback on particular programs.

The lack of permanent ratings data has prevented large national advertisers from entering the regions. To alleviate this, Internews conducted an opinion poll on regional television programs and news topics in four regions: Shymkent, Sayrane, Rudny, and Temirtau.

Panelists felt that the research institutions are not very professional, especially at regional level. Yaroslava Naumenko said that during the training courses on media ratings in summer 2008, most regional editors were disappointed with the research method because it gave clearly unprofessional and even false data to fit their specific order for audience research and its feedback.

TNS Gallup Media Asia's switch from using "diary notes" to people meters has enabled it to collect more reliable and accurate data, and the overall situation concerning television advertising market share has been revised. In addition, the frequent updating of data and the ability to trace the dynamics of media development have become key advantageous factors.

However, monitoring of print circulation lags well behind. Circulation auditing efforts by the Chamber of Commerce and the Kazakh Association of Newspaper Researchers are increasingly seen as flawed. In 2008 *Uralskaya Nedelya* again tried to take the initiative to set up voluntary public monitoring and auditing of circulations, but yet again, it was ignored.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kazakhstan Objective Score: 1.85

Although the score for Objective 5 stayed about the same compared to last year, some indicators did show movement. Panelists gave somewhat lower scores to indicators 2 (professional associations), 3 (NGOs), and 4 (academic journalism programs), while giving somewhat higher scores to indicators 6 (access to printing facilities) and 7 (apolitical distribution of media). Despite a modest slide, Indicator 3 still remained about three-quarters of a point above the overall score; Indicator 4 was about three-quarters behind. All others scored within a half-point of the overall objective score.

There are some functioning associations of publishers and owners of radio and television broadcasters. Among the most active are the National Association of TV Companies (NAT) and the Kazakhstan Association of Publishers. In 2008, NAT was part of the advisory working group that drew up

amendments to the media law, and was responsible for four of the nine amendments. Among the amendments was the abolition of dual licensing. Last year NAT gave legal support to two television companies seeking to avoid the state monopoly on transmitting by purchasing their own pole-mounted transmitters. In addition, NAT set up nine residency programs in various television and radio broadcasting companies.

Last year, the Kazakhstan Association of Publishers also held a number of very popular workshops devoted to increasing circulation, working with advertisers, improving marketing, and designing publications. All the workshops held by the association are on a fee basis; media are aware of the importance of such training courses and therefore invest in developing their potential.

Among the government-affiliated associations is the Association of Television and Radio Broadcasters of Kazakhstan (ATRB). Panelists did not know of any events over the past few years that the ATRB has held, but in 2008, it obtained four grants—while the very active NAT did not win any grants despite three proposals.

No journalists' trade union has been founded yet. A number of NGOs that could address similar issues are either virtually inactive or eke out their existence under political considerations; many are affiliated with the government and have to demonstrate "organized pluralism." These include the Club of Chief Editors, which just registered last year. The organization participated in competitions for state orders with incomplete documentation yet won seven grants. No panelist had heard about the results of these projects.

In 2008, the Business Media Association was founded by Asqar Tulegenov, a well-known journalist specializing in business journalism. He organized and ran a themed competition to help identify the best regional journalists covering economic issues. Tulegenov hopes this association will stimulate the activity of economic journalists in the regional media.

A number of NGOs are working to provide the media and journalists with legal, educational, monitoring, and advocacy support. Further, most media organizations have united to form a lobby group¹⁰ to facilitate amendments to media laws. The undoubted leader of these is Adil Soz Fund and its former regional offices, now independent NGOs and media law centers. Based on its monitoring of the protection of

¹⁰ These include Adil Soz International Fund for Freedom of Speech, National Association of Broadcasters of Kazakhstan, Legal service of the Mass Media Support Center, Pavlodar Center to Support Regional Journalism, TV Batys Info Public Association, Adyl Atka Public Association, Alliance of Regional Mass Media of Astana and Akmola Region Public Association, North Kazakhstan Media Center, and the Public Fund Media Net International Journalism Center.

freedom of speech, Adil Soz prepares open letters addressed to heads of departments and regions, asking that they become guarantors for observing the law within the area under their supervision. These letters are often effective, as the authorities at least always respond to them.

The work of Adil Soz is widely respected and accessible to everyone. Its monitoring results, analytical legal reviews, and commentary on current events are published without delay on its own website, and related media support organizations copy the information to place on their websites, including <http://www.medialaw.kz>. Through the support of Adil Soz and media law centers, it is possible to prevent threats and harassment of journalists and to win court cases. According to panelists, journalists and the media, supported by media lawyers, can win 90 percent of court cases if litigation is not politically motivated.

A notable trend of 2008 is that regional television companies have started to employ their own lawyers and hire media organizations to conduct employee training courses. As part of a legal project, Internews Kazakhstan, a local NGO affiliated with Internews Network, held several conferences devoted to intellectual property rights, trained lawyers of television companies, and funded a study tour to Bulgaria. NGO representatives, government agency employees, and parliamentarians studied the world experience of media management. For the first time in Kazakhstan, breakthrough training courses on management, television programming policy, and branding were held, which raised great interest in the media and proved extremely useful. Internews Kazakhstan received its first state grant to conduct four training courses for television managers, journalists, operators, and video supervisors. It received sponsorship from

Beeline, the Kazakh business telecommunications company, for five training courses in the regions.

Among non-media NGOs, several are active participants in the media sector. One is the Kazakhstan International Bureau of Human Rights and the Rule of Law.

Almost every regional higher education institution has a journalism faculty, and hundreds of people qualify as “journalists” annually. Professional journalists with work experience in the capital are in great demand by regional media. But according to Mataev, 90 percent of journalism graduates in the country do not work and will not work in the journalism sector. Often they find jobs in public relations and advertising. The graduates’ lack desire to work in the profession is due to teaching problems, a lack of professional skills and knowledge after they graduate, low salaries, and high risks.

Instruction at the journalism schools is in a very critical situation because teachers, who are often not linked to the profession, have to teach five or more subjects in parallel. The outdated curriculum and the study process bear no resemblance to reality. Curricula focus on studying philology, literature, and the theory and history of journalism, with minimal practical work. This inadequate technical education does not give the students knowledge of the planning processes (script writing, directing), design, photography, montage (page-proofreading) and other media production techniques.

Panelists thought that educational standards for journalists should be improved and the majority of journalism schools (especially regional) should be closed down. In autumn 2008, the journalism school of the Kazakh State University purchased new studio equipment; perhaps this will change the situation in the country’s key educational institution. Panelists noted that this should be used as the pilot site for introducing changes in the training of professional journalists.

Almost all the international organizations that support education and on-the-job training of journalists focus on more specialized, short-term courses and seminars. Subjects include parliamentary and business journalism, AIDS problems, alcoholism, violence against women and children, and promoting democracy. However, taking into account the high level of staff turnover in the press, basic workshops on professional skills are more effective. As Kaplina remarked, “Directors of TV companies are constantly asking for training courses, and the bosses of large media companies are ready to partially invest in training—for example, pay travel expenses of the staff to Almaty, where training courses are held. This lack of training courses, typical of 2008, is shown by the fact that there were 23 applicants per open spot for journalism education [at the state-sponsored trainings held by Internews-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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

In 2008, various international organizations conducted training workshops for the press on issues of media management. Several commercial organizations sponsored special seminars. For example, Beeline and Internews-Kazakhstan sponsored a series of regional seminars devoted to economic journalism. Hewlett-Packard contracted Medianet to organize sponsored training courses for journalists and the media on Internet technologies.

Zhovtis noted another important aspect of journalism education: "Where the media depends directly or indirectly on the authorities, it is not always possible to use the skills and qualifications in practice."

The monopoly on printing was abolished long ago, and printing houses are mostly private businesses. In some regions, newspapers that have received government grants can only print using the state or local authorities' printing houses. Due to several economic and technological problems, such as expensive printing presses and costly paper from Russia, local glossy magazines are printed better and cheaper abroad.

As with any profitable business, owners of the printing houses try to follow only market, commercial categories, but if they cooperate with non-government or opposition media, the authorities exert pressure and interfere with their activities. If the owners do not want to complicate their lives, they cooperate with the authorities and might break contracts, not fulfill obligations, etc. To avoid such difficulties, the major newspapers try to own the whole process, from printing to distribution.

Public distribution channels are usually used as a political resource. Print media seek alternative distribution networks, since Kazakhpochta, the government postal service, is generally inefficient and works selectively depending on who owns the newspaper. In large cities, various newspapers have managed to organize a media distribution system, but newspapers in rural areas are completely under the control of the government or associations connected with the local authorities.

The government's preferences in media distribution reach down to minutiae. Flying Air Astana, one can see what publications are welcomed by the government. Opposition media are not bought by the airline and it is impossible to find the *Zhas Alas* newspaper on flights. Thus, even with no state monopoly on the distribution system, the government still uses what tools of political pressure available to it to limit access of the opposition media to the general public.

Until recently, the state had a monopoly on ownership of transmitters. As mentioned previously, however, some broadcasters now have their own pole-mounted installations or lease the right to install transmitters on the roofs of suitable, privately-owned high-rise buildings.

List of Panel Participants

Yevgeniy Zhovtis, director, Kazakhstan International Bureau of Human Rights and the Rule of Law, Almaty

Galiya Azhenova, manager, Expertise Social Centre, Adil Soz International Fund, Almaty

Sholpan Zhaksybaeva, executive director, NAT Kazakhstan, Almaty

Diana Medvednikova, director, Northern Kazakhstan Legal Media Centre, Astana

Tamara Eslyamova, chief editor, *Uralskaya Nedelya* newspaper, director, Journalist's Initiative Public Organization, Uralsk

Yaroslava Naumenko, reporter and blogger, *New Generation* weekly newspaper, Almaty

Seitkazy Mataev, chairperson, Board of Directors of the Journalists' Union in Kazakhstan, Almaty

Olga Kaplina (Groznyaya), project manager, Internews Network, Almaty

Moderator and Author

Gulnara Ibraeva, chair, Agency of Social Technologies, Bishkek, Kyrgyzstan

The panel discussion was convened on January 8, 2009.

Self-censorship among journalists is still rampant. Preferential treatment is still given to the state controlled media. The tendency to commercialize the mass media also continued in 2008. With increasing pressure from the authorities the free mass media companies prefer not to touch public-political subjects and choose to develop entertainment content instead.



KYRGYZSTAN

The past year brought about some modest changes in Kyrgyzstan in regards to media freedom. On April 24, 2008, a new law protecting the freedom of speech was enacted. Panelists fear that this law will simply be a symptom of the approaching toughening of the authorities' relationship to the mass media, although the Kyrgyz media legislation still remains the most liberal in the region. There have been an increasing number of cases of violence against journalists recently. This trend has been noted in the reports of a number of international organizations. Finally, the NGO presence within the country has weakened as there are few media organizations left and the others have started working in the methodological sphere instead of serving the interests of the mass media and publications.

Other problems of the past persist. Self-censorship among journalists is still rampant. Preferential treatment is still given to the state controlled media. The tendency to commercialize the mass media also continued in 2008. With increasing pressure from the authorities the free mass media companies prefer not to touch public-political subjects and choose to develop entertainment content instead. Finally, the mass media are still decades behind in technical terms. Most printed publications have a single computer and regional newspapers rarely have any functioning equipment.

The overall score increased slightly compared to last year, from 1.78 to 1.93. The freedom of speech, professional journalism, plurality of news sources, and supporting institutions objectives all increased modestly. The business management objective is the only one that is down from last year and this is due mainly to the tightening control the state is exerting over independent distribution and advertising channels.

KYRGYZSTAN AT A GLANCE

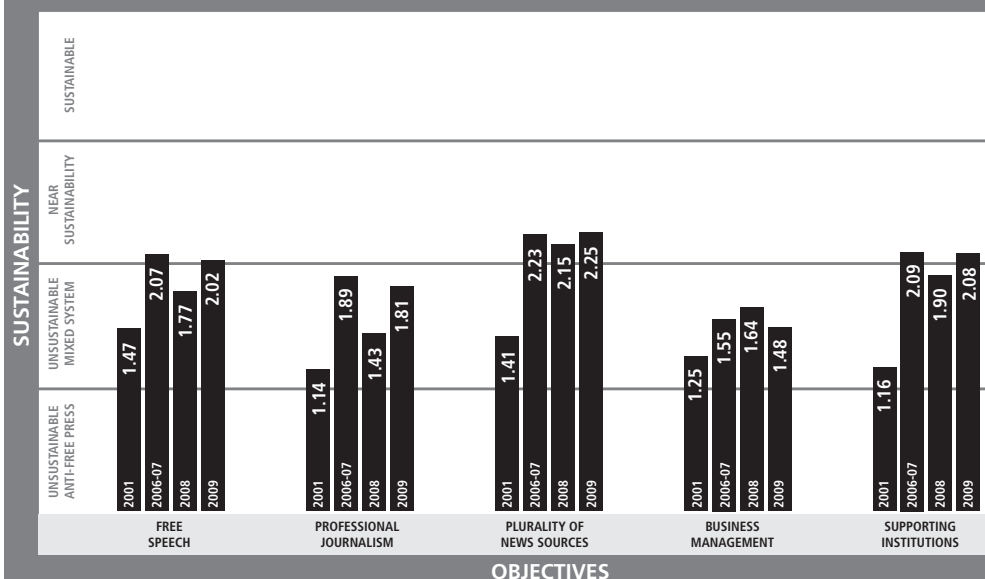
GENERAL

- > **Population:** 5,356,869 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Bishkek
- > **Ethnic groups (% of population):** Kyrgyz 64.9%, Uzbek 13.8%, Russian 12.5%, Dungan 1.1%, Ukrainian 1%, Uygur 1%, other 5.7% (1999 census, *CIA World Factbook*)
- > **Religions (% of population):** Muslim 75%, Russian Orthodox 20%, other 5% (*CIA World Factbook*)
- > **Languages (% of population):** Kyrgyz 64.7% (official), Uzbek 13.6%, Russian 12.5% (official), Dungan 1%, other 8.2% (1999 census, *CIA World Factbook*)
- > **GNI (2007-Atlas):** \$3.099 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$1,950 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 98.7% (male 99.3%, female 98.1%) (1999 census., *CIA World Factbook*)
- > **President or top authority:** President Kurmanbek Bakiev (since August 14, 2005)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 4 main dailies, 4 other main papers, 250 total; Radio: 6 main stations, 31 others; Television Stations: 7 main stations, 3 local cable networks
- > **Newspaper circulation statistics:** Top four by circulation: *Super Info* (Circulation: 80,000, private, Kyrgyz language), *Vechernij Bishkek* (Circulation: 50,000, private, Russian language), *Pyramid* (Circulation 40,000, private, Russian language), *Delo* (22,000, private, Russian language)
- > **Broadcast ratings:** Top two: National TV and Radio Broadcasting Corporation (state-owned, both languages), 5th Channel (private, both languages)
- > **News agencies:** Kabar (state-owned), AKIpress (private), 24.kg (private), Zamandashpress
- > **Annual advertising revenue in media sector:** \$5 million in 2008
- > **Internet usage:** 750,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: KYRGYZSTAN



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Kyrgyzstan Objective Score: 2.02

The most important principle for protecting freedom of speech, namely, prohibiting censorship, was omitted from the new version of the Constitution of the Kyrgyz Republic issued in October 2007. Experts said the consequences would be felt quickly and on June 3, 2008 President Bakiev signed a television and radio broadcasting law that was rashly approved by the country's Parliament on April 24. According to experts, the law questioned the existence of television companies in the country on the eve of transferring to digital broadcasting. The law forces some of them to re-broadcast Russian and Kazakh television and radio companies or they will be shut down because the law's requirements cannot be practically adhered to by all the electronic mass media. Article 8 of this law provides that over one half of total broadcasting time should be in the official language for every television and radio organization in the country. It also states that at least 50 percent of broadcasts should be of their own production and, at least 60 percent should be nationally produced. Khalilzhan Khudaiberdiev, director of the Osh Television and Radio Company, said that "this condition is difficult to implement, as such volumes of audio and visual output do not exist. I have only 42 hours of programs in the state language in the company. We will exhaust the entire collection in four days and then we will have to repeat it to adhere to the law." Only the National Television and Radio Company Government channel and the channels that can make large investments can meet these conditions. For regional television and radio companies, this law could kill them off, considering the media market and the limited possibilities and sources to develop this market.

Andre Miasarov of the Mass Media Support Center said, "The new version of the Constitution does not prohibit censorship, as it would break the fundamental principle - to not approve laws limiting freedom of speech. As a result, the Law on Television and Radio Broadcasting was approved; writs worth millions have been issued against the printed mass media; the chief-editor of the *Alibi* newspaper has been detained and other things have happened." Besides the crippling terms for television companies the law has become a milestone in strengthening authoritarian powers. According to Article 11 of the Law on Television and Radio Broadcasting, the Law on the National Television and Radio Broadcasting Corporation (NTRBC) has been abolished as it contained a mechanism for civil control of television. It assumed the NTRBC would be granted the status of public television but the new law buried the idea of independent public television in Kyrgyzstan. According to media experts, the law is dangerously vague

in its wording and in practice it may allow the courts to interpret it to favor the interests of certain persons and groups. This is only one example. Article 6 has provisions for revoking an electronic mass media company's license in the event of "abusing the free activities of television and radio broadcasting organizations." "Showing gratuitous violence" is mentioned among other items of possible abuse. In this connection, the borders of validity and groundlessness are unclear and undetermined and the term "violence" is not explained in the law.

The discontent actively expressed by the community, including media organizations and NGOs, forced President Bakiev to sign the law with a provision to make corrections and revisions "taking into account the community's opinion." The Ministry of Culture and Information and the Ministry of Justice is obliged to work out new corrections and revisions and it has invited key experts from the media to do so. However, so far in 2009, there have been no proposals for changes and additions. Because of this, the Law on Television and Radio Broadcasting is in force but television and radio companies are in no hurry to implement the law's requirements.

The director of Osh Television asked the Constitutional Court of the Kyrgyz Republic to cancel the discriminatory provisions in Article 20 of the Law on Television that forces an obligatory 50 percent of broadcasts to be in the official language. However, the case was rejected. In all fairness, some positive standards set by the new law should be mentioned, such as the legal requirement to work out editorial policies for the mass media and the establishment of a supervisory board.

In general, however, according to panel participants, the new law is a symptom of the approaching toughening of the authorities' relationship to the mass media, although the Kyrgyz media legislation still remains the most liberal in the region. According to the media ombudsman Ilim Karypbekov, "There are adequate legal standards and mechanisms for protecting freedom of speech but their implementation in practice is complicated. The valuation approach by judges and other media businesses makes it possible to apply a wide variety of sanctions and punishments. As a result, courts make decisions to collect amounts varying from one to several million soms."

Besides the new law on television and radio broadcasting, there are a number of special laws in the media sector that have to provide freedom of speech in the country, including: The Law of the Kyrgyz Republic on the Mass Media issued on May 8th 1993, the Law on Guarantees and Freedom of Access to Information, the Law on Access to Information that Belongs to Government Structures and Local

Self-Governments in the Kyrgyz Republic (both documents were issued on December 28th 2006), the Law on Protecting State Secrets approved on April 14th 1994, the Resolution of the Plenary Session of the Supreme Court of the Kyrgyz Republic approved on December 5th 2003, the Court Practices to Resolve Disputes on Protecting Honor, Dignity, and Business Reputation among others.

Members of Parliament (MPs), government officials and civil society representatives have been seriously involved in revising and improving the media legislation. One MP has been busy trying to elaborate and submit a draft law that would allow the state to regulate the Internet, as this information zone is free from government intervention. Draft laws are being created on publishing activities and the new publication of the Law on the Mass Media is currently being written, but they have not yet come to fruition. Panelist Marat Tokoev noted, "Previously, the authorities fought the mass media without changing the legislation but they now understand that they should change the rules to suit themselves. A striking example of this includes a new law on Television and Radio Broadcasting, as well as their attempts to include the Internet to the mass media sector. As a result, the quality of the media legislation has drastically reduced." Alexander Kulinskiy of the Press Complaints Commission says that "in fact, Article 41\1 of the Law on Television and Radio Broadcasting introduces censorship of television because it says that the person who submits information has a right to watch or listen to a broadcast before it is broadcast. Previously, the legislation had a provision

allowing preliminary concordance but this article, in fact, has introduced censorship when taking into consideration our political situation. Basically, concordance and review are undoubtedly different things."

In spite of the laws limiting access to information being strengthened, it is still possible to gain access in practice through the courts. In particular, the Media Representative Institute won more than 10 court cases forcing officials to grant access to information. Expanding access to information is also the task of a series of human rights activists and their organizations. The leader of the Chui Area Local Self-government, Ayil Okmotu, was fined in 2008 after human rights activist Maxim Kuleshov took him to court for not providing information according to the Law of the Kyrgyz Republic, on Access to Information that Belongs to Government Structures and Local Self-governments in the Kyrgyz Republic.

The panelists' assessments of this issue were divided. Some think the situation with licensing has been poor for many years and last year changed nothing. Others think the Law on Television and Radio Broadcasting introduced additional difficulties into an already non-transparent and non-systematic process, making it worse. Television and radio companies will have to get three licenses each covering broadcasting, content and production but there is no provision in the law as to who will issue these licenses and to whom. At the end of the year, there was a meeting of the licensing committee and a number of companies received their frequencies. Ernis Mamyrganov, a panelist involved in the process that distributes frequencies, said that there is no clear information on available frequencies, the number of applicants who are waiting for frequencies, or how long they should wait and the criteria for decision-making. Panelists noted that a number of television and radio companies have not been able to get frequencies for many years (for example, Europe Plus has already been on the waiting list for eight years), whereas some newly formed television and radio companies get them with no delay. Two Chinese television channels received digital frequencies and the right to broadcast countrywide in 2008 and E1TR received 30 frequencies at once last year. Kubat Otorbaev of Azattyk Media affirms that the licensing process is not transparent in Kyrgyzstan. Neither ordinary people nor interested parties including journalists are told how and when licenses for frequencies are issued. Some companies and people receive the right to frequencies immediately, whilst others have been waiting for years. For example, Almaz Naryn Radio in Naryn Province has been asking for a frequency in the At-Bashy, Ak-Talin, and Kochkor areas for a long time but so far without success."

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

To some the situation with frequency distribution is similar to shuffling a deck of cards. In particular, a digital frequency was given away in 2008 in Kyzyl-Kiya, Batken Region, but OshTV had already been broadcasting on this 23rd frequency for 10 years. Naturally, OshTV started experiencing interference and as a result of the Company's application to the National Communications Agency, an official response was received that the new transmitter was temporarily disconnected on the 23rd frequency and aerials would be re-directed. The Director of OshTV, Khalilzhan Khudaiberdiev, stressed, "Nowhere else in the world would not only the same frequency but also adjacent channels be given away, as this breaks elementary technical regulations. In the meantime, three years ago the Mass Media Association in partnership with the Communications Agency drew up draft competitive conditions for giving away frequencies. The fate of this project is so far undecided."

However, Ilim Karypbekov noted that as no media outlet applied to the Media Representative Institute for support there were no court proceedings on issues related to the non-transparent and non-objective distribution of frequencies. In general, the law covering licensing has not been developed and this is alarming due to the forthcoming transition to digital broadcasting by 2014. Who will own the digital frequencies and who will distribute them and how will this be done? These and other questions should be solved urgently.

In October 2008, a new Tax Code came into force. The media sector still has no inherent benefits compared to other types of businesses.¹ Yet the tax system has become even more advantageous to the mass media than before, as the tax on advertising was abolished and some other types of taxation have been reduced. According to the panelists, conditions for entering the media market are still unequal. Socio-political publications cannot be registered in the Ministry of Justice for various reasons and people attempting to set up electronic mass media outlets cannot get a frequency or license. Kulinskiy testified that he personally could not register his newspaper in the summer of 2008 and 60 other people who submitted their documents to register at the same time were refused.

Also, there is no equality in the process and conditions for functioning mass media as legal entities. The mass media are vulnerable to censorship and dependent on distribution channels that are concentrated in the state's hands. Only completely commercial media outlets that do not touch socio-political problems or the mass media affiliated to key power structures and groups can become efficient businesses.

¹ Tax advantages and preferences cannot be applied in favor of state producers under the Facilitating Protocol signed on joining the WTO

There have been an increasing number of cases of violence against journalists recently. This trend has been noted in the reports of a number of international organizations. In February 2008, Human Rights Watch, the Committee to Protect Journalists, and Freedom House expressed their fears regarding the human rights situation in Central Asia generally and in Kyrgyzstan in particular. In the freedom rating of the mass media compiled by Reporters without Borders, Kyrgyzstan is in 110th place, whereas Tajikistan is 115th, Kazakhstan is 125th and Uzbekistan is 160th.

International organizations have noticed a rise in the cases of intimidation of the mass media "working in an atmosphere of increased persecution by the authorities, violence and lawlessness," the report of the Committee to Protect Journalists² reports. The past year was relatively calm and peaceful. There was no mass picketing, meetings, or other forms of disorder such as in the preceding year when many journalists were attacked by crowds, the armed forces and policemen. Nevertheless, the panelists noted that journalists were still being attacked. During panel discussions, five cases were reported of journalists being attacked and beaten, mainly by government officials. A. Kulinskiy said that while filming a fire at the Dordoi Market a television reporter from the Mir (World/Peace) Company was beaten up by some people in the presence of the Minister of Interior Affairs who showed no interest in what happened. To be fair, there are no reliable statistics on crimes against journalists in the country, nor have any media monitored the situation in 2008 or registered crimes against journalists.

The Bishkek Press Club (BPC) and Journalists Public Association has drawn up training manuals on how journalists should act in critical situations, taking into consideration the difficulties of the journalist's profession for whom mass disorder, meetings and other events are their workplace.

Investigations into crimes against journalists are delayed for years and, as a rule, society never hears details of such crimes. For example, there is still no information about the results of the investigation into the murder of the journalist Alisher Saipov. The general public, as a rule, are indifferent to such crimes.

There have been a lot of court cases involving the mass media where the government has been trying to increase its influence in the policy of non-government and independent publications. Private and government mass media do not have equal rights. To be more exact, there is inequality between mass media outlets that support the government and those that do not. Those "friendly" towards the

² G. Toralieva. Mass Media Development in Kyrgyzstan—trends in 2008 \\ www.bpc.kg 22.09.2008

government include not only all government mass media like SK, KT, and NTRBC, but also a number of private mass media affiliated with the authorities including Channel 5, the *Vecherniy Bishkek* and *MSN* newspapers and others. The inequality in the system is in the form of built in preferences to the “friendly” mass media. Panelist Antonina Blindina of the *Chuiskie Novosti* newspaper goes as far to say, “I have a feeling that the state has a policy to destroy all newspaper editorial offices in spite of the fact they are government ones. The mass media in the regions are suffering.”

The tradition of compulsory subscriptions still favors the government-supported newspapers and the government takes an active role in skewing advertisements towards these outlets. For example, all official institutions in society make their announcements and advertise in *Slovo Kyrgyzstan* and *Kyrgyz Tuusu*. *Vecherniy Bishkek* has been proclaimed a publication that has a “natural monopoly on advertising.”

The budget grants reliable subsidies to a number of “friendly” government mass media outlets. Although at least a third of the government outlets break the budget laws and editors speak of their distress, nevertheless, budget funds are their basic revenue. In 2008, for example, a mobile satellite television station was bought for the National Television and Radio Broadcasting Corporation for over \$500,000 from non-budget funds of the Government of the Kyrgyz Republic, while the majority of the regional mass media remained at the mercy of local authorities that are not going to financially support these mass media.³ As a result, the majority of the regional mass media “have one foot in the grave.” Panelist Khalilzhan Khudaiberdiev said, “The law contains double standards. NTRBC is in an exclusive legal position. This TV channel is subsidized from our taxes but we cannot elect our representatives onto the supervisory board. We have no other ways to influence them, although we pay for the NTRBC as we do the army, police and so on. Discriminatory competitive conditions exist due to our taxes.”

Tax levels also vary according to how close the mass media outlets are to the government. Government mass media outlets are exempt from a whole range of taxes including road and emergencies taxes. They pay less VAT due to the fact that pulling money from one government organization to another one is an irrational waste of funds. The majority of the private mass media, naturally, have no such indulgences.

³ All regional TV and Radio Broadcasting companies owe huge sums of money to power companies and communal services and don’t pay their employees their salaries every month and don’t have any way of updating let alone repairing outdated equipment. In 2008 they, complete with their outstanding debts, were transferred to the balance sheet of the Communications Ministry. Most regional newspapers have long since given up any hope of getting any money from the budget although they are completely enslaved politically

The state provides variable access to information for various outlets. Opposition and other “unfriendly” mass media do not get information or they get it late. If the president or prime minister go on business trips they usually take two or three journalists with them. The list invariably includes Channel 5 and NTRBC and if Channel 5 invites MPs to its broadcast, the Press Service of the President’s Administration will provide a hero’s welcome.

In autumn 2008, a law on social partnership was approved, and most likely, the mass media will receive investments from this initiative in the near future. The majority of the media community is certain that competition for getting social orders will become a way of pressuring non-governmental outlets and giving further preferential treatment to government ones.

According to criminal case statistics, journalists’ accusations of libel were not often considered in court in 2008. The panelists noted isolated instances when journalists were charged under such articles, as “libel” and “insulting honor and dignity,” but in all cases journalists “had a lucky escape.”

The conditions changed dramatically in well-publicized cases against the mass media, such as those against the *De-facto* and *Alibi* newspapers. Cholpon Orozobekova, the Chief Editor of the *De-facto* opposition newspaper, was charged under the Criminal Code for “Deliberately Spreading False Information.” Her office was searched and a criminal case filed. The chief editor of the *Alibi* newspaper was imprisoned for a day “for not implementing a court’s decision.” Media experts clarified that unlike the Criminal Code’s articles on libel and insulting honor and dignity, under civil law only the courts can order searches and other procedures. Such articles as “deliberately spreading false information” and “not implementing court decisions” fall under civil law. They empower investigators and the police to independently decide on searching a house, building, office etc. At present, the criminal case against Orozobekova is in abeyance because she has disappeared and is being sought as a criminal.

Panelists noted with alarm that the pressure on courts to apply the precedents of the above-mentioned Articles of the Criminal Code could be disastrous and the beginning of the end of the freedom of speech in Kyrgyzstan. Panelist Uson Kasybekov, an independent journalist, noted that “the whole problem stems from the fact that the presumption of innocence only applies in theory and in practice an accused should prove his or her innocence and the investigating agencies don’t have to prove the guilt of the accused.”

In July 2008, revisions to the Administrative Code that strengthened the right of access to socially significant information were approved. However, practice lags seriously

behind the legislation. Journalists noticed a worsening in this sector because even traditionally “transparent” government structures like the Parliament have become more closed. In spite of the fact that every agency has a press service, journalists cannot always obtain information. The president did not give any public interviews to national or foreign mass media outlets; the speaker of parliament was also inaccessible for the mass media and the mayor of Bishkek only talked to an NBT journalist. Media experts noted that the president warned ministers not to speak frankly to the mass media but instead should get permission from the prime minister in each specific case. The story of the “sickness-death” of the country’s president in March 2008 after he left the country for more than a month was the most outstanding consequence of the lack of access to information.

The struggle to provide a guaranteed access to information law is being waged by civil society representatives. A number of NGOs took the Ministry of Education to court to demand information on a project being implemented under a grant from an international organization. The human rights activist M. Kuleshov sued the leader of the local self-government in the Chui Regional Court and the court fined the government official for not providing information. Several NGOs sued the Ak-Zhol Parliamentary Group, as it does not allow the public to be present at its sessions. As the political party is not a government structure, the court refused to oblige the MPs to be transparent. There was only one successful instance in court of the mass media getting access to information and this was by the *Vzglyad* newspaper. Journalists have not yet taken up this struggle however. In general, journalists are passive and argue they do not have enough time for this and as yet have no plans to do so.

Panelists feel that access to foreign information can be considered free. Television channels, such as Channel 5, NTRBC, and E1TR use news from Reuters, BBC, and Euronews. However, there have been some setbacks and reductions in foreign sources. The contract concluded by Azattyk Radio with the National Television and Radio Broadcasting Corporation was broken, as the government television channel stopped broadcasting Azattyk radio and closed down television broadcasts of the Azattyk-Media Kyrgyz Bureau. Applications by the local bureau’s leaders and Azattyk Radio representatives (in The Czech Republic) and the Board of Directors of Radio and Television Broadcast Managers (US Government Department) to the state’s leaders and the National Television and Radio Broadcasting Corporation had no affect and since autumn 2008, Azattyk’s radio broadcasts ceased on national radio and television.

There have been no changes in this sector and none are expected in future. Entry to the journalist’s profession is

still unlimited. There are no minimum standards that would limit recruits to the profession. It is no coincidence that businessmen who have started making profits in another business often risk opening a media business, usually a newspaper. Dozens of newspapers appear and disappear every year because the people who start them have no skills or even a clear imagination of a media business. In experts’ opinions, printed publications dominate new mass media.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kyrgyzstan Objective Score: 1.81

The overwhelming majority of the mass media never try to give objective and balanced coverage of events. Panelist Antonina Blindina said, “Reporters never check information. I have some employees on my newspaper who can distort any facts. Thank God, I usually manage to spot these mistakes but there are exceptions and the newspaper sometimes publishes unchecked information. This is typical of all newspapers. Journalists don’t bother to even find out and clarify family names.” The only exception panelists could mention that met international standards was the Bishkek Press Club. It always gives every point of view on a problem and uses experts in their relevant sectors. The AkiPress news agency was also well recommended.

According to data from Alexander Kulinskiy, the Chair of the Press Complaints Commission, it received 74 complaints in 2008, of which six concerned poor coverage of events. That number would be higher but conflicts are often resolved internally between the parties before a formal complaint is made. An example of a complaint against the *De-facto* newspaper is as follows: journalist Leila Saralaeva accused the newspaper of plagiarism because it translated her interview with an opposition politician and made no reference to the author and source when it was published as an original article. Another example was when a well-known singer and MP I. Zhunusov, the ex-Deputy Prime Minister and ex-MP E. Ibraimova tried to lodge a complaint against this newspaper. The *De-facto* newspaper stated that the state official had received illegal revenue because she did not quit an international project and was still getting a salary there. When Ibraimova produced documents refuting this claim the newspaper did not think it was necessary to apologize. This shows that even threats of criminal and administrative punishments do not frighten many mass media outlets and journalists. So-called opposition mass media paint events in a negative light while government mass media and those affiliated with the authorities and the first family paint them in a positive light.

The unsigned trilateral contract between US-based National Democratic Institute (NDI), the OSCE Mission in Bishkek, and NTRBC, under which some television channels were obliged to broadcast a socio-political program made with support from international organizations, shows that covering events in a good light has become the norm. In the same way, the trilateral contract between NDI, OSCE, and NTRBC on re-broadcasting radio and television broadcasts of Azattyk Radio was cancelled unilaterally. There was speculation about why this contract was cancelled, but experts think the real problem was that foreign mass media representatives wanted to cover political issues in a manner that is not beneficial for the authorities.

There are some in the mass media that do not hide the corrupt character of newspapers or programs. *Tribuna* newspaper makes its pages available to all who want and can buy them. There are even cases where dirt has been spread about a specific politician or public figure and the compromised man can “buy” the next issue of this newspaper to show himself to be an ideal politician or publish discrediting information about his opponents.

No journalists adhere to ethical standards. Journalists have neither special training⁴ nor the tools to regulate the situation in the media community. The coverage from journalists and outlets of the August 2008 airplane crash, when scores of children and adults perished or were injured, was a clear example of the lack of journalists’ ethical standards. No journalists thought it was wrong to force interviews with relatives of the deceased immediately after bodies had been identified. A journalist from the NTRBC, who was standing near the airplane’s fragments with a semi-burnt security instruction card, said ironically that none of the passengers had followed these instructions. Another significant fact is that bitter quarrels take place between colleagues of outlets with different political orientations. The Belyi Parohod Internet publication, *Agym* newspaper and others are especially abusive. Publication of compromising photos and collages that insult human dignity have become the norm in Kyrgyz journalism. Panelist Alexander Kulinskiy comments on this: “The *MK in Kyrgyzstan* newspaper recently printed on its first page that an infant died because of a power blackout in a maternity hospital but there was no mention of the infant in the article. The *Delo #* newspaper always states that the sun shines equally on everybody,

⁴ Only in 2008 has a small special course on journalists’ ethics been included in the curricula of Journalist Faculties. This course doesn’t use special material but an existing Russian textbook. In 2008 under the auspices of the Press Complaints Commission methodological material was written on journalists’ ethics, which will be disseminated and available to all Higher Education Institutions

as the newspaper has been struggling for the rights of all population groups. When publishing information about a murdered person from Poland, the newspaper suggested the person’s “alternative sexual orientation” was the reason he was murdered.”

Censorship and self-censorship have become a fact of life for the overwhelming majority of outlets. Antonina Blindina, the editor of the *Chui Izvestia* government newspaper and *For You* private newspaper quoted an example, “Our newspaper has started making digests of publications from the most popular newspapers in Kyrgyz. We were sure it was important in the political sense so that the Russian-speaking population was informed about all key discussions in the country. Readers immediately responded enthusiastically that this column was called for but after the first two issues of the digest we were invited to the court to frighten us; after the third issue we were notified by phone when they asked us directly, “Why do you need this?” So we closed this column. I have to pay my 15 employees and I have a family. As a result, our readers have been cut off from discussions conducted in Kyrgyz.”

Television workers are experiencing special difficulties in this area and whereas the printed media still reflect a wide range of political bias this is not so in the television format. Many journalists agree to self-censorship when they invite guests to their studios who are more or less loyal to the authorities just to get them to agree to be interviewed, thus concealing various critical information. As the list of prohibited subjects is more or less clear to everyone, journalists have to go navigate these reefs and mention nothing that is prohibited. The media representative Ilim Karypbekov noted that the fact that there are several Articles in the Criminal Code of the Kyrgyz Republic designed especially for the criminal

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).

prosecution of journalists shows objective reasons why self-censorship exists.

Determining the social significance of events varies depending on the ownership of the outlet and the closeness to the authorities or opposition. All government television channels, as a rule, talk of the routine work of the government at the highest level. As part of a UNDP project in 2008 showed, over 90 percent of all those shown as news-makers are the President of the country, the Prime Minister and MPs. Local authorities appear less frequently and ordinary people are not key subjects in the news at all. Coverage of opposition leaders is taboo in the government mass media. For example, Kubat Otorbaev, the director of Azattyk Media states that showing such opposition politicians, such as O. Tekebaev on the Inconvenient Questions Program, was the reason why the NTRBC of the Kyrgyz Republic refused to meet its contractual obligations. There is a whole list of subjects that government media and media affiliated with the authorities are prohibited from covering, including family affairs of state leaders, sources of money and businesses of key politicians, and so on. Kubat Otorbaev said that "overall there is a trend that many mass media are avoiding critical subjects due to censorship and are turning into so-called "yellow" press. Analytical broadcasts, such as Betme Bet, Yngaysyz Suroolop, 21st Studio, Koz Karash, Epicenter, Kungoi Teskey, and Kyrgyz Okmotundo broadcast by the National Television and Radio Company ceased in 2008, although the Company broadcasts countrywide." The trend to conceal certain political and economic subjects is aided by the lack of attention to the everyday lives of ordinary people. This has made the coverage of the government mass media and those affiliated with the authorities far removed from the reality of the everyday situation in Kyrgyzstan. The opposition mass media does just the same but with the focus on opposition leaders and organizations and criticizing those in power. Ordinary people and events from their lives are ignored here if they don't protest against state policy.

Panelist Marat Tokoev said, "The *Agym* newspaper greatly influenced the development of the mass media in Kyrgyz. The gutter press style of completely ignoring ethics and morals is very effective commercially and this style and approach is all the rage in Kyrgyz media, the only exception being the *Zaman-Kyrgyzstan* newspaper. In regards to using experts' opinions, I will become an "omnivorous" media expert as soon as the mass media ask me to comment on issues of management, professional ethics, and human rights issues."

There is some cultural mass media coverage in the languages of ethnic minorities but the press in ethnic languages is forbidden from socio-political coverage. As a result, they do not cover actual problems in their Diasporas' lives and cover

only cultural events that take place with the permission and support of the authorities.

Panelists were divided regarding the term "corruption" as applied to the journalist's profession. Some experts think journalists produce media products to order but this is not corruption because journalists have neither the power nor freedom to choose. Other experts recognize that the symbolic power of media coverage means that all cases of abuse to gain personal benefit by journalists is considered corruption. However, both groups of experts agreed that articles written to order, extortions by journalists and taking bribes is normal practice among almost all of the mass media. For some, articles to order are the main source of income. Columns in newspapers and air time on television are sold both by mass media bosses and every journalist within the limits of his or her "competence." Thus, when earning KGS 2,000 to KGS 2,500 (\$55 to \$70) per month on national television, journalists have been appearing on certain broadcasts for years and do not want to look for better paid work. As a rule, such journalists are not poor. Panelists quoted examples of especially corrupt outlets, such as the Sary Ozon Regional Television Company and Tagdyr on NTRBC.

In general, journalists' corruptibility and low salaries are inextricably linked. Journalists' salaries depend on who owns their outlet and their regional and national status. Regional outlets are really struggling. Panelists quoted the example of several weekly newspapers published by the journalist E. Sadybaev. He is the founder and owner of these outlets, and does everything himself. It is practically impossible to hire workers because these publications may only generate KGS 1,000 per month and naturally, good specialists would not agree to such a salary. The average salary for a regional newspaper journalist or reporter is KGS 1,500 to KGS 3,000 per month. The only strategy for regional journalists is to work for several outlets at once. It is clear that this situation will become permanent without drastic change.

In the capital city's mass media, salaries are higher at KGS 6,000 to KGS 10,000 per month. However a number of elite journalists get much more, KGS 25,000 and up, working for a number of private and even government outlets. Many private outlets have false accounts to avoid taxes on large earnings. In this connection, journalists think neither of the negative influence of such hidden revenues on future pensions nor the government's interest in filling its coffers.

The tendency to commercialize the mass media continued in 2008. With increasing pressure from the authorities the free mass media companies prefer not to touch public-political subjects and choose to develop entertainment content instead. The most popular newspaper is *Super Info*, has a daily circulation of 82,000 followed by similar newspapers

that cover mainly entertainment. Entertainment content is rapidly replacing socio-political content on public television and according to Ilim Karypbekov, this is also an indicator of self-censorship in the mass media.

In 2008 entertainment products of the Ibarat literary and musical studio alone made up about 40 percent of total broadcasting on NTRC. If similar programs produced by other studios and newspapers are included, they account for more than half of all broadcasts.

Panelist Ilim Karypbekov describes the situation of radio stations: "In regard to radio stations, I know of none with a socio-political direction with the exception of BBC and Azattyk. Musical content is safer and convenient for the authorities and satisfies certain tastes of the audience."

At the same time, in the pre-election period even purely entertainment-focused outlets cover news. It is symbolic that at the end of 2007 before the parliamentary elections, Kylych Sultanov the owner of the *Super Info*, was recruited by the well-known politician Tursunbai Bakir uulu and entered in the party list as the second candidate. Since then *Super Info* has gradually been increasing its news content.

According to panelists, the mass media are decades behind in technical terms. Most printed publications have a single computer and regional newspapers rarely have any functioning equipment. They are still doing everything by hand in notebooks, as they have no modern voice recorders and lack funds to develop Internet versions of their media products.

Printing technology has made a big step forward since an independent printing press was set up in the Mass Media Support Centre five years ago. The state printing house was forced to compete and to significantly upgrade their equipment. However, in spite of constant attempts to update and modernize printing facilities, everything is still technically at least twenty years behind, said A. Miasarov the Director General of the Mass Media Support Centre.

The situation with television companies is even direr. Even the largest one, the National Television and Radio Broadcasting Corporation, possesses only five MPEG and seven DVcam cameras while the daily content produced is 8-9 hours; the majority of private and regional companies use semi-professional and amateur equipment. Few mass media companies buy licensed software and NTRC KR, for example, cannot even use the News Factory program, which requires a Windows licensed package.

Many television and radio broadcasting companies are seriously affected by the irregular electricity supply and, according to H. Hudayberdiev and A. Blindina, this has

resulted in many regional broadcasting transmitters being out of service. The amount of damaged equipment has increased, transmitters and microwave-link equipment have stopped working and diesel generators require frequent maintenance and replacement.

Meanwhile, the need to equip the television companies with modern digital equipment is increasing since the target date for the country's transition to digital broadcasting in 2014 is not far off. The problem is not only in the lack of legislation covering the mass media, but also the absence of funds for the medium-term development of the mass media. For example, the state mass media can barely get enough funds for essential needs from the State Budget—salaries and taxes. Items such as travel expenses, vehicles and repair of equipment are not provided for in the Budget, let alone technological development and purchasing materials. Interestingly, the State has run a pilot project in Batken Province introducing digital television. As a result, only a few residents of Batken Province with modern televisions can watch the local digital television. Two other southern provinces, Jalalabat and Osh, are next in line. However, the National Agency for Communications and the Ministry of Culture and Information have no strategic plan for step-by-step television digitization.

Specialized journalism has been struggling to come into existence. Recently some initiatives and attempts have been made regarding training, specializing in and creating special media products. The Akipress news agency has started to develop a supplement—a magazine about health - along with some business content. Yet most attempts have ended in failure. For example, the magazine *ARTISHOK* was published only twice and the *BiStyle* magazine appeared only once. There is only one commercially profitable specialized journal, the *Obustroistvo I remont DIY* magazine, which has found its place in the mass media market.

The vehicle press has experienced a moderate upturn but previously developed types of journalism, such as parliamentary journalism, are gradually dying and there has been no real progress in business journalism either.

In 2008 several organizations started teaching special journalism: the Mass Media Support Centre ran a training course called "Mass Media Management Laboratory"; the Soros-Kyrgyzstan Fund continued teaching investigative journalism; the Journalists NGO organized seminars to highlight the problem of terrorism and extremism; the Bishkek Press Club organized a school of journalism providing a number of specialized courses, including economic and gender journalism.

OBJECTIVE 3: PLURALITY OF NEWS

Kyrgyzstan Objective Score: 2.25

In 2008, the prices of print media increased and that led, on the one hand, to the collapse of foreign (mainly Kazakh and Russian) newspapers and magazines and on the other hand to fewer mass media products in the regions. Panelist Miasarov Andrew said that “The prices of print products do not correspond to the purchasing power of the population and this reduces the number of information sources.” One of the most important reasons why newspapers cost more was that Kyrgyzpochtasy, the Kyrgyz post office that has a monopoly in distributing mass media products, raised its prices by 100 percent. Even the most profitable newspaper, *Super Info*, had to raise its retail price to KGS 13 (\$.35). To pay more than KGS 160 a month for a newspaper is an unaffordable luxury for the average village family. It is clear that people will still buy the cheapest newspapers, which are mostly local, in order to get television program listings and a minimum of local and national news. These newspapers, however, are far behind those published in the capital as to quality and content. Panelist Antonina Blindina highlights further problems with Kyrgyzpochtasy: “the Kyrgyzpochtasy State Enterprise refuses to deliver newspapers for sale in the regions thus annihilating the system of subscription meaning that only local newspapers are available in villages, the quality and design of which are unfortunately not competitive with newspapers published in Bishkek.”

Internet blogging is just beginning to develop in Kyrgyzstan; according to experts, about two hundred bloggers continually update their pages. Given that no more than 10 percent of the population has permanent access to the Internet, it is understandable that this type of information and communication will not significantly influence the development of society for a long time.

On the whole citizens have unrestricted access to domestic and foreign mass media. Cost is the only natural constraint. In 2008 the Internet Television Project was being prepared, but it has not yet been implemented due to the low technical parameters; Akipress attempted to develop the mobile Internet market, but that project was commercially unprofitable because of the very limited demand.

It could be said that a number of websites were repeatedly blocked in Kyrgyzstan, but, as the media representative Ilim Karypbekov stated, there is no evidence that this has knowingly been done by the Government. The Internet is still a free zone. Panelist Kubat Otorbaev refutes this claim by saying “In 2008 the Kyrgyztelecom blocked access to the Azattyk Internet website for more than 20 days. After

appeals to the Government and Kyrgyztelecom the website was unblocked.”

Because all print and electronic mass media have traditionally used the Internet, coverage is broader than the number of Internet users. This was the underlying reason for the appearance of the news block in Kyrgyz on the website of the popular Azattyk Media, www.azattyk.kg. Thus, although it has lost a large audience on national television and radio, Azattyk media reaches an audience through its news being reprinted in local newspapers.

The state mass media do not edit political news independently and are very dependent on the ‘agenda’ set by the political elite. E1TR Public TV airs no unbiased public-political information reflecting key events and no significant non-political public content. Moreover, the broadcast content is barren of any social importance (there is no educational content or programs in the languages of ethnic minorities). None of the state mass media meet international standards of journalism.

The following news agencies are currently operating in the country: Kabar (public), Akipress, 24kg, and Zamandash press. The www.azattyk.kg website also acts as a news agency providing information for free, while the website of the Bishkek Press Club is the most popular as a source of material for other mass media (www.bpc.kg).

Most panelists noted problems in the work of each of the news agencies. The Kabar public news agency focuses exclusively on official information and material is not very professionally presented. The 24kg agency often provides

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.

unverified and unreliable information and does not cover all the key events in the country. The Zamandash Press agency is finding its place in the news market as its digests of world media reports seem to be the most interesting. The Bishkek Press Club presents analytical information, its professionalism is remarkable and represents every possible point of view on each issue by experts. However, the large amount of information and professional standards makes this site “inconvenient” both for the public and opposition mass media, which present differently-colored but equally biased information on events.

Before 2008 virtually all television and radio broadcasting companies produced their own news programs, but in the past year this practice was gradually discontinued. Pyramida ceased using their own content and switched to re-broadcasting RenTV programs. Some radio stations don't run news programs at all and just broadcast music.

Consumers do not have access to information about owners of the outlets, the existence or lack of media holdings and monopolies in the mass media sphere. Rumors are circulating among experts about who owns the various outlets and which of them are members of conglomerates, but there is no actual proof. Panelist Kubat Otorbaev stated, “There is a state and family monopoly of TV broadcasting and newspapers. Although there is no information on the owners of the companies, their names are well-known to the public.” A remarkable fact is that every time the *Agym* newspaper publishes a particularly cynical or unethical article, those who are considered to be the official owners of the newspaper publicly declare they have recently sold it. Yet experts believe that the founder and first owner of the newspaper, M.M.Eshimkanov, did not sell it until the end of 2008. On the other hand, there are allegations about the media outlets owned by Alexander Kim, which includes the newspapers *VB* and *MSN*. Experts believe that the real head of the media outlets is a member of the President's family and currently the list includes a number of television and radio broadcasting companies, as well as the Lenta advertising agency. The Sharshkeev media holding is still functioning and publishes 14 print publications.

In 2008 media experts gathered quite a lot of evidence that the media holdings alleged to be run by the President's son are expanding and there are good grounds to believe that by the next elections (in 2009 both pre-term parliamentary and the next presidential elections could take place⁵) all the

⁵ The Constitutional Court is currently deciding when the next presidential elections will take place, as according to the previous version of the Constitution the elections have to be held in October 2009, whereas according to the new version—in 2010

key mass media, including national television, will be a part of this private media holding. This will provide an ideological basis for re-election of the current President of the Kyrgyz Republic.

As already mentioned, neither the public nor the private mass media are aimed at producing publicly important information content. Even public outlets don't aim to provide information covering the various ethnic and social minorities.

In the south there are private television and radio broadcasting companies and newspapers in the Uzbek language, the most popular being OshTV, Mezon TV and DDD. However, after the introduction of the new Law on Television and Radio Broadcasting, this has become more risky. If they don't broadcast at least 50 percent of their own media products in Kyrgyz, the State language, they can be closed down and the Uzbek speaking audience would be deprived of accessible local mass media.

The Government does not consider it necessary to harmonize the inter-ethnic situation and no programs in Uzbek are produced by the state television channels for the second largest ethnic group. This is not the first year there have been no news broadcasts in Uzbek on NTRC. However, NTRC is the only channel that broadcasts news summaries with sign language for the deaf once a day.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kyrgyzstan Objective Score: 1.48

The mass media in Kyrgyzstan are often not recognized as businesses and continue to function as ideological tools in the struggle for power. As a result, efficient management is a very rare event and the mass media are rarely profitable. Despite falling sales, the majority of media managers and owners still do not plan to employ professional managers and marketing specialists. However, the Mass Media Support Centre organized a series of seminars and training courses on mass media management.

Other related businesses do not typically work efficiently and are generally not profitable. There are just a few are successful, such as the independent printing house, which not only helps publications improve their packaging and re-branding, but also does not increase prices for its services throughout the year despite the rising cost of paper and plates.

Kyrgyzbasmassoz, which has a monopoly over the distribution network, is among the most unprofessional related enterprises. No private delivery network can compete with

the public “monster” since no alternative network has national coverage. Small networks cannot compete on prices for services but Kyrgyzbasmasoz does not meet its obligations to its clients; newspapers are not delivered on time and are delivered irregularly. Kyrgyzbasmasoz often becomes a tool the authorities use to combat disagreeable mass media.

All television transmitters are the property of the state agency the Production Association for Relay Lines, Television, and Radio Broadcasting (RPO RMTR), which paradoxically is a part of the Kyrgyztelecom Joint Stock Company. All television channels have to pay very high fees to RPO RMTR to relay signals but the quality is often poor value for the money. For many years there have been problems between NTRC KR and RPO RMTR because of the poor image quality on the first national channel. The national corporation, which has to pay most of its budget to relay signals (KGS 180 million, or about \$5 million, per year), blames RPO RMTR. RPO RMTR does not admit its guilt and tries to convince people that the poor quality of signals is caused by bad communications lines from the television studios to RPO RMTR transmitters. They also claim that it is a consequence of incompatible technologies of media content production and transmitting.

Among the income sources traditionally attributed to the domestic mass media, the volume of advertisements in all genres of the mass media fell in 2008. In Kyrgyzstan, newspapers losses were 50 percent. On television channel NTS advertisements fell by 10 percent and they virtually ceased on Mir TV. The advertising revenues of cable television companies also fell significantly. As Khudaiberdiev stated, even KATEL, a major advertiser, stopped advertising their services in the mass media in the south.

Subscriptions as a source of income are applicable for only a few public newspapers, *Slovo Kyrgyzstana* and *Erkin Too*, since the authorities force all public employees, pensioners and beneficiaries to subscribe to them. There has been a real decline in earnings compared to the rising costs of producing media. That has meant that most outlets have had to raise their prices for newspapers, but the resulting fall in circulation numbers can become the reason why newspapers go bankrupt.

Professional advertising specialists rarely work in the mass media. Panelist Kubat Otorbaev explained, “Advertisers work mainly with a few mass media monopolists such as NTRC and *Vecherny Bishkek*. If NTRC is a natural monopolist as its programs are broadcasted all over Kyrgyzstan, the newspaper *Vecherny Bishkek* is an artificially established monopolist in the market owing to the newspaper’s policy of taking the official political line of the White House.” Even the largest media companies, with special advertising departments,

cannot always employ professionals. Selling newspaper space and airtime are among the most advanced advertising methods and the electronic mass media cannot do this due to the lack of ratings surveys.

In the course of the year the leading advertising agency was Lenta, whose clients are large and small outlets who are often under pressure from the authorities, according to panelists Kulinsky and Blindina.

On the whole, in 2008 according to experts, the total advertising market did not exceed \$5 million, and the spread of advertising flows was irregular. The *VB* newspaper still retains its status of an “authorized advertising monopolist.” Note that this status has not been awarded to the natural monopolist in terms of audience, NTRC KR.

Blindina said, “Advertising agencies are not very active when working with the mass media. Most of them set high prices for their services: from 30 to 50 percent and in rural areas the market is poorly developed.” Panelist Ernis Mamyrganov of the Ministry of Culture and Information said, “In the regions the situation with advertising revenues is so pitiful that mass media are still at the embryonic stage of development. It can be said that regional mass media are owned by information fanatics instead of businessmen and the main income sources of the mass media are services rendered to local inhabitants that could hardly be called advertising revenues and grants for upgrading and enlarging the mass media technical base are very rare.”

Since the advertising market is small and underdeveloped in the regions, the majority of the mass media does not expect increased advertising revenue and counts mainly on the income from sales. Perhaps only a few outlets can

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.

demonstrate relatively standard figures. Panelists consider the *Avtogid* newspaper to be one where advertising revenue is not less than 85 percent, while income from sales does not exceed 15 percent.

Blindina noted that despite the fact that there are more than 100 advertising agencies, most outlets cannot cooperate with them because of the crippling terms offered by advertisers. Advertising agents often take up to 50 percent. Moreover, the decline in advertising by major manufacturers and other legal entities has already become noticeable in the capital and even applies to the *VB*. Unlike previous years, at the end of this year the newspaper published virtually only private ads.

Adverse economic conditions and the growing monopoly of Lenta in the mass media market has resulted in many advertising agencies beginning to work on a barter basis as they did in the early 1990s.

The state media is not fully funded from state budget funds. Independent mass media organizations do not receive direct state subsidies, although there is a list of various privileges noted earlier for affiliated mass media. Some further examples are advantages in the distribution of advertising, free access to information sources, and unrestricted listing on the list of seconded journalists.

Panelist Kubat Otorbaev pointed out, "The fact that state subsidies can deprive private mass media of their independence has been proven by the examples of some publications. After the events of March 24, 2005, the Government started to render overt and covert support to the independent newspapers *Jany Ordo*, *Enesai*, and others that influenced their work and content. The editorial building of the newspaper *Jany Ordo* belongs to the President's Administration of the Kyrgyz Republic. In reality in Kyrgyzstan, any state subsidies turn into tools for putting pressure on the editorial policy of any mass media.

But in 2008 the Law on Social Orders was passed, which could greatly change the fate of the leading independent outlets in the Republic. If the Government follows the experience of neighboring states in working with the mass media based on grants for social orders, we can confidently expect the state will allocate funds to support non-government mass media. Most likely, this will include the moderate opposition outlets, which the authorities would like to control using social orders as bait.

Nevertheless, while anticipating the introduction of grants, the mass media community has split into two groups. Some believe that grants will make the mass media lose their independence, while others believe that it is a way to produce socially important content while maintaining their own beliefs and principles.

The situation with market research has changed very little in recent years. Panelist Marat Tokoev said, "The field of media market research has been virtually untouched. The advertising market is not estimated and the mass media cannot work with ads and attract other income sources, due mainly to not being seen as businesses. The mass media serve people's interests and are a tool to accomplish mainly economic and political goals." There are a number of research companies that publish their findings in ratings tables. However, no single survey gives its methodology and its basic characteristics, such as selection criteria and uncertainties. Panelists have no information on subscriptions in market research results and the number of outlets using the research results to improve their management approach.

While there is a lack of reliable information on ratings among the television and radio broadcasting companies, the print outlets have problems reliably estimating circulation figures, though conditions vary. The statutory requirement to give actual circulation figures for publications printed by the independent printing house is being fulfilled, but this requirement appears to be time consuming and unnecessary for newspapers printed by the other two public printing houses. Thus, in the country there are simultaneously newspapers showing actual circulation figures, newspapers showing no figures at all and newspapers showing made up circulation figures.

There is currently no official body producing newspapers' circulation figures and providing the public with reliable information. The Mass Media Support Centre attempted to create "the most popular newspapers" section on its website, which would include information on publications with the highest circulations. The Directorate of Independent Printing Houses asked competitors from the public sector⁶ for these figures but could not get any reliable information.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kyrgyzstan Objective Score: 2.08

A critical professional association working on behalf of broadcasters in Kyrgyzstan is the Association of Radio and Television Broadcasters (ART). Their mission is to deliver advertisements to regional members of the association. In 2008 ART was re-registered and continued its work not only as "the advertising agent" of regional electronic mass media, but also as a public organization to protect the interests of its members. In particular, ART actively lobbied for amendments to the Law of the Kyrgyz Republic "On Television and Radio Broadcasting."

⁶ Besides the public printing houses "Uchkun" and "Erkin Too" there is also a private printing house—"Plyus" which prints 8 newspapers.

The Association of Publishers and Distributors of Periodical Press, founded at the end of the year, is actively engaged in promoting the mass media law and has started working out action plans. The mission of the Association is defined as follows: to lobby the interests of book and periodical publishing and to turn newspapers into profitable, investment-attracting businesses. It is worth noting that the chair of the Association is A. Miasarov, the General Director of CP SMI, which probably accounts for the independent printing house's high prestige.

There is no Union of Journalists in Kyrgyzstan, however there are numerous public organizations supporting the mass media, some of which define themselves as human rights protectors. The most active media organizations are the Institute of Media Representative (IMR), the Journalists Public Association, the Bishkek Press Club, the Press Complaints Commission and the Mass Media NGO. Most of these media organizations provide the following services to journalists and the mass media: legal advice, court attorneys, training and monitoring freedom of speech. In 2008, for the first time, four organizations (the Institute of Media Representative, Journalists Public Association, ART and the Press Complaints Commission) implemented a unique Media Train project. The main idea of the project was to create a positive public image of the mass media and teach techniques of interaction between the public and the mass media.

Before the "train" departed for the regions a special video report was made about the hardships of working as a journalist and the social importance of journalism in society. All meetings with the population were held under the key slogans "By cooperating with the mass media, you make life better," "Quality information = quality life," and "Better a friend of the media than an enemy of the media."

The year was also remarkable in that representatives of almost all media organizations gathered in the Chyckan Valley and held a forum. The forum resulted in the creation of the "Partnership Network of Media Organizations in Kyrgyzstan" to consolidate efforts to protect freedom of speech and develop journalism.

Panelist Kubat Otorbaev noted that "Some non-governmental organizations, such as "Journalists," "Kylm Shamy," "Citizens Against Corruption" and the "Coalition for Democracy and Civil Society," actively cooperate with the mass media to protect the freedom of speech and independence. For example, when NTRC blocked Azattyk radio broadcasts or court proceedings were instituted against the newspapers *De facto*, *Alibi* and *Achyk sayasat*, all the above-mentioned NGOs reacted, considering the events violations of the freedom of speech."

The influence of media organizations on mass media activities was shown by a symbolic event organized by three organizations at the end of 2008 (Journalists NGO, the Institute of Media Representatives and Media Centre PA) that resulted in establishing the National Newspaper Awards in three categories:

- Annual circulation (awarded to the *Super Info* Newspaper),
- Annual development (awarded to the *Avtogid* Newspaper),
- Breakthrough of the Year (awarded to the *De facto* Newspaper)

Last year saw amendments to the Law on the Mass Media and media organizations focused their activities on participating in this key event. Such organizations as IMR and the Press Complaints Commission did a lot to improve constructive interaction between NGOs and the authorities. As media representative I. Karypbekov metaphorically noted "we have built bridges of understanding." The NGOs used a variety of strategies, including equating the members of media organizations as members of the Public Chamber to further influence decisions made by the Government, as well as participating in working groups of the Ministry of Art and Culture. However, there were a lot of disappointments along the way. The authorities' declared willingness to cooperate often turned out to just be a formality and NGOs were simply ignored. Nevertheless, active participants in media organizations are confident that the strategies are correct and positive results will be achieved.

In 2008, according to the panelists, there were negative trends in the development of media organizations. According to Ernis Mamyrganov, the activity of media NGOs has fallen sharply since "Internews-Kyrgyzstan," which was pivotal 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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

giving grants, ceased functioning. Indeed, there are few media organizations left and the others have started working in the methodological sphere instead of serving the interests of the mass media and publications.

There are no quality academic programs for journalists. There is a large gap between the old theoretical assumptions and the practices of the modern mass media, and this fact is not addressed in any of the higher education institutions. Even the most conservative teachers, who always insisted that journalism is a vocation and it is impossible to succeed in the profession without talent, recognize that the education programs do not contribute to producing professional journalists.

The school of journalism in the Bishkek Press Club has become a cultural experiment for teachers of journalistic faculties. There have been attempts to create a communications platform between mass media representatives and organizations supporting media, teachers and students of journalistic faculties, and representatives of the Ministry of Education. There have been discussions on introducing a new list of concentrations such as mass media management, but gaining practical experience is still a key problem for the majority of universities.

Today there are at least three standards of journalism education in Higher Education Institutions:

- The approved state standard mainly repeats the curriculum of the Moscow State University, with a classical bias towards philology and literature (this method is used by KNU, BHU, I. Arabaev University, etc.). It should be noted that practical work in the KNU has not been properly applied and the graduates are not aware of how methods work in practice.
- The mixed model consists of Turkish standards and Kyrgyz teaching capacity. In this case there is a trend towards producing documentary and feature films and attempts to develop television journalism (this standard is applied at the Manas Turkish University).
- The Americanized model focuses on studying the social processes of mass communications development. Students study public relations and advertising but the availability of a practical base (student newspaper and television training equipment) allows the students to actively integrate into the leading television companies. However there is a paradox here. The teaching is in English and implies studying cases from the American context.

In 2008 short-term seminars and training courses were held and supported by such organizations as Internews Network, Soros-Kyrgyzstan Fund, the Journalists NGO, and CP Media. Most seminars were focused on those possessing basic skills

and knowledge and were aimed at expanding specialized skills and knowledge. As panelists noted, however, the high turnover of employees in the sphere makes basic seminars on reporters' skills and editing necessary and only CP Media PA organized a basic 3-month school. Ten people attended the course and three specialists graduated. Mass media representatives, especially the managers, often ask for residential training courses to be organized where they can be actively involved in the production process.

The entire print media is printed by four companies, the state run Uchkun and Erkin Too, the private "Plus," and the public independent printing house "CP Media." The printing houses work in unequal conditions. Thus, Uchkun and the independent printing house possess more advanced technology; Erkin Too and Plus are limited, in this sense. On the other hand, there are benefits for the state mass media in the form of unofficial tax breaks for state printing houses. Since 2008 a particularly important advantage for "the state run companies has included regulated electricity supply, which meant that the electricity supply of CP Media was cut off but that for Uchkun was not. This year the number of customers of the state printing house increased and the daily print run grew by half a million, but the limits on electricity supply remained, as approved on January 1, 2008. The state printing houses are always used at critical moments as tools to apply political pressuring on undesirable publications.

Panelist Kubat Otorbaev stated that, "The only enterprise covering all of Kyrgyzstan is "Kyrgyzpochtasy," which remains under the control of the Government and this is reflected in its work. In 2008 there were events when the authorities used Kyrgyzpochtasy to block the distribution channels of independent publications. Television and radio transmitters are also under state control. The Government has a lot of tools with which to put pressure on Internet-providers too." However, the number of independent distribution channels has started to increase slowly but the conditions for developing alternative non-government structures are not equal and are discriminatory. Thus, the alternative press delivery and sales network "Kyrgyzbasmasoz" encounters serious difficulties when obtaining permits from local authorities to set up newspaper kiosks. There is no possibility of obtaining long-term leases or opening kiosks in the capital either.

It is difficult to overcome Kyrgyztelezom's domination over Internet providers as it issues permits for this activity and inhibits the development of communications technologies. Currently, the following providers are working in the country, Asia-info, ElCat, Katel, Jet and the new satellite alternative channel, Aknet. It is obvious that any kind of monopoly is used by the state authorities to exert pressure on independent outlets. It is difficult to avoid the dictates for printing houses and electronic mass media as well.

List of Panel Participants

Alexander Kulinskiy, chair, Press Complaints Commission, Bishkek

Andrew Miasarov, director general, Mass Media Support Center, Bishkek

Antonina Blindina, chief editor, *Chuiskie Izvestiya* newspaper, Bishkek

Ilim Karypbekov, director, Media Representative Institute, Bishkek

Kubat Otorbaev, director, Azattyk Media, Bishkek

Marat Tokoiev, chair, Board of the Journalists' Public Organization, Bishkek

Uson Kasybekov, independent journalist, Bishkek

Khalilzhan Khudaiberdiev, director, Osh Television and Radio Company; president, the Mass Media Association, Osh

Ernis Mamyrganov, employee, the Ministry of Culture and Information; manager, EITR Public Television, Bishkek

Moderator and Author

Gulnara Ibraeva, chair, Agency of Social Technologies, Bishkek

The panel discussion was convened on January 17, 2009.

The economic growth rate is still relatively low, and the income level of the population remains rather critical. According to official statistics, 64 percent of the population lives below the poverty line, and working abroad continues to be the main source of income for most males between 18 and 35.



TAJIKISTAN

Key events in Tajikistan last year included the Shanghai Cooperation Organization (SCO) summit, the Forum of Creative and Scientific Intellectuals of the CIS Member States, and the International Conference on Border Security in Central Asia. Another significant political and economic event was the launch of three units at the Sangtuda-1 hydropower plant. The international image of Tajikistan was tainted when it became known that the country concealed its inappropriate use of a \$47 million loan from the International Monetary Fund (IMF), which then demanded that the loan be repaid. This ethical lapse caused donor countries and international financial institutions to request that the Tajikistan National Bank and the Tajik Aluminum Company be audited at the international level.

The Wahhabi fundamentalist Islamic religious movement Salafia has increased its activities in Tajikistan, and its ranks include more than 20,000 young people according to intelligence services. The split within opposition political parties is also growing; the Ministry of Justice of Tajikistan and Dushanbe City Court officially recognized Masud Sabirov as the rightful leader of the Democratic Party, while the faction headed by Mahmadrusi Iskandrov was proclaimed illegal. Iskandrov is serving a 23-year prison sentence for a number of charges, although his fellow party members consider him a prisoner of conscience. As a result of these developments, Tajik authorities paid special attention to opposition, civil society, and mass media as a means of preventing rallies, pickets, and political demonstrations, though some protests and pickets took place in Gorno-Badakhshan and Gharm in March and June.

Last year witnessed a consolidation of the national media intended to improve the government's image. A 24-hour national television news channel, Jahonnamo, as a counterpart to the Russian 24-hour channel Vesti. The government also supported all four national television channels and is paving the way for a Farsi-speaking channel aimed at audiences in Afghanistan, Iran, and Tajikistan. National and governmental printed media also received considerable support. Other expansion included the unveiling of two information agency websites, the addition of three new national newspapers to the country's existing 300 publications, and the launch of a new FM radio station.

The economic growth rate is still relatively low, and the income level of the population remains rather critical. According to official statistics, 64 percent of the population lives below the poverty line, and working abroad continues to be the main source of income for most males between 18 and 35.

Tajikistan's overall score suffered a noticeable drop of 0.19 compared to last year. Objectives 3 (plurality of news) and 4 (business management) received moderately lower scores, while Objective 5 (supporting institutions) suffered a large decrease of 0.62. On the other hand, Objective 1 (freedom of speech) increased slightly and Objective 2 (professional journalism) remained more or less the same.

TAJIKISTAN AT A GLANCE

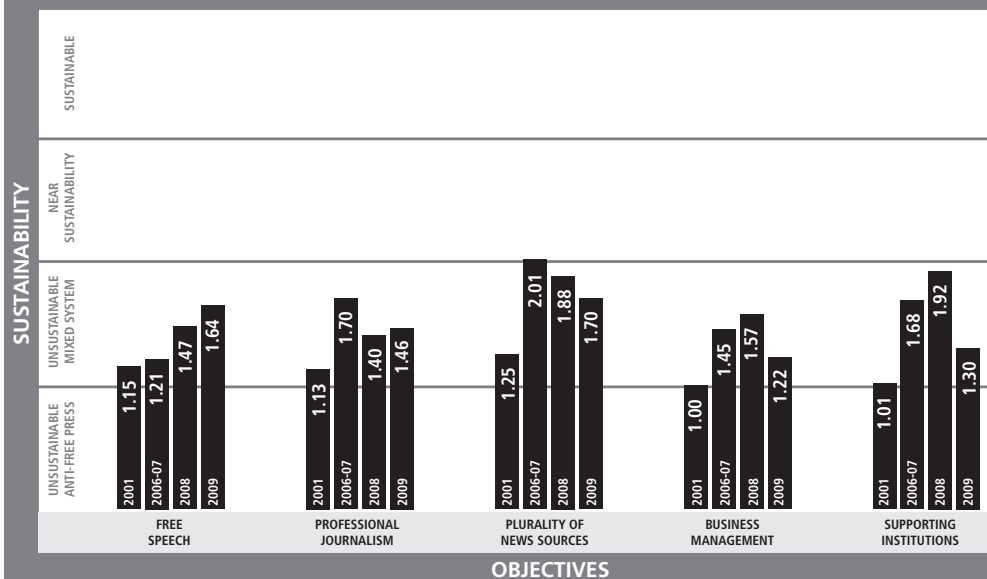
GENERAL

- > **Population:** 7,211,884 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Dushanbe
- > **Ethnic groups (% of population):** Tajik 79.9%, Uzbek 15.3%, Russian 1.1%, Kyrgyz 1.1%, other 2.6% (2000 census, *CIA World Factbook*)
- > **Religions (% of population):** Sunni Muslim 85%, Shia Muslim 5%, other 10% (2003 est., *CIA World Factbook*)
- > **Languages (% of population):** Tajik (official), Russian widely used in government and business
- > **GNI (2007-Atlas):** \$3.103 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$1,710 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 99.5% (male 99.7%, female 99.2%) (2000 census, *CIA World Factbook*)
- > **President or top authority:** President Emomali Rahmon (since November 6, 1994)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 286; Radio: 9; Television Stations: 22
- > **Newspaper circulation statistics:** top three: *Charkhi gardun, Oila*, and *Asia Plus* (Ministry of Culture of the Republic of Tajikistan)
- > **Broadcast ratings:** top radio stations by region: Dushanbe: *Radio Vatan, Radio Imruz, Asia Plus, Radio Oriyono*; Khudzhand: *Tiroz* and *CM-1*
- > **News agencies:** Avesta, Asia-Plus, Varorud, Interpress-service, Pamir-Media, Hatlon-press, Zerafshan-times, Simo-news, Khovar, Paem
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 19,500 (2005 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: TAJIKISTAN



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Tajikistan Objective Score: 1.64

The score for this objective was nudged somewhat higher this year thanks primarily to increased scores for Indicators 4 (attacks on journalists) and 6 (libel laws). Most indicators received scores similar to the overall objective score, the exceptions being Indicator 2 (broadcast licensing), which was almost a point lower, and Indicators 8 (media access to foreign news sources) and 9 (free entry into the journalism profession), which were about three-quarters of a point higher.

The information sector in Tajikistan is controlled by a number of laws and regulations, including the Tajik constitution, the Law on Press and Other Mass Media, the Law on Television and Radio Broadcasting, the Law on Information, Regulations on Broadcast Licensing, and numerous articles in civil and criminal law. However, the existing laws are outdated, having been adopted in December 1990. Civil society, especially NGOs, supported the media sector in an effort to pass a new law on mass media, but their campaign failed.

According to an analysis of media law in the former Soviet republics conducted by the Institute of Information Law Problems in Moscow, Tajikistan belongs to a group of countries with an average level of press freedom. Its score is 6 out of 13, ahead of Kyrgyzstan, Uzbekistan, and Kazakhstan. Indeed, the Constitution of the Republic of Tajikistan proclaims freedom of the press and bans censorship, and there are special laws on mass media and television as well as guarantees on citizen access to information. These laws and regulations also allow non-governmental media to determine the languages they use.

Although liability for libel and defamation is covered by criminal law, clauses for slandering civil servants have been added to the criminal code (articles 135, 136, 137 and 330). Further, Parliament passed and the president signed the Decree on Criminal Liability for Libel on the Internet in June 2007.

In addition, the criminal code contains articles providing for punishment of those who impede a journalist's legal and professional activities, and of officials who refuse to provide a citizen with information (articles 148 and 162 of the criminal code). Although no one has actually been charged under these articles in the history of independent Tajikistan, the legal tools for defending journalists' rights do exist.

Tajik law theoretically ensures favorable conditions to media in Central Asia, but in practice they are selectively enforced. "The Constitution of the Republic of Tajikistan does assume protection of free speech, but it does not grant freedom to the one who has delivered the speech," said panelist Hulkar

Yusupov, head of the Monitoring and Analysis Service within the media holding company Asia-Plus. "Such freedom is nominally protected by all articles of the law but in fact these articles do not really work. The biased attitude of the Public Prosecutor's Office and the absence of independence of the judicial system prevent these laws from being implemented." He also noted that all journalists working in Tajikistan feel their freedoms are compromised, and that younger journalists are especially vulnerable.

"Mass media are practically unprotected since lawmakers 'forgot' to specify clear and concrete mechanisms of implementing the laws that are supposed to regulate it," said panelist Turko Dikaev, National Association of Independent Mass Media of Tajikistan (NANSMIT) representative in Kulyab, Khatlon Province. "The very adoption of the law on criminal liability for libel on the Internet clearly demonstrates the attitude of authorities toward the mass media as additional trouble that hampers their work."

Media associations and NGOs have repeatedly demanded that the four criminal law articles on slander and defamation be abolished. According to Negmatullo Mirsaidov, editor-in-chief of *Varorud* independent newspaper of Khudzhand, Sughd Province, "Authorities are unlikely to consider such demands, as these articles are their leverage for restraining journalists, and the Public Prosecutor's Office often initiates a case when some journalist is to be intimidated or punished." He added that "law enforcement agencies—police, the Public Prosecutor's Office and the court—are the most corrupted ones in Tajikistan. Money can help to acquit a criminal and jail an honest person."

The panelists unanimously noted that the process of broadcast media licensing is not carried out within the provisions of the current law. Eight non-governmental electronic media are still awaiting licenses. Since 2004, broadcast licenses have been granted to pro-state television station Simoi Mustaqlii Tojikiston and Imruz radio station. The state-run Bahoriston and Jahonnamo television stations have never received any official broadcasting license, yet operate unimpeded.

Panelist Qurbon Alamshoyev, director of the Pamir Media Center in Khorog, Gorno-Badakhshan Autonomous Province, said he had been planning to launch a radio station for five years, but his papers were still being considered by the licensing committee. "Last year, licensing committee member Barakatullo Abdulfaizov told me my documents had been lost, but I have never received any official letter about it, nor was I informed of any decision with an explanation of the reason why my application had been rejected."

Alamshoyev said he managed to meet twice with the head of the licensing committee and the television and

According to the panelists, journalists have become frequent targets of lawsuits. Associations of journalists believe that journalists are being charged for their professional activity and for guarding the interests of citizens, society and the state.

radio committee chair Asadullo Rakhmonov; the former diplomatically told him, "We will solve your problem." All the licensing committee members are government officials.

"The licensing committee is incompetent, corrupt, and afraid of competition on the part of independent media; and as long as it consists of TV and radio committee officials, it is useless to seek a license—our opinion is just ignored," Mirsaidov said. "This system is a consequence of the government's well thought out policy to restrict the freedom of mass media, especially TV and radio, which are considered the most influential."

According to Internews Network expert Mansur Abdullaev, who teaches journalism at the Russian-Tajik Slavic University, "Issuing licenses is a political process. Six stations which have been waiting for licenses for four years already are financially supported by Internews Network—which the TV and radio committee claims to be a harmful foreign agency."

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

Abdullaev said that the unused expensive equipment meant for these stations would now be passed on to Kyrgyzstan, where Internews implements similar projects for independent radio stations. Three television companies and two radio stations in that region have been waiting for licenses for more than three years. Abdullaev called such an attitude unpatriotic.

All panelists agreed that licenses should be issued by a public committee or a public council for mass media, as is done in other CIS countries, and that it will be important to make the identities of committee members public, since committee compositions are currently not publicized. Panelists also noted that the licensing committee in its current form (i.e. under the auspices of the television and radio committee) does everything to prevent independent mass media from receiving licenses because it fears competition.

Beside the lack of transparency in decision-making, such complicated licensing procedures rely on the fact that most mass media in Tajikistan, whose population clearly prefers television, are still print media. Fourteen out of 18 regional television stations have launched recently, with the financial and consulting support of Internews Network. According to the law, each broadcaster must renew its license every five years, though actual licenses are issued for various terms, sometimes for as little as a year. License renewal is another means of pressure from the authorities. For example, in 2007 and 2008, the licensing committee rigidly inspected all FM radio stations except for one, Oriyono Radio. The station's owner is the head of the country's largest bank and a relative of the president of Tajikistan.

Entering the media market is not difficult, but it is extremely hard to survive and profit. Aside from media enterprises having financial restrictions, media institutions are the target of more government scrutiny than any other kind of business. Tax officials find it difficult to perceive the media sector as a commodity producer, and try to interpret the criminal code and tax code articles in creative ways.

According to the panelists, journalists have become frequent targets of lawsuits. Associations of journalists believe that journalists are being charged for their professional activity and for guarding the interests of citizens, society and the state.

For example, two criminal lawsuits against journalists were filed in 2008. In August, the Public Prosecutor's Office of Sogdi Region instituted libel proceedings against journalist Tursunali Aliev under article 135 of the criminal code for criticizing one of the heads of the Zhabborasulov district. The charges stemmed from a satirical article entitled "It should shame the chairman..." that Aliev published in the *Tong* weekly newspaper. The court wanted Aliev jailed for two years, but the journalist was saved by Kokhir Rasulzode,

the chairman of Sogdi Region, who intervened and ordered a stop to the case. Legal experts think that the actions of Sogdi law enforcement in this case constitute deliberate persecution and served the interests of influential individuals who seek to intimidate journalists.

In September 2008, the General Public Prosecutor's Office, prompted by the Ministry of Interior of the Republic of Tajikistan, initiated criminal proceedings against Dodojon Atovulloyev, editor of *Chagory Rus* newspaper and leader of the Vatandor movement. Criminal charges were instituted under several articles of the Criminal Code of the Republic of Tajikistan, including article 307 (public appeal to forceful change of the constitutional order of the Republic of Tajikistan) and article 137 (public insult of and libel against the President of the Republic of Tajikistan). Atovulloyev was also put on a wanted list.

The trial of three *Ovoza* newspaper journalists (Saida Qurbonova, Farangis Nabiyeva, and Muhayo Nozimova) was initiated by the singer Raikhona and lasted for more than half a year. The case ended in conciliation of the parties only in late 2007. Panelist Khurshed Niyozov, director of the Center for Journalistic Investigations and editor of *Faraj* newspaper, where the three journalists work now, said he has been called to the regional Public Prosecutor's Office seven times. He considers it "related to that trial of three journalists who are now working for his newspaper because although publicity and the Judicial Council's control managed to force Raikhona to agree to conciliation of parties, this resolution caused discomfort for the Public Prosecutor's Office, which was eager to hold the journalists criminally liable."

A journalist brought his employers to trial for the first time in the country's history. Saiof Mizrob, who used to work for Radio Ozodi (Freedom), charged his bosses with "unfair criticism of the Tajik government and libel against the President Emomali Rakhmon and his family." He had previously quit the job "on the grounds of disagreement with the terms of his employment contract."

Prosecutors consider trials based on critical articles to be a sign of mass media efficiency. After the articles have been published, the government usually requires respective organs to validate the facts and issue a competent response to the editorial board.

Threats to journalists come in forms other than judicial inquiries into articles. Practically every panelist recalled having been threatened or pressured by governmental offices or officials. They said any critical article can pose a threat to a journalist. This claim was supported by examples: Dzhurakhon Kabirov, a journalist with the independent newspaper *Millat*, was beaten up by Zainaddin Olimov, chairman of the Kulob

community from Khulyab, for having published a critical article titled "Do Not Muddy the Waters."

Until September 2008, cases of infringement of journalists' rights were published in the Monthly Monitoring by NANSMIT. Today, the public and media members can only occasionally find printed and electronic information on the violation of journalists' rights. Primary cases of infringement include unjustified restrictions or total refusal to provide access to socially important information, unjustified summons to law enforcement offices, violation of the right to personal immunity resulting from unsanctioned searches and seizures, and public defamation of journalists for their professional activities.

State-run media enjoy a system of preferences especially created for them. Representatives of these media are always invited to press conferences and granted contact with the "newsmakers" because they belong to the president's press pool (analogous with Putin's pool in Russia). Other reporters, mainly the ones in opposition, might occasionally receive an invitation to a government event to fill seats.

On the eve of World Press Freedom Day in May 2008, the Tajik Parliament passed a new law "On the Right of Access to Information." At first, the media community was pleased, but their enthusiasm quickly faded. Having read the new law, they realized that it only bureaucratizes access to information instead of improving it. Governmental organizations now have 30 to 45 days to respond to citizens' requests, and the law stipulates "reimbursement of expenses for providing information." In the past, according to article 28 of the former law on information, access to official documents required sending a letter of inquiry, and an official answer (written and oral) would need to be given within no more than 30 days.

All panelists noted the privileged status of foreign journalists accredited in Tajikistan. "Journalists who represent foreign, and especially Russian, media find it much easier to receive information from the officials than those who work for local, especially Tajik-speaking media," Niyozov said.

According to the Ministry of Transport and Communications, about ten percent of Tajikistan's population uses the Internet. Tajik families of average income tend to buy a computer for children and budget for Internet access. International news is relatively accessible, though there are some obstacles: power is unreliable, and for some the price of Internet services is prohibitively high, ranging from \$40 to \$80. In addition, international information is often monitored, as is evident when access is problematic for sites like Fergana.ru and Arianastorm.com, which publish critical information on Tajikistan. Thus the opportunity to learn about events

“The lack of competition from independent television stations allows state television to allocate most of its time to entertainment programs. As a result, people have nicknamed it ‘The State Philharmonic Society,’” Dikaev said.

in foreign countries is unrestricted, but access to news on Central Asia or remote areas of Tajikistan is limited.

A still broader channel of foreign information—satellite and cable television—is becoming widespread in Tajikistan. Satellite dishes have become a source of real-time and objective information for many citizens, especially those residing in cities.

Practicing journalism does not require licensing, and no professional education is required for a person who wants to become a journalist. The state does not assume responsibility for educating highly professional journalists, though the president often speaks about the necessity of a good education, including the journalistic type.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Tajikistan Objective Score: 1.46

The score for this objective barely changed this year, and all indicators scored close to the overall objective score of 1.46. However, some individual indicators did receive moderately different scores compared to last year. Indicators 1 (fair and objective reporting) and 3 (self-censorship) both slipped somewhat, while modest increases were recorded for Indicators 6 (balance of entertainment and news), 7 (technical equipment), and 8 (niche and investigative reporting).

Journalistic work in Tajikistan is hindered by multiple obstacles, chiefly by limited access to various sources of information. On the one hand, journalists are supposed to provide objective and timely information; on the other, their access to socially important information is restricted. Journalists face significant difficulty in securing an interview with comments from a government official of any rank. Officials must address the inquiry to their direct supervisor, who in turn passes it on to his or her own supervisor. Consequently, a simple clerk or press secretary must receive permission for an interview from “rais”—the head of the local administration. Since public officials are key sources of information in Tajikistan,

such procedures complicate the journalist’s task of providing coverage of key events and issues.

By order of the president, all ministries and departments must organize quarterly press conferences and provide a certain amount of official information on their activities during this period. However, some establishments have been closed to mass media since 2005. For example, the Ministry of Defense and the State Committee for National Security consider their activities to be state secrets. Only state-run media receive information and press releases from them, and even that is provided irregularly.

Risks related to criticizing any sphere of public life forces journalists to act independently, resort to anonymous sources of information, or even use flagrant lies. In the course of discussions, Murod Sotiev, director of the independent information agency Paem, put it this way: “Journalists and editors who dare to publish a critical article may be persecuted by phone or in some other way by the head of a local administration or other officials that are criticized. They or their editors often refrain from publishing further critical materials, due to self-censorship.”

Panelist Tuhfa Akhmedova, press secretary for the NGO Gamkhori, also noted the pressure to censor. “If journalists do not resort to self-censorship, they are threatened with dismissal. This is especially so in the state-run and regional media outlets.”

Panelists recalled several cases in which journalists were dismissed for publishing truthful and objective articles written upon their editors’ requests. These articles were excluded from the paper. Under such circumstances,

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).

journalists practice self-censorship and keep away from topics perceived as off limits.

Nevertheless, Masrur Abdullaev noted, "Journalists cover all the major topics and events, and though they still practice self-censorship, its scope is getting smaller every year." In his opinion, very brave articles in the genre of investigative reporting are published by Tajik newspapers *Faraj*, *Nigokh*, *Millat* and *The USSR*.

Investigative reporting, which had been extremely rare in Tajikistan, has now started to develop with the advent of the Center for Journalistic Investigations, headed by panelist Khurshed Niyozov. He said that within the last two years, they have published more than 20 investigations on social topics, economics and ecology, as well as the civil war of 1992–1997.

All panelists agreed that the four Tajik-language newspapers mentioned above publish the most daring materials and investigations. However, panelists Dikaev and Kurbon Alamshoev, director of the Pamir Mass Media Center, said that "these materials are often subjective and too emotional."

Dikaev said that editorial boards of almost all newspapers published in Tajikistan do not have their own opinion on the issues that their media raise. "They may criticize an official in one issue and praise him in the next one. Such an attitude devalues the printed word and lowers the prestige of mass media. Moreover, some critical materials are based on a single source of information or on so-called 'twin sources' which depend on each other," he said.

Although some media venture into risky territory, panelists said that most journalists avoid certain subjects. "Until now, the president and his family, the speaker of the Parliament, the activities of the State Committee for National Security, customs, corruption in the supreme government bodies, and drug trafficking are taboo subjects for mass media of Tajikistan," said Konstantin Parshin.

Hulkar Yusupov added that "such topics as aluminum and gold ore industries, scandals related to top government officials, financial operations, investment, and sponsorship, are still undesirable."

According to Niyozov, many editors-in-chief, media-holding executives, and heads of journalists' unions view mass media as a kind of business rather than creative work. Some media outlets run an abundance of PR and other pre-paid materials that, in combination with self-censorship, cause Tajik journalism to fall short of professional quality standards. Dikaev mentioned that local sources reported on the facts of bribery among mass media employees. "A regional journalist may write a commissioned article or even demand a sack of flour for PR materials," he said.

In the course of discussions, Murod Sotiev, director of the independent information agency Paem, put it this way: "Journalists and editors who dare to publish a critical article may be persecuted by phone or in some other way by the head of a local administration or other officials that are criticized. They or their editors often refrain from publishing further critical materials, due to self-censorship."

Alamshoev said that he believes that local officials and business leaders often use journalists to achieve their own goals. "Government officials and big businessmen use journalists as a tool for besmirching someone's reputation or settling old scores. This is done by leaking discrediting information to the press," he said.

All panelists agreed that in order to succeed professionally, journalists must have their own connections in the ministries and departments. "Good personal relationships play a key role in receiving confidential information, though our sources often require anonymity so as not to incur their bosses' displeasure," Yusupov said.

Another problem related to the development of professional journalism is the pay level. According to data presented by the panelists, salaries and royalties in the state-run media are especially low and their rates have not changed since 2007. Tikhfa Akhmedova reported that a journalist working for a state-run regional media outlet receives less than \$20 a month, and royalties are not paid at all. "That is why almost all regional journalists make some money on the side by working anonymously for other media outlets or Internet editions," she said.

The situation in some national media outlets has improved: the salary for the staff of two state-run television channels was raised to an average of \$40 to \$50 a month, and employees are allowed to earn extra wages by attracting advertisements and participating in the production of commercials. The national information agency Khovar has also increased its salary rates and royalties so that its average employee can now earn up to \$100 to \$120 a month. Despite this increase, their pay is still much lower than that in private, independent mass media.

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Pay issues drive media talents, especially those who work for state-run television, to find additional sources of income. For instance, a television crew requests \$100 to \$150 for filming a 30-second outdoor spot for a news release; other employees augment their income by shooting private films.

The pay level of non-governmental journalists is significantly higher. Their minimum income can be estimated from job advertisements. An average salary offered in such advertisements is at least \$150 per month for a journalist and at least \$250 per month for an editor. The more popular the journalist, the greater her or his chances are to earn income at other outlets, both in the country and abroad. However, the salary of regional reporters with private newspapers is much lower than that of their colleagues in the capital city. The panelists noted that nearly all of the best journalists work as correspondents for foreign media outlets in Tajikistan, while local journalists write for several newspapers and Internet editions.

Because working for non-governmental media outlets may be difficult and risky, many journalists still prefer to work for state-run media that grant paid vacations and sick leave, which is not the case at most private outlets.

Professional ethics is a significant issue to be addressed. Panelists maintained that the mass media of Tajikistan are not yet ready to accept the Universal Ethical Code. Perhaps as an indicator of this, OSCE, NANSMIT, and the journalists' union last year organized a number of roundtables where they discussed a proposed ethical code for Tajik journalists. However, an agreement on the code has not been reached due to the differing interests of media editors and journalists.

In July 2008, Ittiloot va Muoshirat, a social action organization that includes several officials from Tajikistan's Ministry of Foreign Affairs, attempted to force media executives and media organizations to adopt its ethical code. The move caused protests among the leaders of the journalists' union, the Media Alliance, and NANSMIT. They refused to adopt the code without evaluation by media experts and their own members' approval.

In the meantime, journalists widely employ unethical approaches. "Not only are ethical norms ignored; sometimes even legal ones are violated," Parshin said. "People who have been detained are often referred to as 'arrested,' and their names and pictures are made public."

All panelists agreed that such a lack of professionalism and failure to comply with ethical norms are unacceptable. They recommended implementing more training programs for journalists, both in teaching general professional courses and conducting compulsory training in legal issues.

Electronic media devote up to 70 percent of their broadcasting time to entertainment programs. "The lack of competition from independent television stations allows state television to allocate most of its time to entertainment programs. As a result, people have nicknamed it 'The State Philharmonic Society,'" Dikaev said.

Parshin also spoke negatively of entertainment-oriented programming. "Television and radio have practically no format, and the air is mainly filled with stolen music and pirated copies of films and musical programs," he said.

All the panelists agreed on the necessity of creating national news and informational television and radio channels that would potentially become very popular, especially if they featured regional news.

OBJECTIVE 3: PLURALITY OF NEWS

Tajikistan Objective Score: 1.70

The small decrease in Objective 3's score compared to last year is attributable mostly to decreases in Indicators 5 and 6, independent broadcasters produce their own news and transparency of ownership. Further, Indicator 6 was the only indicator to not score close to the objective score, falling short by slightly more than half a point.

Several panelists observed a reduction in the level of news sources that provide the citizens of Tajikistan with objective and useful information. Rano Bobojanova, head of the Center for Gender Research and a reporter for *Bonuvoni Tojikiston* magazine, explains this rating: "Although the reading population grows from year to year, not everyone can afford to buy newspapers due to their high prices. Access to the Internet, especially in remote regions, depends on electricity supply and other technical problems. Mass media do not represent alternative viewpoints, and the opposition is denied any opportunity to express its opinion in the state-run media—it is just not allowed there. The high cost of services

prevents some newspapers from subscribing to news from information agencies.”

Parshin reported that SMS news service for mobile phone users in Tajikistan is non-existent. “There are blogs, but they are not professional enough, and they cannot be considered a source of news. There is an opinion that blogs are yet another invention of American intelligence services aimed at screening public opinion in other countries,” he said.

According to the panelists’ estimation, only 10 to 15 percent of the population can afford to buy newspapers. The retail price of printed media is quite high, typically TJS 1 to TJS 1.50 (\$.28 to \$.43—upwards of a tenth of the average daily income). At the same time, the demand for information is extremely high, and the printed press is a very popular medium. Niyozov thinks that the price for newspapers goes up because there is an informal cartel. “Editors and publishers thoroughly monitor each other, and discuss the matter of concurrent price increases in advance,” he said.

There are no daily newspapers in Tajikistan; almost all publications are weekly and come out on Thursdays. Dikaev said, “The absence of a daily newspaper in the country clearly indicates that something is wrong with Tajik journalism.” According to his statistics, the overall circulation of all newspapers published in Tajikistan is little more than 200,000 copies.

Almost all private newspapers in the capital and large cities are sold out by Friday. Due to the limited scope of delivery and small circulation areas, independent editions published in the capital do not reach remote provinces. Alamshoev noted, “In Gorno-Badakhshan Autonomous Province, granting citizens access to information is very difficult. The national press is delivered only to the administrative center of the province, the city of Khorog, and regional centers may receive newspapers more than a week late, if at all. Due to the lack of local printing houses or their dilapidated equipment, even local newspapers are still printed in Dushanbe once a month.”

According to the Department of the Press under the Ministry of Culture of the Republic of Tajikistan, 69 state-run newspapers are regularly published in the regions. Their circulation does not exceed 500 to 1,000 copies. Due to technical and financial hardships, most of them come out only once or twice a month. Very few have proven their profitability despite considerable circulation. Such publications include the newspapers *Diyori Tursunzoda* in the city of Tursunzade with a circulation of 5,000, and *Khakikati Sughd* in Sogdi Region with a circulation of 4,000 to 6,000.

Civil society groups supported by international organizations are working to provide citizens with access to various information resources. OSCE helped open information centers

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with a wide selection of periodicals and Internet access in some regions. But due to Islamic customs, these centers are hardly visited by women, except for NGO activists and public figures. The Media Resource Center in Dushanbe is extremely popular with journalists. Its services include a library of books on journalism, newspaper files, and access to the Internet and information provided by Tajik news agencies.

Sharply limited electricity supplies, which are even scarcer every year during fall and winter, have become a real lesson in survival for citizens in remote regions. They are cut off from all sources of information on both domestic and foreign events. Nevertheless, electricity is always available when programs about the president or important political events are broadcast.

Panelists noted the growing popularity of satellite television in the countryside as well as in cities, due to higher accessibility of equipment and more affordable pricing. The scope of information received via Russian and other foreign channels is growing, which Abdullaev said is important for the Tajik people. “Tajik national radio and television do not

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.

Political pluralism in the country is ensured by the newspapers of political parties. Although not all parties have their own newspapers, the largest parties publish their own media.

provide citizens with relevant, socially important information. The population of Tajikistan often learns about events in their own country from the Internet and Russian TV channels. And while all state-run media are partisan, private ones do not have enough courage to protect social values.”

The satellite broadcasts of Russian channels are usually interrupted to show important political events in Tajikistan, especially the ones in which President Rakhmon is involved.

All the panelists pointed out the increased influence of Tajik-language media compared to 2007, although there still room for improvement. Dikaev declared, “Tajik journalism is present while being absent!” and all participants agreed.

The project subsidized by Internews Network helped establish local television studios in 14 regions of Tajikistan. These media outlets use modern digital technology and have much better equipment than their state-run regional counterparts. However, the growing potential of regional media has not helped to improve inter-regional information exchange. Neither state-run nor independent printed and electronic media have correspondents in the central part of Tajikistan. The panelists noted that news agencies provide more information on events in other countries, and residents of the capital find it much easier to receive information on international events than on those events that happened in neighboring towns or villages only a few miles away.

Rustam Buriev, director of Mavji Ozod independent television station in Khatlong Province, said that mass media produce very few original programs. “We mainly broadcast the programs produced by the Internews Network Open Asia and produce our own news coverage only twice a week. We cannot produce analytical programs either, due to the lack of professional TV reporters and experts,” he said.

In the past, many production studios provided private companies with their products, but they all ceased operations after the licensing system was introduced in 2005. Panelists said that Internews Network’s re-registration in Tajikistan gives hope for renewal of its projects and for the revival of the joint program of eight regional stations that was discontinued in 2006. This should fill the information vacuum in those regions.

Comparing Tajik television with broadcasts of other countries, Mirsaidov noted that it lacks socially significant information. “The media still tend to avoid showing accidents and natural disasters in the news,” he said. The panelists illustrated this with examples of floods, avalanches, terrorist attacks, and fatal traffic accidents that were shown by state television several days after the fact, once the president had sent a committee there. People learned about these events from different sources—some via the Internet and some via Russian television, whose reporters in Tajikistan are more efficient.

Tajikistan has ten news agencies, the most famous of which are independent Asia-Plus, Avesta, Varorud, Paem, Interpress-service, Hatlon-press, Zerafshan-times, Pamir-Media, Simonews and the state news agency Khovar. They operate with varying degrees of success and try to cover news from all over the country. The panelists especially praised the work of Asia-Plus and Avesta, which provide timely information online, beginning in the very early morning. However, Avesta is now available only to subscribers and Asia-Plus has partially limited access to its Web site since 2007.

All the agencies and newspapers often use materials prepared by such leading international agencies as Agence France-Presse, Reuters, and the Associated Press. Yusupov said that Asia-Plus accesses the agencies’ materials via the Internet, skirting the normal rules. “We do not pay anything to them. We use hyperlinks, and they are aware of it and close their eyes to it. They know that Tajik media outlets cannot afford a subscription, and if fines were applied, western journalists would consider it as a démarche against the democratic media in Tajikistan.”

Saidumron Saidov reported that state-run television uses only news provided by Khovar, whereas news provided by independent agencies is broadcast by private FM radio stations.

The public seldom knows who finances the groups that control some independent media. Only journalists are familiar with the sponsors of their publications and know in whose interest certain independent radio and television stations operate. There is a hierarchy within Tajik media, and television journalists, especially those who anchor talk shows and entertainment programs, are at the top. The most influential political groups aspire to have their own electronic media outlets, or at least loyal outlets that give them access to a much broader audience than printed media.

According to the panelists, in 2008 financial giants expressed interest in the development of their own mass media. Oriyon International was mentioned as the most prominent example. This media holding is owned by the head of the country’s largest private bank, Oriyon Bank, which founded the radio station Imruz in addition to the already existing Oriyono

Radio. The media branch of the company is also planning to set up its own television company and an advertising agency.

Tajikistan has very few minority media outlets. They are mainly local publications in the Uzbek and Kyrgyz languages. Alamshoev reported that newspapers in Kyrgyz with circulation of 500 copies are published in Murghab and Jirgatal regions, which have a large Kyrgyz population.

The first national channel has news programs in Uzbek, Russian, Arabic and English. Uzbek ethnic groups have a wider choice of media outlets in their mother tongue; in addition to local media, there is a national governmental Uzbek-language newspaper *Khalk Ovozi* and a non-governmental newspaper, *Dustlik*, distributed in places with a large Uzbek population. *Dustlik* is published by the Association of National Minorities of Tajikistan and deals with issues relating to the Uzbek Diaspora.

Dikaev also reported on a national minority newspaper in the Turkmen language that is published in Jilikul Region of Khatlong Province, where many Turkmen live.

All panelists agreed that national minorities are free to develop their own media in Tajikistan without any restrictions. Nevertheless, the Association of National Minorities of Tajikistan does not have its own offices yet despite its application to the government on this matter three years ago. Panelist Rano Bobojanova attributed the dearth of minority representation to increasing “national chauvinism, accompanied by the infringement of the rights of minorities.”

Political pluralism in the country is ensured by the newspapers of political parties. Although not all parties have their own newspapers, the largest parties publish their own media. For instance, the Islamic Renaissance Party in Tajikistan (IRPT) has two newspapers, two magazines and owns printing facilities both in Dushanbe and in the regions. However, only the president’s People’s Democratic Party is granted access to the electronic media, while Communist or IRPT MPs are only occasionally invited to participate in some television and radio programs.

OBJECTIVE 4: BUSINESS MANAGEMENT

Tajikistan Objective Score: 1.22

Drops in the scores of most of the indicators resulted in a notable decrease in score that pushed Tajikistan’s business management into the lower half of the “unsustainable, mixed system” category. Only Indicator 1 (media outlets operate as efficient businesses) and Indicator 3 (the advertising market)

The main advertisers in Tajik media have been cell phone operators, Internet providers, commercial banks, international organizations and embassies that are accredited in Tajikistan.

remained unchanged. All indicators scored similarly poorly; none deviated from the objective score by more than 0.30.

The dynamics of the development of mass media in Tajikistan over the past few years reveal that media outlets, which used to perform the role of political mouthpieces, are making a rapid transition to journalism that turns out quality products, satiates the market demand for diverse information, and is on the road to becoming a successful sector.

Despite its rich hydropower and mineral resources, Tajikistan still has a relatively low level of economic development. New financial groups with their own media are appearing in Tajikistan, however. These include Oriyon International, with its two radio stations and a monthly economic magazine; and Asia-Plus, which owns two newspapers, an FM radio station and the country’s first glossy magazine, *VIP-Zone*, that launched in 2008.

The panelists noted that the representatives of big business seldom sponsor media outlets directly, preferring advertisements, commercials and public relations materials. The main advertisers in Tajik media have been cell phone

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.

Yusupov reported that the media delivery system in Tajikistan is still far from perfect. Tajikatbuot (Tajik Print) has been privatized by the authorities, and this company is mainly interested in disseminating governmental editions.

operators, Internet providers, commercial banks, international organizations and embassies that are accredited in Tajikistan.

Panelists stressed that despite their apparent stability, many media outlets still subsist on grants and advertising. Babajanova said, "Most mass media in Tajikistan, especially the regional ones, are keeping afloat due to grants from foreign donors. Grants are given only to media outlets that have a clear-cut strategy for maintaining their financial stability."

Concealing revenues has become a universal strategy of Tajik businesses. Naturally enough, non-governmental mass media follow the trend and conceal their revenues by publishing camouflaged advertising, reporting lowered circulation to tax authorities, and printing unrecorded copies. The very fact that most economic activities are "in the shadows" impedes the growth of the advertising market. Most media, especially those in remote regions of the country, do not rely on the advertising market as a significant source of their income. Regional media still earn most of their revenue by publishing classified advertisements and sponsored articles. National media also suffer from poor capitalization and a low level of investment.

All the panelists agreed that the practice continues of distorting print publications' circulation figures. Some print media understate their circulation in order to lower taxes; others overstate it to increase the popularity of their publications. Some printed media, in conspiracy with printing shops, print off-the-books copies that are later sold tax-free. Camouflaged advertising and PR materials are yet another way to avoid taxes by concealing revenues.

The panelists mentioned that, according to the law, there is a limit on television advertisements. However, the lack of monitoring enables television stations, especially those that are state-run, to conceal their advertising revenues. The panelists also noted that all publishers are pursuing their own profits, there is little solidarity among them, and what solidarity exists concerns nothing but setting mutual price increases.

Yusupov reported that the media delivery system in Tajikistan is still far from perfect. Tajikatbuot (Tajik Print) has been privatized by the authorities, and this company is mainly interested in disseminating governmental editions.

On the other hand, public distributors, mainly retired women who sell newspapers and magazines, have to pay "interest" to Tajikatbuot.

Journalists from various media have an incentive to attract commercials to their outlets because 30 to 50 percent of the total advertising fee is a commission. However, this practice turns the journalist into a merchant who is engaged in writing only custom-made advertising materials. The owners of such big non-governmental outlets as Asia-Plus, Charkhi Gardun, and Oila have created marketing departments, and only these departments look for advertisers and research existing and potential advertising markets and their demands.

Many successful companies develop other kinds of business in addition to publishing. Charkhi Gardun, the richest and largest-circulation media company in the country, has recently purchased its own printing house. It is also engaged in delivery of newsprint, consumables, printing plates, construction, etc. The media company Oila has its own advertising agency, Tyron, and a printing house, Oila Print, with state-of-the-art equipment.

Most governmental and state-run print media still rely on subscriptions (which are mandatory for government employees) as their major source of income. According to Yusupov, "Governmental media increase their circulations and have revenues only due to subscriptions."

Non-governmental media are more focused on advertisements, classifieds, and public relations materials that also attract more advertisers. Yusupov said, "The Tajik-language *The USSR* is the only newspaper printed in Dushanbe that is free from advertisements, and it is the favorite edition for many readers. All other newspapers devote up to 20 percent of their volume to advertising."

Private regional television stations often receive small grants from local administrations. Bobojanova said, "Independent television stations in Sogdi Region receive subsidies from the local budget."

Scant earnings lead either to closure of these media or their reliance on sponsors. For example, Mavchi Ozod television station, headed by panelist Rustam Buriev, has a sponsor partnership in effect. "Our station works in cooperation with the local oligarch, the owner of Samar Company," Buriev said. "The TV station is located in the territory of the plant that belongs to this company, our employees receive their salaries from the plant, and they know that their founder will always find solutions to their problems."

Market and rating surveys of the mass media sector are conducted sporadically and irregularly. Two years ago, all such surveys were conducted by the Zerkalo Center for Sociological

Research. Now these surveys are not held at all. Media outlets do not consider sociological research necessary or worth the cost, and conduct their own surveys in the newspapers or on their Web sites. And Akhmedova said, "Media owners do not need [professional] surveys, as they judge their publications' ratings by circulation alone."

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Tajikistan Objective Score: 1.30

Objective 5 suffered the most severe drop in score this year, falling from 1.92—almost into the "near sustainability" category—to 1.30 in the bottom half of the "unsustainable, mixed system" category. All indicators fell rather dramatically, except for Indicator 6, access to printing facilities, which remained unchanged. Further, all indicators scored similarly as poorly as the overall objective score: none was more or less than 0.20 away from the objective score.

Tajikistan has eight associations and funds and one union of journalists: the Journalists' Union of Tajikistan, NANSMIT, the Association of Independent Electronic Mass Media, the Fund for Memory and Protection of Journalists, The Journalist Association, the Association of Journalism Teachers, and the Association of Professional Journalists of Sogdi Region. The newest professional media organization, Media Alliance, has 35 members from all over the country except for the Pamir. The organization arranges for the defense of journalists prosecuted for critical articles, makes public statements, and participates in court hearings against mass media employees, including the 2007 case against the three print journalists from *Ovoz*.

Panelists had mixed opinions on the progress and effectiveness of support institutions. Some said that NGO support of mass media is deteriorating. "Most NGO activities practically never reach the regions, except for carrying out rare seminars and trainings only for independent journalists," Dikaev said.

Some of the panelists noted the advances in the work of the Journalists' Union after its election of a new and energetic leader, Akbarali Sattorov, who heads the Charkhi Gardun Media Holding. Others were skeptical. Niyozov and Dikaev said that the Journalists' Union remains a pro-governmental organization, its managers have never visited the southern regions of the country in order to familiarize themselves with the situation media professionals face there, and it does not keep a list of union members. Abdullaev said, "The Journalists' Union of Tajikistan is making loud statements, but it never deals with problems. The organization has become

"Most NGO activities practically never reach the regions, except for carrying out rare seminars and trainings only for independent journalists," Dikaev said.

amorphous and turned into a department of Charkhi Gardun Media Holding."

The panelists also expressed different opinions on the activities of NANSMIT, the most prestigious NGO supporting media and journalists. Although some participants stressed its important role in protecting the rights of journalists and media outlets, others believed that the work of this organization declined considerably in 2008, the rigorous monitoring of infringements of the rights of journalists has practically ceased, and very few professional trainings and seminars were conducted. According to Dikaev, "NANSMIT can operate only if it receives financial support from international organizations."

Panelist Parshin of NANSMIT said that the "organization tries to provide journalists with necessary professional support. The monitoring of infringements of the rights of journalists is not supported by grants anymore, so it has been limited to publishing the data only on the nansmit.tj Web site, which is hardly ever read by anyone."

All the panelists agreed that the only solution to the union crisis is the establishment of an independent, professional union that would protect the rights of mass media and their journalists and help to solve intra-editorial conflicts between journalists and their employers.

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Abdullaev said, "The Journalists' Union of Tajikistan is making loud statements, but it never deals with problems. The organization has become amorphous and turned into a department of Charkhi Gardun Media Holding."

Although training programs of the Internews Network have been curbed since October 2007, all the panelists praised this organization for supplying equipment, supporting media management technologies, and training electronic mass media staff in the international standards of journalism and management.

The panelists expressed particular concern regarding the professional training of journalists, which had not improved in the past year. Tajikistan has one faculty of journalism and five departments of journalism that teach about 100 students a year. However, students graduate with very low skill levels. Most of their course material is based on the history of journalism, and they are taught using outdated methods. They do not receive even the most elementary computer skills training, much less experience with journalism software. "Students need access to the Internet to complete their education, and no institution of higher education can provide them with this," Abdullaev said.

Bobojanova said that students are also missing out on experiencing the media sector in other countries. "Although journalists sometimes study abroad, students of departments of journalism never do so," he said. "Studying abroad is a private enterprise, and such programs are available in the USA and Iran."

Once out of school, panelists said, graduates do not or cannot work in the profession. Yusupov said, "Only five to six percent of graduates are ready to work for newspapers, but more students could be attracted to mass media if they could be provided with year-round practice in print media. However, this initiative was rejected by the Ministry of Education and the deans of the faculties of journalism."

Both governmental and non-governmental media outlets compete to obtain good and promising journalists and entice them with higher royalties. However, none of them starts selecting while the students are still in college.

State media employees seldom attend seminars and trainings because their editors do not allow it. This accounts for the sharp difference between the professional skills of independent media journalists and state media journalists.

According to Yusupov, "A smart editor will always allow a journalist to attend training sessions, even if they are abroad," and mentioned short-term courses for journalists conducted by the OSCE Academy in Bishkek.

The panelists paid attention to the fact that independent media present more references to authoritative and competent sources, whereas journalists with the state media outlets write in the first person, imposing their own opinions upon the reader. "Government journalists are especially weak in conducting interviews and covering economic topics," Mirsaidov said.

In addition, most editors of state-run media outlets are extremely conservative and advocate "the purity of genre," whereas political essays and journalistic investigations come closer to international standards.

Only the Journalists' Union and the Tajik affiliate of the *Arguments and Facts* newspaper conduct training and retraining sessions in the workplace. All the panelists pointed out the dearth of trainings and seminars for electronic media, which are not conducted anywhere except by Internews.

The discussion of the quality of the press led to a discussion of printing houses and consumables. A group of panelists noted that the monopoly of the state printing houses continues. The governmental printing house Sharki Ozod still allows itself to choose which editions to print and which to reject, often on political grounds and by command "from above." Niyozov informed the panelists that "Sharki Ozod always gives priority to the governmental newspapers, and the price of paper, plates, and services for them is 15 to 20 percent lower than for independent newspapers."

The Oila-Print publishing house offers reasonable prices, modern equipment and full-color printing. However, according to Yusupov, "If Sharki Ozod refused to print a certain newspaper for some reason, Oila-Print would also reject it."

The panelists remarked on the necessity to imitate Kyrgyzstan by creating printing houses for independent newspapers in Dushanbe and regional centers such as Khudzhand, Kurgan Tube, and Khorog.

The panelists concluded their discussion with a statement that the current state of freedom of speech, independent mass media, commercialization, and the advancement of Internet providers indicate a quick pace towards a market economy. Certain assistance from international organizations, as well as political freedom and strict adherence to the law, might help mass media in Tajikistan overcome their technical and professional obstacles.

List of Panel Participants

Mansur Abdullaev, director, Internet Network; journalism teacher, the Russian-Tajik Slavic University, Dushanbe

Kurbon Alamshoev, director, Pamir Mass Media Center, Khorog

Rustam Buriev, director, Mavji Ozod TV, Vose District

Negmatullo Mirsaidov, editor-in-chief, *Varorud* newspaper, Khudzhand

Khurshed Niyozov, editor, *Faraj* newspaper, Dushanbe

Saidumron Saidov, chairman, Association of Professional Journalists of the Sogdi Region, Khudzhand

Turko Dikaev, reporter, Asia-Plus, Khulyab

Tukhfa Akhmedova, chairperson, Gamkhori Press Center, Kurgan-Tube

Rano Bobojanova, chairperson, the Center for Gender Research; reporter, *Bonuvoni Tojikiston* magazine, Khudzhand

Hulkar Yusupov, chief of the information analysis department, Asia-Plus, Dushanbe

Konstantin Parshin, expert, National Association of Independent Media of Tajikistan; freelance journalist, Dushanbe

Murod Sotiev, director, Independent Information Agency Paem, Kurgan-Tube

Moderator and Author

Lidiya Isamova, correspondent, RIA News, Dushanbe

The panel discussion was convened on December 6, 2008.

Berdymuhamedov's government maintained total control of domestic media and clamped down on the flow of free information available to citizens from abroad. He continued a drive to remove privately owned satellite dishes. While he increased the number of people who have access to the Internet, his government also increased monitoring and filtering of the Web.



TURKMENISTAN

An eccentric dictator who had increasingly implemented a cult of personality, Saparmurat Niyazov led Turkmenistan for more than 20 years, first while it was a part of the Soviet Union and then after it gained independence in 1991. International human-rights groups condemned Niyazov for making Turkmenistan one of the world's most isolated, repressive, and censored societies. But even during Niyazov's reign, there were three sources of independent information from abroad available to citizens: satellite television, a few Internet connections, and Turkmen-language radio broadcasts by the US government-funded Radio Free Europe/Radio Liberty (RFE/RL).

When Niyazov died—reportedly of a heart attack—health minister Gurbanguly Berdymuhamedov took over through inside political maneuvering and an election on February 11, 2007, which observers cited as neither free nor fair. In his first year, he made significant improvements to the country's pension, education, and health-care systems and lifted some restrictions on freedom of movement. In 2008, he pursued greater cooperation with the international community, ordered Turkmenistan's constitution and legal codes rewritten to meet international standards, pleased the International Monetary Fund (IMF) by taking steps to introduce more market mechanisms into the economy, and announced a four-year, \$4 billion rural development program.

All the while, though, Berdymuhamedov's government maintained total control of domestic media and clamped down on the flow of free information available to citizens from abroad. He continued a drive to remove privately owned satellite dishes. While he increased the number of people who have access to the Internet, his government also increased monitoring and filtering of the Web. And his security services used harassment, intimidation, and violence to deter journalists and others from providing information to RFE/RL's radio broadcasts.

In 2008, Reporters sans Frontiers named Berdymuhamedov a "Predator of Media Freedom" and an "Internet Enemy." Freedom House named Turkmenistan to its "Worst of the Worst" list of the world's most repressive societies. And the Economist Intelligence Unit reported in July that "the new president's governing style differs little from that of Mr. Niyazov, and prospects for a fundamental shift toward a more liberal political system seem remote." Still, Berdymuhamedov is much more adept at public relations than his predecessor was, and he controls vast reserves of natural gas and significant reserves of oil. So in 2008 his openings to foreign leaders and diplomats focused on social and economic reforms, and he was able to avoid raising the issue of freedom of expression or political dissent.

Turkmenistan scored 0.32 overall, down 0.10 from last year, reflecting an "unsustainable, anti-free press" situation. While all objectives scored less at least slightly, the two biggest drops were in Objective 3, Plurality of News, and Objective 4, Business Management.

TURKMENISTAN AT A GLANCE

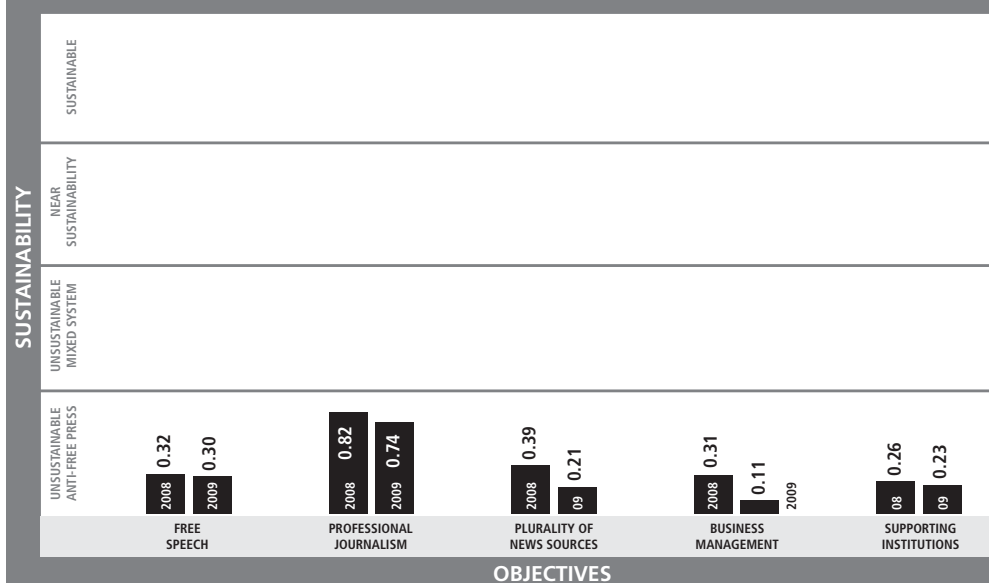
GENERAL

- > **Population:** 5,179,571 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Ashgabat
- > **Ethnic groups (% of population):** Turkmen 85%, Uzbek 5%, Russian 4%, other 6% (2003 est., *CIA World Factbook*)
- > **Religions (% of population):** Muslim 89%, Eastern Orthodox 9%, unknown 2% (*CIA World Factbook*)
- > **Languages (% of population):** Turkmen 72%, Russian 12%, Uzbek 9%, other 7% (*CIA World Factbook*)
- > **GNI (2007-Atlas):** N/A (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$4,350 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 98.8% (male 99.3%, female 98.3%) (1999 est., *CIA World Factbook*)
- > **President or top authority:** President Gurbanguly Berdimuhamedow (since February 14, 2007)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 24 national and local newspapers, 15 magazines; Radio: 5; Television Stations: 5
- > **Newspaper circulation statistics:** Top two by circulation: *Netralniy Turkmenistan* (Russian language state-owned daily), *Turkmenistan* (Turkmen language state-owned daily)
- > **Broadcast ratings:** N/A
- > **News agencies:** Turkmendovlethabarlary (state-owned)
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 70,000 (2007 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: TURKMENISTAN



Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

Due to the political environment in Turkmenistan, IREX did not conduct an in-country panel for Turkmenistan. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with situation of media in the country.

OBJECTIVE 1: FREEDOM OF SPEECH

Turkmenistan Score: 0.30

Turkmenistan's score of 0.30 for Objective 1, essentially unchanged from last year, represents active opposition by the government to freedom of speech. Among individual indicator scores there are no bright spots: the only indicator last year to attain a score of 1.00 or more, Indicator 8 (media access to, and use of, foreign news sources) fell to well below 1.00 this year. All others remained more or less unchanged and scored relatively close to the overall score.

Since independence, Turkmenistan's laws, on paper, have provided comprehensive protection for freedom of expression and of the press. In 2008, the government adopted a new constitution that reaffirms these rights and announced plans to reform its media-related laws, too. However, few think this will lead to any substantial change. The laws are not the problem in Turkmenistan, but rather the government, which ignores its own laws, controlling and censoring virtually all media and using other means such as blacklisting, harassment, and physical violence to control those journalists who do persist in working independently and voicing dissenting views. "There are laws that guarantee free speech and access to public info, but they don't work," one panelist said.

The new constitution, like the old constitution, "proclaims the right to freedom of conviction and of expression and freedom of information where that information is not a state secret," Shirin Akhmedova, director of the Turkmen government's Institute for Human Rights and Democracy, told a United Nations Human Rights Council working group in December. The existing law, "On the Press and Other Mass Media in Turkmenistan," protects the freedom of the mass media and also contains guarantees of freedom of information.

Under Turkmen law, both libel and invasion of privacy are criminal offenses. The libel law gives special protections to government officials, public figures, the state, and state symbols, according to a 2005 report by the Organization for Security and Co-operation in Europe (OSCE). The burden of proof is on the accused, and convictions can lead to as many as five years in prison and a fine of up to "30 average monthly wages." According to a 2008 analysis of Turkmen media laws by the US-based nongovernmental organization

(NGO) Internews, gathering information in a way that invades someone's privacy can bring a year of "correctional labor" or a fine of 5 to 10 months' wages; disseminating such information through the media doubles the possible penalties.

All print and broadcast media require government licenses, according to the 2008 Internews report. Licensing fees differ, depending on the applicant. Government entities, for example, do not have to pay a licensing fee to launch a newspaper in Turkmenistan. Turkmen individuals or corporations, on the other hand, must pay "100 times the size of the estimated average [monthly] wage." Licenses are issued by the State Publishing Association, Turkmenmetbugat, with approval from the Ministry of Internal Affairs and the Cabinet of Ministers. Applications can be rejected for a variety of reasons, including a "negative" conclusion of the expert committee of Turkmenmetbugat.

The Turkmen government "has started to review and rewrite its legislation with the stated goal of meeting international standards," according to a July "background note" on the country by the US Department of State. In December, Akhmedova told the UN Human Rights Council working group that her government was working with USAID and Internews on "improving legislation governing the media."

As a September report on the state of the media by the Vienna-based NGO Turkmen Initiative for Human Rights (TIHR) put it, "'Verbal legislation,' represented by the utterances of the first and second presidents of Turkmenistan, has virtually replaced all norms of the constitutional law." The legislative and judicial branches of government are subordinate to the executive, so the power flows from the executive and, in particular, the president. Although some reports indicate that the new constitution strengthened the power of the Mejlis (the parliament), the president maintains the authority to appoint and dismiss judges at will.

Virtually all newspapers, magazines, television stations, and radio stations in Turkmenistan are owned and tightly controlled by the government. The only news agency in the country is the government's Turkmendovlethabarlary (TDH). All of these media organizations are officially censored, and journalists working for these organizations self-censor as a matter of professional survival. Upper-level editors are appointed and dismissed by the president.

Furthermore, the president has shown a willingness to publicly tell the media what they should print and broadcast. In January, according to a TDH report, he told a group of "cultural workers," including journalists, that the role of the mass media is "to propagate and popularize the new national foreign and domestic policies" and that "the mass media should reflect the stability reigning in all spheres of political

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and social life.” The editors-in-chief of two publications rose to assure the president that his remarks “would be a guide for action.”

The vast majority of Turkmen journalists work for government media. Those few who decide to remain independent must become contributors to foreign media, since there are no independent media outlets in Turkmenistan. This is a difficult and dangerous career path. “Entry into the independent journalism profession is almost impossible,” one panelist said. As TIHR’s September report put it: “Independent journalists (freelancers) are considered outlaws.”

Independent journalists in Turkmenistan face difficulties accessing government information, getting interviews, and getting their reports out of the country. The government controls and monitors the postal service, the Internet, the telephones, and the borders. Despite these obstacles, a

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

number of journalists/dissidents/human-rights activists (many journalists play all three roles) manage to sneak out reports on a fairly regular basis.

In the middle of 2008, the government launched a major crackdown on these activists. In a June 16, 2008, article from the *Kronika Turkmenistan* website, which is maintained by TIHR, one of the officers involved in the crackdown was quoted as saying that the president “is outraged by the negative coverage of the situation in Turkmenistan, which is posted on the Internet. He ordered to find [sic] the journalists working for foreign Internet editions at all costs and apply retaliatory measures toward them.” A June 19 Institute for War and Peace Reporting (IWPR) article said that the country’s Security Council had issued a special directive to clamp down on people considered “politically unreliable,” including journalists.

On June 20, Sazak Durdymuradov, a 59-year-old RFE/RL contributor who was due to appear on an RFE/RL discussion program about the new constitution, was detained by agents of the security service (the MNB). A June 27 article on the website of the Bulgaria-based Turkmen Helsinki Foundation for Human Rights alleged he had been “severely beaten with a pipe, tortured with electroshock, and pressured to sign a letter saying that he agreed to stop reporting for RFE/RL.” An IWPR article also said Durdymuradov had been beaten. On July 4, after his case was publicized and the international community protested, Durdymuradov was released. He told RFE/RL that he had been fired from his job as a history teacher, confined to a psychiatric institution, and pressured not to contribute to RFE/RL—but that he had not been tortured. In the end, he was just warned to provide “correct information” in his radio interviews, he said.

Gurbanguly Durdygulyev, who was supposed to appear on the same radio discussion program as Durdymuradov, was also visited by the police on June 20. He was told he should undergo psychiatric testing, according to an IWPR article. He had been previously confined from 2004 to 2006 to a psychiatric hospital and released only after he had been adopted as a “prisoner of conscience” by Amnesty International and a letter by 54 US senators protesting his detention had been sent to the Turkmen government. Earlier in the year, someone had written graffiti on his house, branding him a traitor; someone had also thrown “burning bottles” onto the porch of his house, according to a TIHR report. During 2008, Gurbansultan Achilova and Osmankuly Khallyev also reported being pressured to stop contributing to RFE/RL.

Amnesty International reported to the UN Human Rights Council working group’s December meeting that “the authorities have in many cases attempted to silence

correspondents of Radio Free Europe/Radio Liberty, which has often been critical of the authorities in its reporting and has broadcast human-rights concerns." Government techniques, according to Amnesty, included frequently summoning RFE/RL contributors to MNB offices "to question them about their cooperation with the Radio and to 'recommend' ending their activities; preventing correspondents from traveling abroad; cutting off correspondents' phone lines; ...and harassing and intimidating correspondents' relatives."

Those harassed, or worse, have no recourse to the courts. A case in point is the death of Ogulsapar Muradova, a 58-year-old RFE/RL correspondent who was harassed, threatened, and then imprisoned in June 2006 on firearms charges that Amnesty International characterized as "fabricated." Her body was returned to her family in September with a large head wound and bruises around her neck, according to the Committee to Protect Journalists. Reporters sans Frontiers judged that she had been tortured to death. To date, the government of Turkmenistan has yet to "open a thorough, impartial, independent investigation" into her death, according to Amnesty. The government maintains that she was neither a journalist nor a human-rights defender and that she died of natural causes.

Foreign journalists face significant obstacles to reporting in Turkmenistan. Akhmedova told the U.N. Human Rights Council's working group in December that "Turkmenistan has accredited more than 20 representatives of foreign agencies and the list continues to expand." However, government accreditation does not allow journalists to effectively and accurately report on events in Turkmenistan.

In the past, the Turkmen government has used the threat of withdrawing accreditation to keep foreign journalists from covering events it found distasteful. Government agencies often ask foreign journalists to submit their articles "prior to publication to be reviewed and amended," according to TIHR's September report. "These requests are always accompanied by threats of recall (cease) accreditation," the report continued. When the OSCE's Representative on Freedom of the Media, Miklos Haraszati, visited Ashgabat in September 2008, one of the issues he focused on in his public statements was "the need for a transparent and uncomplicated system of accreditation."

Another problem for foreign journalists is gathering information. It is extremely difficult to find people in Turkmenistan who are willing to speak honestly on the record with foreign journalists. And those Turkmen citizens who are willing to speak to foreign journalists are often harassed and threatened. In his December 10, 2008, article on *Kronika Turkmenistan*, Alty Begmuradov recounted his efforts to meet foreign journalists, which had been interrupted by pairs

of pushy young men in suits with hand-held radios. After Begmuradov delivered a package to a foreign journalist, he was questioned by officers from the security service who warned that they would "carefully follow all publications in the western media after this conference." "If we understand that the negative information in their articles was provided by you," they said, "you will suffer the consequences."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Turkmenistan Score: 0.74

This year's score for professional journalism fell slightly compared with last year, primarily due to lower scores for Indicators 1 and 8 (journalists follow accepted practices and niche reporting). Only Indicator 7 returned a score well above the average thanks to government efforts to equip its media with the latest technology. On the other hand, as low as the overall score is, two indicators managed to score far lower: Indicator 1 and Indicator 3 (self-censorship).

Journalism in Turkmenistan cannot be considered fair, objective, or well-sourced. Information is tightly controlled by the government. Journalists who work in the state media produce pro-government reports under the pressures of official censorship and fear. Journalists who contribute to foreign media often play multiple roles as journalists, dissidents, and human-rights activists; many of them suffer under government repression and may be inclined to produce articles that are anti-government. Neither group of journalists is in a position to produce fair, balanced, high-quality journalism.

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 vast majority of journalists in Turkmenistan work for state media. Their fear of losing their jobs “or being arrested for making anti-government statements has taught [them] to be circumspect in preparing material, and to report only good news about Turkmenistan,” according to a January 20, 2008, IWPR article.

The vast majority of journalists in Turkmenistan work for state media. Their fear of losing their jobs “or being arrested for making anti-government statements has taught [them] to be circumspect in preparing material, and to report only good news about Turkmenistan,” according to a January 20, 2008, IWPR article. “Any material that the chief editors are doubtful about is thrown away or sent to the presidential administration for approval and ‘harmonization,’” a staff member at the government newspaper *Neytralniy Turkmenistan* told IWPR. “Today every media organization is monitored by a designated supervisor from the state security services, who visits the editorial office as if it were his home,” another journalist told IWPR. According to one panelist, “Senior journalists often tell entry-level journalists not to write about controversial topics in case [they] want to continue working for the Turkmen media.”

In addition to self-censorship by journalists and editors, there is official censorship. “All journalists of the official mass media are required to approve their materials with TDH, the presidential administration, or specially assigned persons in various ministries and agencies,” TIHR found in its September 2008 report. Also, all media materials are subject to the “external censorship of a special government committee that is supposed to ensure that no state secrets are divulged,” according to a January 20, 2008, article by IWPR. In October, the government established a state commission to evaluate “all literature, theater scripts, and screen plays and license them for production,” according to a November 2008 report by Human Rights Watch.

The reports that make it through this system of censorship fail to cover many of the key issues facing Turkmen society. “Journalism in Turkmenistan doesn’t meet professional standards of quality at all. It is used for propaganda of government policy,” one panelist said. Another panelist said that the media only “cover national topics, ignoring the importance of international news. It is quite often that the media re-run the programs over and over.”

Virtually all news in Turkmen media is good news. Information about natural disasters, epidemic hazards, animal diseases, and other problems are “considered classified” and are “subject to no coverage or discussion,” according to TIHR’s September report. A retired Russian teacher told an IWPR reporter for a January 20, 2008, article that “the newspapers and the TV screens all show the same thing—praise for the president. We have a great many problems, but you won’t find any crucial articles or interviews about them in the newspapers.”

A resident of the Turkmen city of Dashagouz told *Kronika Turkmenistan* journalist Nazar Saparov for a May 5, 2008, article that, “contrary to the expectations of many people, the content of the newspapers has not in fact changed [since Berdymuhamedov took power]...No articles with suggestions on how to decide local and state problems are being published. Moreover, the very word ‘problem’ has been virtually eliminated in the press. We still have only endless successes and achievements.”

No new data was available this year on Turkmen journalists’ salaries and whether they were high enough to discourage corruption. One MSI panelist in 2007 believed that journalists’ salaries were high enough to prevent corruption; another wrote that they are comparable to average civil-servant salaries, with recently announced plans for the government to increase them. Another panelist, however, complained that the average salary of a journalist in Turkmenistan was only \$20 to \$30 per month, so low that “many journalists have retrained themselves in other professions.” To put corruption generally into context: In its 2008 Corruption Perceptions Index report, Transparency International ranked Turkmenistan as one of the world’s most corrupt countries, tied with Zimbabwe in 166th place (out of 180).

Panelists gave Turkmen media relatively high scores for providing a good mix of news and entertainment and not allowing entertainment programming to overshadow information, even if that information is tightly controlled. One panelist this year said many families in Turkmenistan buy satellite dishes because they are bored with all the informational programming on state television and want more entertainment programming.

Although most Turkmen live in poverty, the government does not lack spending money for the media and communications. A July 3, 2008, Economist Intelligence Unit report found that the government had a current account surplus of 33.8 percent of the GDP. On March 3, 2008, TDH announced that the president had authorized \$2.7 million for the purchase of “next-generation computers, spare parts ... video facilities, radio relay and direct broadcast receiving and transmission equipment.” In September 2008, a TDH article detailed

plans—which had been announced the previous year—for the construction of a 211-meter-tall television tower in Ashgabat. The first seven floors will house “the Turkmen TV and Radio Centre, about 100 editing rooms, and 10 on-air booths.” There will also be offices for television and radio journalists in the tower’s 54,000 square meters of floor space. And there will be restaurants, conference rooms, and exhibition halls.

OBJECTIVE 3: PLURALITY OF NEWS

Turkmenistan Score: 0.21

Plurality of news sources suffered a drop of 0.18 from last year. As with last year, no indicator scored much better than the overall score, and some did score worse. The difference in score is due chiefly to drops in Indicators 6 and 7, which deal with transparency of ownership (due to firm monopoly by the state) and coverage of a wide range of social and minority issues.

Virtually all media outlets in Turkmenistan are owned, operated, and censored by the government. They present only one point of view and often even only one set of information. “All our newspapers are alike because they just republish official material from the state-run [TDH] news agency,” one Ashgabat resident told an IWPR reporter for a January 20, 2008, article. The three major exceptions are satellite television, RFE/RL radio broadcasts, and the Internet. In 2008, Berdymuhamedov’s government moved to tighten its grip on all three.

There are two Turkish-owned papers in Turkmenistan: a weekly advertising paper called *Reklama i Bizness (Advertising & Business)* and a newspaper called *Zaman*, which comes out three times a week. Both are sanctioned by (and friendly to) the government. All other media outlets in Turkmenistan are owned by the government. In 2008, that included four television channels, five radio stations, 22 newspapers, and 15 magazines, according to TIHR’s September report. A fifth television channel, broadcasting music and known as *Turkmen Ovazy*, was scheduled to go on the air in 2009.

Nearly all media in Turkmenistan are in the Turkmen language. The only minority-language publications available are the national, general-interest, Russian-language daily newspaper *Neytralniy Turkmenistan* and the advertising paper *Habarlar*, which is published in both Russian and Turkmen, according to a July 16, 2008, article from *Kronika Turkmenistan*. Publications in the languages of Turkmenistan’s other minorities, such as Uzbeks, Baloch, and Koreans, are not available. About 15 percent of the people living in Turkmenistan are not ethnic Turkmen.

Even though Internet access is now available to more people, the service is still slow and expensive. One Internet user interviewed by RFEIRL remarked, “The Internet speed is so slow that it takes an hour just to check e-mail and send three or four letters.”

Foreign newspapers and magazines, which were banned under Niyazov, are still not available to the general public. TIHR found in its September report that foreign publications were regularly confiscated at the borders. However, government officials say foreign publications are widely available. “There are no prohibitions to accessing foreign press,” Akhmedova told the UN Human Rights Council’s working group in December. “Since 2008, it has been possible to subscribe to and obtain periodicals from foreign countries, notably the Russian Federation, anywhere in Turkmenistan.”

Government agencies, in fact, are “obliged to subscribe to foreign media outlets,” according to Akhmedova. This statement probably refers to a program created in June 2007 by Berdymuhamedov that was designed “to provide ministries, organizations, and scientific institutions of Turkmenistan with foreign publications,” according to the semi-official, pro-government website *Turkmenistan.ru*. At the beginning of 2008, one panelist noted that some organizations were receiving foreign periodicals. TIHR’s September report,

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.

“All our newspapers are alike because they just republish official material from the state-run [TDH] news agency,” one Ashgabat resident told an IWPR reporter for a January 20, 2008, article.

though, called this program a “PR initiative,” noting that “the set of foreign periodicals is determined exclusively by the government authorities, funded by the state budget, and is not available to a broad audience.”

Foreign broadcast media are more accessible for the general population than foreign print media. The government television station TV-4 retransmits Russia’s Channel 1 for about two hours a day—about 20 minutes of which is devoted to news, according to TIHR’s September report. Foreign television programs are also widely available via private satellite dishes, which are extremely common in both urban and rural areas all over Turkmenistan. Since the 1990s, satellite television has been the primary source of uncensored information for people living in Turkmenistan. Many families have two dishes—one to catch signals from Russia and one to receive programs from Turkey and Europe. These dishes receive hundreds of television and radio channels, including Euronews, BBC, CNN, and RFE/RL’s Turkmen-language radio broadcast.

In 2002, Niyazov ordered the dishes torn down, but he backed off the following year, according to the US Department of State’s 2003 *Human Rights Practices* report. In 2007, Berdymuhamedov tried the same thing, ordering the removal of satellite dishes in Ashgabat. By early 2008, the government had begun tearing down satellite dishes, offering “a set of fixed programs from satellite television broadcast by cable networks as an alternative,” according to a January 27, 2008, article from *Kronika Turkmenistan*. “This does not include Radio Liberty [RFE/RL], Voice of America, BBC, Deutsche Welle, Mayak Radio, etc. Individual satellite aerials offer an average of 300–350 tele[vision] and radio channels. The package of programs broadcast by cable networks which is offered by the authorities includes 20–30 programs.”

Berdymuhamedov’s government abandoned this effort soon after it began, probably due to discontent at home and pressure from abroad. However, in October, the authorities went back to dismantling dishes, working in the residential district of Ashgabat known as Mir-4, according to a November 13, 2008, article from the *Kronika Turkmenistan*. If this program to eliminate private satellite dishes in favor of government-controlled access to satellite television succeeds,

it will mean that most people in Turkmenistan will have virtually no access to independent media.

RFE/RL’s Turkmen-language broadcast, known as Azatlyk Radio, is the second major independent source of information in Turkmenistan and perhaps the best source of independent information on domestic affairs in Turkmenistan. In 2008, RFE/RL correspondents came under severe pressure from the government, as detailed under Objective 1, above. Even if RFE/RL is able to continue broadcasting Azatlyk Radio programs, the audience’s ability to hear them is also under threat, since most people listen to RFE/RL radio broadcasts through their satellite television dishes.

The Internet is the third major source of independent information in Turkmenistan, but because of practical, technological, and financial barriers, it is available only to a small minority of people in Turkmenistan. A March report from Reporters sans Frontiers, which named Berdymuhamedov an “Internet Enemy,” found that out of Turkmenistan’s 5.2 million residents, there were only about 64,800 Internet users, about 1.3 percent of the population. According to World Bank figures, in 2007, Turkmenistan had one of the lowest Internet access rates in the world. Only about 0.8 percent of Turkmen citizens had access to the Internet, compared with about 3.4 percent in Uzbekistan and 15.2 percent in Russia.

One of Berdymuhamedov’s early and ongoing initiatives, however, has been to increase access to the Internet. In late September 2008, he said he wanted to make “the Internet and modern communications technologies available to everyone in Turkmenistan,” according to a September 26 IWPR article. It is certainly true that he has expanded access. Under Niyazov there were only one or two Internet cafés and a handful of Internet resource centers run by international organizations. Since 2007, there have been 15–20 Internet cafés (plus the Internet resource centers) scattered around the country.

In 2008, two events increased the number of people with access to the Internet even further. First, the government Internet service provider, Turkmentelekom, began to install more Internet connections in the homes of private individuals. In the past, only companies, NGOs, government agencies, and a few individuals were allowed Internet connections at home. Turkmentelekom told the *Moscow Times* for a June 6 article that it was connecting up to 20 homes a day and had a waiting list of 2,000 people.

Second, the government gave permission for a second Internet service provider to operate in Turkmenistan, breaking Turkmentelekom’s monopoly. Now the Russian company Mobile TeleSystems (MTS), which had been previously offering only cell phone service in Turkmenistan, also offers

Internet service. For the first half of the year, MTS Web access was available only to about 750 corporate and government organizations, according to a June 10 article on Turkmenistan.ru. But in the middle of the year, it started offering Web access to private users, too, Turkmenistan.ru reported.

Even though Internet access is now available to more people, the service is still slow and expensive. One Internet user interviewed by RFE/RL remarked, "The Internet speed is so slow that it takes an hour just to check e-mail and send three or four letters." It costs \$2.50 an hour to use a computer at an Internet café, where users must present identification and register before accessing the Web. Turkmentelekom's home users must pay "\$1 per hour, on top of a monthly charge of \$8 and a one-time hook-up fee of \$42," according to a *Moscow Times* report. The average monthly salary in Turkmenistan is about \$200. The cost of MTS's service is reported to be even higher than Turkmentelekom's.

Even while expanding the number of people with access to the Internet, the Turkmen government has been tightening its control over the range of content users can view. According to an IWPR article, by April 28, users found they were unable to access any of "the popular Central Asian or foreign websites." TIHF's September report found that about 50 sites had been blocked. A July 6, 2008, report from Human Rights Watch found that a new filtering system had been put into place in 2008 and suggested that that might explain the government's willingness to allow more people to access the Web. In 2006, before Berdymuhamedov took office, fewer people had access to the Web, but most sites were not blocked and there was no requirement for users to present identification to use the Internet.

OBJECTIVE 4: BUSINESS MANAGEMENT

Turkmenistan Score: 0.11

There are virtually no private media outlets in Turkmenistan. The state-run media that dominate the market are run as government agencies, rather than as businesses. They are supported by a combination of government funds, mandatory subscriptions, and a small amount of advertising. As a result, Objective 4 received the worst score of the five objectives. The drop in score is a result of all indicators either falling somewhat or, in two cases, remaining exactly the same.

Turkmenistan's economy, like all other aspects of its society, is dominated by its government. Its economy is one of the least free in the world, ranking 152nd on a list of 158 nations in a 2008 Heritage Foundation report on economic freedom. "The overall freedom to start, operate, and close a business

"With a general economy still so dominated by the state, there's not much use in determining rates from market forces. Most everything is priced low compared to other countries," one panelist wrote.

is very limited ... The system is non-transparent, enforcement is inconsistent, and businesses have difficulty getting copies of laws and regulations. Personal relations with government officials often determine how and when regulations are applied," the report found. The government provides the majority of jobs. All this may be changing, though. Berdymuhamedov has worked on "developing the private sector and a more market-oriented economy," according to a July 31, 2008, report from the IMF.

Media outlets, as government agencies, are primarily funded from the state budget. "The advertising market in Turkmenistan is undeveloped, to say the least," one panelist noted. There is a small amount of advertising in state newspapers and "occasional" ads on television and the radio, he continued. Another panelist noted that "media managers do not feel pressed to use more ads in their programs or paper pages ... since the government is covering all the expenses."

Most ads that run in the Turkmen media are produced in-house by advertisers who then contact media outlets and place the ads themselves. "The advertising industry is not well developed in Turkmenistan and lacks professional skills,"

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.

There is no civil society to speak of in Turkmenistan. Workers in the NGO sector are subjected to the same kind of pressure as independent journalists. In 2003, the Turkmen government criminalized unregistered NGOs.

one panelist wrote. According to a 2008 Internews report on media law in Turkmenistan, there is no special legislation regulating the content of advertising, but it is clear that some norms exist. There are no alcohol or tobacco advertisements in Turkmen media, for example.

While advertisers presumably pay media outlets to run their ads, it is unclear what the rates are or how they are set. There is no ratings system for broadcast media. The government provides circulation figures for some of its print media, but there are no independently generated circulation figures. "With a general economy still so dominated by the state, there's not much use in determining rates from market forces. Most everything is priced low compared to other countries," one panelist wrote.

The circulation figures that the government maintains for its print publications are inflated by a system of mandatory subscriptions. Government employees, who represent the majority of employed people in the country, have long been forced to subscribe to government publications. This includes teachers, health-care workers, police, members of the military, and workers in cultural and sports organizations. "The paradox is that all newspapers and magazines in Turkmenistan are alike and nobody reads them; yet, the subscription plan is fulfilled by all," Nazar Saparov wrote on *Kronika Turkmenistan* on May 7, 2008. Subscriptions range in price from about \$0.30 for a six-month subscription to the weekly teachers' newspaper *Mugallymlar Gazeti* to about \$6 per six months for the major daily newspapers *Turkmenistan* and *Neytralniy Turkmenistan*, according to data from TIHR's September report.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Turkmenistan Score: 0.23

Supporting institutions in Turkmenistan are weak to non-existent. There are no useful trade unions for journalists, and there is no need for an association of media owners, since the government is virtually the only owner. Most nominal NGOs are actually controlled by the government,

and independent NGOs or informal organizations face government persecution. All printing, production, and distribution facilities are owned by the government. Journalism education is in its infancy, and short-term trainings are scarce. The score in this objective remained essentially the same as last year, and all indicators performed similarly poorly. The only indicator to change much was Indicator 5 (mid-career training opportunities).

The law does not protect the rights of workers in Turkmenistan to form unions. No new information available on unions was available in 2008, but there were at least two unions for journalists operating in 2007. The Union of Journalists of Turkmenistan was founded in 1992 with a charter that included "the protection of [journalists'] interests against state and public organizations, founders, and publishers of the media," according to a 2001 IWPR article by Nazik Ataeva. A quasi-governmental organization that represents government workers to the government, it is ineffective according to a 2007 panelist familiar with its operations.

The nongovernmental Shamchirag Association of Journalists of Turkmenistan, which has existed for at least six years, is apparently little better. "One time they conducted a 'training,' but it's funny to even call it a training," wrote one journalist in 2007. "They got a grant and worked with volunteers from an international organization. The guys [journalists who attended] can't say what the training did for them."

There is no civil society to speak of in Turkmenistan. Workers in the NGO sector are subjected to the same kind of pressure as independent journalists. In 2003, the Turkmen government criminalized unregistered NGOs. Under international pressure, it reversed this decision the next year, creating a situation in which operating an unregistered NGO is illegal but does not

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

carry criminal penalties. There are 90 NGOs operating in the country, but according to the US Department of State's 2007 report on *Human Rights Practices*, international organizations considered only seven of them to be independent—the rest are government-controlled. Since Berdymuhamedov took office, only one NGO has succeeded in winning registration: the Union of Manufacturers and Entrepreneurs, according to an October 19, 2008, article from *Kronika Turkmenistan*. The campaign to create it was started by Berdymuhamedov.

When the UN Human Rights Council working group met in December, the representative from Canada called on Turkmenistan to “abolish the system of registration for NGOs working in the country.” Akhmadova, Turkmenistan's representative at the meeting, suggested that this might happen, noting that “the government is working to reform legislation, aiming at eliminating bureaucratic problems involving their registration.” She said the government was working with USAID and the International Center for Non-Profit Law (ICNL) on the issue.

For now, though, the authorities interrogate, harass, and arbitrarily detain civil-society activists, just as they do journalists, according to Amnesty International. For example, Valery Pal, a civil-society activist who used his computer skills to help activists get information about Turkmenistan out of the country, was arrested on February 21, 2008, according to Human Rights Watch. He was charged in connection with a 2004 embezzlement case and sentenced to 12 years in prison. Human Rights Watch and other NGOs declared the case politically motivated and, under pressure, the Turkmen government freed Pal on December 6, 2008.

In 2007, after criticizing his nation's journalists for the low level of their skills, Berdymuhamedov ordered the Turkmen State Makhtumkuli University to introduce a journalism program. It was the first journalism program in the country; until then, media organizations mostly hired graduates with degrees in Turkmen language or literature. In 2008, Berdymuhamedov approved the creation of the Institute of International Affairs, which was to include a program in international journalism, according to an August 22 report from TDH.

A few short-term trainings were available to working journalists in Turkmenistan in 2008. For example, the EU's Central Asia Drug Action Program offered a training, which was attended by some journalists, that was aimed at raising awareness of drug use and HIV/AIDS issues, according to a UNDP press release. More trainings are planned, according to Akhmadova's December testimony: “Experts of the British Broadcasting Corporation visited Turkmenistan and met with representatives of the Ministry of Culture and Telecommunications. They

worked with mass-media representatives to plan seminars, training groups, and roundtables.”

The government controls all printing facilities and all systems for producing and broadcasting television and radio programs. “All business logistics of the media (printing, enterprise, broadcast, etc.) are ... owned by and under strict control of the state,” the 2008 Internews report found. The printing of everything from newspapers to calendars is supervised by the State Publishing Service to “ensure the production of high-quality printed products,” according to Internews. The government has, for years, controlled even photocopiers through a system of registration.

Most of the primary channels for distributing media are also controlled by the government. Magazines and newspapers are mostly sold and distributed through the government postal system, though some are also sold at bazaars. All television and radio programs are broadcast on government-owned transmitters. Internet access is provided by the government's Turkmentelekom and by Russian-owned MTS.

List of Panel Participants

Due to the political environment in Turkmenistan, IREX did not conduct an in-country panel for Turkmenistan. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with situation of media in the country

The government remains openly hostile to any form of independent media, and any journalist reporting on government abuses is thrown in prison. The government continues to claim that the human rights situation is improving, but the on-the-ground reality clearly refutes this.



UZBEKISTAN

The past year witnessed a further deterioration of conditions for independent media within Uzbekistan. The government crackdown on foreign media and local journalists, which began in earnest after the suppressed uprising in 2005 in Andijan, worsened. The government remains openly hostile to any form of independent media, and any journalist reporting on government abuses is thrown in prison. The government continues to claim that the human rights situation is improving, but the on-the-ground reality clearly refutes this.

Three major media events occurred in Uzbekistan in 2008. The first was on June 7 when independent journalist Salidzhon Abdurakhmanov was arrested on drug charges. After clearing his name through a blood test, authorities charged him with drug possession with intent to sell. He was sentenced to 10 years in prison. Days later, the government sponsored a prime-time television program accusing independent journalists of violating journalistic ethics and carrying out anti-state activities. The program provided personal contact information for prominent independent journalists, including their addresses and places of work.

On the same day this program aired, the government held a forum on independent media in order to placate the EU. This meeting was called a farce by many as no independent human rights and press freedom groups were allowed to attend. Later in October, the government hosted another conference on media reform. As a result of this conference, the EU lifted the travel ban on Uzbek officials even though the original condition for lifting the ban, an independent inquiry into the Andijan incident in 2005, never occurred.

Due to the repressive environment in Uzbekistan, IREX did not convene a panel. This chapter represents research conducted on the situation and discussions with various professionals knowledgeable about the situation in Uzbekistan. The names of those contacted will not be published to protect their safety. This chapter, therefore, provides a summary of the state of media in Uzbekistan.

UZBEKISTAN AT A GLANCE

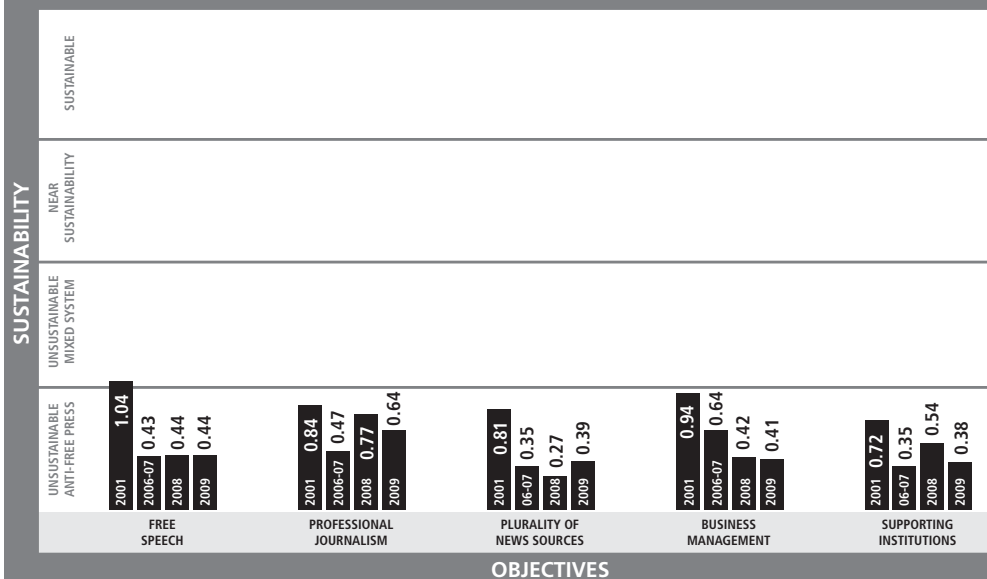
GENERAL

- > **Population:** 27,345,026 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Tashkent
- > **Ethnic groups (% of population):** Uzbek 80%, Russian 5.5%, Tajik 5%, Kazakh 3%, Karakalpak 2.5%, Tatar 1.5%, other 2.5% (1996 est., *CIA World Factbook*)
- > **Religions (% of population):** Muslim 88% (mostly Sunni), Eastern Orthodox 9%, other 3% (*CIA World Factbook*)
- > **Languages (% of population):** Uzbek 74.3%, Russian 14.2%, Tajik 4.4%, other 7.1% (*CIA World Factbook*)
- > **GNI (2007-Atlas):** \$19.72 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2007-PPP):** \$2,430 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 99.3% (male 99.6%, female 99.0%) (2003 est., *CIA World Factbook*)
- > **President or top authority:** President Islam Karimov (since March 24, 1990)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 663 newspapers, 195 magazines, 13 periodical bulletins; Radio: 35; Television Stations: 53 (Uzbek government)
- > **Newspaper circulation statistics:** Total newspaper readership is estimated at only 50,000; top publications include *Khalq Sozi* (state-run daily), *Narodnoye Slovo* (state-run, Russian-language daily), *Ozbekistan Ozovi* (published by ruling party) (Library of Congress, Federal Research Division)
- > **Broadcast ratings:** N/A
- > **News agencies:** Uzbekistan National News Agency (state-owned), Jahon, Turkiston Press
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 2,100,000 (2008 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: UZBEKISTAN



Annual scores for 2002 through 2005 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Uzbekistan Objective Score: 0.44

There continues to be very little freedom of speech within Uzbekistan as demonstrated by the score of 0.44, the same as last year. All of the indicators remained essentially unchanged from last year, and all scored close to the overall objective score.

The government crackdown on foreign media and local journalists that began after the 2005 events in Andijan has tightened. The government restricts all forms of independent media within the country; foreign media are not allowed accreditation. Journalists and civil rights activists are constantly harassed and those critical of the government are arrested. The International Press Institute's 2008 *World Press Freedom Review* reported that the government maintains a list of topics that the media must not cover critically, and that the National Security Service provides the list to editors. The list reportedly includes the Andijan incident, human rights abuses, the president and his family, opposition party activities, and socio-economic troubles. These restrictions have effectively eliminated the country's independent press corps.

In 2008 there was an attempt by the government of Uzbekistan to show a commitment to human rights reform so that relations with the West would improve and the EU would lift sanctions imposed three years earlier. As part of this initiative, the government pardoned independent journalist Umida Niyazova, who was serving a suspended sentence for smuggling subversive literature, distributing anti-state material, and crossing a border illegally. International human rights organizations such as the Committee to Protect Journalists (CPJ) reported that these charges were bogus and a reprisal for her continued reporting on the Andijan incident. Nonetheless, Uzbek representatives to the EU Council of Ministers used the pardon as part of their lobbying efforts and the EU temporarily ended the travel ban targeting senior Uzbek officials in April. However, the EU established benchmarks that needed to be met in order to remove an arms embargo.

One of the benchmarks included a suggestion to hold a human rights conference that would include international organizations. According to CPJ, however, the June conference did not include the international organizations the EU had suggested, and human rights organizations considered it a "sham."

As a result, another conference was held in October on "The Liberalization of Mass Media." Several of the attending international organizations, such as Amnesty International,

the Institute for War and Peace Reporting, and Open Society Institute, issued a joint press release about the conference, stating "Our organisations, which took part in the seminar, can attest first-hand that nothing new was heard from the representatives of the government and the state-controlled media who were present. There was no hint of acknowledgement from the Uzbek side that the country's media are neither free nor independent, that journalists and others are regularly imprisoned for expressing their opinions, that access to critical external internet sites is blocked, and that foreign journalists are not allowed accreditation to cover the country from within." The press release also noted that foreign journalists and independent Uzbek journalists were not allowed to cover the conference. It recommended that the EU acknowledge that "there have been no positive changes in the area of media freedom in Uzbekistan and [the EU should] insist that the authorities demonstrate a real commitment to freedom of expression through concrete actions."

Nonetheless, the EU Council of Ministers declared that "the Uzbek government had made progress on benchmarks, most notably in releasing jailed human rights activists, holding the media conference, abolishing the death penalty, and granting the International Red Cross access to prisons." In October, the EU permanently lifted the ban on ministers thought to be responsible for the Andijan massacre despite both a lack of real progress and the called-for independent inquiry into the Andijan incident.

Subsequently, in December, the EU noted its concerns over a 10-year jail sentence given to a journalist and a rights activist. It called on the Uzbek authorities to shed light on the charges and "to respect the obligation to protect the prisoners against ill treatment." Clearly, for all practical purposes, nothing has changed in Uzbekistan and the government efforts were simply pandering.

On paper, however, there is a legal framework that purports to guarantee freedom of speech. State officials often cite these rights as a foundation of Uzbek society. The legislation includes laws on mass media, access to information, protection of journalists' professional activities, copyright, advertising, and the principles and guarantees of information freedom. The Uzbek Press and Information Agency is the state-controlled entity designed to enforce these rights. It is intended to "monitor over the complete realization of the constitutional rights in the field of independent mass media, and guarantee press freedom." But, a January 2007 revision of the 1991 mass media law now holds media owners, editors, and media staff responsible for the "objectivity" of published materials. A recent law also forbids entities with 30 percent or more foreign ownership to establish media outlets in the country.

The government controls all media, including the Internet, through the information law, which states that freedom to inform the public can be restricted to “protect the moral values of society, national security, and the country’s spiritual, cultural and scientific potential.”

The media licensing process in Uzbekistan remains completely controlled by the state without transparency or fair and consistent standards. All media outlets must register or re-register every year to obtain a license. The criteria and standards for receiving a license are not always explicitly stated. The Law on the Mass Media states that initial registration and re-registration fees are levied “in the order and size established by the government of the Republic of Uzbekistan.” The private media outlets that do exist, including both television and radio, tend to be operated by persons favored by the government or by those who do not challenge the government.

The Uzbekistan Agency for Press and Information is responsible for registering “publishing and polygraphic activity, as well as mass media, information, and advertising agencies; conducting control over observance of the legislation of the Republic of

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and 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 offended parties 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.

Uzbekistan, registration and licensing requirements, issuing notices and warnings; suspending or invalidation of certificates of registration and licenses;” licensing publishing activity; monitoring all print and electronic media’s compliance with current legislation; and suspending or invalidating certificates of registration and licenses.

The overall freedom to start and operate a business is relatively well protected by Uzbekistan’s regulatory environment, and the top corporate tax rate is fairly low. However, obtaining a business license is often a long and arduous process, and media companies, in particular, face additional hurdles entering and operating in the market. For example, independent and foreign media, including online publishers, need to register with the Cabinet of Ministers in Uzbekistan. The government has stated that subsequent regulations will specify the type of Web sites that need to be registered.

As reported last year, journalists in Uzbekistan are frequently threatened, harassed, and beaten, but these crimes are rarely investigated in a thorough manner and are almost never prosecuted. Journalism is one of the most dangerous professions in the country. As a result, fear is prevalent among many journalists, and colleagues and family members encourage journalists to maintain silence. Furthermore, journalism is not seen as a respectful profession. At the end of December 2008, there were six journalists in jail within Uzbekistan, the most in the region.

One of these journalists is Solijon Abdurakhmanov, an independent journalist and contributor to Uznews, Institute for War and Peace Reporting, and other independent news outlets. CPJ reported that on June 7, 2008, he was stopped by traffic police and his car was searched. The police claimed they discovered drugs in the search, which Abdurakhmanov denied and he demanded a drug test to prove his innocence. When tests came back clean police then charged him with possession with intent to distribute. In October he received a 10-year prison sentence.

Access to information is tightly controlled by the state. The government controls all media, including the Internet, through the information law, which states that freedom to inform the public can be restricted to “protect the moral values of society, national security, and the country’s spiritual, cultural and scientific potential.” This is used as a guise to strictly control the flow of public information. Although Internet access is relatively widespread, particularly in the bigger cities, many international news sites are deliberately blocked by Internet service providers (ISPs) and at Internet cafés at the instruction of the Uzbek government. Outside coverage of pivotal news developments in Uzbekistan is blocked. Filtering is pervasive and comprehensive although, until 2006, the government denied engaging in such practices.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Uzbekistan Objective Score: 0.64

The quality of professional journalism is one of the worst in the entire region, as the low score of 0.64 in Objective 2 would indicate. Most indicators remained the same as last year, although Indicator 4, journalists cover key events, suffered a notable drop. Individually, the indicators all scored in line with the overall objective score. However, Indicator 3, self-censorship, scored very low, more than half a point lower than the score. Indicator 7, modern equipment, did score almost a point higher than the objective score.

Most of the highly professional journalists have either fled the country in fear or have been thrown in prison. The ones that remain are too scared of the repercussions to practice fair and balanced reporting. Self-censorship is prevalent. Controversial topics and critical coverage of the government are avoided at all costs. Journalists in Uzbekistan have few opportunities to receive quality training or improve basic skills and are unable to use internationally accepted standards in their day-to-day reporting. There is very little niche reporting since most forms of investigative journalism would be deemed a threat to the government.

It is often impossible to verify information and provide a balanced story. Typically, the only available sources are activists, human rights defenders, or sources outside the country. When off-the-record, local journalists can be very critical of the current situation. But on the record they praise the government and talk about the Uzbek mentality, about being thoughtful, polite, and discreet. Some say that there are a few skilled and independent reporters in Uzbekistan,

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).

Most of the highly professional journalists have either fled the country in fear or have been thrown in prison. The ones that remain are too scared of the repercussions to practice fair and balanced reporting.

but the local media refuse to publish or broadcast their stories out of fear of government repercussions.

State censorship of the media was eliminated in 2002, but self-censorship is so rife that the net result is the same. In recent years, increasingly complex laws and regulations have resulted in self-censorship by everyone, especially online publishers, independent journalists, and bloggers. The government has used a number of means to force this self-censorship. The National Security Service, monitors Uzbek web sites, thereby compelling ISPs, including cybercafés, to self-censor. ISPs risk revocation of their licenses if their customers post “inappropriate” information. It has reached a point where the Uzbek authorities do not have to do anything. People are too scared to speak up.

In an apparent attempt to silence other independent voices, three government-controlled television stations in the eastern cities of Ferghana and Namangan smeared RFE/RL contributors in prime-time programs aired on June 9 and June 10, 2008. The two-hour programs accused reporters of shoddy ethical practices and carrying out anti-state activities. According to RFE, the program broadcast detailed personal information on several journalists and their family members, such as address, affiliation, and where their children attended school. The broadcast was aired to an estimated audience of 11 million. With a touch of irony, the program was broadcast on the same days that the Uzbek government hosted a conference on media freedom in Tashkent.

Media coverage of key events and issues is glaringly absent in Uzbekistan. When key events are covered, it is usually with a heavy government bias. An example was media coverage of the two “Liberalization of Mass Media” conferences held in Tashkent this past year. Although highly criticized by human rights organizations outside of the country, the local media covered the conferences in a positive light and used them to explain the EU’s lifting of economic sanctions.

As we reported last year, entertainment programming clearly dominates news and information programming. According to local editors and journalists, it is safer to write celebrity gossip, reprint and rebroadcast foreign

State-run media are seen as an efficient arm of the state propaganda machine, as they are heavily censored and reflect only the government view. Uzbek leaders receive disproportionately generous coverage, as there is no legal opposition inside the country.

non-political human interest and general interest stories from the Internet, or broadcast acceptable Russian or other foreign entertainment programs.

The National Television and Radio Company of Uzbekistan owns advanced equipment and is capable of producing a polished product. Most local print media are ill-equipped, however, and most journalists are not trained in how to use new equipment. Many journalists still lack basic computer skills and are unaware of the resources available via the Internet.

There is very little niche reporting, especially as regards anything that might be deemed threatening to the government. This includes investigative and political reporting. However, a few media outlets that focus on business reporting have appeared in recent years. The newspaper *Biznes Vestnik Vostoka* and the electronic *UzReport Business Information Portal* are two of them.

OBJECTIVE 3: PLURALITY OF NEWS

Uzbekistan Objective Score: 0.39

The score for plurality of news increased slightly this year, thanks to a slightly higher assessment of some indicators. The analysis of the overall situation is essentially the same as last year, however, and Uzbekistan remains in the bottom half of “unsustainable” when it comes to plurality of news sources. All indicators scored close to the overall objective score of 0.39.

A first glance, the growing number of news sources available in Uzbekistan in recent years would appear to indicate a greater plurality of news. As of 2008, Uzbekistan had more than 900 registered media outlets. But these numbers do not reflect the reality of the situation. After the 2005 events in Andijan, the government closed all independent-minded private print and broadcast media in the country. That remains the current situation.

The government has had much success in limiting television media. Freedom House reports that government cable

providers control all cable television programming. When a state declared emergency arises or it is otherwise expedient, the government can and does block foreign news channels. The BBC and CNN remain inaccessible, and even programs by Russian NTV have been blocked.

One area where the government has had trouble controlling access to information is the Internet. The OpenNet Initiative reports that better-quality Internet access and communications services in general have been rapidly improving: the number of ISPs has increased from 25 in 1999 to 539 in 2005. In the early part of the decade, the Internet remained open and free from filtering and Uzbekistan was a regional leader in Internet development. Citizens use these Internet-based resources for objective news coverage of both domestic and international events, and the Internet is often the only way to maintain communications with Uzbek dissidents who were forced to leave the country. Uzbek women use the Internet at an almost equal rate as men.

In recent years, however, the Internet has been increasingly controlled and manipulated by the government, particularly in the wake of several attacks in Tashkent in 2004 that the government blamed on the Hizb-ut-Tahrir and the Islamic Movement of Uzbekistan. During 2005, the number of Internet access centers in Uzbekistan dropped to 344 from 463. Information technology is available but off limits to the general population, and Internet services are not affordable for the majority of people. OpenNet reports that Uzbek law bans Internet filtering but that it is prevalent and on the rise. Until 2006, the government denied that it filtered the Internet, but it now uses sophisticated controls to do so.

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 a result, sites with political and human rights content that the government views as sensitive remain inaccessible to Internet users. Freedom House reports that many private citizens have a hard time obtaining independent, objective reporting about events inside Uzbekistan because of its control of domestic media coupled with Internet filtering. Web sites critical of Uzbekistan, such as Ferghana, Uznews, Centrasia, Lenta, and London-based IWPR, are constantly blocked. However, savvy Internet users in Uzbekistan have been able to employ “anonymizers,” paths to the Internet that mask details of a user’s identity such as location, to access government-blocked Web sites. But this is a constant struggle as the government attempts to block the proxy sites.

There are a few Web sites that are not completely controlled by the government. Mostly regional in scope, they provide an independent view of politics and life in Uzbekistan. For example, Registan.net, launched in 2003, covers Eurasian politics and news with original reporting. Coverage focuses on Central Asia and the Caucasus, primarily domestic politics and the region’s relations with the rest of the world. The Ferghana.Ru news agency, started in 1998, is, according to its Web site, “one of the most popular resources dealing with the life of Central Asian countries of the former USSR. With correspondents in every major city of the region, Ferghana. Ru news agency offers its clients the latest information.” NewEurasia.net connects bloggers from around Central Asia and the Caucasus. Its Web site reads, “By serving as a venue for unfiltered reporting, analysis and commentary, we help shed a light on this historically prominent and culturally diverse region whose vast economic potential and growing role in global politics are often underestimated these days.”

State-run media are seen as an efficient arm of the state propaganda machine, as they are heavily censored and reflect only the government view. Uzbek leaders receive disproportionately generous coverage, as there is no legal opposition inside the country. State media also lean strongly toward educational and cultural programming which, by its nature, is independent of political news and analysis.

Official independent news agencies do not exist within Uzbekistan. The three main news agencies through which the government controls the gathering and dissemination of most news are: Uzbekistan National News Agency (state-run), Jahon (run by the Ministry of Foreign Affairs), and the Russian-language news agency Turkiston-Press. These news agencies tend to carry the same or similar articles with only slight variations.

There is a very narrow spectrum of social interests reflected and represented in the media. The government will not tolerate reporting on subjects that it deems controversial. According to Ferghana.ru, on July 31, 2007, the government

Uzbekistan is one of the most corrupt countries in the world according to Transparency International. Economic conditions within the country make it nearly impossible for media outlets to run efficiently or profitably.

closed the new weekly newspaper *Odamlar Orasida*, which began publication in February 2007 and quickly increased its print run to 24,000 copies per week. The closure was due to alleged violations of the media law, but the weekly newspaper covered religious issues and other off-limits topics, such as prostitution and homosexuality.

OBJECTIVE 4: BUSINESS MANAGEMENT

Uzbekistan Objective Score: 0.41

The assessment of the business and management environment facing media is nearly identical to last year. There was no significant change in indicator scores; all indicators scored as poorly as last year or worse.

Uzbekistan is one of the most corrupt countries in the world according to Transparency International. Economic conditions within the country make it nearly impossible for media outlets to run efficiently or profitably. The burdensome regulatory environment hinders dynamic entrepreneurial activity. There is little market research and any advertising market that does

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.

The government controls much of the country's printing and distribution infrastructure through the Uzbekistan Press and Information Agency, which carries out state policies in the field of publishing activity and the distribution of periodicals.

exist is tightly controlled by the government. The spectrum of revenue sources is severely limited. Most news outlets struggle to cover their operating costs.

Regional and local state media, as well as non-state media, attempt to secure funding or revenue from a variety of sources, including advertising, subscriptions, and limited government subsidies or grants. Personal announcements have been a major source of media revenue for several years. The amounts received from any one source are small and rarely enough in total to cover operations.

Although several advertising agencies operate in Uzbekistan, the advertising market is not well-defined and is still relatively weak, reflecting the overall economy. According to experts, advertising agencies also follow political preferences; there is government pressure against advertising in independent outlets. Also, ad agencies often reflect the interests of their owners and are not representative of the market as a whole.

The government has a broadcast advertising arm in the National Television and Radio Company of Uzbekistan. It directs the activity of television and radio channels, maintains their economic independence, makes them competitive in the market, and attracts investment from domestic and foreign enterprises. This, of course, is driven by propaganda concerns. Profit generation is a secondary consideration.

Media market research is still in the initial development stages and is not yet used to make management decisions at media outlets in Uzbekistan. Broadcast ratings and circulation figures are not readily available, nor are they reliable. However, the market research company SIAR-Uzbekistan is actively implementing a program that is national in scope.

In May 2007 the Tashkent Advertising Association opened bids on the first significant media research in Uzbekistan since 1998. SIAR was selected to conduct the research, which is focusing first on television audiences and will subsequently evaluate the audiences of radio, print media, and outdoor advertisements. The first 180 People Meters were installed and launched in Tashkent at the end of 2007. The project currently comprises 180 households. In 2009, it will include

three large cities in Uzbekistan with a total coverage of between 200,000 and 400,000 people and extend to 300 the total number of participating households. SIAR will transfer information about the ratings of television programs and the size of the audience to Media Sovet, the organization comprising leading media agencies in Uzbekistan.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Uzbekistan Objective Score: 0.38

Objective 5 received the lowest score this year, 0.38, down somewhat from last year's 0.54. All indicators received scores very close to the objective average score, indicating that the government continues to have complete control of the institutions that would normally support independent media.

All trade associations, professional associations, and NGOs that exist within the country are heavily influenced by the government. Outside Uzbekistan, numerous NGOs are constantly pushing for more media freedom. However, none of them are allowed to operate in the country itself and in-country voices for change are silenced out of fear.

There are a few associations claiming to offer public support to journalists and others working in the media. One is the National Association of Electronic Media, founded in 2004. Support comes in the form of grants and training, but these organizations are government sponsored and none advocate for the rights of independent media.

During the 2005 crackdown, almost all local and international NGOs supporting human rights and independent media were expelled from the country and are still unable to return. Many of the organizations continue their work from outside

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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

the country. Other than continuing to call attention to the lack of human rights and the absence of free speech within Uzbekistan, however, their efforts have not had a significant impact on current conditions. NGOs that are still working inside the country are operating in a climate of government harassment and pressure. The government has focused in particular on shuttering NGOs that provide free public Internet access because of the threat the Internet poses to the government hegemony on information.

There are very few training opportunities for journalists in Uzbekistan. The National Television and Radio Company of Uzbekistan offers some technical training. This takes the form of training in computer skills, media technologies, and modern requirements and standards, as well as training in necessary organizational conditions for effective retraining, improvement of professional skills, and increasing creative activity. Yet this is all state sponsored and is unavailable to any independent journalists. There are a few independent organizations outside Uzbekistan that offer training. The Open Society Institute, the US Department of State, and other organizations offer limited opportunities for the study of journalism outside Uzbekistan, but students and media professionals must apply for these competitive programs and go through a fairly rigorous selection process.

The government controls much of the country's printing and distribution infrastructure through the Uzbekistan Press and Information Agency, which carries out state policies in the field of publishing activity and the distribution of periodicals. It monitors compliance with the current legislation by publishing houses, mass media, television, broadcasting, and other parties involved in the information market.

The transmission and distribution systems for all broadcast media are state-controlled, while print media are distributed through private or joint stock companies via subscription or kiosks. Local ISPs are connected to the state-owned Internet operator Uzbektelecom, which gives the government more control over locally based Web sites.

List of Panel Participants

Due to the repressive environment in Uzbekistan, IREX did not convene a panel. This chapter represents research conducted on the situation and discussions with various professionals knowledgeable about the situation in Uzbekistan. The names of those contacted will not be published to protect their safety. This chapter, therefore, provides a summary of the state of media in Uzbekistan.

