

tajikistan  
bulgaria bosnia & herzegovina  
uzbekistan  
albania  
romania croatia  
russia azerbaijan  
turkmenistan kyrgyzstan  
montenegro  
kazakhstan  
kosovo serbia  
macedonia  
belarus ukraine  
moldova georgia  
armenia

# MEDIA SUSTAINABILITY INDEX

# 2013

DEVELOPMENT  
OF SUSTAINABLE  
INDEPENDENT MEDIA IN  
EUROPE AND EURASIA

# MEDIA SUSTAINABILITY INDEX

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2013

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



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## MEDIA SUSTAINABILITY INDEX 2013

The Development of Sustainable Independent Media in Europe and Eurasia

[www.irex.org/msi](http://www.irex.org/msi)

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**Design and layout:** OmniStudio

**Printer:** Westland Enterprises, Inc.

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

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ISSN 1546-0878

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## USAID

USAID is the principal U.S. agency to extend assistance to countries recovering from disaster, trying to escape poverty, and engaging in democratic reforms.

U.S. foreign assistance has always had the twofold purpose of furthering America's interests while improving lives in the developing world. The Agency carries out U.S. foreign policy by promoting broad-scale human progress at the same time it expands stable, free societies, creates markets and trade partners for the United States, and fosters good will abroad.

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- Asia;
- Latin America and the Caribbean;
- Europe and Eurasia; and
- The Middle East.

## IREX

IREX is an international nonprofit organization providing thought leadership and innovative programs to promote positive lasting change globally.

We enable local individuals and institutions to build key elements of a vibrant society: quality education, independent media, and strong communities. To strengthen these sectors, our program activities also include conflict resolution, technology for development, gender, and youth.

Founded in 1968, IREX has an annual portfolio of over \$60 million and a staff of over 500 professionals worldwide. IREX employs field-tested methods and innovative uses of technologies to develop practical and locally-driven solutions with our partners in more than 100 countries.

## Implementing Partners

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

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

**Mediacentar Sarajevo** <http://www.media.ba>

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

**Radio.net d.o.o.** (Croatia)

**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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EUROPE  
& EURASIA

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*In somewhat freer societies, the competition from this torrent of new media players has fed deteriorations in professionalism, balance, and ownership transparency in the media as a whole.*



I am pleased to introduce the latest annual Media Sustainability Index (MSI) study for Europe and Eurasia. The MSI, now in its 12th year, is one of the world's most in-depth recurring studies of media health in the world. IREX developed the MSI to fill provide a complete picture of the development of sustainable, independent media. Looking beyond issues of free speech, the MSI aims to understand the degree to which the journalist corps is emerging as objective professionals, whether media firms can sustain robust news operations, and whether civil society supports the fourth estate. This year, we saw again how changes in government in this region, such as those in Georgia and Russia, can create profound impacts on business, civil society, and ultimately, the media itself. Our analysis is available in the Executive Summary that follows.

How does the MSI make a difference in the lives of citizens in each country? The MSI measures a number of contributing factors of a well-functioning media system and considers both traditional media types and new media platforms. This level of investigation allows policymakers and implementers to analyze the diverse aspects of media systems and determine the areas in which media development assistance can improve citizens' access to news and information. Armed with this essential 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.

How does the MSI aid journalists and independent media supporters realize the improvements they seek? The MSI provides important—and useable—information for the media and media advocates in each country and region. By reflecting the expert opinions of media professionals in each country, its results inform the media community, civil society, and governments of the strengths and weaknesses of the sector.

IREX would like to thank all those who contributed to the publication of the 2013 MSI. Participants, moderators, and authors for each country, listed after each chapter, provided the primary analysis for this project. Leon Morse and Myles G. Smith led the project at IREX, with support from Robert Zabel. The United States Agency for International Development (USAID) has been a consistent supporter of the MSI, helping to develop the project from its inception, ensure its ongoing implementation, and foster its expansion into the Middle East and Africa.

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

Sincerely,



W. Robert Pearson

President, IREX



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*Competitive politics only correlates to improved media sustainability in environments where political openness is valued, and where the authorities see a political advantage in permitting it.*



The 2013 MSI study for Europe & Eurasia found a mix of positive and negative developments in almost every country. As last year, overall significant improvement, defined as 0.10 points or more, was observed in six countries, while significant regression was observed in five. Eleven of 21 countries showed little overall average change from 2012. Significant findings included the following:

- Only Moldova showed a second straight year of significant improvement in overall sustainability, maintaining its momentum from 2012. Kosovo reversed its trend line from negative to positive, while the other four gainers in 2013—Armenia, Georgia, Kazakhstan, and Turkmenistan—showed little change from 2011 to 2012.
- Competitive political scenes in Georgia, Moldova, and Armenia correlated with sustainability gains in each country for 2013, largely due to increases in free expression and plurality of news sources. Georgia posted significant improvement compared with 2012 in each of the five objectives.
- Competitive politics correlated with significant regression in Bulgaria, Romania, and Kyrgyzstan, where overtly biased reporting, opaque ownership, and economic crises worsened by political gridlock led to declines in professionalism, plurality, and business sustainability.
- Notably, Kazakhstan’s farcical parliamentary election corresponded with an improvement in its MSI score, though not due to improved free expression or plurality of sources, but on economic gains.
- Russia’s score collapsed by 12 percent, falling in every objective, putting it at the bottom of the pack of unsustainable mixed media systems and in danger of joining Belarus at the cusp of the anti-free press category.
- Political and economic crises within the EU spread to member states Bulgaria and Romania, contributing to their decreased scores.
- Turkmenistan improved modestly on pay raises for state employees, but its fantasy new media law and first technically non-state media outlet did not impress the MSI research team.
- Business management remained the key constraint for the region, the lowest objective in 12 of 21 countries, and near the bottom of four other countries’ tables. Before the financial crisis, for the 2001–2009 studies, professionalism was consistently the panels’ lowest performer. Business management is now the only objective performing below its 2001 level for the region.

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At an average overall score of 1.83, the region continues its stalled climb up from its low-water mark of 1.79 in 2010. On average, countries have improved 14 percent over the life of the study. However, the region remains well below its high-water mark of 2.05 in 2006/2007, before the financial crisis hit. Scoring charts providing all scores for 2013 can be found at the end of this section. Further, the entire history of MSI scores for all regions is available on IREX's website in Microsoft® Excel spreadsheets. See: [www.irex.org/msi](http://www.irex.org/msi).

Each year for the executive summary, IREX selects one or two themes that appear in multiple chapters and highlights trends and comparative developments. This year, IREX looks at audience and market shifts to from traditional to new media, which have upended the media business in the west for much of the last decade, is now washing east across the region, with important consequences not just for media businesses, but also for professionalism and plurality. Finally, IREX will note how more competitive politics does not necessarily translate into greater media sustainability, despite the assumptions of how the media should respond to the opportunity.

## New Media Wave Washes Over Eurasia

Tensions between new and traditional news media are at the heart of the media sustainability debate in Western Europe and the United States. Affordable Internet access that became accessible to nearly the entire population of these countries about a decade ago triggered a flight of media consumption from paper and terrestrial broadcasters to Internet outlets and satellite channels. Beginning about the time of the inception of the Media Sustainability Index in 2001, traditional media powerhouses in the west began to see their print sales plummet, advertisers lose interest, and new outlets enter their markets, gaining market share against entrenched players with decades of credibility built on service to a captive audience.

Twelve years later, these trends are moving east across southeastern Europe, western Eurasia, the Caucasus, and Central Asia.

As this sea change in how media is produced, delivered, and consumed washes across the region from west to east, its impacts on the media and its sustainability will be as profound as it has been in western democracies. In this region, where the media never became fully sustainable, and where resilient societies prepared to adapt to technological change are few, the shakeup may bring even more profound consequences.

The most immediate have been an observed drop in professional journalism and business management scores

across the region. Both objectives started out in the first few years of the Media Sustainability Index well below other three objectives. Both made gains through the first years of the 2000s, buoyed by peace dividends, democratization, EU and NATO accession processes, and an economic boom across the region. In the 2006/2007 study, business management scores in the region had broken above the regional average, and professionalism had reached its all-time high, only modestly trailing the other objectives.

Since then, panels across the region have been describing a downward trend in professionalism, journalistic ethics, and the balance of entertainment and information. Similarly, the panels have also observed deteriorating business performance, falling sales, and advertisers that have lost interest in their products. If the general economic malaise in the region is not cited as the culprit for these trends, then the audience's shift to new media is.

"The competition is merciless and ferocious, and it puts everyone in the business under very heavy pressure," described one Bulgaria panelist. "If we add the new technologies, which are only increasing this pressure on traditional media, the picture is very grim."

No matter why the audience migrates online or to satellite television and radio—whether in search of cheaper, fresher, more targeted, or sensational content—the traditional media are left behind with the smaller, less marketable remainder. The loss of audience share causes a loss in revenues, which are passed on to journalists in lower salaries. Journalists and editors are more willing to turn to state grants and paid advertorial writing to make ends meet. Several panels described reporters who are working at two or three outlets, and, in better cases, spend their days frantically rewriting an original story several ways for several outlets; in worse cases, they spend them blatantly plagiarizing all of their output.

Creative destruction, the economic term for the impact of new technology on markets, is undermining business models in the traditional media more quickly than entrepreneurs have devised new models for sustainable businesses built on new media. As a panelist in Montenegro described it, "Internet portals indicate more and more that electronic journalism has the edge over traditional. I think that in the future, only the best media will survive with radical business reforms." Exactly what reforms will rebalance the media field remains a mystery.

Thus, the MSI panels, through their reports and scores, observe both objectives trending downward in tandem. Professional journalism, with a region-wide average of 1.73, is a mere .03 above its all-time low from 2010. Business management is at its lowest regional average ever, and is the

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lowest average objective score ever recorded on the E&E MSI at 1.51.

In somewhat freer societies, the competition from this torrent of new media players has fed deteriorations in professionalism, balance, and ownership transparency in the media as a whole. A panelist in Ukraine put it plainly: “Although the number of Internet media outlets has increased, it does not necessarily mean an increase in objective news.”

Panels there and in Bulgaria, Macedonia, Romania, and Serbia described newsrooms captured by oligarchs and local government grants, unable to attract advertisers from a growing pool of online competitors.

In Kyrgyzstan, a Media Complaints Commission was established to address supposedly widespread concerns about the lack of journalistic integrity in the media, where the most dynamic outlets are a few web-based news agencies and a citizen journalism platform. One politician even called for a “firewall” to be erected between the citizenry, media, and business, whatever that means.

## Reactionary Governments Prove the Theory

Perhaps the most telling evidence that new media has arrived in Eurasia is the attention paid to it by the region’s most reactionary leaders and elites. Not coincidentally, these countries are further east, further from Europe where the new media shift is in full gear.

It is evident in Russia, where a 36 year-old writer and activist, Aleksey Navalny, is arguably the biggest newsmaker in the media, though his outlet is a simple, free online blogging platform.

The same can be said of Azerbaijan, where the government has succeeded in driving dissent off the airwaves and into a few newspapers in the capital, but online activists linking a fast-growing population of Internet users to video of corrupt and aloof politicians have led to protests and to government crackdowns in the streets and against their instigators online.

Even in remote, impoverished Tajikistan, the government saw fit to organize AstroTurf citizen groups merely to feign demands to shut down Facebook and other social networks, where young Tajiks are openly establishing anti-government discussion groups. Uzbekistan equated foreign social networks with nuclear weapons, and created its own sanitized substitutes. Turkmenistan simply blocked them all.

While anti-free press regimes at the fringe of the region may apply such crude methods without public backlash, subtler means have been employed by the semi-authoritarian

countries further along in the transition to diffuse, online sources of dissent.

Russia’s model of domination of television, limited permission for independent print and radio in cosmopolitan cities, and comparative freedom of the media online, may prove insufficient to its leader’s needs for control. Certainly, Putin watched as a media under only partial control of the leadership was not sufficient to save pro-west governments in Ukraine, Georgia, and perhaps now in Bulgaria.

And, how long will these societies wait until new media becomes relevant outside the capitals of these countries? Will citizen journalism practiced by a few Russian-speaking youth in Baku, Bishkek, or Dushanbe be relevant to Azeris, Kyrgyz, and Tajiks in the small towns and villages, where local languages dominate, and Internet (not to mention electricity) is a very scarce commodity?

While we wait for the political fallout from the sea change of new media, in the meantime, all societies seek business models that can function in the new media environment, while supporting a professional press corps and reporting on a range of topics and views. For this to happen, societies must demand such a media, and support it with its voice, votes, and institutions. In Southeastern Europe and Eurasia, does demand for such a media exist?

## More Competitive Politics does not Equate to More Sustainability

Competition for political power marked by close elections and policy debates over how to counter the region’s economic troubles did not directly correlate with greater sustainability in Eurasia’s media sectors over the past year.

Under typical assumptions of political effects on the media, the struggle for power through democratic processes should bolster media sustainability. Election campaigns bring advertising revenues and audiences to the news media. These incentives drive new media firm and outlet formation, increased competition, and better-quality programming and reporting. Plurality of views espoused by the media naturally increase in response to demand for political information and the supply of debate in society. Supporting institutions should strengthen, as NGOs gain increased visibility and viability in the form of grants, and as trade groups and journalists’ organizations gain increased clout as political leaders seek their support.

The run-up to elections in Georgia and Armenia followed many of these patterns, as both countries’ leaderships strove to maintain political power without resorting to the basest forms of suppression of dissent.

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Georgia's seemingly durable commitment to Euro-Atlantic integration was reflected in President Saakashvili's willingness to refrain from his authoritarian tendencies of recent years. A close campaign there led to a resounding opposition victory in parliamentary elections. Journalists covered the proceedings with vigor. The panel's enthusiasm for these developments was tempered by the media's polarization and the blatant political biases of media supporting the rival camps. As one panelist noted, "Many viewers watch and support a channel as long as its take on the news dovetails with their own convictions. The moment the channel offers an alternative take, they start complaining and their supposed appreciation of free speech dissipates." Polarization is better than monopolization of views, but opaque ownership transactions in the wake of the election suggest the media in Georgia will mirror the country's political war, rather than rise above it, in the near future.

Armenia's somewhat fair election process changed little in the country's politics, as President Sarkisian and his allies won both the presidency and parliament comfortably. But, the process appeared to solidify a policy by the leadership of tolerance towards opposing views. The panel described it as an intentional policy of allowing the public and media to vent discontent, so as not to permit anger to accumulate and spark public unrest—as occurred during the previous presidential elections—which helped push up media sustainability scores with stronger showings in free expression and pluralism. "I wouldn't dare say that these changes are irreversible, but restrictions at the previous levels are not likely to recur. The setback cannot be of that scale," one panelist asserted. Indeed, the fact that the leadership was confident in electoral victory made the policy more tenable, limiting the optimism of the panel for the durability of this policy.

The same might have been said for Russia in the run-up to parliamentary elections in late 2011 and President Putin's electoral victory in March 2012. "Opposition leaders, who used to be persona non grata on national television, became regular newsmakers," the panel noted. Floods of money bolstered the coffers of media outlets across the political spectrum. Civil society appeared to stir, demanding honest elections and honest reporting on them. The authorities permitted mass rallies, even though some were technically illegal.

But Putin's intentions were laid bare after the vote count ended, when he cracked down on opposition demonstrations and foreign-sponsored NGOs. State-run and loyal private national television media vilified the opposition as traitorous. One group of journalists noted Russia's flagship state channel for its "propagandist zeal, use of disinformation, facts juggling, and promoting intolerance to dissent." Journalists themselves entered the fray, with longtime independent journalists of high repute vocally siding with the opposition, "which noticeably undermined the balance of their coverage," the panel noted, while dividing the already embattled independent media community. After a glimmer of hope for greater media sustainability in 2012, Putin's moves suggest a return back to his 2000s model of media manipulation, with Soviet-like omnipotence on television news, and a comparatively small outlet for opposition press confined to the Internet and newsprint, and aimed at the intelligentsia.

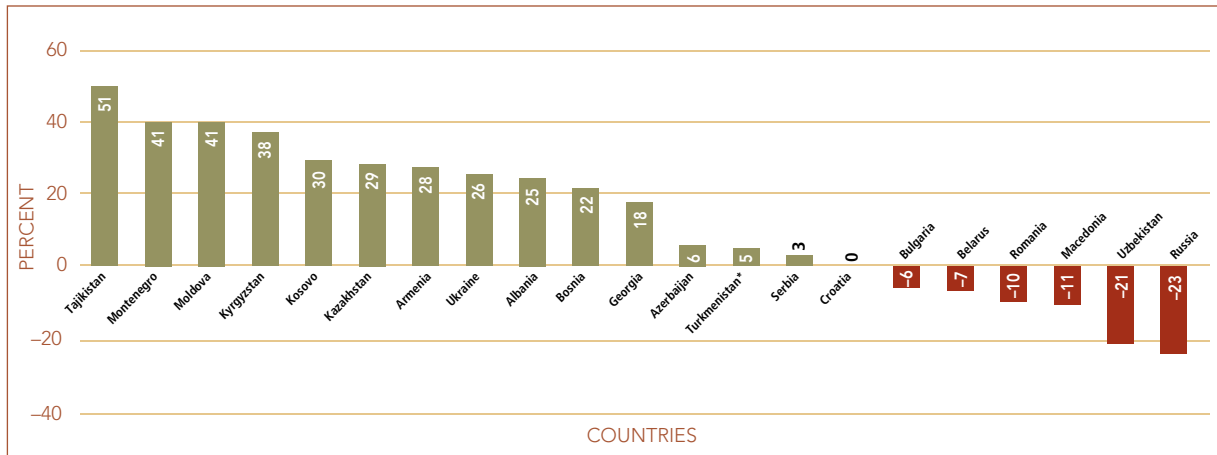
Kyrgyzstan's politics were similarly competitive in 2012, with rival parliamentary factions seeking to undermine each other and the president through a media increasingly and opaquely controlled and driven by political agendas. Each has their own pet project to manipulate the media narrative through various institutions ostensibly tasked with ensuring professionalism and eliminating bias. "A whole slew of media outlets have been sharply critical of the media oversight organizations. The crisis in the media in the country is obviously coming to a peak," one panelist warned.

In Tajikistan, increasingly common government-ordered blackouts of leading independent news websites and social networks in 2012 has been interpreted by some as a test-run for presidential elections later in 2013. Crackdowns in Azerbaijan may be interpreted the same way.

Ukraine's panel was blunt in its assessment of the media's performance in the run-up to pivotal parliamentary elections, where the media and society failed to rise to the requirements of a democracy with accountability. "This year was determined by the elections, in them, the Ukrainian media failed from a professional point of view," one panelist said.

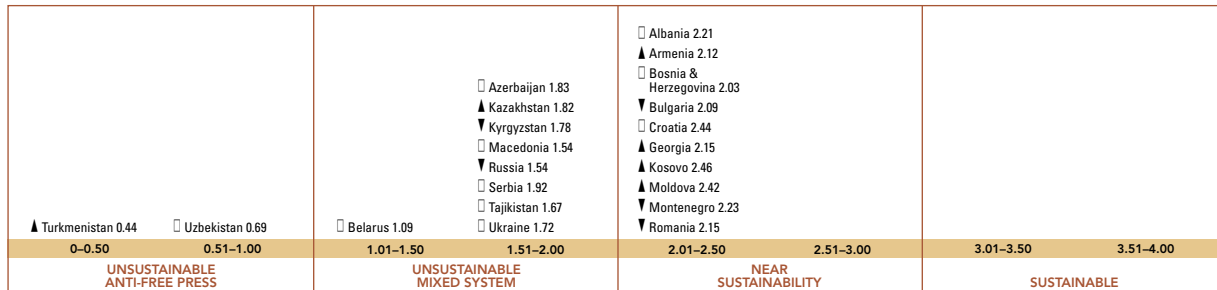
As we can see, competitive politics only correlates to improved media sustainability in environments where political openness is valued, and where the authorities see a political advantage in permitting it.

## PERCENT CHANGE IN MSI 2001–2013: EUROPE AND EURASIA



\* Data for Turkmenistan is since 2008

## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

### MEDIA SUSTAINABILITY INDEX 2013: FREE SPEECH

<ul style="list-style-type: none"> <li>☐ Turkmenistan 0.29</li> <li>☐ Belarus 0.70</li> <li>☐ Uzbekistan 0.58</li> </ul>	<ul style="list-style-type: none"> <li>▼ Azerbaijan 1.80</li> <li>☐ Kazakhstan 1.63</li> <li>▲ Macedonia 1.60</li> <li>▼ Russia 1.52</li> <li>▲ Tajikistan 1.81</li> <li>☐ Ukraine 1.74</li> </ul>	<ul style="list-style-type: none"> <li>☐ Albania 2.30</li> <li>▲ Armenia 2.40</li> <li>☐ Bosnia &amp; Herzegovina 2.38</li> <li>☐ Bulgaria 2.42</li> <li>▲ Georgia 2.26</li> <li>☐ Kyrgyzstan 2.08</li> <li>▼ Montenegro 2.49</li> <li>☐ Serbia 2.03</li> <li>☐ Croatia 2.74</li> <li>☐ Kosovo 2.52</li> <li>▲ Moldova 2.62</li> <li>▼ Romania 2.60</li> </ul>					
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 2012

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

### MEDIA SUSTAINABILITY INDEX 2013: PROFESSIONAL JOURNALISM

<ul style="list-style-type: none"> <li>▲ Turkmenistan 0.76</li> <li>▲ Uzbekistan 0.81</li> </ul>	<ul style="list-style-type: none"> <li>☐ Belarus 1.25</li> <li>▼ Macedonia 1.25</li> <li>▼ Russia 1.38</li> </ul>	<ul style="list-style-type: none"> <li>☐ Armenia 1.83</li> <li>☐ Azerbaijan 1.85</li> <li>☐ Bosnia &amp; Herzegovina 1.60</li> <li>▼ Bulgaria 1.74</li> <li>▲ Kazakhstan 1.86</li> <li>▼ Kyrgyzstan 1.63</li> <li>▼ Romania 1.79</li> <li>☐ Serbia 1.67</li> <li>☐ Tajikistan 1.82</li> <li>☐ Ukraine 1.62</li> </ul>	<ul style="list-style-type: none"> <li>▼ Albania 2.18</li> <li>☐ Croatia 2.07</li> <li>▲ Georgia 2.20</li> <li>▲ Kosovo 2.38</li> <li>▲ Moldova 2.44</li> <li>▼ Montenegro 2.13</li> </ul>				
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 2012

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

### MEDIA SUSTAINABILITY INDEX 2013: PLURALITY OF NEWS SOURCES

<ul style="list-style-type: none"> <li>▲ Turkmenistan 0.41</li> <li>☐ Uzbekistan 0.69</li> </ul>	<ul style="list-style-type: none"> <li>☐ Belarus 1.28</li> </ul>	<ul style="list-style-type: none"> <li>☐ Kazakhstan 1.67</li> <li>▲ Macedonia 1.64</li> <li>▼ Russia 1.62</li> <li>☐ Serbia 1.94</li> <li>☐ Tajikistan 1.91</li> <li>▼ Ukraine 1.75</li> </ul>	<ul style="list-style-type: none"> <li>☐ Albania 2.42</li> <li>▲ Armenia 2.30</li> <li>☐ Azerbaijan 2.18</li> <li>☐ Bosnia &amp; Herzegovina 2.20</li> <li>▼ Bulgaria 2.35</li> <li>▲ Georgia 2.41</li> <li>▼ Kyrgyzstan 2.03</li> <li>▲ Moldova 2.68</li> <li>▼ Montenegro 2.44</li> <li>▼ Romania 2.37</li> <li>▼ Croatia 2.56</li> <li>▲ Kosovo 2.64</li> <li>▲ Moldova 2.68</li> </ul>				
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 2012

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

**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.

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Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorres.xls](http://www.irex.org/system/files/EE_msiscorres.xls)

## MEDIA SUSTAINABILITY INDEX 2013: BUSINESS MANAGEMENT

<p>▲ Turkmenistan 0.31</p> <p>□ Belarus 0.88</p> <p>□ Uzbekistan 0.74</p>	<p>▼ Azerbaijan 1.35</p> <p>▼ Kyrgyzstan 1.25</p> <p>□ Macedonia 1.24</p> <p>▼ Russia 1.40</p> <p>□ Tajikistan 1.14</p>	<p>□ Albania 1.69</p> <p>□ Armenia 1.77</p> <p>□ Bosnia &amp; Herzegovina 1.60</p> <p>▼ Bulgaria 1.75</p> <p>▲ Georgia 1.61</p> <p>▲ Kazakhstan 1.76</p> <p>□ Moldova 1.79</p> <p>□ Montenegro 1.97</p> <p>▼ Romania 1.78</p> <p>□ Serbia 1.72</p> <p>▼ Ukraine 1.52</p>	<p>□ Croatia 2.13</p> <p>▲ Kosovo 2.22</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
UNSTAINABLE ANTI-FREE PRESS		UNSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

### CHANGE SINCE 2012

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

## MEDIA SUSTAINABILITY INDEX 2013: SUPPORTING INSTITUTIONS

<p>□ Turkmenistan 0.40</p> <p>▲ Uzbekistan 0.66</p>	<p>□ Belarus 1.32</p> <p>□ Azerbaijan 1.98</p> <p>▼ Kyrgyzstan 1.88</p> <p>□ Macedonia 1.95</p> <p>▼ Russia 1.79</p> <p>□ Tajikistan 1.69</p> <p>▼ Ukraine 1.98</p>	<p>□ Albania 2.45</p> <p>□ Armenia 2.29</p> <p>▲ Bosnia &amp; Herzegovina 2.35</p> <p>□ Bulgaria 2.19</p> <p>▲ Georgia 2.27</p> <p>▲ Kazakhstan 2.20</p> <p>▼ Montenegro 2.13</p> <p>□ Romania 2.20</p> <p>□ Serbia 2.25</p>	<p>□ Croatia 2.71</p> <p>□ Kosovo 2.53</p> <p>▲ Moldova 2.59</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
UNSTAINABLE ANTI-FREE PRESS		UNSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorres.xls](http://www.irex.org/system/files/EE_msiscorres.xls)



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*Creative destruction, the economic term for the impact of new technology on markets, is undermining business models in the traditional media more quickly than entrepreneurs have devised new models for sustainable businesses built on new media.*



IREX prepared the MSI in cooperation with 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. Media are well-managed enterprises, 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 serve as the criteria against which countries are rated. A score is 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.

### Scoring: A Local Perspective

The primary source of information is a panel of local experts that IREX assembles in each country to serve as panelists. These experts are drawn from the country’s media outlets, 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.

The scoring is completed in two parts. First, panel participants are provided with a questionnaire and explanations of the indicators and scoring system. Descriptions of each indicator clarify their meanings 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. Each panelist reviews the questionnaire individually and scores each indicator.

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 IREX staff members edit subsequently. Names of the individual panelists and the partner organization or individual appear at the end of each country chapter.

IREX editorial staff members review the panelists' scores, and then provide a set of scores for the country, independently of the panel. This score carries the same weight as an individual panelist. The average of all individual indicator scores within the objective determines the objective score. The overall country score is an average of all five objectives.

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

### Objective #1: Legal and social norms protect and promote free speech and access 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

### Objective #2: Journalism meets professional standards of quality

#### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

**Objective #3: Multiple news sources provide citizens with reliable, objective news.**

**MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.**

PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

**Objective #4: Media are well-managed enterprises, allowing editorial independence.**

**MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.**

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

**Objective #5: Supporting institutions function in the professional interests of independent media.**

**SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.**

SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

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## II. Scoring System

### A. Indicator Scoring

Panelists are directed to score each indicator from 0 to 4, using whole or half points. Guidance on how to score each indicator is as follows:

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

**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**

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*Combined with the effects of the deepening economic crisis, political conflict has further increased pressure on the media, eroding independence.*



ALBANIA

Even though it started as a comparatively quiet political year, by the end of 2012, Albania had been refused candidate status for membership in the European Union for the third time. Refusal to grant candidate status is related to the lack of sufficient progress in the completion of democratization reforms, particularly in strengthening the independence of the judiciary, as well as the lack of positive records in the fight against corruption and organized crime. Almost parallel to the rejection of the candidate status, the annual report of Transparency International (TI) ranked Albania as the most corrupt country in the Balkans region, excluding Kosovo.

Political life seemed to be calmer than the previous year, and it even saw consensus between the two parties, as in the case of the election of the People's Advocate. However, the conflicts over more essential issues could not be avoided. Parliamentary political parties barely managed to reach an agreement on the restriction of immunity for members of parliament and judges. Although at first sight it aims to intensify the fight against corruption, the reform can be distorted by other factors, such as the lack of an independent judiciary. The election of the president of the republic was also controversial and not consensual. Contrary to the insistence of the opposition and even the suggestions of the international community, Prime Minister Sali Berisha took advantage of the 2008 amendments to the constitution and elected one of the members of his party, former Minister of Interior Bujar Nishani, to the post of president.

The year concluded with political parties mutually blaming each other for the EU candidacy rejection. The debate is becoming even more heated in the run-up to the parliamentary elections of June 2013. Incumbent Prime Minister Berisha will seek a third term of government for the Democratic Party, while the opposition, led by the Socialist Party, considers Berisha's exit necessary to fight corruption and organized crime, while paving the way for economic and democratic revival.

Combined with the effects of the deepening economic crisis, political conflict has further increased pressure on the media, eroding independence. The sketch of the media landscape in the European Commission's Progress Report for Albania in 2012 is far from optimistic: "Editorial independence continues to be hampered by private political and economic interests. There are concerns that public advertising is directed to the television channels that are supportive of the government." The report also mentioned many other issues, such as the pressure of the economic crisis on the media, the lack of employment contracts for journalists as one of the roots of their self-censorship, and government interference in the appointment of public-television managers.

The MSI publication finds Albania on the eve of parliamentary elections to be held in June 2013. Considering that during the 20 years of transition elections have generally been contested and far from free and fair, these elections are of decisive importance for Albania to continue toward European integration. The opposition has warned that the government of Prime Minister Berisha is mobilizing for a fraudulent election, while Berisha has publicly promised that the elections will be free and fair. For an increasing number of observers, this promise is dubious, considering the absence of independent institutions with which to ensure a transparent process, in spite of society's broad desire for clean elections.



# ALBANIA at a glance

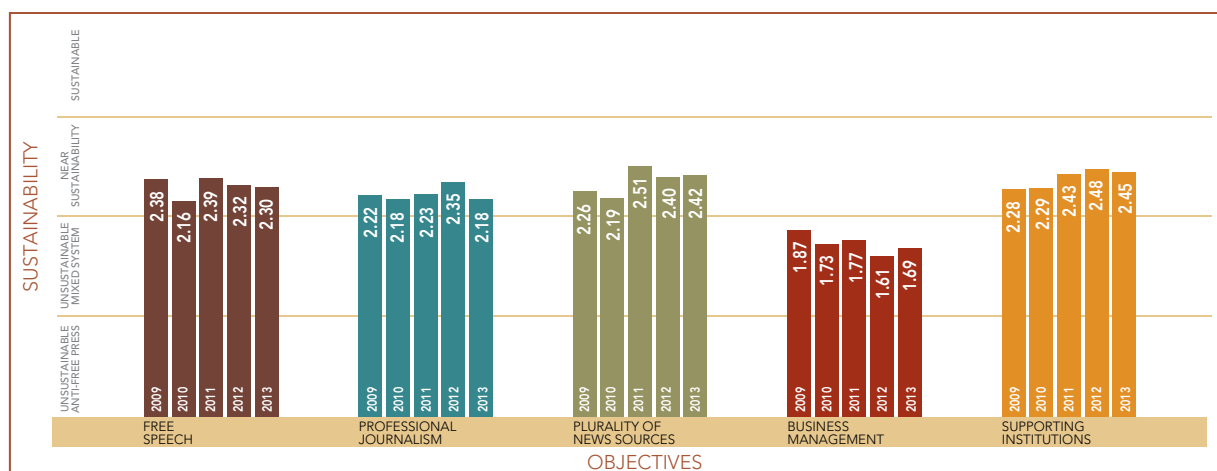
## GENERAL

- > Population: 3,002,859 (July 2012 est. *CIA World Factbook*)
- > Capital city: Tirana
- > Ethnic groups (% of population): Albanian 95%, Greek 3%, other (Roma, Vlach, Montenegrin, Macedonian, etc.) 2% (*CIA World Factbook*)
- > Religions (% of population): Muslim 70%, Albanian Orthodox 20%, Albanian Catholic 10% (*CIA World Factbook*)
- > Languages: Albanian
- > GNI (2011-Atlas): \$12.793 billion (World Bank Development Indicators, 2012)
- > GNI per capita (2011-PPP): \$8,900 (World Bank Development Indicators, 2012)
- > Literacy rate: 98.7% (% of population age 9+) (*CIA World Factbook*)
- > President or top authority: President of the Republic Bujar Nishani (since July 24, 2012)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print Outlets: 160 (estimation); Radio Stations: two national, 56 local (**National Council of RTV**); TV Stations: three national, 71 local, two satellite, 83 cable (**National Council of RTV**)
- > Newspaper circulation statistics: N/A
- > Broadcast ratings: N/A
- > News agencies: Albanian News Agency (state), NOA (private), AMA (private), Albpress (private)
- > Annual advertising revenue in media sector: 54.5 million euros (estimation) (ABACUS Research)
- > Internet users: 1.3 million (*CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: ALBANIA



## MEDIA SUSTAINABILITY INDEX 2012: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

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## OBJECTIVE 1: FREEDOM OF SPEECH

### Albania Objective Score 2.30

In Albania, freedom of speech enjoys constitutional protection, and politicians uniformly and openly support free speech. Constitutional protection of freedom of expression is embodied in the press, the law on public and private broadcasters, and the law on access to information. There is also the jurisprudence of the European Court of Human Rights based on Article 10 of the Convention, which provides clear standards for free speech in Albania. However, the perception of the media community is that, similarly to other areas, a gap between written laws and their implementation in practice remains. Given this discrepancy, Vali Leskaj, chairwoman of the parliamentary committee on media, stressed that “the legal basis for freedom of speech exists, but law enforcement is a concern for freedom of expression in the country.”

An important development is the government’s adoption of the national strategy for conversion from analog to digital broadcasting technology. The strategy provides for the adoption, before the elections of 2013, of a new broadcasting law, currently under consideration in the parliamentary media commission. The law is expected to have a strong impact on the broadcast market due to the reallocation of frequencies. The effects on consumers will also be visible, as they will not be able to receive programs

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

##### FREE-SPEECH INDICATORS:

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- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
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Panelist Remzi Lani, director of the Albanian Media Institute, lamented, “The reform to decriminalize defamation and libel was a step forward, but an insufficient one.”

for free when full digital broadcasting is completed. According to panelist Genti Ibrahim, lawyer at the Institute for Legal Studies, “In this context, the most relevant issue under discussion and the one with an essential importance to freedom of expression in the country is that of the ownership of digital platforms.”

However, despite the fact that freedom of the press is guaranteed at the constitutional level, there is no comprehensive law on the press, and thus there are some shortcomings. Legal problems arising from misuse of free speech by journalists are solved by general civil and penal legislation. Amendments to the Civil Code adhered to the principle of proportionality; thus, it is no longer possible for a journalist on a monthly salary of 300 euros to receive a court-ordered penalty of 30,000 euros.

Regulations on libel and defamation are still part of the Penal Code; the amendments seem to be insufficient to guarantee full freedom of speech. While the ruling party has brought lawsuits by public officials against journalists, a considerable number of journalists have still been sued by individuals. This demonstrated to the panel that the problem requires a further legal solution, not simply supportive political rhetoric. Panelist Remzi Lani, director of the Albanian Media Institute, lamented, “The reform to decriminalize defamation and libel was a step forward, but an insufficient one. We were unable to fully decriminalize libel and defamation.”

Past attempts to draft a more comprehensive law on the press—which, among other things, would guarantee the right of the accused to address grievances in the media, rather than in court, and clarify liability of media outlets for their content—have been abandoned.

With regard to reactions of the Albanian public in cases when the government might infringe upon freedom of expression, it can be said that although the public generally supports freedom of expression, it often faces some difficulty in understanding the problem due to controversies within the media itself. For some of the panelists, public engagement in this regard is insufficient. “The public reaction is weak, if not nonexistent,” said Ilir Yzeiri, a journalist and professor of journalism at the University of Elbasan.

According to panelist Thanas Goga, "Licensing of broadcast media is under direct political influence, and it is clear that the main problem is the composition of the media regulatory council."

Legislation on broadcasting consists of two laws, one for the public and private broadcasters and one for digital broadcasting. These two laws, which the National Council of Radio and Television (NCRT), a regulatory body, enforces, have established a licensing regime for broadcasters conditioned by three factors: availability of free frequencies, fulfillment of program conditions, and fulfillment of conditions associated with legal persons.

In terms of the licensing process, it should be said that political pressure intertwines with that of private operators, who often succeed in affecting NCRT decision making. For more than two years, the parliamentary opposition has been under-represented in the NCRT. According to Ibrahim, media lawyer and expert in drafting media laws, "The latest appointments to the NCRT have had a significant political character, considering that two of the nominees have come directly from the cabinet of the prime minister and that of the speaker of the assembly." According to panelist Thanas Goga, a marketing analyst for A&R Advertising, "Licensing of broadcast media is under direct political influence, and it is clear that the main problem is the composition of the media regulatory council." This view was also supported by Prec Zogaj, a publicist based in Tirana, who said, "The NCRT, as an unbalanced institution and traditionally politicized one, has an inhibitory role on media freedom and, in fact, it serves as tongs for politicians to capture the media."

There are no serious barriers to enter the media market, and the tax structure for media is relatively favorable, compared with other sectors. But the panel expressed the opinion that media that are critical to the government often face obstacles of a different kind, such as pressure from tax authorities. According to Yzeiri, "There are no murders or imprisonments of journalists in Albania, and this makes us look very different from Putin's regime, but the pressure on independent media makes us realize that the model is the same." Yzeiri said media outlets critical to the government and the businesses that support them face a discriminatory pressure from tax authorities. While the opposition media are discriminated against, the media supporting the government are rewarded.

From a practical standpoint, the disproportionate distribution of state advertising and notifications of spending among media close to the government became a top concern in 2012, when the political opposition published some statistics that clearly showed the significantly higher spending allocated to media close to the government. According to Lani, it is clear that the government had a political approach in terms of distribution of state advertising. "This is not just abuse of public money, but it is also a serious distortion of the media market," Lani asserted.

Crimes against journalists are not frequent. When there are such cases, they are spontaneous and in the form of hindering the activity of journalists. However, in cases where the perpetrators are state employees, the sanction often remains an administrative one (dismissal of the officer), but the penal option is not always used. In December 2012, a reporter for *Shqiptarja.com*, the independent daily newspaper that tends to favor the opposition, was assaulted by a group of unknown persons. However, as of this report's completion, the reasons for the aggression remain unknown.

Obtaining information from official sources remains a problem, although there are no legal obstacles. In practice there are no standards and stability. Discrimination in access to information is only of a political nature and is not based on gender, ethnicity, or religion. In general, the journalists from media close to the governments are favored. According to Valbona Kurti, a journalist on TV Vizion +, "Although the right to information and access to public information is guaranteed by law, the doors of public administration remain shut when faced with inquiries of journalists on various issues, even when the request is made in writing." Anila Basha, editor-in-chief of *Shqiptarja.com*, also supported this opinion. According to her, "The government has become increasingly selective in providing information to the media, favoring media close to the government. The most flagrant case was refusal of the Tirana Municipality to provide information to the Union of Journalists when it asked for documents on a public investment."

Media in the districts are lagging rather far behind, from a technological and investment point of view, compared with media in the capital. According to Goga, "Even though there are some media groups that have made commendable modern investment, most media outlets, especially in the districts, have significant room for improvement." Apart from financial limits imposed by usage fees for wire-news services and high-speed Internet, media outlets enjoy unlimited access to international news and information sources.

Entrance to the journalism profession is free; the government does not impose any licenses and restrictions

and does not exclude bloggers or other new-media practitioners. However, while not prohibited, in practice it is not easy to be a journalist for an outlet that criticizes the government. In general, the authorities indirectly work to increase the personal costs of criticism of the government in order to create self-censorship. Relatives of journalists who are visibly in opposition are dismissed from public-sector work or encounter difficulties in maintaining their private business. Vali Leskaj, chair of the Media Commission of the Albanian Parliament, says that although “there are no restrictions in the profession of journalists, journalists often face political dilemmas.”

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Albania Objective Score 2.18

Ethical standards, such as the verification of information with more than one source, are taking root in Albanian journalism as a rather professional generation of journalists has emerged. They carry out reports and do research by consulting experts and conduct very professional interviews. The panelists noted a positive phenomenon: the publication of books by well-known journalists who have focused on the range of problems associated with democratic transitions in Albania.

However, the provision of accurate information to citizens through fair and objective reporting is hampered by interference from political and business interests. Especially in media outlets with party affiliations, the standard of checking information with at least two sources is often

## JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

### PROFESSIONAL JOURNALISM INDICATORS:

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- > 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

According to Dervishi, “Journalism is, in general, engaged in respective political fronts and fights, or flirts with power and is closer to the owner or politician than the public.”

overlooked. Lutfi Dervishi, journalist and director of Transparency International Albania, thinks that there are highly professional reports and chronicles but that there are also some others that are disappointing.

Due to partisan reporting, sometimes individuals must follow several reports of the same news piece in different newspapers or television broadcasts in order to objectively understand what happened. According to Dervishi, “Journalism is, in general, engaged in respective political fronts and fights, or flirts with power and is closer to the owner or politician than the public.” The panel concluded that while in recent years pundits in the media have gained notoriety and prestige, traditional reporters have not.

There were many critical opinions during the debate on the professionalism of journalists. As Kurti described, “It cannot be said that journalism in Albania meets professional standards.” Dervishi agreed, saying, “Journalism does not yet meet professional standards; there are fundamental problems in news reporting and significant bias in editorial policies.” According to these opinions and other panelists, what should be news offered to the public is instead mere statements and counter-statements of political wings and press conferences, while genuine investigation is missing. The factors that condition this situation are related to the existence of newsrooms with few journalists, the inability to access information from institutions, and the interests of media bosses linked to politics.

In general, the ethical standards in Albanian journalism are more a result of the professionalism of journalists and market competition, rather than any form of self-regulation from the associations. The Code of Ethics, adopted in 2007 by journalists’ organizations and some media outlets, is in accordance with international associations’ standards. Meanwhile, the Press Council, the body charged with overseeing ethics and resolving conflicts of an ethical nature between the media and readers, has not functioned. Some outlets have established their own codes of ethics, and this compensates somewhat for the lack of self-regulation by journalists’ organizations.

However, observance of ethical standards remains a problem. The most notable violations take place during

According to Luarasi, “An absolutely conformist generation is emerging, which starts to think how to adapt to their job and how to write the news if working in opposing newsrooms, even though they are still students.”

political debates on television, where journalists of opposing wings insult each other, as well as in online forums. Lani noted, “While we have generally serious standards in the mainstream media, there is an alarming situation in the online media—in forums, blogs, discussions—where hate speech or privacy violations are not the exception but the norm.” Others supported this opinion. Zogaj said, “A solution must be found to the problem of insults in online newspapers’ forums, and the ethics for online media should be the same as for print media.” The example of the daily *Panorama* newspaper, which does not allow the publication of insults and offenses in its forums, was mentioned by the panel.

Although there are concerns about the hidden commercial impetus behind news, media coverage overall preserves a satisfactory balance between news and commercial content. There has been no confirmation of any case of bribery of journalists, but some doubted that there were no such cases. Suspicion is further reinforced when considering the generally low salaries of journalists.

The panel concluded that self-censorship of journalists is already obvious and easily perceptible. According to Ibrahim, “It is generally possible to predict the position of a media outlet regarding a particular issue or vis-à-vis a public figure, which is not a consequence of any ideological coherence of the media but is rather due to self-censorship of journalists, editors, and even editors-in-chief.” Dervishi claimed, “Self-censorship not only exists, but it is absolute and it is cemented now.”

Not only are journalists unable to publish a story that the outlet owner or the political wing supporting the newspaper do not like, but they have started to adapt reports and comments in accordance with the preferences of owners or political parties. According to Leskaj, “Journalists are self-censored due to the economic interests of the owners and due to political interests. As a result, they find it difficult to cover specific events.” The alliances between politics and media ownership were also identified at the root of self-censorship of journalists. Basha noted, “Media directors and managers often strike compromises with the

business and politics, which, in this year, seems to have gravely affected media freedom and independence.”

The panel brought up several cases of this type of self-censorship among journalists or stations. TV Klan, a private media outlet that supports the government, did not report on the debate over the biased allocation of government advertising funds to the media. By contrast, Top Channel TV, an outlet generally critical of the government, used this debate as the main focus of its news broadcasts. In the districts, self-censorship is even more pronounced due to the poverty of the outlets. According to Shkëlqim Bylykbashi, owner of a local television station, media in the districts align with any business or local government that grants them advertising. “It is a situation where there is a lot of abuse, which is threatening to media freedom,” said Bylykbashi. However, for Iris Luarasi, journalist and professor of journalism at the University of Tirana, the problem of self-censorship is even more profound and has far-reaching consequences. According to Luarasi, “An absolutely conformist generation is emerging, which starts to think how to adapt to their job and how to write the news if working in opposing newsrooms, even though they are still students.”

Although some media can overlook reporting a key event, overall the media market reasonably covers the range of issues of life in the country, including local and international security affairs. Reporters can be prevented from covering only news that affects the interests of the owners, but in this respect, self-censorship takes center stage. The panel did not note any case of prevention of reporting on news of national or international security. Online social networks, such as Facebook, YouTube, and Twitter, have experienced a wider popularity, but they do not yet manage to compensate for the shortcomings in more traditional media. Goga still saw shortcomings, noting that “despite the large number of media outlets in the country, they do not pay proper attention to coverage of events and issues of genuine public interest.” For the majority of the panel, this is the result of excessive politicization and of the significantly greater space devoted to the political debate, at the expense of economic, social, or cultural debates.

Despite the generally low level of wages in Albania, the media sector offers competitive salaries comparable with some other sectors. Private media outlets tend to offer higher salaries than public ones. Often there is a strong disparity between the salaries of the most renowned journalists and those of young reporters. There are no proven cases of paid articles or stories, but there are other ways for interest groups to influence journalists. It does seem that the economic crisis has further deteriorated the financial situation of journalists. According to a survey by

the Union of Albanian Journalists (UAJ) from November 2012, journalists in about 75 percent of the media received their salary with a delay of one to three months. "The number of media outlets that do not pay their journalists on time is increasing, and it is unfortunate that the institutions responsible for monitoring and denouncing these violations, such as the Inspectorate of Labour and Tax Office, do not perform their duty and prevent the deterioration of the situation," said UAJ Chairman Aleksandër Çipa.

The panel also debated whether journalists' salaries are such that they do not foster corruption and bribery. The general conclusion was that, with the exception of the directors and editors, the level of wages for most journalists was not sufficiently high to discourage corruption. According to panelist Yzeiri, "There are huge differences in wages between journalists. Young journalists are generally underpaid." According to Basha, "Journalists, though they work in good premises, are poorly paid, and there are major differences between them and media managers."

In terms of the ratio between entertainment and news programs, it must be said that the law on radio and television has established clear rules on programming, which dictate a good balance between them. However, some stations clearly tend to favor information programs at the expense of entertainment, Goga reported. "News reports are overwhelming in certain time slots, which is a phenomenon that some observers describe as poor programming," he said. Leskaj agreed, saying, "The media are dominated by the news, covering mainly the principal political actors." Almost all of the panelists supported these opinions.

The panel found that there has been no substantial change in the structure of the media in terms of premises and equipment for gathering and producing news. They are modern and efficient for a small group of media outlets based in the capital, while the situation in the districts is significantly worse. "There is a huge difference between national and local media regarding premises and equipment, and local media are poorer," said Luftim Vani, owner of local television station TV Mati.

Investigative journalism and coverage of niche topics also seems to be deficient. According to Goga, "Investigative journalism is in its first steps." Basha also shared this opinion and said that "cases of investigation exist, but this is not yet a general trend, and in many papers investigative journalism is missing because, in one way or another, the newspaper owners are connected with the business, which is itself connected to politics, leading to the establishment of what we can refer to as the chain of obstructive links."

The general opinion was that rather than a lack of ability, most media outlets cannot afford to commit journalists and resources to investigating a single issue in-depth. The shutdown of the investigative program "Hapur," which was supported by USAID, has also added to the existing shortcomings. The only investigative program in action is "Fiks Fare," broadcast by Top Channel.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Albania Objective Score 2.42

There are about 160 newspapers and magazines, 58 radio stations, and 157 television stations in Albania. This confirms the pluralistic media situation, which allows for different angles and enables citizens to access a variety of news sources in order to have objectivity. The expansion of Internet service in Albania to more than two hundred thousand household subscribers, as well as the creation of online services from television stations and newspapers, has opened new territory for contact between the media world and citizens. The public has become more familiar with social networks, such as Facebook, YouTube, and Twitter, and the public uses these more frequently. Another extra dimension is the use of mobile phones, an increasingly popular choice for disseminating news.

In general, given their commercial interests, the electronic media tend to be regional in scope, covering the majority of the population (about 80 percent), who live in Western

### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

#### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

**“The problem of public media in Albania is not only that it is partisan, controlled, and old-fashioned, but that after 20 years of failed attempts to reform it, the idea of public television in Albania is now discredited,” said Lani.**

Albania. National media outlets have failed to cover all the country’s territory. Small towns, which often do not fall under the scope of national or regional television coverage, receive service from cable operators that broadcast programs of important national, regional, or foreign broadcasters.

The panel concluded that there is no legal restriction regarding access to the local and international media. However, the panelists underlined that a number of citizens, mainly in the districts and villages, seem to lack sufficient access because they cannot afford the prices of the services, while in some cases, the services are altogether missing. Even to this day, the press does not reach some villages, while Internet service is more widespread in urban areas. According to Ibrahim, “Income level is a limiting factor for access to subscription-only media, but it also negatively affects Internet penetration, which is still very low (only 6.6 percent of the population), despite the growth trend.” The panel concluded that the only obstacle of a political nature in this respect might be the policy of licensing broadcasters by the NCRT. The opposition has accused the NCRT of indirectly limiting public access to some local media that criticize the government.

Cable stations are now present across the whole territory, though access is limited by financial hardship in many regional households. NCRT regularly licenses new cable operators or approves extensions of broadcasting area for existing cable broadcasters. This year, cable broadcasters have undergone a wave of sanctions by the NCRT on piracy grounds.

The panel found almost unanimously that the public broadcaster, Albanian Radio and Television, has become even more closed to opposition views. According to Lani, “The problem of public media in Albania is not only that it is partisan, controlled, and old-fashioned, but that after 20 years of failed attempts to reform it, the idea of public television in Albania is now discredited.” Lani said that it is difficult to find Albanians who still believe in the idea of a public broadcaster.

A remaining problem is the interpretation of government activities as something unrelated to any of the political wings, even though the activities are clearly in favor of the party in power. It can be said that the public media rarely fill in the gaps created by commercial media, and usually this is in the form of cultural or sports programs. Goga said, “The state media, which are not yet really public, are completely partisan, a permanent client of each ruling majority, and do not serve the public interest.” His opinion was also supported by Leskaj. “The public operator has nothing in common with the public, except that it is supported by the citizens’ taxes, because it is totally biased in favor of the government,” he said. This was, in essence, the opinion of the other panelists as well.

The panel found that in addition to independent international news agencies, such as Reuters, AFP, DPA, and others, there are also some modest local agencies. The panelists were divided on whether they can be considered independent, but they agreed on the fact that local agencies disseminate information on a nondiscriminatory basis. Newspapers rarely use the official news agency, the Albanian Telegraph Agency, and especially opposition or independent newspapers, as their news bulletins are viewed as strongly biased in favor of the government. Kurti explained that for her as an editor, the benefit of the local agencies was that she becomes familiar with the main news and problems of the day before journalists reach the newsroom with their own news. However, most media outlets prefer internationally recognized media agencies as information sources and generally cite the source of information. Not all media, especially in the districts, can afford the services of international agencies.

All independent media, both local and national, produce their own news programs. Generally they are radically different from news programs produced by the public media in terms of political bias. Independent and opposition media tend to broadcast news that public media and media close to the government are keen to censure or to comment on differently from independent media.

Media ownership has been more transparent after the establishment of the National Business Registration Center. The law imposes criteria for ownership of electronic media as well. While the public has some understanding of the ownership of most outlets, the spirit of the law is regularly violated. According to Goga, “It is true that there is a certain level of transparency that allows the consumers to assess the objectivity of news, but the reality in official documents, according to media researchers’ comments, is quite different from the real ownership of the media.”

Recently there were some movements by electronic media outlet owners aiming to circumvent legal restrictions and establish control over outlets other than those they legally own. This aim is achieved by “puppet” owners, who, although they legally appear as new owners of the firm, are allegedly under the control of other incumbent media owners, who are not allowed by law to own other media. Media ownership remains a concern to Basha, because there are laws on the matter, but they are not enforced. There are owners who have bought two or more newspapers and stations, which have led to concentration. This concentration in media ownership has caused distortions in the coverage of events. Nobody has acted on the situation, nobody investigates, and nobody takes this matter for inquiry in front of the competition authority. “There is a silent peace between media players and the government for egregious distortion of the media in Albania, which is unprecedented,” Basha said. Luarasi also agreed that today it is easy to find the name of the owner on the National Business Registration Center’s website, but you cannot find out which political force or which businessmen are behind them. “People are not sure whether the owner of a newspaper or a television station is a politician or a businessman who is known to be associated with the politician or political wing in question,” said Luarasi.

The panel acknowledged that media monopolies and oligarchy are increasingly present and that there are almost no foreign investments that would introduce balanced competition to the market.

A wide range of social issues are covered in the media, but not sufficiently, in the panelists’ opinions. This is due to the politicization of daily life in Albania, rather than to any interference from government bureaucrats or the newsrooms. Media focus on political developments related primarily to the nature of the political system and relegate other issues to second-hand status.

Local issues are under-appreciated, while international ones occupy a greater space. Media coverage of issues related to gender, ethnicity, religion, or sexual orientation is primarily through a scandalous angle, such as domestic violence against women, violations against symbols of a religious community, the growing nationalistic spirit, or the cases of violence against individuals or communities with differing sexual orientations. However, there are almost no programs that would cultivate a mindset and attitudes that would prevent violations of human rights and freedoms in these aspects.

The panel concluded that in areas where minority concentration is greater, such as the Greek minority in the south or the Macedonian one in the southeast, there

According to Ibrahimi, “Income level is a limiting factor for access to subscription-only media, but it also negatively affects Internet penetration, which is still very low (only 6.6 percent of the population), despite the growth trend.”

are sufficient information sources at the local level or in their respective languages. According to Luarasi, “In the south of the country, there are media funded by the Greek community, while Radio Gjirokastra produces programs for this minority. In Prespa, there is a radio for the Macedonian community, while the public radio broadcasts for minorities in the south at Korçë, and north at Shkodër.”

#### OBJECTIVE 4: BUSINESS MANAGEMENT

##### Albania Objective Score 1.69

Media outlets and companies that support the media are still far from being efficient, professional, and profitable businesses. This situation was aggravated by the recent economic crisis. Most of the media outlets are supported by other businesses in their ownership conglomerate, which use the media outlets they own to promote and protect their interests. Only a few major media outlets, such as Top Channel group or TV Klan, have succeeded in becoming profitable companies. In general, media outlets employ

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.



**“The fact that we have no written or broadcast news or story on the high fees that mobile companies apply in Albania, which are much higher than those in other countries in the region, shows that any powerful company can have undue influence on editorial practices,” said Luarasi.**

accounting specialists for their accounting practice, as well as marketing specialists for advertising. However, staff cuts due to the crisis have also had consequences in this regard.

According to Ibrahim, “Albanian private media, especially print media, are not efficient businesses, allowing themselves to have long-term losses, while the firms that fund the media outlets are private and operate like real businesses.” The panel concluded that no public or private media, including the online ones, have adequate and diversified resources and funding necessary to prevent political interference. Public media are highly dependent on the funding they receive from the government.

Despite the fact that the financing sources of private media are relatively diverse, larger sponsors remain very important for survival and are therefore able to influence the editorial policy of the media. Luarasi mentioned the example of cellular companies, which, taking advantage of their position as significant advertising clients, have managed to block any news or commentary on the country’s very high mobile-communications fees. “The fact that we have no written or broadcast news or story on the high fees that mobile companies apply in Albania, which are much higher than those in other countries in the region, shows that any powerful company can have undue influence on editorial practices,” said Luarasi. Recently, the phenomenon of powerful mobile companies establishing their own radio stations has emerged, even though the law prohibits this practice. However, the companies in question have managed to evade the law by registering their media outlets at the NCRT under others’ names.

There is increasing interest among international advertising agencies in the marketing and communications sector in Albania. However, supporting media structures, such as advertising agencies and media distribution agencies, have not managed to consolidate and create a niche market. In most cases, it is media outlets themselves that take care of their advertising or press distribution. The panel also raised the concern that media do not cover the issue of the

advertising industry, which takes place in other countries of the world. Bylykbashi raised the issue of consolidation of advertising spending in the hands of the most powerful companies, which focus their ad buys primarily in national or regional media outlets while ignoring local ones. “Powerful business companies rarely buy advertising in local media, which happens only through personal connections in these companies,” said Bylykbashi.

The politicization of life has also invaded the decision making of advertising clients, lending considerable weight to politics and political influence. It is not rare that businesses are reluctant to advertise in opposition outlets, despite the business rationale for doing so, as they fear they could face consequences in their relations with the government. Advertising prices are generally the result of negotiations between the media and customers. The economic crisis has led to lower advertising rates and delays in payments from ad buyers due to their liquidity problems.

Although there is a significant improvement from previous years, advertising revenues as a percentage of total revenues, mostly for the media, are far from widely accepted standards. According to the panelists, during 2012 the trend of advertising’s increasing weight in the Albanian media budgets has continued, consolidating advertising as the main source of income. Electronic media outlets tend to exceed time limits permitted for advertising as set by law. There have also been some prohibited forms of advertising, such as when a presenter places products and advertises them, without clearly marking the endorsement as a paid advertisement.

While advertising remains the main source of funding for the Albanian media, subscriptions are failing to contribute an adequate share to media firm finances. The added effects of economic crisis have led to drastic cuts in advertising by the biggest advertisers in the market—mobile companies. This clearly has a negative effect on media balance sheets and promotes increasing political affiliations in the media. “The advertising market, especially for the print media, is in decline,” said Dervishi.

Last year there were increased efforts to use online presences to increase advertising revenues. Almost all newspapers or television stations have their website. The newspaper *Shqiptarja.com*, according to editor-in-chief Basha, has created an online version of the newspaper that is also available on iPad and costs 5 euros per month. Meanwhile, newspaper *Shqip*, apart from its free mobile version, has managed to sell electronically a limited number of monthly subscriptions to the newspaper in PDF. However, revenues from these services remain limited, due to still low, although expanding, Internet penetration. *Gazeta*

*Tema*, which, as described in previous MSI reports, stopped publication after the government closed its printing house, has gone fully digital and is now the country's most visited news site at about two million visitors per month. However, it has not been able to commercialize this advantage at all, in part due to the hesitation of advertisers to place ads in a paper that has raised the ire of the government.

Though officially private media firms are not subsidized by the government, the panel believed that some holding companies close to the ruling majority are indirectly subsidized through favors provided in the form of public advertising, notifications, and other access-related benefits.

There have also been instances of state subsidies for newspapers, as well as forms of state advertising in the electronic media. In general, subsidy policies, the most typical of which being a price subsidy for newspapers, have been long-term and have affected all media, without discrimination. In 2012, some state funding schemes for the media emerged, which, according to all panelists, were very favorable to some television stations and newspapers close to the government. According to Kurti, "The distribution of state advertising is preferential and nontransparent, and we do not know how much money is spent on different campaigns and what are the criteria used for their allocation." Yzeiri supported the claim that the government is a main advertising customer and favors the media that support it. "Large amounts of money, millions of euros, have been disbursed to these media, especially during the past four years, strengthening them financially, but also significantly reducing their professionalism in covering the news," he said. Leskaj added, "Government advertising is completely clientelistic, ignoring the audience of operators or the circulation of newspapers as required by law, but rather considering only the extent to which an outlet is in the service of government propaganda."

Although there is an increased presence of international companies for market research and media audience ratings, such as Nielsen, GfK, and Ipsos, market research is still rarely used to formulate strategic plans or programming structures according to audience requests and interests, or to increase advertising revenue. The entrance of these new firms is a promising sign for the future rationalization of the media market, according to market principles, though dividends have not yet been experienced in full.

Abacus Research reports on audience and consumer behavior in the electronic media sphere. A statistically significant panel is used to conduct the survey in Tirana, and in 2013, it is expected to expand nationwide.

**"Powerful business companies rarely buy advertising in local media, which happens only through personal connections in these companies," said Bylykbashi.**

According to Ibrahim, "Market research is used only sporadically, and the results are usually contested by the 'losers'" Likewise, newspaper circulation is sporadic and contestable, and newspapers do not publish their print runs. Agencies responsible for tracking circulation are still not developed efficiently.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Albania Objective Score 2.45

The panel agreed that in general, associations or organizations in the media community remain at the embryonic stage and do not yet have a significant impact. Ibrahim noted, "There are no official publishers' or broadcasters' associations." Basha clarified, "There are no commercial associations representing the interests of owners, or they may exist only on paper." However, on one occasion, in 2012, an ad hoc union of major broadcasters gave impetus to the fight against piracy in electronic broadcasting.

## SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

According to Lani, of the Albanian Media Institute, "Training of journalists has come closer to meeting their needs: new technologies, digitization, online ethics, etc."

The mobilization of journalists in professional associations made no progress in 2012, according to the panel. In fact, even some dormant associations that had a nominal existence have officially ceased to exist. The panel agreed that the only professional association of journalists with some real activity was the UAJ. Membership in this organization is open to anyone who is practicing journalism or is a photo reporter or media employee. The number of members has expanded, but their contributions through membership fees is insufficient for the organization to meet its stated goals.

The support the UAJ can provide for journalists remains limited to statements of protest when journalists' rights are violated. The UAJ has organized activities to promote solidarity among journalists, such as the distribution of several awards for them at the end of each year, but it does not have structures and financial resources to provide training or legal advice to journalists. The UAJ periodically reports labor-relations issues that journalists face. It has lobbied with the Ministry of Labor regarding journalist contracts, but political will to tackle the problem is lacking. Consequently, the majority of reporters lack work contracts, which, according to the panel, has negative consequences for their work.

The panel stated that the work of the UAJ in this regard is obliterated by the indifference of state institutions. During 2012, the UAJ forwarded complaints about salary payment delays to journalists, which has affected 75 percent of media outlets, but the state bureaucracy has not acted. Therefore, UAJ President Çipa believes that "one of the most serious problems is the failure to take into consideration concerns raised by the UAJ." Journalists have not formed clubs or associations around specializations to develop their skills and networks. An organization of economic reporters is almost atrophied, while there are two largely inactive organizations of sports reporters. Meanwhile, the UAJ has managed to establish contacts with international organizations of journalists, such as SEEMO and Reporters Without Borders, and several similar organizations in neighboring countries.

The panel found that the Press Council, a forum set up years ago with the support of foreign donors, with the aim of promoting and encouraging self-regulation of the

community of journalists through the Code of Ethics, has not been successful. The panel said that with the exception of the UAJ and the Albanian Media Institute, other organizations did not have any outstanding successes in this area. As Goga maintained, "Other professional associations and nongovernmental organizations are not doing any admirable job of protecting the rights of journalists." The panel held that while the media highlight the contributions and concerns of NGOs, the NGOs have failed to return the favor to the media. The panel agreed that the only exceptions were the Albanian Helsinki Committee and the Albanian Human Rights Group, or *Mjaft* movement, which monitor the violence committed against and by the media. Ibrahim offered some support for the contributions of NGOs, noting, "Some NGOs have made the difference in the drafting of basic laws for the press, defamation, and, lastly, the right to information, thus creating the conditions for the more efficient functioning of the media in Albania."

The University of Tirana, the state's leading institution of higher learning, hosts a journalism department in history and philology studies. The department also has branches in Shkdra and Elbasan. A considerable portion of the young journalists entering the field in Albania are graduates of these programs. In addition to these programs, as well as some smaller degree programs hosted by private universities, the Albanian Media Institute also offers training for journalists that emphasizes the practical aspects of their work.

A specific feature of the training of journalists in the past year has been the efforts to train them on new media technologies. According to Lani, of the Albanian Media Institute, "Training of journalists has come closer to meeting their needs: new technologies, digitization, online ethics, etc." Meanwhile, the panel noted that while young journalists passionately participate in training courses that teach journalism standards of today, this passion is lost when they go to the newsroom, where there are other rules and standards not so much related to journalism but to the interests of the owners and the politics of the day. These courses are generally free to the public and are subsidized by foreign donors. Teaching and training programs are complementary, as they cover the needs of almost all media departments.

For years, the matters of printing houses, printing houses' premises, and channels of media distribution have been entirely in the hands of private entrepreneurs, and it is the market, through its mechanism of supply and demand, that sets prices. But, some panelists, including Basha, believed that monopolistic tendencies have entered the printing market of late, artificially inflating prices. The panel did

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agree that printers are not subsidized by the state and do not interfere in editorial policies.

Although there are several agencies for the distribution of the printed press, the publisher of *Panorama* and *Gazeta Shqiptare* provides the only nationwide distribution services. Other distribution agencies must cooperate with this distributor, since they share the costs. Lack of fair competition in this regard has damaged the print media market in Albania. Apart from this, the panel raised no serious concerns about print media vendors, cable providers, or other intermediaries.

ICT infrastructure development remains behind the rest of the region. During 2012, Albania joined the Open Government Initiative. In this context, the government has adopted an action plan that intends to provide, among other things, some important developments in information technology, which may have a positive impact on digital media distribution in the future.

## List of Panel Participants

**Aleksandër Çipa**, president, Union of Albanian Journalists, Tirana

**Anila Basha**, editor-in-chief, Shqiptarja.com, Tirana

**Genti Ibrahim**, lawyer, Institute for Legal Studies, Tirana

**Ilir Yzeiri**, professor of journalism, University of Elbasan, Elbasan

**Iris Luarasi**, professor of journalism, University of Tirana, Tirana

**Luftim Vani**, owner, TV Mati, Burrel

**Lutfi Dervishi**, freelance journalist; director, Transparency International Albania, Tirana

**Preç Zogaj**, publicist, Tirana

**Remzi Lani**, director, Albanian Media Institute, Tirana

**Shkëlqim Bylykbashi**, Albanian Media Club, Lushnja

**Skënder Minxhozi**, editor-in-chief, *Java* magazine, Tirana

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

**Valbona Kurti**, journalist, Vizion+ TV, Tirana

**Valentina Leskaj**, chair, Media Commission of the Albanian Parliament, Tirana

## Moderator and Author

**Andrea Stefani**, journalist and media consultant, Tirana

## Assistant

**Sokol Lilo**, media consultant, Tirana

*The panel discussion was convened on November 23, 2012.*

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*Professional standards remain a luxury for media outlets and their reporters, while business strategies are undermined by political and macroeconomic pressure not supportive of a robust media sector.*



# BOSNIA & HERZEGOVINA

At the end of 2011, almost 15 months after general elections, six political parties finally reached an agreement and appointed members of the Council of Ministries on the state level. The state budget was approved, both for the coming year and retroactively for 2011. In March 2012, officials reached an agreement on principles for resolving the issues of ownership and use of defense and state property, an important step toward the accession of Bosnia and Herzegovina (B&H) into NATO.

Despite these gains, the country's complicated governance structure—it comprises two entities, Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (hereafter, the Federation), as well as the self-governing Brčko District, each with separate internal governance structures—continues to be troublesome. An intense struggle for power is underway among political parties at the local, entity, and state levels, at certain points disregarding legal procedures. The multi-ethnic Social Democratic Party removed the Bosniak Party of Democratic Action from the state Council of Ministers in October 2012. And, after months of controversies regarding procedural irregularities, a Social Democratic Party-led coalition reshuffled the Parliamentary Assembly, adding the Croatian Democratic Union of B&H and a smaller splinter party. The restructuring of the Federation government was still an unresolved issue by the end of 2012. Separately, RS President Milorad Dodik received the resignation of the entire RS government on February 27, 2013. Political disagreements had been building since the local elections of October 2012, which, while generally in line with democratic procedures, left some unresolved issues.

Politicians could not agree on solutions to implement a European Court of Human Rights ruling requiring changes to the B&H constitution on ethnic eligibility to stand for elected office, and as a result the country failed to meet an EU road-map deadline. Senior RS officials have continued to campaign against, and take action to diminish, the authority of state institutions over those of the RS and the Federation.

Suspected links between the media and political parties, as well as a recent rise in ethnic divisions in the media, seem to be feeding new political biases. Political pressure to introduce direct political appointments of Communications Regulatory Agency (CRA) officials, more attempts to influence public broadcasters, and rhetoric aimed at abolishing the public broadcaster have been evident. The media industry also continues to be affected by the country's dire economic conditions. As in previous years, particularly amid shrinking advertising spending, the market is not supporting an independent media. Outlets are pushed toward clientelism, and their credibility continues to be endangered.

The overall MSI score is almost the same as last year, failing to reverse the negative trends of recent years. Only Objective 5, Supporting Institutions, logged a notable improvement, while Objectives 2 and 4, Professional Standards and Business Management, respectively, scored notably lower. Professional standards remain a luxury for media outlets and their reporters, while business strategies are undermined by political and macroeconomic pressure not supportive of a robust media sector.

# BOSNIA & HERZEGOVINA at a glance

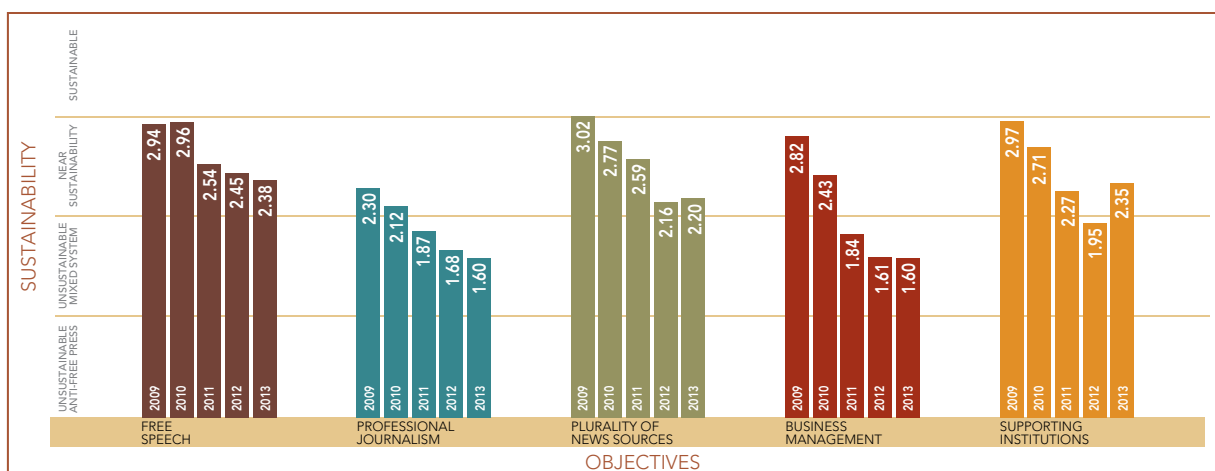
## GENERAL

- > Population: 4,621,598 (July 2010 est., *CIA World Factbook*); 3,752,000 (World Bank, 2011)
- > 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: Bosnian, Croatian, Serbian
- > GNI: \$17.93 billion (World Bank Development Indicators, 2011)
- > GNI per capita (2009–Atlas): \$4,780 (World Bank Development Indicators, 2011)
- > Literacy rate: 97.9%; male 99.4%, female 96.5% (2010 est., *CIA World Factbook*)
- > President or top authority: Presidents Nebojša Radmanović, Željko Komšić, Bakir Izetbegović (2010–2014)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations:
- > Print: 8 daily newspapers, 105 periodicals (magazines of diverse content); Radio stations: 142; Television stations: 42 (B&H Press Council, Communications Regulatory Agency (CRA))
- > Newspaper circulation statistics: N/A
- > Broadcast ratings: Top three television stations: Federal TV (14.4%), Program Plus (11.9%), Pink B&H (9.7%) (Mareco Index Bosnia, March–April 2012); top three radio stations: Kalman (10.6%), Radio Stari Grad (9.5%), Radio BN (7.6%) (Mareco index Bosnia, March–April 2012)
- > News agencies: FENA (state-owned), SRNA (state-owned), ONASA (private), NINA (private), MINA (Islamic Community in B&H), KTA BK B&H (Conference of Bishops of B&H), AA (Anadolu Agency)
- > Annual advertising revenue in media sector: Television: \$37.4 million; Radio: \$11.8 million (CARDS, 2006); Print media: N/A. Unofficial estimate: \$65.47 million for 2012, TV share at 67%, radio 5%, print 16%, Internet 2%, and outdoor 10% (Fabrika advertising agency, 2012)
- > Internet usage: 1.422 million users (2009 est., *CIA World Factbook*); 2,113,100 users, i.e., 55% of population (CRA, 2011)

## MEDIA SUSTAINABILITY INDEX: BOSNIA & HERZEGOVINA



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Bosnia & Herzegovina Objective Score: 2.38

The score for this objective has been relatively stable over the past few years, suffering just a slight drop from 2012. Scores for crimes against journalists and outlets and libel proceedings fell precipitously. Declines were also seen in the scores for public-media independence and free access to information. Licensing, access to news, and entry to the journalism profession continue to receive the highest scores for this objective, significantly raising the average.

In sum, the legislative framework governing journalism is considered to be developed in its wording, and as a result, “everyone can say what they want and get a place in public space and media,” according to panelist Rubina Čengić, editor-in-chief of *Start* magazine. However, the mechanisms and capacity for implementing existing laws and dealing with violations of them are considered underdeveloped, and as a result it is possible to disregard or bypass the laws with relative impunity. A few prominent cases of officials restricting access to information under the rationale of protecting privacy were considered by some panelists to be symptomatic examples of how freedom of speech can easily be diminished.

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Freedom of speech is guaranteed under both international covenants and the state and entity constitutions. It is also protected by regulations specific to the media sector. Article 4 of the Law on Communications guarantees freedom of expression and development of the broadcasting sector free of political control and manipulation, and financial autonomy is also guaranteed.<sup>1</sup> However, in practice, political pressure continues. The director of the CRA, Kemal Huseinović, has never been officially confirmed, so he has been acting in an interim capacity for six years. Since the Parliamentary Assembly of B&H refused to accept a proposal for appointing members of the CRA Council in 2009, no new proposals were submitted. The refusal of candidates, especially without giving clear justification, was seen as a form of political pressure.

In 2012, the authorities sought to change procedures for the appointment of CRA members, and the Law on Amendments to the Law on Communications was adopted in the second reading in the Parliamentary Assembly on December 4. Major changes are related to the fact that the Council of Ministers is given the primary role in the appointment of CRA Council members, reducing parliamentary checks and balances. The MSI panelists are concerned that future appointments will be politically motivated and will endanger the independence of the CRA’s decision making, a sentiment shared by some political leaders. The MSI panelists do not believe that these pressures have yet compromised the CRA, but they are concerned about whether they will do so in the future.

The Press Council seeks to promote journalistic norms in print and, more recently, online media. Unlike the CRA, the Press Council does not have executive powers and relies solely on a self-regulatory system and voluntary compliance of print and online media with journalistic norms and Council decisions. The Press Code encompasses ethical norms for print and online media. Several online media organizations joined the Press Council in the past few years, demonstrating readiness to participate in the self-regulatory system. However, the system needs to be further promoted in terms of higher membership in the organization and to foster more consistent compliance of media with professional norms and Council decisions.

In addition, all types of media in B&H can be held accountable in criminal court for libel, as well as incitement of hatred based on national, racial, or religious identity.

<sup>1</sup> The CRA is funded through license fees and grants or donations for implementation of specific tasks and projects of public interest (Law on Communications, Article 44). The CRA director general submits a budget proposal to the Council of Ministers for each fiscal year, which may not make adjustments of more than 20 percent before voting to approve (Law on Financing B&H Institutions, Article 9).



Licensing of media in the broadcasting sector is under the jurisdiction of the CRA. Media representatives generally consider these procedures impartial and apolitical, despite the aforementioned political pressure on the institution. As in previous years, the panelists said they believe media do not sufficiently respect programming obligations under existing laws and the programming schemes for which they are licensed. According to Benjamin Butković, news editor at the public broadcaster BHT1, even the public media do not adhere to a minimum of program requirements: "If we analyzed our programming, we would establish that we violate some provisions, because we have obligations to provide foreign productions, educational programs, programs for minority groups, etc., and we do not have them all." Licensing procedures give preference to programs deemed underrepresented in the media.

A vast number of local public broadcasters are seen as lacking editorial independence, as they are directly financed by local authorities, and members of the country's Public Broadcasting Service (PBS) are under continuous political influence and pressure.

Media outlets are generally seen to be commercializing their content, with private media especially focused primarily on entertainment programs. So far, only three licenses have been given to community radio stations, and therefore this sector does not significantly contribute to better media representation of minority and marginalized groups. A particularly daunting factor is the prohibition of advertising revenue for this type of media.

Due to the aforementioned issues, there is a strong need to monitor the extent to which the media adhere to laws, regulations, and programming obligations. Currently, no institution has a mandate or capacity for continuous monitoring. However, the CRA conducted a systematic one-week monitoring program on B&H broadcasters in 2012. The monitoring was intended to track broadcasters' compliance with regulations, revised in 2011 to better comply with the EU Audiovisual Media Services Directive requirements on issues such as on-demand services, protection of minors, and age-appropriateness ratings. This was seen as a good way to stimulate better fulfillment of minimum requirements by broadcasters and is the main reason for a slight improvement of the score for licensing, compared with the previous year.

Entry into the broadcast media is considered unbiased, but some panelists, including Asja Rokša-Zubčević, of the CRA, believe that the continued existence of a large number of broadcasters, despite a continuous drop in advertising revenue, raises questions about funding patterns and prevents the development of a healthy, transparent media

market. As a result of political and economic affiliation, as panelist Reuf Herić, of Radio Q, said, "The 'good' media are decaying faster than the 'bad' ones, because the good ones get under the skin of some sponsors." Achieving both complete editorial independence and diverse sources of revenue appears very difficult to achieve. Although this cannot be controlled through licensing procedures, the panelists believe that there should be more transparency in funding as well as more insight into media performance.

When it comes to print media, entry into the market is completely free; concerns are mostly related to the lack of regulation of online content and the lack of monitoring, sanctioning, and preventive mechanisms with regard to violations of journalistic norms. The CRA is now completing its register of online television services and will increasingly regulate this area. As mentioned earlier, some online media have joined the self-regulatory system, but the truth is that a large portion of online communications still remains beyond regulation.

Media outlets have an equal market position to any other business. There is no differentiation of value-added tax (VAT) or any other tax breaks for media. The panelists agreed that taxes overburden media outlets given the current economic crisis. Some panelists stressed that print media are in an especially difficult situation; Čengić believes that the fact that VAT is paid based on the number of printed copies, regardless of the proportion of actual circulation, is problematic, although understandable due to the lack of circulation data.

As in the previous year, panelist Angelina Albijanić-Duraković, of Depo.ba, stressed that although free entry of online media is desirable, the negative aspect of this is that portals registered as businesses, which regularly pay taxes and employees under existing laws, are put in a subordinate position, compared with portals that are not registered but are competing in the same market. Panelists Predrag Zverac, of the private newspaper *Dnevni List*, and Herić, of Radio Q, stressed that private media, while they may enter the market freely, are at a disadvantage, compared with the public broadcasters, whose sustainability is largely guaranteed through direct financing by local authorities.

While the panelists were generally agnostic on the tax structure media firms must navigate, some panelists maintained that the lack of supportive fiscal policies, combined with unpreferential tax policies, further complicate media organizations' sustainability and push them toward editorial compromises, bypassing of laws, and bankruptcy. As panelist Boro Kontić argued, "Taxes are used as a bludgeon for media," because many outlets are already facing huge financial problems. Kontić suggests that the tax

policies facing the industry are condemnable, as they ignore the financial limitations inherent to the media environment in B&H. In addition, panelist Borka Rudić believes that tax regulations have on occasion been used to put political pressure on media. *Slobodna Bosna* magazine has reported that coercive tax audits of its own finances, as well as those of TV1, *Oslobođenje*, *Dani*, and *Slobodna Bosna*, were ordered by Prime Minister Vjekoslav Bevanda based on the interests of his political party.

Crimes against journalists, as reported by the Free Media Help Line, increased slightly in 2012, with 47 cases reported by November 10. While the cases included five physical assaults, three death threats, and 17 threats and pressures, the remaining are related to other infringements of media freedom. Those included four issues related to labor rights, two criminal charges against journalists, six libel cases, five cases of journalists seeking protective legal advice, three public outcries related to media issues, and two cases of third parties complaining about journalists' conduct.

Though pressure on journalists is considered an everyday practice, severe physical assaults are still rare. One of the most prominent cases was the assault and battery of Štefica Galić, editor of the web portal Tacno.net, in Ljubuški. Another case made public was that of journalist Siniša Vukelić, who was verbally attacked when he asked a businessman charged in a case before the RS Supreme Court to comment on the court's decision. An earlier report by Vukelić had initiated the investigation and felony charges against the accused.

Borka Rudić, of BH Journalists, said her organization's experience with police is mostly positive and that officers' work is timely and thorough, with the exception of some cases, such as one in Herzegovina-Neretva canton when police asked BH Journalists for evidence in an assault even though officers were present at the scene. There is continuous dissatisfaction with the work of the Prosecutor's Office and courts. Panelist Butković believes that attacks on journalists are common but that sanctions against perpetrators are rare. In his words: "Are those who commit these crimes brought to court? No, or very rarely. Whom do they declare responsible? Virtually no one—usually journalists come out guilty because they investigated someone, pushing their nose where it doesn't belong. Do crimes against journalists lead to public protests? As far as I know, no, never." Butković speaks from his own experience, having been exposed to pressure and threats as BHT1 news editor. "Most were messages from certain government officials and totally anonymous people, meaning people who called, threatened, intercepted me...From the way they talked to me, it was possible to detect very clearly where the threat was coming from," he said.

In addition, it can be assumed that the number of attacks and pressures on journalists is considerably higher than the number of reported cases. As Čengić and Albijanić-Duraković suggest, journalists are accustomed to certain pressures and often do not report them. One of the reasons is that the professional community's reactions are often insufficient. As Čengić put it, "Generally, even we ourselves do not pay enough attention to it; BH Journalists' association with the Help Line remains alone to fight against opponents with the strength of lions."

Since pressure is continuous, especially if journalists are working on investigations, the panelists have over the years expressed fear that journalists are increasingly discouraged and less prepared to tackle sensitive issues for fear that their safety would be jeopardized. Butković summarized his sentiments by stating that journalists feel "totally unsafe and that this is, to a large extent, reflected in their work."

The editorial independence of PBS, which includes BHTV, B&H Radio, Radio FB&H, FTV, and RTRS, is guaranteed by the Law on the Public Broadcasting System of B&H. Its financial independence is based primarily on collection of radio and television (RTV) fees, levied on all who own a television or radio, and additionally through advertising revenue. Independence is also, in theory, guaranteed by the procedure of appointing the PBS board of governors and executive manager and restrictions on political engagement by the board, director, or editor-in-chief. Yet the panelists believe that affiliations with political parties are in fact major criteria for PBS appointments. Butković believes that it is "perfectly clear...[that] management and managerial boards are directly appointed from the political level. They are an extended arm of politics, and we have come into a situation in which that is no longer hidden. In my view, this phase is the most dangerous one, when we consider it a normal situation."

Over the course of 2012, claims were most often related to the strong influence of the president of the RS and the Alliance of Independent Social Democrats (SNSD) party on public radio and television station RTRS, as well as Social Democratic Party (SDP) influence on public broadcaster FTV. As the panelists stress, the latter made progress toward editorial independence in 2012, after which the authorities hastily attempted to establish an "interim" FTV Board of Governors in June and to announce vacancies for three board members in October, which was all seen as an effort to reassert political control. Establishment of an "interim" board was abandoned after the inconsistency with legal procedures drew strong reactions from the international community and domestic public; the vacancies for three members contradicted the law stipulating the appointment of only one member per year, and the vacancy itself was not

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announced according to law. In November, B&H President Nebojša Radmanović finally annulled the vacancies. With the Federation Parliament's current demand to relieve sitting board members under the pretense of poor business performance, the issue of appointing the board has yet to be resolved. The mandate of several PBS governors has expired, and the CRA in September drew up a list of new nominees to govern RTRS and BHRT and passed it on for the parliamentary appointment procedure. In this politicized context, disagreements over the establishment of the Public Broadcasting Corporation—an entity that would coordinate the switchover to digital broadcasting and provide technical leadership and management support to PBS members—continue, hindering the transition to digital broadcasting.

In 2012, the RS government continued its contentious practice of funding print and electronic media. In budget restructuring in September, grants to media increased from 1.4 million marks (KM) to 3.6 million KM (about US\$932,000 to US\$2.4 million). These practices of media funding by the government are seen as problematic, mostly as a sort of buyoff for the purposes of assuring favorable reporting.

The same doubts about editorial independence are particularly relevant to about 80 broadcasters in B&H that are directly financed by municipal or cantonal authorities, since ideas of privatizing these broadcasters have long been abandoned, along with hopes of assuring their editorial sovereignty. Rule 57/2011 on state and entity public radio and television stations stipulates that members of the board of governors cannot be public officials, while the editor-in-chief and director cannot perform public duties or actively participate in a political party or organizations affiliated with one. While the rule is formally respected, it applies only to the principal three broadcasters and not to the more than 80 local broadcasters supported directly by municipal and cantonal authorities. The public media are also in a favorable position, compared with private media, with whom they compete for advertising. Over the years, no official stance has been taken on whether this constitutes prohibited competition, and no policies have been developed in this regard.

It should be emphasized again that in the circumstances of an overburdened media market, with constantly shrinking advertising revenue, heightened dependence on public funding places media in a vulnerable position and raises more questions about their independence and credibility. For all these reasons, public media independence was one of B&H's weakest MSI indicators.

Libel has been processed under civil law since 2003, and this was welcomed as a significant improvement in comparison with previous Criminal Code provisions. However, over the

years there have been significant concerns with regard to the implementation of the Libel Law. Stagnant scores on this indicator demonstrate the lack of progress in the implementation of the law. The panelists pointed to a number of court proceedings that they see as highly controversial.

Mehmed Halilović, media law expert at Internews, mentions cases where rulings in two courts in different entities of B&H are contradictory—one in favor of the journalist and the other in favor of a public official suing for libel, namely President Dodik. Rudić argues, "The court in Banja Luka [the de facto RS capital] protects Dodik as a politician." She referenced a legal brief filed on behalf of Dodik against the FTV in a local RS court. "It is even written that they intended to slander Dodik because he was a candidate for RS president, but that they obviously did not succeed because he was elected president." The initial ruling against the FTV's two journalists implies that greater protections against libel will be offered to public figures. As the ruling states, "Given that the plaintiff performed the duty of the president of Republika Srpska...we can undeniably conclude that the information published on the television...has greatly harmed his reputation, given a situation where he obviously enjoys the public esteem and trust afforded him by the electorate." Indeed, contends Rudić, the Libel Law clearly differentiates speech "whether it pertains to issues from the private life of the affected person or to issues of political and public relevance" in both the Federation (Article 7) and RS (Article 6) iterations.

One problem in the implementation of the Libel Law is that in practice journalists sometimes must provide evidence on the accuracy of published information. Standards for establishing emotional distress are not precisely developed, nor are standards in dealing with anonymous sources. Media representatives expressed doubts about the impartiality of the judiciary in some of these proceedings, especially if the plaintiffs were people in positions of power. Political officials often file lawsuits against media outlets, including the Union for a Better Future (SBB) party president Fahrudin Radončić—himself the owner of the major daily *Dnevni Avaz*—in addition to President Dodik. Panelist Milkica Milojević believes that they are treated preferentially in libel cases. As Lejla Bičakčić, of the Center for Investigative Reporting in Sarajevo, said, all this results in self-censorship, as the general feeling is that journalists cannot rely on institutional protection even if their reporting is accurate.

The panelists also think there should be some kind of education for media professionals on libel court proceedings, as well as additional legal support, such as that provided by BH Journalists. For example, Halilović said that journalists rarely take advantage of a legal stipulation that

defines that it is not necessary to build one's defense on proving that the published information is true, but rather is enough to simply provide evidence that the journalist did everything in his/her power to prove the truthfulness. Evidence in favor of this can be the fact that a correction was issued if inaccurate information was published. Čengić believes that raising judges' awareness is also needed, since not all of them are versed in processing libel cases.

The country's Freedom of Access to Information Act (FOIA) guarantees access to public information. But panelists believe that there are still major obstacles in the implementation of FOIA and that not all institutions implement the law consistently and are able to bypass it with relative impunity. In some cases, requests go without reply, incomplete information is given or access is completely denied, or the level of access depends on relations between particular media and the given source. The latter was especially obvious, as Albijanić-Duraković believes, during the 2012 election campaign. The wording of FOIA is considered fairly good, but there are still some issues with regard to its incompatibility with a few other laws, such as the Law on Protection of Personal Data. Rudić mentions one case in which the Personal Data Protection Agency asked for removal of politicians' property cards from the website of the country's Central Election Commission. This was considered overly protective toward public officials, and later the Court of B&H ruled that publishing property cards is not inconsistent with the law. Bičakčić believes that there is general inconsistency in the way personal data are understood. In her experience, public institutions still look for exceptions from the obligation stipulated by FOIA. For example, she believes that the property-cards case included justified concerns about publishing personal data, such as personal identification numbers and addresses of public figures, but she wonders "why the Central Election Commission as such did not go in the direction of purification of property cards in the interest of the public. Are they there to work in the public interest or to work in the interest of those groups of politicians protected by the law? The test of public interest was not applied."

Halilović points to complaints procedures mediated by the institution of ombudsman, but even after all means are exhausted, information can remain inaccessible. Sanctions for public officials and institutions for denying access to information are stipulated by the state-level law, but court practice in this regard is still not developed. Additionally, there are no similar stipulations under entity-level laws, and Rudić emphasizes that these stipulations should be introduced to further promote free access to information. Legal remedies are often inefficient, and as previously

reported by Bičakčić, the Center for Investigative Reporting has been involved in several lawsuits that were not processed in court for years after filing. However, she also reports a positive experience with a lawsuit against the Civil Service Agency of B&H after access was denied to information on salaries of agency officials under the rationale of protecting personal data. As Bičakčić said, the case, including the appeal, was processed relatively quickly by the Court of B&H, and in just three to four months the center won the ruling.

Milojević believes that publicizing institutions' failure to follow information-access norms is important, as it can prompt public condemnation and civil-society reactions. One case especially incited much controversy: the newly adopted regulations of the Court of B&H on access to information, issued based on suggestions of the Personal Data Protection Agency. The regulations are considered restrictive and contrary to the public interest, even more so since this court deals with cases of war crimes and organized crime, which have great public significance. Among other things, these regulations include guidelines for keeping anonymous the names of people, institutions, firms, and agencies involved in court proceedings, as well as names of municipalities mentioned in cases. The court will disclose only their initials. Enforcement of these regulations is a constraint on further media development.

Legal use of outside news sources remains a bright aspect of the country's media sector. Access is open and unrestricted by the law, but the major issue continues to be lack of protection of intellectual property rights, especially when it comes to online media. Media content is often republished without properly naming the original source.

Entry into the journalism profession remained highly assessed as well. There is no government restriction of entry and no special restrictions or obligations for journalists. Panelists have over the years been unwilling to give a maximum score for this indicator due to lack of professional requirements, which they believe would result in higher-quality journalism. A few panelists also pointed out some incidents where public institutions required accreditation for covering certain events, shutting out some journalists. Milojević noted: "Recently the RS president denied accreditation to Ljiljana Kovačević, journalist of agency BETA, without any explanation."

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bosnia & Herzegovina Objective Score: 1.60

The trend of journalism's declining quality, tracked in B&H since 2009, continues with another slight decline this year. Professionalism issues in general remain a major constraint on media sustainability, scoring well below the overall country average.

Various breaches of journalistic norms can be seen in media content, while quality and investigative journalism are almost nonexistent. The panelists point to different factors contributing to this trend: Media managers are not motivated to invest in quality and investigative journalism while they fight for their financial survival; media outlets are understaffed, and journalists are under pressure to produce content quickly; and editorial independence is restricted by financial dependence on centers of power.

When it comes to balance in reporting and use of different relevant sources, the panelists painted a gloomy picture. Butković thinks that information is often unsupported, it comes from irrelevant sources, and the right to reply is often ignored. The reasons for this include a lack of resources, political affiliations of media organizations, and a lack of competent journalists. Albijanić-Duraković believes that objective, well-sourced reporting is "rare, because [only] a small number of media are totally independent and have the possibility of using uncontrolled, uncensored, and objective information. On the other hand, the number of quality journalists is declining."

### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

A few panelists still were of the view that extreme examples of breaches of journalistic norms are rare, especially when it comes to broadcasters. However, the panelists agreed that the practice of thorough investigation of news stories, involving different sources and expert consultations, is worryingly uncommon. Different sources indicate that reporting is biased as a result of media outlets' political and/or ethnic affiliations.<sup>2</sup>

Professional standards in the broadcasting sector are defined by the Communication Law and CRA rules and codes. The CRA reacts either upon complaints or *ex officio* to noncompliance with regulations, exercising its executive powers through warnings, suspensions, and fines. When it comes to print and online media, the Press Council, as stated earlier, has accepted codes of conduct, but their implementation relies on the self-regulatory principle. In addition, some media have in-house codes of practice.

However, the level at which media outlets follow these regulations is far from desired. CRA's report on violations of regulations in the broadcasting sector for 2010 found 89 cases related to program standards and principles of advertising and sponsorship.<sup>3</sup> Rokša-Zubčević said there have been no extreme violations, such as open hate speech, in the broadcast media for years but added, "The most frequent cases of violation of codes are related to sensationalistic reporting, disregard for accepted standards, such as impartial program editing, right to response, presenting the stance of the other side, and others."

The panelists also mentioned that infringements include lack of credible sources of information and lack of distinction among rumors, assumptions, and facts, as well as biased reporting based on political affiliations or financial dependence on major advertisers. As Zvjerac said, "It's enough to ask which media outlet in B&H writes against a bank. They will until the moment it gives an advertisement." Biased reporting is based either on internalized values diverging from the public interest, self-censorship, or in rare occasions, pressure from officials. As Čengić reported, a journalist she knows "used to come to press conferences and say 'I've been sent by the editor with an assignment to trash this person.'" In addition, several decisions resulting from the systematic monitoring carried out by the CRA in 2012 were related to violations of provisions on advertisements and sponsorship, lack of originally produced content, and lack of protection of minors in terms of marking age-restricted content and adhering to appropriate broadcasting time slots.

<sup>2</sup> See, for example, reports and books published by Mediacentar Sarajevo at: <http://www.media.ba/bs/o-mediacentru/publikacije>

<sup>3</sup> Source: Report on Cases of Violations of Rules and Regulations in the Year 2010. CRA. 2011. Available at: <http://www.rak.ba/eng/index.php?uid=1273696230>

Herić stresses that frequent violations of journalistic norms are not surprising since media outlets have over the past few years cut back on human resources and now do not have the knowledge or capacity needed for proper implementation of ethical standards. In addition, Rokša-Zubčević suggests that commercial interests overshadow normative standards in circumstances where media compete in an overburdened and poor market.

Although direct censorship is considered rare, the panelists believe that self-censorship is a common practice. As Kontić said, "This is normal here...Is it possible today in the RS to write an article against [President] Dodik?" Čengić reports that her contacts with some journalists involved in investigative stories supported by international donors showed that "they chose certain formulations and threw out some information or did not include some sources because that would upset the owners of the media they work for."

Some views suggest that even self-censorship is uncommon, given that consumerism and ethnic and political polarization result in a lack of awareness among journalists about social correctness and the public good. As panelist Samir Šestan points out, the enemies of journalism lie "in the infinite mass of falsely declared 'colleagues,' who defend—instead of the profession and society—the interests of capital and related politicians."<sup>4</sup>

Senad Zaimović, in line with the view of several other panelists, said, "Self-censorship is not a matter of the state baton but a matter of economic survival. The problem is if [reporting] means losing one's job. Then between the existential and the professional, you choose the former."

The panelists believe that the majority of key events and issues get coverage, either by a multitude of media outlets or by just some of them. The indicator related to covering key events and issues was ranked more favorably than the others under the professionalism objective, but still below the overall country average. Certain topics are marginalized, against the background of the utter politicization of the media sphere and excessive focus on political disputes. For example, Kontić mentions that domestic media's reporting on a story about pollution caused by an oil refinery in the town of Bosanski Brod, on the border with Croatia, was marginal and especially illustrative, if compared with coverage of the same issue in Croatia. "In the Croatian news, the pollution was an issue every day. For our media that does not exist, and that is horrible," he lamented. Similarly, Čengić noted a conference in Tuzla to consider the disposal of hazardous medical waste, which passed with almost no interest from local media.

<sup>4</sup> Article published in December 2012 at: <http://www.media.ba/bs/magazin-etika/cenzura-je-majka>

New media are constantly gaining more importance, but they are still struggling for substantial audience reach. The panelists point out that socially engaged online content draws nowhere near as much interest as entertainment content, and panelist Albijanić-Duraković said: "Online media are still not seen as serious media, since they are just now embarking on certain investigative stories and real articles. They continue to be seen as sources of entertainment." The panelists still see great potential in promotion of journalism through online platforms.

Pay levels of media professionals are considered relatively low on average, and this indicator received one of the lowest scores. Milojević said trade union data suggest that in RS, the average salaries of journalists are lower than the overall average, about US\$543 in October 2012, although journalists generally hold higher degrees. Salaries of media employees in B&H range from around 450 to 1,500 KM (US\$299 to \$997) or, in a few cases, up to 2,000 KM (US\$1,329) for editors at bigger outlets. For comparison, salaries of high-school teachers are between US\$640 and US\$740, and at universities between US\$740 and US\$1,340. It can be assumed that journalists in most smaller media outlets are underpaid and possibly susceptible to corruption and less motivated to produce relevant journalistic content. In some cases, Zvjerac pointed out, salaries are not regularly paid, and other panelists mentioned that rules covering vacation and overtime work are often violated. Albijanić-Duraković points out that media outlets are reducing their number of employees and piling more work on those who remain. Furthermore, three panelists reported that to avoid paying contributions for social and health insurance, which are detrimentally high for media organizations fighting for their survival, media owners in many cases do not sign employment contracts with journalists, so their work is not officially on the books.

The presence of news and information programming scored the highest within this objective, slightly higher than the overall country average. Despite cost-cutting at the expense of news and information programming, the panelists generally agree that entertainment programming still does not eclipse news. News and information programming is still present to a significant extent in the majority of media outlets, although Herić suggested that "a huge number of radio and television stations have nothing to do with news" and are primarily oriented toward entertainment.

But the major problem with news and information programming is that it often excessively focuses on coverage of institutional and partisan politics while other issues remain out of public sight. As Kontić said, "My theory is that perhaps there are more political programs here than there should be, while not discussing the key issues." Education,

culture, local communities, and ecology are among the neglected topics. Additionally, the quality of programming in this area was questioned, especially since content is often redundant, with most media focusing on the same few issues and often rebroadcasting from other sources with little, if any, original contribution. Broadcasters are obligated to produce at least 20 percent of original content (Rule 55/2011, Article 13, paragraph 5), but it is questionable whether this provision is respected. In addition, the level to which this content is based on fieldwork and investigation is most likely low for the majority of media.

Technical capacities for production of broadcast programs differ from one media outlet to another, with some commercial media having enhanced or at least sufficient technology at their disposal. Rudić, for example, suggested that technical capacities of small, local media are extremely limited; at the same time, with regard to public broadcasters BHRT and FTV, she noted: "You often have such differences in quality of picture and sound in the same program and reports from the field that are atrocious."

This situation is problematic, especially given that public broadcasters should be leaders in the switch to digital broadcasting. Although a digitalization strategy was adopted in 2009, there has been little progress toward transition to a digital signal due to procedural issues and political disagreements over the constitution of the corporation, which is supposed to coordinate the switchover. An expert commission on digital terrestrial television, an ad hoc body working under the auspices of the CRA, prepared an action plan for digitalization in April 2012 and passed it on to parliament. Installation of digital transmitters that would cover the areas of Sarajevo, Banja Luka, and Mostar is now in progress, and a tender for purchasing necessary equipment was announced in February 2012. More international pressure is expected in the following two years, and it has yet to be seen whether it will motivate more decisive action toward digitalization and provide all required conditions. These would include the transmission infrastructure, a functional PBS corporation, mechanisms for assurance of media plurality and promotion of needs of different social groups, public campaigning, and possible subsidies for citizens to assure that they are both technologically prepared for and well informed about the transition and their rights.

Niche and investigative reporting are considered extremely limited, rare, and heavily dependent on international funding and/or the enthusiasm of certain media outlets or journalists. In circumstances of newsroom staff cutbacks, journalists must act as general-assignment reporters and are under pressure to produce several stories a day. In these circumstances, reports seldom go beyond basic information

on current events to explore trends, policies, and context or to include alternative sources and expert commentary.

Only rarely do media outlets invest in investigative reporting or in specialization of journalists. CIN, supported by international donors, is the only successful project that focuses exclusively on investigative reporting. CIN regularly publishes investigative content, which is significantly republished by other online and print media. In addition, as panelists indicate, certain print and online media that publish investigative stories, although extremely rare, still exist. Examples of investigative stories can be found in the online magazine *Žurnal*, the weekly *Slobodna Bosna*, or the online portal *Buka*.

When it comes to other online platforms, blogs rarely provide politically engaging content or investigative content, but there are examples of exchange of information and social mobilization through social networks. Most notably, media content related to, for example, the economy or the judiciary is likely to be flawed and superficial. In addition, issues still evoking much political controversy, such as war crimes trials, are likely to be reported in a biased way based on the ethnic affiliation of journalists. Programs such as Radio Free Europe's "Facing Justice" are a key contribution to more balanced reporting on such issues.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Bosnia & Herzegovina Objective Score: 2.20

Overall, plurality of news sources did not change significantly since the 2012 report. Improvements in breadth of coverage on local, national, and international issues improved notably, but as in previous years, bias in the public media remained a major issue and one of B&H's worst-performing indicators. The media landscape, although marked with a huge number of outlets, is not characterized by a plurality of represented viewpoints and identities. Media do not adequately serve the interests of different groups of citizens, and editorial independence continues to be questionable.

Media outlets of various types are numerous. There are three different types of ownership: public, private, and the most recent category of community radio, of which there are three stations. Despite the huge number of licensed broadcasters, as well as licensing procedures that give preference to programs that cover underrepresented topics or views, most panelists believe that there is a lack of plurality of viewpoints. Even the public broadcasting service, with three television and three radio broadcasters,

## MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

is perceived to be lacking quality programming of public interest. A few media also perform, to some extent, a public-service role and cover specific social groups in B&H. Researchers Coyer and van Beek cited Vesta Radio (Tuzla), Studio 88 (Mostar), Studentski Radio IFM (Sarajevo), and Radio Balkan (Banja Luka).<sup>5</sup>

When it comes to representation of different political viewpoints, media are often biased, and affiliations between political parties and particular outlets are sometimes easily detectable. Čengić said that “less strong structures have no access to media space” and that in the most recent election campaign “there were some small parties which got absolutely no space in media, as if they did not even exist.” The viewpoints of most political streams in the country are fairly presented when one looks at the media space in its totality, but because citizens mostly rely on a few outlets for information, they may get a myopic view. In Herić’s words: “The biggest part of the population in B&H does not want to bother with analysis of what a number of media are doing about one event, but instead believe just one media outlet.”

Such fragmentation of the media space is especially problematic in the context of a deeply ethno-nationally polarized society, further strengthening tensions among sectarian lines. Herić illustrates the bias based on political and/or ethno-national identification by saying of journalists:

<sup>5</sup> K. Coyer and J. van Beek, “Community Radio in Bosnia and Herzegovina,” in *Communication and Community: Citizen, Media and Local Governance in Bosnia and Herzegovina*, ed. T. Jusić (Mediacentar Sarajevo, 2010). Bosnian version available at: [http://www.media.ba/mcsonline/files/shared/Participatorne\\_komunikacije\\_Final\\_za\\_web.pdf](http://www.media.ba/mcsonline/files/shared/Participatorne_komunikacije_Final_za_web.pdf)

“Often while reporting on the same situation, they seem as if one was on the moon and the other was on Mars, and neither was at the scene.”

However, a few panelists noted a slight improvement in media pluralism due to the enhanced role of online media, primarily news websites, and to some extent social networks, most of all Facebook. Blogger.ba now hosts nearly 290,000 blogs and more than half a million monthly visitors. According to some estimates, the number of Facebook users in B&H has reached 1 million. Since Internet use is constantly increasing, the panelists believe that the use of online sources for producing and distributing news and information has likewise increased. That said, this may not be improving the quality of information citizens receive. CRA data show that the number of mobile-telephone users is extremely high—3,171,283 subscribers in 2011—but the practice of distribution of news via mobile phones has still not taken hold.

Access to media, both foreign and domestic, is open and unrestricted by law, but to some extent is limited by economic factors. Television is the most used media source, and nearly 100 percent of households have a television set. Cable distribution, however, still does not cover rural areas, and several television channels are still available mostly in urban areas. As Rokša-Zubčević said, “In rural communities, cable distribution is practically nonexistent, except for telecom operators’ attempts as of late to try to cover these regions with IPTV technology. No cable distributor has tried so far; they have not been interested in rural communities at all. The situation is still bad.”

When it comes to Internet availability, penetration is increasingly improving, and access is restricted mostly by economic factors. A monthly Internet subscription costs around US\$20. The number of registered subscribers in 2011 was actually slightly lower than the previous year, amounting to 515,296, but CRA estimates suggest that there were around 2,113,100 users in the country in 2011 and that 55 percent of the population older than 15 had Internet access.

Data on circulation of print media are not available, but it is assumed that it is clearly differentiated based on ethnicity of readers. Print media consumption is considered low. Freedom House data from 2010 suggest that the overall circulation of seven leading dailies does not exceed 90,000 copies. Dailies cost around 70 cents and magazines around US\$2, making them more luxury purchases in a country where the average salary is around KM 823 (US\$554) a month.

Milojević believes that a lack of media literacy diminishes the impact of news sources. She suggested the problem is



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“not basic illiteracy as much as civil and electronic illiteracy. We have a lot of people who don’t know how to use what is free.”

CRA regulations oblige public broadcasters to reflect the interests of citizens and different constituencies, such as displaced persons and minorities. At least 40 percent of programming is required to be dedicated to news and information, educational content, and content for children.

Despite these requirements, the score for public media bias is, as for the 2012 MSI, one of the lowest and well below the country average. As previously noted, the credibility of public broadcasters has been compromised for years due to their political partiality. With regard to the state and entity broadcasters, Rudić said, “Political influence on public broadcasters and agencies has strengthened in 2012, through biased program content, imposition of ‘partisan’ editors and directors, and illegal extension of mandates of members of boards of governors at BHT, or attempts to appoint political representatives to the managerial board of RTV FB&H.” However, the panelists agree that FTV, one of the three public-service broadcasters, made significant progress toward editorial independence during the year, when it saw turnover of its editorial personnel. A few panelists believe that state broadcaster BHT still provides more balanced news and information, while RTRS is considered to be completely under the influence of the SNSD party and RS President Dodik.

Kontić believes the circumstances are especially alarming if one considers the high number of public broadcasters and consequently high ratio of information that is politically controlled. “The sheer number of public media outlets is still high in B&H; it’s not just the three public broadcasters. Out of 140 radio stations, I think 50 percent are public, and out of 50 television stations, one-third are public,” he recounts. “They are politically [controlled] even at the level of the entities, whereas...municipal and cantonal ones, that is rock bottom...the information is politically controlled.” (Cantons are subunits within the Federation, with municipalities as the smallest governing units of both entities.) These local broadcasters are often funded directly by their local governments and are subject to virtually no regulations aimed to protect their independence. The results of such direct funding are clear.

In addition, public broadcasters, as Milojević said, are overloaded with advertising and commercial content. The increased number of drama series among their programs is seen as one of the markers of increasing departure from the public-service role. Several panelists mentioned a notable lack of educational programs or programs for children. Rudić, in addition, believes that religious programming

is mostly constrained to the three major religions (Islam, Orthodox, and Catholic), while smaller communities are not visible. Similarly, reporting on minority groups and usage of minority languages is only occasional.

Due to already mentioned reasons, such as the lack of capacity, pressure for fast production, and the lack of specialized journalists, the majority of media are heavily dependent on other media sources, most of all on news agencies. There are seven news agencies in B&H. Two are public, four private, and the other is the recently arrived regional office of the public Turkish news agency, Anadolu, which has had an important impact and brought in quality coverage. Other foreign media agencies, such as Reuters, AP, and AFP, may maintain correspondents but are not considered sources for local information by the panel. Media outlets in B&H regularly use the services of at least one agency. Albijanić-Duraković thinks that most outlets can afford the services of one agency, but not several. And only a minority of media can afford the services of international news agencies. This may be problematic given that the News Agency of the Republica Srpska and the Federal News Agency, the two strongest agencies, are owned by entity authorities and are most likely under substantial political pressure, especially since there are no legal or regulatory guarantees of their independence. Rudić mentioned an alleged agreement among the SDP-led coalition partners, where the Party of Democratic Action (SDA) has been replaced by the SBB, on appointing political affiliates of these parties to managerial positions in the agency. Milivojević believes the SRNA agency’s bias is detectable in the selective approach to the news it distributes, depending on whether it serves the interests of the governing parties.

Despite these shortcomings, the preponderance of news agencies merited their ranking well above the national average. Several panelists rated Anadolu as a new relevant actor that has raised standards of professionalism among news agencies on the market. The agency’s services are free for the first year.

In addition, media outlets increasingly use online sources for news, especially concerning international issues, taking advantage of open-use standards and the timeliness of the information.

The score for private-media news programming has risen slightly since the last MSI and is also comfortably above this year’s country average. Broadcasters and print media generally produce news content. Television and radio stations mostly have a central broadcast plus several short news broadcasts. However, many broadcasters rely almost exclusively on agency news or broadcast the news programs of the public-service broadcasters. Some broadcasters

produced original news, but as Rokša-Zubčević said, it is “in a form where the speaker reads the news, which is followed by a few, if any, features or live reports.” Still, Rokša-Zubčević believes that the high number of media on the market is a guarantee of media pluralism. As noted, licensing criteria give preference to content that covers issues that otherwise lack attention. Smaller and local stations mostly focus on issues relevant to local communities, while they mostly rely on secondary sources for national and international news. Financial limitations and dependence on local centers of power call into question editorial independence and the quality of the produced content. Only a small proportion of the content of online news portals is originally produced; the majority originates from secondary sources.

When it comes to balanced reporting, as well as the quality of production, the panelists assessed that Al-Jazeera Balkans stands out. However, Zaimović said that network’s audience share is still extremely low. The panelists believe local media attract a bigger audience with reports on current political affairs, while the regional Al-Jazeera attracts its audience with programs that are lacking in other media, such as locally produced documentaries.

As in the previous year, the major disadvantage concerning the transparency of media ownership is that there are no legal or regulatory guarantees preventing concentration of ownership. Rokša-Zubčević noted that despite CRA initiatives, no progress has been made in this regard due to lack of interest of state institutions. The B&H Competition Council is responsible for addressing the issue but has thus far taken no action. So far there have been no obvious cases of significant concentration of ownership, though *Glas Srpske* and *Nezavisne Novine* hold significant market shares in the RS and are both controlled by Željko Kopanja. A few panelists believe that ownership is problematic in cases where media owners are officials of political parties, as in the case of *Dnevni Avaz* owner Radončić. Apart from the CRA’s records on ownership in the broadcasting sector, there is no other monitoring of media ownership, and given the possibility that officially reported data do not match reality, concentration of power over media remains an open risk.

Groups that are socially marginalized—such as the main ethno-national groups in minority concentrations, Roma and other national minorities, LGBT people, refugees and returnees, the disabled, and, in many cases, women—are often neglected or inadequately presented in the media. Čengić also raises the question of whether representatives of certain groups that appear in the media are legitimate representatives of their perspectives and interests: “Even when representatives of less influential, less powerful groups are in the media, mostly the same persons appear,

and you are no longer sure if this is an attitude of a larger group of people or an individual that is chosen by chance.”

In sum, there is no strategic approach to provide content representing different social interests; due to limited capacities and lack of goodwill, as Čengić said, “Journalists are mostly guided by events...and that is how they choose sources and viewpoints.” Although public broadcasters have additional program obligations, the panelists believe these requirements are not followed. As noted, the law stipulates that 40 percent of programming on public broadcasters should be informational and educational, and 10 percent of that content is to be devoted to issues relevant to displaced groups, minorities, and the vulnerable. Similar provisions are made for children’s programming.

Some sources suggest that even if there is reporting on different ethnic groups, such content is mostly related to folklore, cultural heritage, and holidays, with hardly any coverage of politically relevant issues. Religious programming can be found on public-service broadcasters, but Rudić believes it focuses on the three dominant religions, while “small religious communities are invisible in public life.” In addition, a report on the perception of discrimination published by Open Society Foundations suggests that not only do media sometimes ignore reported cases of discrimination, but they also represent certain groups in a discriminatory manner. For example, the Roma are regularly discriminated against in media reports; their background will be accentuated in articles about crime. Transgender identities are often presented through prejudice, stereotype, and even hate speech, and some sources suggest that women are often presented in a stereotypical way, according to reports issued by Mediacentar Sarajevo. Additionally, ethno-national fragmentation among media influences reporting. For example, a ban on a peaceful protest in the town of Prijedor, marking the 20th anniversary of mass murders of non-Serb citizens, was not covered with the same attention and condemnation in all media in B&H.

Some content in mainstream media is produced for or adjusted to certain groups of citizens. Rokša-Zubčević mentioned, for example, that information and news programming on two broadcasters in the local communities of Kotor Varoš and Konjic is targeted at an audience with hearing difficulties. Online media have been providing more space for visibility of marginalized groups, and their impact has been rising over the years. Specialized portals such as *Diskriminacija.ba*, *Manjine.ba*, and *Tocak.com* are examples of outlets that focus on covering relevant stories and promoting the rights of minority groups.

The panelists suggest that media to some extent cover information on local, national, and international affairs.

Rokša-Zubčević said that the CRA's recent monitoring effort showed that local television stations significantly cover local communities, though this primarily involves communal services and the weather forecast. Several panelists, including Ajvaz, Čengiđ, and Milivojević, believe that local media do not sufficiently report on community issues. As in the previous MSI panel, some participants believe that news and information programming does not sufficiently focus on the needs of the audiences, such as local news. The panel agreed that the public media do not necessarily produce "public-interest" content. As Butković said, "Every local TV station, even the smallest one, has a section on world news. It spends resources, does not have appropriate staff, and does not have an appropriate technical structure that can support quality production of such programming."

It should also be pointed out that certain local communities may be underrepresented in media, especially as there are local communities with practically no local media. In addition, as Milivojević points out, their presentation in the bigger media is hindered because public-service broadcasters are cutting the number of correspondents from local communities. Public broadcasters FTV, through *Federation Today*, and RTRS, through *Srpska Today*, still broadcast shows about local communities in their territories. And finally, as noted earlier, financial dependence raises doubts about the impartiality and quality of locally produced content. Information on international affairs is mostly taken from secondary sources. National and entity-level affairs are sufficiently covered, but the impartiality and quality of this coverage is often disputed. Civil journalism is not yet developed, but information is increasingly disseminated through online platforms.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Bosnia & Herzegovina Objective Score: 1.60

Business management, in general, remained the weakest and least sustainable aspect of the media sector. State policies are underdeveloped, with even more detrimental consequences for media sustainability in the context of the economic crisis and reduced advertising revenues. Most media are fighting for survival in conditions of flawed fiscal policy, misuse of state subsidies, an overcrowded media market, lower advertising revenues, very low advertising prices, and competition from neighboring countries. Subsidies are perceived as a means of control over key media outlets, leading this indicator to receive the lowest score of all for the country. As media hardships over the past few years continue, their consequences are accumulating. Although the number of media outlets is not

considerably shrinking, the quality of journalism seems to be vastly affected.

With regard to business models, there are huge differences. The panelists believe that media outlets are generally not efficient and self-sustainable enterprises. Only a few firms function as efficient and self-sustaining enterprises, with financial departments in good order and robust marketing services. As Herić points out, most broadcasting media are in debt, especially radio stations, which are losing advertising revenues at an exponential pace. Several panelists also suggested that successful business models often mean attracting the audience, and subsequently advertisers, through entertainment and cheap and mostly socio-politically irrelevant content. In addition, Herić stated that the majority of media are artificially sustained through injections from government budgets, including subsidies, as well as direct government financing for local public broadcasters. Outlets hire professional accounting officers, and international accounting standards are accepted. However, Butković believes the implementation of these standards falls far short.

Rokša-Zubčević mentions that while the CRA reduced license fees for broadcasters on several occasions, she still believes "it is hard to explain how these broadcasters are surviving on such a small market." The media market is indeed overburdened, with 42 television stations and 142 radio stations, eight dailies, seven news agencies, and a large number of online media outlets and portals. However, despite the decrease of advertising revenue from previous years (30 percent), the number of outlets remained approximately the same in the past couple of years. Total advertising revenue in the market in 2012, as

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

estimated by the marketing agency Fabrika, was around US\$65.47 million (similar to 2011). Television broadcasters still convincingly held the highest share, 67 percent, while radio had 5 percent, print 16 percent, and the Internet 2%; the remaining 10 percent went to outdoor billboards, according to an unofficial estimate from the advertising agency Fabrika. In addition, international donor organizations that supported media projects for years have in the past few years been leaving the market. Therefore, the role of government institutions as sources of revenue is more vital than before.

The number of potential sources of revenue is limited. Major domestic advertisers are often affiliated with political actors, and therefore editorial policies can be driven by the interests of these actors and advertisers, even at the expense of the public-service role. As reported in previous years, there are several major domestic and international advertisers in B&H that most media depend on. Government institutions, as mentioned, are also key financiers. Municipal and cantonal authorities directly fund local public media and often provide subsidies for private media in local communities. The fact that there are no guarantees of independence of either private or public media under these arrangements raises serious doubts about their editorial sovereignty.

Public broadcasters RTRS, FTV, BHT, and Radio Federation B&H are funded primarily through RTV subscription fees. But the level of collection has been below the 85 percent required for their financial efficiency, according to independent audits. Refusal or reluctance to pay RTV fees is especially common among Croats, who feel that their interests are not represented in the current PBS system, as well as among Serbs, who question the current distribution of these revenues among the three parts of the system. Currently, 50 percent of the fees go to BHT, and 25 percent go to each of the two entity broadcasters, RTRS and FTV.

And finally, community media are not allowed to run advertising, which is seen as a hindering factor in developing the sector. The three existing community radio stations are Radio Marija, financed by the Catholic Church, Open Network Radio, funded by humanitarian contributions, and Radio Active Naša Djeca, funded by the Naša Djeca association on children's rights and protections.

Butković believes that "almost all media are susceptible to the influence of those bringing revenues." Milojević points out that big advertisers and government institutions are in a position where they can heavily influence content, since in the context of heavy competition in a poor market it is "hard to ensure a multitude of sources of revenue" that would enable editorial independence. Although there have been no publicly revealed cases, Čengić said that "one can

hear in the corridors that there are secret arrangements; journalists sometimes hear that a particular media outlet did not want to publish a story explaining that the story could jeopardize its relationship with someone who advertises in the media outlet, and similar things."

Major advertisers among domestic firms are telecom operators and electric power distribution companies; among foreign brands, the three largest are Procter & Gamble, Henkel, and Coca-Cola. Advertising agencies act as go-betweens and work more or less with all types of media outlets. As in previous MSI panel discussions, the panelists believe that market-research results are not consistently used as the only criteria for advertising contracts, but rather that different personal, political, and financial affiliations sometimes distort market position. In addition, Albijanić-Duraković believes that advertising agencies mostly work with television stations, since she believes that television advertising brings the biggest profit to agencies. Zaimović stresses that this depends only on the results of market research, and that advertising agencies are subject to pressure from media outlets in this regard. International clients require marketing research data on audience/circulation.

Several of the television stations with the largest viewership in B&H do not have problems with securing significant advertising revenues, but this is a problem for most other media for several reasons. The print media have never provided transparent circulation data, and their quality is often below international advertisers' criteria. For the majority of broadcasters, audience share is too low to make them interesting for international and big domestic advertisers. The advertising market is especially underdeveloped outside major cities. Finally, only a few domestic companies invest significantly in large-market advertising, while others do not have sufficient funds or awareness of ads' importance. Local media markets are therefore almost completely dependent on local advertisers. Zaimović also stressed that radio stations are losing attractiveness for advertisers. Online media still have a low advertising share, but there are outlets with high traffic capable of drawing marketing attention. According to gemiusAudience, the top site, Klix.ba, had more than 450,000 real visitors in October 2012.

Zaimović and Rokša-Zubčević add that overspill of advertising revenue in foreign markets further endangers the domestic media market. Foreign advertisers reach the domestic audience through cable distribution, either through regional channels from Croatia and Serbia or channels such as Fox, Discovery, and Sport Club, so they do not need additional advertising contracts in B&H.

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In addition, Rudić mentions one case that indicates a possible conflict of interest—namely the owner of an advertising agency who hosted a political show on BHT1.

The two biggest sources of revenue for media are advertising and public funds. Overall advertising revenues are around US\$65.47 million, with the biggest share taken by the television market (around 65 percent). The most recent comprehensive study, dating to 2006, suggests that the share of public funding is 4 percent of the overall television market value, but the panelists believe that in the past few years this percentage was increasing because advertising revenues were shrinking. The PBS system receives the biggest share of overall market revenues, especially through RTV subscription fees (33 percent of the overall television market value in 2006). In addition, a significant share is reserved for a few big private broadcasters, while the majority of media compete for a small piece of advertising revenues. As Zaimović said, the offer of media programs is huge, and competition often dramatically changes with each new commercial program purchased, such as television series from Turkey. Rokša-Zubčević adds that the results of monitoring carried out by the CRA indicated that “our TV stations—now I will speak specifically about TV, although this is present on radio stations, too—they are forced to completely change their program schedules for any chance of profit. Then we have violations of our codes, least of all regarding advertising time—you will rarely find a station that violates the rule of four, six, or 12 minutes per station—but you will find mass violations where a sponsor [is promoted] from the screen, by the hosts...in a way that is disgusting.”

Butković assesses that media are generally swamped with advertising. Although there is a limit on advertising in public media, there are doubts as to whether that is respected. Zaimović also said that FTV has significant viewership, but it is built on commercial programs rather than content of public interest. Public funding, both direct financing and subsidies, is considered the most problematic. Although government support for media would normally be desirable, in the B&H context it is implemented in a way that raises questions about whether it benefits citizens or just the interests of government institutions. In addition, public funds often enable media to charge lower advertising prices. As Čengić noted, “Media that receive considerable revenue from the state carry commercials at lower prices than private media, and thus lower prices on the advertising market.” Albijanić-Duraković called for urgent regulation of unfair competition and price dumping, since in her view prices are falling so low that advertising is simply not profitable for online media. Zvjerac added that “in print media an ideal ratio would be 45 percent of circulation and 55 percent of

advertising, but in the past two years the circulation of all media has dropped as much as the advertising share.”

With regard to government funding for media, doubts about transparency, criteria, and impartiality of allocation of funding continue. The most prominent example is allocation of funds by the RS government in recent years. In 2012, significant money was given to several leading media in the RS. Media analysts in previous years claimed that the procedure was not transparent and that certain outlets were given preferential treatment. Milojević believes funding was distributed even before the tender was closed. According to information published by CIN at the beginning of 2012, the RS government had at that time planned to give 1.4 million KM (about US\$932,000) for financing media, and some sources suggest that in the first four months of 2012 an additional 180,000 KM (about US\$120,000) was paid to private media outlets. In the course of a budget revision in September, the RS National Assembly more than doubled grants to media, raising them to US\$2.43 million. The panelists believe that similar funding will not be provided next year, since it is not an election year. Similarly, the Ministry of Agriculture, Water Management, and Forestry drew public criticism for contracts with several agencies and media outlets in 2012. The ministry was accused of disrespecting procedures on public procurement in distribution of funds, as well as of promoting a political party instead of domestic agriculture. Some sources suggested that more than 2 million KM (US\$1.45 million) was spent by the ministry through local media for its “Let’s Buy Local” campaign.

In addition, as mentioned, many local, municipal, and cantonal governments provide subsidies to media operating in their territories. These funds are rarely aimed at producing content of public interest but are instead guarantees of positive coverage of government activities. Criteria are often considered unclear, lacking specific requests for public-interest programming, and procedures are perceived as nontransparent. Government subsidies received one of the two lowest scores the panel assessed this year.

The score for use of market research for development of strategic plans remains generally unchanged from last year and is still below the country average. Some outlets use market research, but it is not affordable for most. Additionally, there have been significant controversies about the reliability of research provided for broadcasting media. Online media mostly use web analytics data, such as Google Analytics, to tailor their products to the needs and interests of users. However, in Albijanić-Duraković’s view, the interests of users mostly push media toward producing content of lower journalistic quality.

Mareco Index Bosnia still provides data on broadcast ratings, in addition to occasional ratings on broadcast and print formats from GfK BH, a branch of the Austria-based research company. However, serious doubts have been expressed since 2010 with regard to the accuracy and impartiality of the provided research. Čengiđ, for example, said: "There is increasing speculation that the agencies doing this are in conflict of interest because they are connected, through relatives or friends or another way, with media owners or members of managements of certain media."

The panelists also expressed concern that controversies and the lack of universally accepted research results will possibly lead to withdrawal of international clients from the advertising market. The Association of the Media Industry of B&H, recently operational again, is hoping to get support for conducting an independent tender procedure for a market-research company by mid-2013. Panelists in the previous year said that the prices of market research were generally intolerably high for the poor B&H market. The association therefore sees a great need for assuring financially feasible and independent media research through the upcoming tender procedure. In the meantime, Mareco is still accredited for market research, and as Zaimović said, most if not all media will sign contracts with Mareco for 2013. At the same time, Nielsen Television Audience Measurement will start providing data on the market. Zaimović assesses that this could have serious consequences for the poor advertising market. Having two separate providers could inject new uncertainty into the results of market research and could risk the financial viability of both players.

Data on circulation of print media are still mostly not available due to the lack of willingness of print media outlets to pay for research on their circulation and to ensure transparency. Only five print media outlets—*Press*, *Blic*, *Šik*, *Ljepota i Zdravlje*, and *Sport Centar*—are included in ABC audit research, which makes print unattractive for international advertisers.

In addition to web analytics, such as Google, several dozen online media use gemiusAudience research, which additionally provides demographic data and is more useful for advertisers.

Zaimović believes that neither the media industry nor advertisers fully understand the terminology used in media research. Čengiđ adds that domestic advertisers are driven more by their closeness with certain media outlets than by results of market research.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bosnia & Herzegovina Objective Score: 2.35

This objective is the only one that significantly increased since last year and now scores above the average country score. Almost all indicators increased, especially professional associations, indicating that journalists' associations gained more credibility. Associations of owners also significantly improved, suggesting that they have been somewhat more active since the 2012 report. Scores for ICT infrastructure and quality degree programs received lower scores but increased somewhat, compared with the previous MSI. Sources of equipment and professional associations also improved, both scoring above the country average.

There are several broadcaster associations, including the Association of Electronic Media, Association of Private Broadcast Media, Association of Broadcast Media, and Association of Local Broadcasters of the Republika Srpska. As noted in the previous MSI, associations are mostly engaged in advocating for policies that better support financial sustainability. The panelists perceive that these associations significantly promote the interests of their memberships, and the score suggests this was more so during 2012 than in the previous year.

However, Herić points to a few factors that diminish their results, most of all the lack of interest in joining associations as well as conflicting interests of different associations: "The Association of Private Broadcast Media is interested in enriching the market; on the other hand, we have the

### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

#### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

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situation that the Association of Broadcast Media, which has a bigger number of municipal media, supports taking money from the budget, from humanitarian organizations, and then we have a conflict of viewpoints over the CRA and Council of Ministers [appointments].”

Professional organizing remains fragmented; there are three general trade unions, including media employees (on the state and territorial entity levels), as well as six journalists’ associations. Union organizing is still not popular among media workers, and as Rudić reports, only 16 percent of media employees are union members. As in previous years, the panelists mentioned only BH Journalists as an active association promoting the rights of journalists. In general, Butković believes associations are resistant to political influence.

A significant leap of the score for this indicator may be attributed to several factors. One of them is the fact that BH Journalists achieved pertinent results in several cases of promotion of rights. As Rudić mentions, legal and professional help offered by the Free Media Help Line and BH Journalists contributed, for example, to the second-degree assault conviction against the assailants of a *Dnevni List* journalist. Another example is the association’s reaction to verbal attacks and denial of accreditation to Ljiljana Kovačević, the Banja Luka correspondent of the Serbian agency Beta, in response to reporting on RS President Dodik. There were also several failed complaints over threats and physical assaults in Trebinje, Sarajevo, Banja Luka, and others that were initiated with the support of BH Journalists. In addition, BH Journalists has founded local clubs of journalists in nine cities in B&H, and Rudić believes that the association’s local engagement is thus enhanced. And finally, Milojević suggests that BH Journalists gained more influence in the RS journalistic community than in the previous period. Fragmentation in the journalistic community along ethnic and entity lines is still seen as the biggest hindering factor. For example, Milojević mentions that in the case of death threats to ATV journalist Siniša Vukelić by a businessman from Banja Luka, associations across ethnic and entity borders reacted, but she believes that the public in the RS would have ignored this case if BH Journalists had not reacted first.

The panelists believe there are only a few NGOs that offer some support for media independence and rights of journalists. Milojević said there are not many allies but added: “Nevertheless, I view a number of nongovernmental organizations as our allies. They are Transparency [International], Center for Civil Initiatives, and Helsinki Citizens’ Assembly of Banja Luka.” Still, several panelists agree that NGO visibility in supporting the journalistic community is low, especially when it

comes to rural communities. Zaimović adds that NGOs are mostly project-driven and rarely are actively committed to social engagement beyond the project reach. Some of the burning issues that call for more attention of NGOs are political pressure on media, lack of transparency in public subsidies, and lack of support for quality programming of public interest.

Education for journalists is provided at four public universities and one private university in the country. Scores for the indicator pertaining to the quality of formal education suggest that standards are not sufficiently met, although there have been some improvements. As in previous years, the panelists believe that these programs especially fall short in providing practical knowledge of media production. Milojević concludes that these programs provide no practical learning and do not motivate young journalists, which renders them ill-equipped for working in newsrooms. Albijanić-Duraković wrote, “Depo.ba has on several occasions offered volunteer engagement to journalism students. But the incompetence of the young journalists was more than worrying.” Ajvaz, however, wrote that the extent of practical assignments during journalism studies is increasing and that some faculties, such as the Džemal Bijedić University of Mostar, have introduced one-semester compulsory practice for fourth-year students. Still, Albijanić-Duraković believes that such internships are not monitored or organized by universities, and thus the benefits are questionable.

Short-term training programs for journalists still exist, but their number has been reduced in recent years because the donor community is providing less funding. Therefore, the score for informal education has worsened in previous years and is now below the country average. Mediacentar Sarajevo implemented several education programs in 2012, mostly intended for young journalists and journalism students. Pursuant to the needs of the media market, training programs also involve practical learning on new-media production. Five panelists mentioned these programs, and Rudić and Herić believe that the programs of Mediacentar (which coordinated the MSI panel) deserve praise for the still relatively high score for this indicator. Ajvaz mentioned that the Media Plan also still provides education programs for journalists, and Bičakčić said that there are also useful international programs: “There was a training program on legal leaks which was implemented for journalists in the whole region related to freedom of access to information, but also including data journalism and computer-assisted reporting.”

There are virtually no restrictions on import and/or purchase of newsprint, software, and video or transmission equipment. Certain printing houses are sometimes possibly selective in providing their services based on political

criteria. However, this does not cause serious restrictions since others are available, as Zvijerac said, if not in the country, then in the region. Zaimović mentioned that the quality of newsprint is low, but this is more likely a result of management decisions to choose cheaper options rather than the unavailability of quality equipment.

Channels of media distribution also scored significantly above the country average. Two major telecommunications companies are state-owned, and in previous years there have been some indications of monopoly behavior by BH Telecom, despite existing regulations on free access to telecommunications. Television transmitters are also owned by the entity governments, while channels of distribution in the print media sector and printing houses are privately owned. The panelists indicate that cable distributors continue with irregularities in terms of monopolizing certain territories based on unacceptable arrangements among distributors. As Rokša-Zubčević said, distributors have “reached some sort of ‘gentlemen’s agreements’ to stick to their territories, which is unacceptable in terms of market principles. Every citizen of this country, according to our rules, should be free to choose. In terms of cable operators, we are not so free yet; it is possible we may reach that point with development of IPTV.” In addition to previous complaints that distributors were choosing television channels based on political interests and particular relations with owners of television channels, Rokša-Zubčević points to an additional problem: “Lately, we have had an increased number of cases where cable operators were not placing local TV stations in their systems, for which they heavily charge their subscribers. According to our rules, every cable distributor has an obligation to include in its primary, basic system every TV station that is in its network.” On the other hand, Internet and mobile communications services are provided on a nondiscriminatory basis. Online media and bloggers are free to choose software and platform options without restrictions.

The indicator on ICT infrastructure scored significantly better than last year and was about identical to the country average. Infrastructure, availability, and offerings in terms of ICT technology are constantly improving. Still, Čengić said that connection problems are not uncommon. When it comes to broadcasting services, Rokša-Zubčević indicated that on-demand and media services provided through the Internet have begun to emerge. There are three IPTV providers, and one is beginning distribution through the mobile-phone network. In addition, there are more distributors of phone, Internet, and television services. Broadband Internet is increasingly penetrating the market, but as Rokša-Zubčević said, bandwidth is still not completely satisfactory even in urban areas and is still scarce in rural areas. Furthermore, high-quality bandwidth that could be highly useful for media outlets is still considered overly expensive.

The panelists are doubtful that the prices of telecommunications services correspond with their quality if compared with international trends in the sector.

And finally, one of the panelists’ biggest points of dissatisfaction regards impediments to the switchover to digital transmission, with a lack of political will to build the necessary structures to implement the change and a lack of funding both responsible for the delays.

## List of Panel Participants

**Semina Ajvaz**, professor, Džemal Bijedić University, Mostar

**Angelina Albijanić-Duraković**, editor-in-chief, Depo.ba, Sarajevo

**Leila Bičakčić**, director, Center for Investigative Reporting, Sarajevo

**Benjamin Butković**, news program editor, Bosnia & Herzegovina Radio and Television, Sarajevo

**Rubina Čengić**, editor-in-chief, *Start* magazine, Sarajevo

**Reuf Herić**, director, Radio Q, Visoko; board chairman, Association of Private Radio and Television Stations

**Boro Kontić**, director, Mediacentar Sarajevo

**Milkica Milojević**, journalist, Banja Luka

**Asja Rokša-Zubčević**, division chief, Broadcast Services and International Cooperation, Communications Regulatory Agency, Sarajevo

**Borka Rudić**, secretary general, BH Journalists, Sarajevo

**Senad Zaimović**, general manager, Fabrika Marketing Agency, Sarajevo

**Predrag Zvijerac**, executive editor, *Dnevni List*, Mostar

## Moderator and Author

**Sanela Hodžić**, research coordinator, Mediacentar Sarajevo

## Proofreading and Translation

**Kanita Halilović**

*The Bosnia and Herzegovina study was coordinated by, and conducted in partnership with, Mediacentar Sarajevo. The panel discussion was convened on November 21, 2012.*

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



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*The Bulgarian media continued its slow slide away from the levels of sustainability reached in the years before the country's EU accession.*



# BULGARIA

The Government of Bulgaria's suppression of the freedom of speech and the media sector's lack of transparency in ownership have attracted international attention, prompting warnings that the EU might impose official media freedom monitoring in this member state.

A brief media war between the two largest Bulgarian media groups culminated in legal prosecution against the owners of one of the groups and a sudden cease fire, exposing questions about transparency of ownership on both sides.

Furthermore, the ongoing financial crisis has led the media to depend more than ever on government subsidies and advertising, risking the loss of their independence in the process.

Through the turmoil of the last year, the media sector remained a central battleground for the country's political debates. Protesters condemning Bulgaria's environmental policies in 2012 also turned against the leading national television stations for what the protesters deemed biased, pro-government coverage. Citizen activists and NGOs have warned of public institutions increasing pressure on people seeking access to information.

Increasingly, citizens tap new media to access information and organize civic action, helped by an increasing number of independent news providers online. Social media tools played an important role in the protests over corruption and high utility prices, and those protests helped defeat Prime Minister Boiko Borisov's government in February.

The Bulgarian media continued their slow slide away from the levels of sustainability reached in the years before the country's EU accession. The decline is happening across the board and touches all aspects of the media scene, but is most visible in the areas of editorial and financial independence, professional journalism standards, and the balance of entertainment and information programming. In absolute terms, the 2013 MSI marks a record low since the first MSI study in Bulgaria in 2001, and the trend seems likely to continue. While the digital transition has picked up some speed, and online and public outlets have grown and improved, this progress is marginal compared to the escalating political pressure, corporate control, and disrespect for professional standards in the mainstream media, where the majority of Bulgarian citizens still get most of their information.

# BULGARIA at a glance

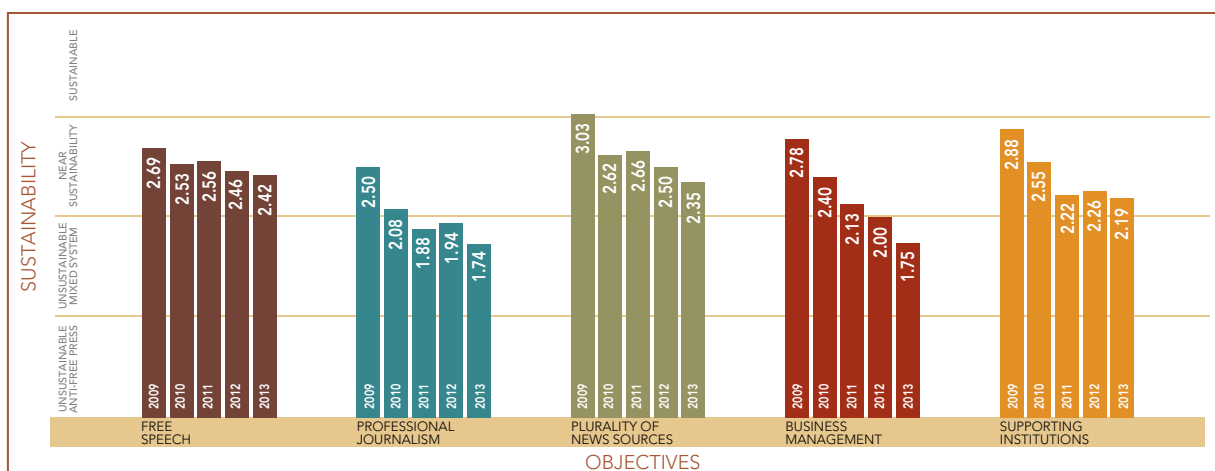
## GENERAL

- > Population: 7,037,935 (July 2012 est., *CIA World Factbook*)
- > Capital City: Sofia
- > Ethnic Groups (% of population): Bulgarian 83.9%, Turk 9.4%, Roma 4.7%, other 2% (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 (2011-Atlas): \$48.495 billion (World Bank Development Indicators, 2012)
- > GNI per capita (2011-PPP): \$13,980 (World Bank Development Indicators, 2012)
- > Literacy Rate: 98.2% (male: 98.7%, female: 97.7%) (2001 census, *CIA World Factbook*)
- > President or top authority: President Rosen Plevneliev (since January 22, 2012)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: 211 newspapers; Radio Stations: 76; Television Stations: 217 (Peiro97)
- > Newspaper circulation statistics: Total daily circulation: 340,000 (Market Links)
- > Broadcast ratings: Top three television stations: bTV, NOVA, BNT1
- > News agencies: Bulgarian Telegraph Agency (state), BGNES (private), Focus Information Agency (private)
- > Annual advertising revenue in media sector: \$256 million (Market Links)
- > Internet usage: 3.395 million (2009 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: BULGARIA



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Bulgaria Objective Score: 2.42

Bulgaria slipped in freedom of speech scores from 2012, with the growing dismay over the handling of crimes against journalists and libel cases dragging down the objective. Still, sustainability has been largely achieved in several areas, including access to foreign and domestic news sources and entry to the profession. Market entry remained comparatively open, if not yet sufficiently stable. Although freedom of speech rights are deteriorating and far from sustainable, this objective remains Bulgaria's strongest.

The past year saw no significant changes in the media regulatory environment, which is generally accepted as meeting international standards for protecting freedom of speech and media independence. However, many of the panelists noted the continuing trend of biased implementation of the public norms protecting freedom of speech and access to information. Svetla Petrova, a journalist with Livenews.bg, explained that poor implementation is due to "the increased pressure of various authorities over the media and the inability of the professional community to stand by these norms in their daily work." Ivan Kanevchev,

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

"While we were all watching developments in the media legislation, we failed to notice texts endangering freedom of expression sneaking in from other directions," noted Georgiev.

director of municipal radio, pointed out another aspect of the problem: "Society has lost its sensitivity towards freedom of speech and access to information. The formal existence of the legal norms does not guarantee freedom of expression and pluralism of opinion in the media."

Nicoletta Daskalova, a lecturer with the Media Democracy Foundation, posited that a tension exists between the formally sound regulatory framework and the implementation of the law. "More refined ways of pressure over free speech are applied," she concluded.

The panelists described the government's growing tendency to use non-media legislation to limit freedom of expression and coerce the media. "While we were all watching developments in the media legislation, we failed to notice texts endangering freedom of expression sneaking in from other directions," noted Petko Georgiev, a journalist and producer with BTC ProMedia. He gave an example: "There is indeed a provision against 'disgracing the national flag and symbols' in the Penal Code. The lawmakers somehow managed to vote it in without anybody objecting."

Another example is the banking law, which gives the National Bank unrestricted powers to intervene against alleged threats to the stability of the banking system. Under that law, outlets that criticize a bank's credit policy, its available resources, its credit standing, or its involvement in the "real economy" are likely to be labeled this type of threat, inviting serious financial sanctions and legal action. The commercial banks tend to leverage this law to suppress any criticism, rendering media practically incapable of providing effective coverage of banking.

One recent case was the action that Bulgarian National Bank took on behalf of four commercial banks against the website Bivol.bg. The website had published a Wikileaks-acquired cable from the US embassy in the capital, Sofia, expressing concern about the banks' involvement in money laundering. The banking law allows for fines between BGN 10,000 and 150,000 (USD 6,750 and 10,200). The owners of the site were invited to meet the bank's Supervisory Department and "discuss" the publication. No fines were imposed.

A businessperson investigated by a local correspondent from a national weekly sent the reporter Sun Tzu's famous treatise *Art of War* as a "gift," along with the advice "not to start a battle he cannot win."

In another very prominent case at the end of 2012, a commercial bank managed to freeze the assets of one of the last remaining independent publishing groups by claiming an unresolved debt issue, which the publishers dismissed as an open attempt to put pressure on its editorial policy. Similar combinations of commercial, regulatory, and legal pressure have been used to silence opponents and independent media on a regular basis in smaller media markets outside Sofia. Another prominent example of legal pressure on free speech includes the 2013 indictment of a rapper for the lyrics of a popular song.

Other incidents that the panelists discussed included a well-known political analyst being questioned by the police over a press interview, and the police harassment of a citizen who posted online a photograph of police officers asleep in their patrol car. Panelists also noted several occasions in which police questioned bloggers about their publications. While no formal persecution followed these discussions, they are seen as a form of harassment, using existing law and police powers to exert pressure on the free expression of opinion. "These provisions must have been around for ages; all we are witnessing now is a much more aggressive implementation, which is only possible because of the lack of public reaction," Georgiev argued. "People do not realize that limitations of freedom of speech which start with rap songs may end up reaching them."

An emblematic example of a threat against an investigative journalist occurred in Varna, where a businessperson investigated by a local correspondent from a national weekly sent the reporter Sun Tzu's famous treatise *Art of War* as a "gift," along with the advice "not to start a battle he cannot win."

Petya Cholakova, the owner and editor of a regional magazine, described how control over media content works. "There are financial mechanisms that effectively bypass regulations on payments to the media, which make them shy away from objective coverage of what's happening in the country"—a form of quid pro quo of continued support to prevent negative press coverage. She recounted the case of a major international mining company that was investigated

for environmental pollution yet became a main sponsor of the Olympic Games coverage by National Radio and Television. Like many of the other panelists, she lamented that public money from EU-funded projects is funneled to selected media outlets to ensure positive coverage of the government's policies.

The licensing process, traditionally a trouble spot, remains problematic. For Vesselin Vassilev, a local radio station owner, "Licensing has thus far led only to greater concentration. Very few local media have managed to survive. The market is divided between several big players, and the local media are left in the corner."

At the same time, Dilyana Kirkovska, an expert at the Monitoring Directorate of the Council for Electronic Media, noted that a large number of broadcast licensing tenders opened in 2012 for broadcast radio in many small markets. After a long delay, the process has sped up, improving diversity in the local media markets. Other panelists, especially those coming from such small markets, expressed their doubts about the financial viability of commercial broadcasting in their regions.

According to Ivo Draganov, a journalism professor at New Bulgarian University, part of the problem lies with the media regulatory body, the Council for Electronic Media. He described in detail the effects of the council's partisanship. "There are visible links between politicians and their press officers and members of the council. There is the problem with the lack of transparency—digital platforms were issued under manipulated circumstances. In general, the questions of the origin of media money and the shady aspects of privatization are rarely examined. That's where the dependencies between media owners and the politicians are hidden. The more vulnerable the owners are to the tax or judicial authorities, the more eager they are to serve the people in power. In fact, instead of an advertising market and a dynamic market of journalism and management skills, the media have become a marketplace of trading influence."

Libel remains a criminal offense in Bulgaria, though only fines are administered for convictions. Tzveta Nenova recalled a recent libel court case in her hometown of Russe involving an investigative journalist and an interviewee. The journalist was convicted and fined for libel despite the fact that she provided ample evidence in support of the article, including the recorded conversation with the plaintiff that served as the basis of the story. The court dismissed the recording as unacceptable evidence and sentenced her to pay considerable damages (BGN 6000, or about \$4000) and offer a public apology. "The court imagined that this sentence would serve as a warning to the whole local media community," Nenova claimed.

After a vigorous media and public campaign against the court's ruling, an appeals court overruled the sentence on procedural grounds. "The positive thing about the whole story was that it helped consolidate the local professional community, which came to witness the court's proceedings and the help provided by the Access to Information Program," Nenova said.

The Access to Information Program is a measure against the deteriorating information access for Bulgarian media members. According to local online media owner and editor Ivan Atanasov, a winner of this year's Access to Information Award, "The courts are not in favor of people seeking their rights to information through them." Nenova concurred. "There is increased pressure on journalists and citizens seeking to obtain public information," she said.

Fanny Davidova, a lawyer for the Access to Information Program, also reported a number of cases of the police and local authorities harassing people applying for access to information. In one prominent case, a group of citizen activists filed a class action suit for access to information about a controversial city plan to start construction at Varna's central seaside park. After the requests were filed, police summoned more than 20 of the 40 applicants to explain their actions.

Davidova noted that Bulgaria's access to information legislation has not changed over the past year, and it is considered to be in line with the highest international standards. Members of the media as well as state institutions are quite aware of their rights and obligations under the legislation. The media are growing more competent in using it to gather information, while institution staffers are becoming more adept at declining access by using valid legal arguments. Despite Atanasov's skepticism, more journalists are seeking to exercise their rights to access to information through the courts, though the panel was divided on whether the courts are becoming more receptive to these cases.

Yassen Boyadjiev, Chair of The Free Speech Forum and editor of the respected online news site Mediapool.bg, remarked on the bigger picture of the topics being discussed. "All the problems listed here are interconnected, and are the result of a problem which has deepened during this year. The media are only collateral damage of the merging of political power with corporate interests. Our model is less and less European and resembles Russia more and more."

According to many panel participants, the Internet has become the only medium in which journalists can work freely and citizens can express their opinions openly. As

**"Instead of an advertising market and a dynamic market of journalism and management skills, the media have become a marketplace of trading influence," Draganov said.**

Petrova argued, "The Internet is unfolding as the truly free zone for journalism, with all its limitations. This is the space where journalists can work professionally, where media can fulfill its public functions, and where the major citizen interest and activism is focused. This is the most positive development of the past year," she says.

The panelists pointed to the launch of the digital switchover as another important, positive step forward this year in the regulation of broadcast media. After more than five years of delay, in July the government canceled the 2008 digitization plan and passed a brand-new one, speeding up the process with a very short simulcast period. Digital broadcasting began on March 1, 2013, and all analog broadcasting should end by September 1 of the same year. Digital broadcasting will increase the number of free terrestrial channels available to the public. Currently, three over-the-air television channels have national coverage; after the digital conversion, there will be eight, with the number expected to grow.

Access to international news sources and entry to the journalism profession remain two of Bulgaria's strongest indicators of media sustainability. The only limitations in access to international news agencies are financial, as just the larger mainstream agencies are able to afford access. Local and regional media depend on their own resources and on free online news dissemination services, which often are of lower quality. The traditional media sector observes copyright laws on news and photos, though violations are known to occur in the online sphere.

Aspiring journalists may enter the job market freely, although low wages and the pressure applied to journalists from various interests groups pose barriers for some interested in the field.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Bulgaria Objective Score: 1.74

Year after year, this objective scores the lowest in the MSI, revealing the areas in Bulgaria's media environment with the most serious problems. Four of the lowest indicator scores were recorded under this objective, leaving the country well within the Unsustainable Mixed System classification in this category. The score fell a modest quarter point from 2012, but sits well below the 2.12 it received in the first Bulgaria MSI study in 2001.

Self-censorship remains the most important constraint on this indicator, with the panelists expressing dire warnings about the trend toward absolute self-censorship based on the business or political interests of each particular outlet. Ethical standards and coverage of key events also worsened considerably, according to the panelists. Draganov said that much of this comes down to the integrity of journalists and editors. "Unfortunately, some leading journalists identify themselves with certain politicians. Those who dare to criticize usually lose their jobs. Journalists' careers in many cases depend on how many orders they are willing to take," he said.

The deteriorating quality of media is not news for any observers within Bulgaria or outside. Panelists took note of the increasing international criticism of the declining media freedoms in Bulgaria. While US ambassadors to Sofia have always been vocal about the problems of the media in the country, in 2012 the French and the German ambassadors also voiced their concerns publicly.

#### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

Their criticism followed an incident involving the *Monitor*, one of the leading local newspapers owned New Bulgaria Media Group, the country's largest media conglomerate. In October, the *Monitor* published an interview with the German ambassador, but *Monitor* editors redacted his negative remarks on the country's press freedom and ownership transparency. The embassy website posted the ambassador's letter to the editors as an official response. In a follow-up interview, the diplomat reflected on the worsening media freedoms in Bulgaria since its entry in the European Union. He outlined the problem with the hidden ownership of major mainstream media outlets, which was demonstrated so clearly by the censoring of his earlier comments in the *Monitor*.

Biased coverage of the environmental protests that took place in Sofia in the summer also led to the first case of widespread citizen protests against bTV. The commercial station is owned by Central European Media Enterprises, a publicly traded company, and is the highest-rated television station in Bulgaria. Faced with unprecedented public discontent, the station offered a public apology and began presenting the protests with greater concern for objectivity and fairness.

Slanted coverage of the protests was not limited to bTV, by any means. With the exception of Bulgarian National Radio (BNR), all of the main broadcast media were accused of trying to disregard and marginalize the protests, and only responded after government officials were forced to recognize the people's legitimate concerns. BNR is traditionally more independent, and part of a national trend of improvements in the public media balance amid decreasing market share. However, BNR is less important as a source of information and is not under such political scrutiny. The panelists considered the case with bTV significant mainly because it represents the first display of citizen action against biased coverage by the unquestioned media market leader. Bulgarians successfully managed to force bTV to correct its stance and to offer public apologies.

One of the most serious concerns the panelists share, year after year, is the decline of mainstream media quality. In 2012, standards appeared to have worsened. "The trend of lower and lower quality, stagnant content, and displacement of professional standards seems permanent," said Konstantin Markov, honorary chair of the Association of Bulgarian Broadcasters.

Ivan Kanevchev, as a board member of the Union of Bulgarian Journalists, identified the role that journalists play in the decline of professionalism. "This is partially our fault," he said. "We are unable to unite and rally behind the professional ethics of journalism."

Many of the panelists agreed that the prolonged economic crisis, the shrinking advertising market, and the changing mechanisms for media funding are all behind the rapid decline in the quality of journalism and the independence of the media.

“In this situation, the government has become the biggest advertiser—which is used by the ruling majority to impose control and force the media into submission,” Petrova said. “Any kind of editorial independence is disappearing. The owners interfere directly with the editorial policy and the work of journalists, giving direct orders on what can be published. These paid publications are then presented as investigative journalism or ordinary media production and are never labeled as paid content.”

Investigative reporter Ivan Michalev agreed. “The media business is no longer able to make a profit, so most media outlets depend on the other business of their publishers,” he claimed. He quoted the annual report of SEEMO (the South East European Media Organization) on Bulgaria, which claims that a majority of journalists in the country find it “normal” to refrain from any writing that might hurt the business interests of their publishers. The annual reports of Freedom House and Reporters Sans Frontiers report similar findings.

Nenova also noted the role that EU-funded projects play in Bulgaria’s worsening media situation. “There is a perverse abuse of EU funds under the EU’s ‘operative programs,’ where the government uses these funds to buy media comfort from the big media,” she said. EU cohesion funds are spent in many sectors of the economy as direct grants to public institutions. The grants usually include a large “communications” component, which the institutions pay to selected media outlets for positive coverage. The media do not dare criticize these institutions, out of fear that they might lose the next communications contract through this mechanism.

Self-censorship is believed to be widespread, and the panelists consider the practice one of the worst aspects of Bulgaria’s media. Petrova described it as a massive obstacle, when combined with the open censorship applied through the editors and producers.

The panelists held the opinion that the news and current affairs programming of most mainstream media steer away from controversial issues concerning the people in power or the corporate world. Based on her professional monitoring of the media, Daskalova said that analytical content is found increasingly more often in interviews. This is a way for the media to avoid “authoring” critical content; they afford the

“Unfortunately, some leading journalists identify themselves with certain politicians. Those who dare to criticize usually lose their jobs. Journalists’ careers in many cases depend on how many orders they are willing to take,” Draganov said.

media a protective distance from controversial positions while still trying to present all points of view, she said.

At the same time, Petrova pointed out, the interview genre has a separate problem—many interviews are funded by public relations agencies. Both the media outlet and the host of the show are paid extra to air interviews with selected public figures, which essentially means that no critical questions will be asked. These arrangements are made off the record, and the public is not informed in advance that it is watching prearranged content. All media energetically deny being involved in such practices.

According to Michalev, a new trend is self-censoring to protect major advertisers and not just the people in power. The media avoid controversies at all costs with banks and larger companies especially. “With the big advertisers, it is either good news or no news at all,” he said. “The media [are] becoming more and more financially dependent, which makes [them] editorially more dependent, too,” he added.

Rositza Donkova, manager of the public relations agency Action Bulgaria, agreed. “As far as business reporting is concerned, there is a total dependency between advertising and editorial content,” she said. “Paradoxically, the public media cover the news more objectively than the commercial media. In other words, the private media are more vulnerable to political pressure than the state-owned ones.”

Another serious shortcoming in professional standards is the blurring of lines between politicians and lead hosts of news and current affairs programs. An increasing number of well-promoted television personalities serve as mouthpieces of select politicians, and make no secret of their affiliations. Many media outlets compromise editorial independence and offer their programs readily for promoting politicians. The outlets do not seem to mind serving openly political parties or the government, according to the panelists.

Davidova gave the example of a member of parliament that anchors the morning talk show of Nova TV, one of the three



**“It is a pity that the ethical commissions do not function any more. They were good at handling such problems in the past,” Davidova said.**

television stations with national coverage. According to Davidova, “This violates at least three legal norms: the Radio and Television law, the Conflict of Interest Legislation, and the National Assembly’s own internal regulations, which do not allow members to work during their terms. It is shocking that the Council of Electronic Media has not intervened, let alone Parliament itself or the Commission Against Conflict of Interest.”

Hate speech in the mainstream media is also on the rise. While previously, it typically only appeared on television stations supporting Bulgarian nationalist parties, it is now spreading to the main broadcast media. Davidova said that such language is used during bTV’s *Neka Govoryat* program, Nova TV’s *Direktno Karbovski*, TV 7’s Morning Show with host Nikolay Barekov, and others. “It is a pity that the ethical commissions do not function any more. They were good at handling such problems in the past,” Davidova said.

Donkova said that media owners and publishers directly attempt to extort businesses that do not advertise with them. She reported that, as the head of a PR agency, she was approached with unethical offers twice last year by major national media. “In exchange for the product of one of our clients, they were offering to assign a special correspondent, who would cover that client in a positive manner the whole year,” she said. “When the client declined the offer, we received a polite letter from the media saying that the client will not be covered by their media at all. It could have been worse, such as a threat to cover them only with negative publications.” She also cited an example of a large and legitimate company that pays the media to *abstain* from writing about it, or even to mention it by name.

“In normal Western countries, the amount of coverage you get will depend on the quality of information you are able to offer,” Donkova continued. “In Bulgaria, it depends mainly on the budget you are willing to offer for paid content.” According to her, this explains business reporting in Bulgaria: it concentrates on the specific areas of telecommunications, energy, and banking, where the money is.

Cholakova agreed, saying, “Reporters often write promotional stories in favor of businesses for their own financial gain, instead of following professional principles

of fairness and objectivity.” She said that balance in reporting is often missing, to the disadvantage of Bulgarian citizens. “The mainstream media often skip issues of public importance in favor of reciting government events. There is little coverage of important social issues, ecological problems, local community issues, health, and European integration,” she said.

Local media are under even stricter state control than the large national publications, in Cholakova’s view. She shared an example from her hometown of Zlatitza, where last summer the water was declared undrinkable. None of the three local media investigated or even asked why, but threw themselves into the city-sponsored campaign to warn the citizens against drinking the water. The environmental activists, who tried to find out why the water was declared undrinkable, were portrayed by the local media as “provocateurs” and “panic-mongers” instead.

Daskalova said that she has seen a visible shift from diversity of content toward the tabloid formats in the traditional mass media. The high-quality content is marginalized and the public media are becoming an island of relatively good content. She pointed out that the specialized blogs of think tanks and the institutional websites of public institutions provide more professional and in-depth information than the news programs of television channels or newspapers.

Nenova noted the serious withdrawal from the journalistic profession on the local level, due to poor pay, lack of job security, and the worsening professional standards. People change jobs every few months, which guarantees their lack of professionalism and the ease with which they are subject to manipulation, she adds.

“The pay for journalists is high only if the reporter in question is directly helping promote a politician, a corporate interest, or both,” Draganov said. “The media as a rule promote celebrity-style journalists, who prefer entertainment and lifestyle content to the analytical of current affairs programs or publications.”

But being in the television entertainment business does not prevent political controversy either, according to the panelists. They recounted the case of the *Gospodari Na Efira* comedy show, which was forced to leave bTV and move to the lower-rated and lower-paying Nova TV. The show producers claimed that the act was an attempt to impose censorship.

On the other hand, one particular media production, *Pod Prikritie*, attracted record ratings in 2012, and indicated that Bulgarian viewers are interested in productions of good professional quality that address key social and political issues. The series is aired by Bulgarian National

Television and presents fictionalized versions of real-life stories on corruption and organized crime in Bulgaria. The series quickly became the most watched and downloaded programs in the country. "People are sick and tired of fake Balkan glamor and cheap comedy; they want something real" Georgiev asserted, adding, "Let's hope that is not just my own wishful thinking."

### OBJECTIVE 3: PLURALITY OF NEWS

Bulgaria Objective Score: 2.35

Transparency of media ownership has always been a core weakness of the Bulgarian media landscape, but events in 2012 brought it under the limelight and prompted severe domestic and international criticism. MSI panelists judged the transparency shortcomings meriting an "Anti-Free Press assessment, the lowest ever a Bulgarian MSI panel had ever given to this indicator. Along with the decreasing propensity of private media to produce independent news reports, there is little doubt why news plurality declined from its 2012 score of 2.50.

The ownership structures of the main Bulgarian media were displayed clearly during a relatively brief but heated "media war" between Bulgaria's two largest conglomerates. The bigger of the rivals is New Bulgarian Media Group, owned by the past head of the state lottery and her son, an MP formerly of little importance. That group is backed allegedly by one of the country's largest commercial banks.

### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

#### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

"These companies are like Matryoshkas," Kanevchev commented, referring to the Russian nesting folk dolls. "They spring out of each other, and no one really knows who is inside."

The other conglomerate is Media Group Bulgaria Holding, which was recently sold by WAZ, its former German owners, to a Bulgarian pharmaceutical tycoon and a politician-turned-businessperson with a controversial reputation. New Bulgarian officially owns a television station and several newspapers, and unofficially controls several other outlets; while Media Group controls at least two major dailies, *24 Chasa* and *Trud*, according to the panelists.

Trying as hard as they could to undermine each other, the newspapers of the two groups made public previously rumored claims about their rival's actual owners. Recently, Media Group emerged from a scandal with a former business partner, whose shares in the company were hijacked in a Russian-mafia-style hostile takeover. The war ended rapidly when the authorities started investigating the partners in Media Group Bulgaria Holding that were suspected of alleged money laundering. Since the real structure of ownership in either case is not transparent, experts can only speculate on whether ownership has actually changed hands—a claim that the company officially denies.

There has also been speculation about a change of ownership of TV7, the flagship television company of New Bulgarian. Media experts believe that the officially circulated relatively low price of the deal indicates that a formal transfer of ownership was made in an attempt to prevent anti-monopoly investigations and to reduce tax liability.

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This tussle between the conglomerates overshadowed another shady deal, which left the newly licensed digital distribution platforms in the hands of offshore companies, allegedly related to Bulgarian broadcast media. If the allegations are true, this would represent a cross-ownership of a television channel and a digital distribution platform, which the law prohibits.

Both the prime minister and the EU now admit that the lack of transparency of media ownership is the key problem of

The panelists registered an improvement in public media's coverage over the last several years, with Bulgarian National Television and Radio reflecting the views of the entire political spectrum, becoming less partisan, and serving the interests of the public better than their commercial competitors.

Bulgarian media, but there have been no signs of corrective measures being considered. The existing public registers of media ownership for the print media and the registers of the Council of Electronic Media for the broadcast media do little to reassure the public or the experts that the real media owners are known. Investment funds and offshore companies listed as owners do not disclose information about the actual ownership structure, and the parties deciding the editorial policies of these media remain a matter of speculation. This lack of transparency affects people's confidence in the media, and is reflected in decreasing circulation numbers and ratings of the majority of the mainstream traditional media.

While transparency is the obvious top problem under this objective, other indicators also showed a decline in 2012. Petrova noted a plunge in public interest and a crisis of trust in the traditional media. More and more people are turning away from the traditional sources, instead seeking authentic news and information from the vast number of small, alternative online resources available, she said.

Abandoned by their younger and better educated audience, the mass commercial media are increasingly inclined to adjust their programs to the lowest common denominator of interest among the remaining viewers, offering production of ever-decreasing quality.

Draganov was particularly critical of broadcast media programming. According to him, there is inane humor, profane entertainment, and very little content of substance. He put blame on the commercial media for playing to the basest instincts of their remaining audience, which he posited have low expectations for informative content. He also observed that many media outlets hire young and underpaid journalists, and put on the air half-educated people with a limited intellect and even more limited vocabulary. "Folk pop singers, models, and other chatterboxes are appointed as show hosts, and they work

day and night to bring the audience's tastes even lower," he said.

Georgiev expressed a similar disappointment with print media. "For me, as a media consumer, there is a steep decrease in the amount of media content which is worth reading, listening to, or watching. The average newspaper now takes me about one minute to read through—the time needed to physically turn between the pages and make sure I am not missing anything important."

Pluralism in Bulgaria can be seen in the number of titles, but not in the number of owners, panelists agreed. "Media pluralism in Bulgaria remains a fake, and is in reality a pluralism of similarity," Petrova said.

The panelists said that the lack of pluralism is partially due to the growing concentration of ownership among just a few players. The financial crisis is catalyzing these negative trends, because it renders newspapers, radio stations, and television channels unsustainable as media businesses. The media's dependence on large capital and the government has led to sacrificing true diversity. "There are a lot of media outlets which exist only to simulate pluralism," Michalev claimed. "The media that are able to sustain themselves can be counted on the fingers of one hand...and these are a few tabloids and two or three of the big television stations. Everything else is subsidized to serve other interests."

In addition, as Kanevchev and Vassilev pointed out, very little pluralism is left in the local media market. Many medium-sized and smaller cities have but one or two media outlets, mostly controlled by the local authorities or local businesses, and access to local information is becoming strained.

The EU has also addressed the worsening media environment in the country. Neelie Kroes, the vice president of the European Commission responsible for the Digital Agenda for Europe, visited Bulgaria and met with members of the media and citizen organizations protesting the restriction of media freedoms. Some Bulgarian media organizations are campaigning for the introduction of official EU monitoring of media freedom in the country—a notion still opposed by many and resisted by the EU itself. On the other hand, the visit and statements of the EU commissioner prompted the prime minister to admit Bulgaria's serious problem with transparency of media ownership, while vehemently denying any political pressure on media.

The panelists registered an improvement in public media's coverage over the last several years, with Bulgarian National Television and Radio reflecting the views of the entire

political spectrum, becoming less partisan, and serving the interests of the public better than their commercial competitors, panelists said. Like some of the other panelists, Dimitar Lipovanski, a producer with Arena Media, noted a positive trend in public media. “BNT and BNR are getting more and more active in presenting a wide variety of topics, points of view and ideas,” he said.

The panelists also highlighted as a positive the launch of BNT’s Channel Two, which encompasses the network of regional television centers and provides a wider variety of local and regional information. They also pointed out that BNR was the only national outlet to adequately cover the environmental protests in Sofia, and it does not shy away from covering controversial news stories about the government and the prime minister—something that other national media seem to avoid at all costs. However, the panelists noted that these encouraging developments are not yet entrenched, and they depend largely on the leadership at the two channels. Political appointments to those positions could quickly reverse these gains, the panelists feared.

Another problem, according to Atanasov, is that many news sites use information from others without identifying the source, a phenomenon described by Daskalova as “copy-paste” journalism.

As a result of the media sector’s financial problems and of local authorities stepping up their control, the gap in quality between national and local media is increasing, Nenova said. Some outlets are already showing serious shortcomings in the quality of reporting, especially in sensitive cases. “Coverage is often superficial, speculative, and irresponsible, even in the mainstream media,” she said. She gave the example of the terrorist attack at Burgas airport, and how the media blindly followed the information provided by the authorities and failed to verify facts on their own.

The panelists also pointed to the coverage of a prominent court case involving a group of Muslim *imams* [religious leaders] accused of spreading radical Islam. The panelists agreed widely that the coverage exposed the media’s lack of understanding of religious and human rights issues, which are rarely on the agenda of the mainstream media. The news coverage was seen as superficial and biased, often allowing hate speech and disregarding the basic principles of ethical and professional reporting. “The Bulgarian media avoid really important issues and replace them with criminal and lifestyle news,” Cholakova said. “The media do not discuss such issues as sustainable development or the environment—the big issues facing the world in general.”

Pluralism is becoming problematic even in the entertainment formats, many of the panelists noted. “While 10 years ago the playlist of the average music radio station consisted of about 1500 to 2000 songs, now it’s 150 to 200,” lamented Markov, himself a well-known rock musician. “So, not surprisingly, people don’t want to listen any more. They make their own playlists and listen to them on smartphones.”

At the same time, as Kirkovska pointed out, the sector is seeing some positive trends in the diversity of formats, and especially specialized talk shows. Examples include Bulgaria On Air, a 24-hour business news television channel that is simulcast on radio; television market leader bTV’s successful new radio simulcast, which includes its main news and talk programs; and the growing number of talk stations in the country, such as Radio K2 in Sofia and the network of Radio Focus that covers most of Bulgaria. Kirkovska also noted that a growing number of local and community media are registering with the Council for Electronic Media. They include a faith-based television channel in Plovdiv, existing Roma Radio and television channels, and others.

Bulgaria has several well established independent news agencies that gather and distribute news for media outlets. The panelists said that they consider the agencies professional and reliable. As a result, even the local media with limited news budgets can provide some news coverage on local, national, and international issues. The indicator score for news agencies buoyed the pluralism score somewhat.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Bulgaria Objective Score: 1.75

The score for this objective had the most rapid decline compared to the previous year, indicating the serious financial problems that the media faced as a result of Bulgaria’s economic crisis. This is also the second objective in the 2012 MSI that fell beneath the 2.0 mark and into the “Unsustainable Mixed System” category. Due to the prolonged financial crisis, the indicator tumbled not only well below its peak in 2008, but also far beneath the 2001 value, when the MSI in Bulgaria began. Government subsidies continue to distort the market, and professional researchers have not stepped in to add transparency and introduce sound business decisions in advertising.

“Many of the business problems of the media today are the result of fundamental errors made in the early years of establishing the media environment of Bulgaria,” Markov

## MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

said. "On top of that, the regulations are not enforced. As a result, we have a concentration of the media that exceeds the reasonable limits. The competition is merciless and ferocious, and it puts everyone in the business under very heavy pressure. If we add the new technologies, which are only increasing this pressure on the traditional media, the picture is very grim," he concluded.

One of these foundational flaws, according to many of the panelists, is the cross-ownership of media outlets, advertising agencies, and audience research companies. The monopolization of all three leads to a tightening circle in which no one really knows how many viewers are watching, but a few players are positioned to draw most of the advertising share and exert artificial market pressure on their competitors.

According to Michalev, most media enterprises are operating at a loss and are subsidized by their publishers or owners, although data to back that assessment are not made available to the public. He said that one or two commercial television channels with national coverage are making a profit, as are some of the tabloids, which manage to keep a relatively high audience and are of some interest to advertisers. But he said that "the remaining 90 percent are fighting fiercely for what remains of the shrinking advertising budgets, and they are accumulating losses."

According to Donkova, businesses are using traditional advertising less and less, since it "has lost its impact." Company budgets are shrinking, and advertisers are looking for alternative means of reaching their target audiences. This shift has had a very negative impact on

media businesses, driving them to depend increasingly on government funds and on trading influence.

Other panelists validated Donkova's observation that the media make no distinction between editorials and advertorials. "It is very difficult to explain to our international partners how is it possible that the price list of a major national newspaper has an item called 'paid PR publication.'" As she explained, these publications are not marked as advertorials or advertising, yet they are paid at 50 to 80 percent higher than the standard advertising rate of the media. "This is the premium for selling your integrity," she said, to the agreement of many of the panelists.

According to Kanevchev, who is a partner in a local newspaper distribution company, the newspaper business has a big market distortion. His data show that the government mouthpiece New Bulgarian Media Group controls roughly 80 percent of the circulation of daily press in the country. He lamented the fact that the Audit Bureau of Circulation exists only on paper and claimed that no reliable figures for newspaper readership exist in the country. He described how "many newspapers artificially increase their circulation by printing more copies than they will sell. They are only sold to the distribution companies owned by the same publishers, destined to be recycled. I know some newspapers increase their circulation by 50 percent this way."

"There is no transparency in the newspaper distribution business," Michalev, formerly with *Kapital*, concurred. "This business is entirely in the grey zone."

Lipovanski noted that the local media are unable to compete in the local markets and do not get ad placements from the national advertising agencies. They also have very limited access to the EU cohesion funds earmarked for communications that have become a major revenue source for national media based in Sofia. His views were echoed by Atanasov, who claimed that the state subsidizes a few select national media outlets through its advertising and public announcements, but such subsidies do not reach the local media. The panelists representing the local media all agreed that survival based on the local advertising market alone is almost impossible. As a result, local media have become reliant on local governments and businesses and have lost their editorial independence.

According to Nenova, "These state 'subsidies' [described above] have a direct impact on media independence. The media are being manipulated by the authorities, with threats and promises of withdrawing or receiving public funds through procurement of European funds."

Cholakova pointed out the trend of local businesses establishing monopolist packages of newspaper, websites,

radio and television outlets. The group receives all of the company's advertising and they serve as the mouthpieces of corporate interests, leaving little room for independent local media. As a result, the local media depend on big local businesses and on local authorities. The outlets sign information services contracts with the local government, and cover government actions in a positive way only. "This leads to self-censorship in the publications, which publish only convenient material and articles and avoid opposing points of view and citizen initiatives," Cholakova said.

She also explained how so-called "information services" work, using the example of the Ministry of the Environment. According to her, that ministry alone has given 5 million BGN (\$3.3 million) to preferred media outlets, which de facto buys positive coverage. She also pointed out that the preferred media are owned by a corporation with investments in mining and mineral resources, leading to serious questions about conflict of interest. "The corporate media are the new 'baseball bats' of the oligarchs," Cholakova said, referring to the symbol of organized criminal extortion in Bulgaria in the 1990s. These corporately controlled media are a serious threat to the freedom of speech and to the very existence of the few remaining independent media in the country, she concluded.

According to Donkova, advertising budgets in 2013 are expected to continue their downward trend. As advertisers' actual sales revenues shrink due to the financial crisis, the media should expect a parallel stagnation of the advertising market in the following year. The same is true for foreign company advertisers. "More and more international advertisers are cutting down their advertising budgets for Bulgaria, because our internal market is too small and shrinking," Donkova said. "This creates a vicious [cycle] and makes media compete by dumping prices, which is the case in Bulgaria at the moment."

Often throughout the discussion, the panelists avoided specifically naming media outlets and their owners, due to a general lack of transparency and the inability to confirm facts.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bulgaria Objective Score: 2.19

While this objective scored above the country average, several problematic areas showed a decline related to Bulgaria's worsened overall media and financial situation. Panelists registered the biggest concerns regarding the weak professional journalism associations, the lack of adequate short-term training services for working professionals, and

"The competition is merciless and ferocious, and it puts everyone in the business under very heavy pressure. If we add the new technologies, which are only increasing this pressure on the traditional media, the picture is very grim," Markov said.

the monopolistic trends in the distribution of print and electronic media.

On the other hand, Objective 5 included two of the higher-rated indicators for the whole MSI. Bulgaria is reaching sustainability in the sources of equipment for media production and its information and communications networks. Networks do not represent a problem for media members or for citizens, and they are adequate for the development needs of Bulgaria's new and traditional media.

While some Bulgarian trade associations have lost some of their public visibility, most panelists agreed that associations still represent the interests of media owners and managers before the public authorities. Partially paralyzed by legal action and fierce competition between some of its leading members (for example, bTV and Nova taking legal action against each other for price dumping), the Association of Bulgarian Broadcasters still negotiates actively on behalf of the broadcast industry with the regulatory bodies. As a result of the corporate wars between these outlets and

### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

#### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

**“The Council for Electronic Media and the Association of Bulgarian Broadcasters were glaringly absent during this year,” Nenova said.**

their holding companies, the association’s press complaints committee has been weakened. The publications that left the union have formed their own association and no longer participate in the work of the committee, undermining its funding as well as its legitimacy.

The Council of Electronic Media, which has a regulatory function in the broadcast industry, has also stayed away from the internal controversies of the sector. “The Council for Electronic Media and the Association of Bulgarian Broadcasters were glaringly absent during this year,” Nenova said.

However, according to Kirkovska, the Association of Bulgarian Broadcasters and the newly established Bulgarian Association of Cable and Communications Operators work actively to protect their members’ rights and interests, and are involved in an active dialogue with the government and regulatory bodies on implementing media legislation.

Several panelists lamented the shortage of professional associations capable of defending journalists’ rights and promoting quality journalism. “Unfortunately, the journalistic community has disintegrated, with no strong professional organizations able to protect its values and interests,” Petrova said. Cholakova agreed, adding, “In most cases, journalists who need protection find themselves alone.” And according to Draganov, “Not a single fired journalist has been adequately protected.”

The only exception that the panelists noted is the Access to Information Program, which intervenes actively on behalf of journalists in court case across Bulgaria and carries out a series of training seminars that prepare reporters on how to better use Bulgaria’s access to information legislation.

Free access to media equipment, newsprint, and printing facilities has never been problematic in Bulgaria; no one attempts to impose political control or to monopolize them. The picture is similar with the physical channels of distribution. Some press outlets complain that newspaper distribution is subject to unfair competition, but for the most part the distribution networks of kiosks, transmitters, ISPs, and mobile networks are traditionally seen as apolitical, not monopolized, and unrestricted.

Bulgarians benefit from a free and highly competitive communications sector, with multiple providers of cable and Internet services offering good packages of television, fixed phone lines, and fast optical Internet access at very good prices.

The lack of quality journalism degree programs at universities continues to be a problem for the Bulgarian media industry. Panelists cited the most pressing shortcomings as the outdated media curricula for the majority of universities and the lack of direct links between journalism education and the needs of the media industry. Students graduate with little practical experience and need substantial on-the-job training. When they reach the media, their new managers ask them to forget about the professional standards they have been taught at school, and they become easily disillusioned. “The quality of journalism education is growing, but the reality [of the field] usually disappoints the young reporters,” Draganov said.

Short-term training programs for working journalists are also not very effective, as such courses are available rarely and the media owners say they cannot spare the resources to pay for high-quality professional training.

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## List of Panel Participants

**Yassen Boyadzhiev**, chair, Free Speech Forum; editor, Mediapool.bg, Sofia

**Petko Georgiev**, journalist, producer, media consultant, BTC ProMedia, Sofia

**Dilyana Kirkovska**, expert, Council for Electronic Media, Monitoring Directorate, Sofia

**Konstantin Markov**, honorary chair, Association of Bulgarian Broadcasters, Sofia

**Ivan Michalev**, investigative reporter, Sofia

**Tzveta Nenova**, director, The Bulgarian Europe Media Festival, Russe

**Svetla Petrova**, journalist, Livenews.bg, Sofia

**Vesselin Vassilev**, owner, Radio Sevlievo, Sevlievo

**Petya Cholakova**, editor and owner, *Srednogorski Bagri*, Zlatitza

**Ivan Atanasov**, editor and owner, Sakarnews.info, *The News*, Harmanli

**Fanny Davidova-Peneva**, lawyer, Access to Information Program, Sofia

**Dimitar Lipovanski**, journalist, producer, Arena Media, Russe

**Nicoletta Daskalova**, media expert and lecturer, Media Democracy Foundation, Sofia

**Rositza Donkova**, manager, Action Bulgaria PR agency, Sofia

**Ivan Kanevchev**, director, municipal radio; board member, Union of Bulgarian Journalists, Pleven

**Ivo Draganov**, journalism professor, New Bulgarian University, Sofia

## Moderator

**Dessislava Velkova**, EU and media law expert

*The Bulgaria Study was coordinated by, and conducted in partnership with, BTC ProMedia Foundation, Sofia. The panel discussion was convened on November 27, 2012.*



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*Croatia in 2013 achieved the ignominious feat of repeating its overall MSI score from 2001, suggesting no lasting progress has been achieved on media sustainability in the intervening years.*



# CROATIA

During the two most recent MSI panel discussions, landmark events have unfolded to interrupt the proceedings. Two years ago, the panel was interrupted by news of the arrest of the former Croatian prime minister, who had escaped a warrant in Zagreb only to be caught by the Austrian police. Last year, it was a combination of the signing the Croatia's EU accession treaty (confirmed in an EU referendum in January 2012), and a sweeping victory of the opposition social democrat-led coalition.

Shortly before the 2013 MSI panel convened, a ten-year sentence was handed down for the former prime minister, Ivo Sanader, for corruption, with other cases still pending. Days before this came the verdict on Radimir Čačić, the omnipotent first deputy prime minister in the Croatian government, who was sentenced to 11 months in prison by a Hungarian court for causing a fatal car accident near Budapest. Čačić resigned the same day.

But still, the most dramatic event in 2012 was the "not guilty" verdict handed down by appeals court judges for the Hague Tribunal for generals Gotovina and Markač on Nov 16, 2012. Taking into consideration that the two generals had been found guilty of heading a "joint criminal enterprise" and sentenced to 24 and 18 years respectively by the Hague tribunals for Yugoslavia in 2011, expectations of an acquittal were in short supply, and the emotional response to the "not guilty" sentence was almost unparalleled. "The war belongs to the past. Let us turn to the future," said Gotovina to tens of thousands gathered on the main square in Zagreb. The verdict fostered hope in society that a calm message would help in closing the book on the politics of the war, leaving it to historians, and, where necessary, criminal prosecutors.

As for the media, 2012 brought a fatal decline of brand names such as the daily *Vjesnik* and the weekly *Nacional*. Sales and circulations are half of what they used to be only five years ago. Advertising revenue follows the same path. Broadcast media share the trend. Content quality, social relevance and professional standards have been compromised by the surge of trivial, tabloid, low-quality journalism. Hundreds of journalists have been laid off.

Journalists are facing hard times again, but it is no longer about setting the basic pillars of independent media, as in the 1990s. Now, it is about preserving professional standards, and even the dignity of journalism, against a tide of market decline and industry leaders that have come to see journalism as a means of gaining power, rather than holding it accountable. As such, Croatia in 2013 achieved the ignominious feat of repeating its overall MSI score from 2001, suggesting no lasting progress has been achieved on media sustainability in the intervening years.

# CROATIA at a glance

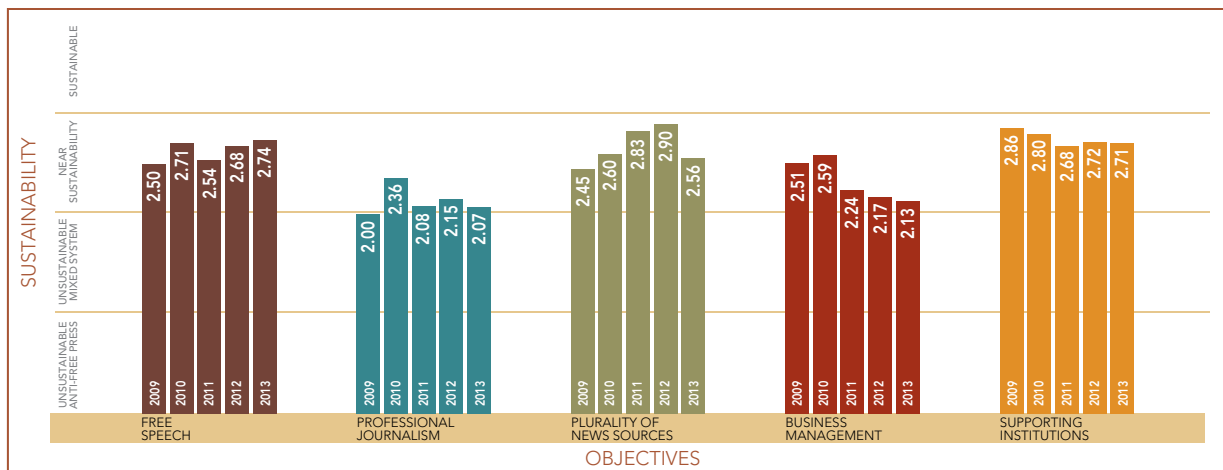
## GENERAL

- > Population: 4,475,611 (2013 est., *CIA World Factbook*)
- > Capital city: Zagreb
- > Ethnic groups (% of population): Croat 90.42%, Serb 4.36%, other 5.41% (including Bosniak, Hungarian, Slovene, Italian, Czech, Roma, etc) (2011 census, Croatian Bureau of Statistics)
- > Religion (% of population): Roman Catholic 86.28%, Orthodox 4.44%, other Christian 0.3%, Muslim 1.47%, other 0.78%, none 4.57% (2011 census, Croatian Bureau of Statistics)
- > Languages: Croatian 95.6%, Serbian 1.23%, other and undesignated 3.17% (including Italian, Hungarian, Czech, Slovak, Roma, German, etc) (2011 census, Croatian Bureau of Statistics)
- > GDP: \$62.49 billion (World Bank Development Indicators)
- > GDP per capita: \$14,180.4 (World Bank Development Indicators)
- > GDP per capita (PPP): \$18,100 (*CIA World Factbook*, 2012 estimate)
- > Literacy rate: 98.8% (male 99.5%, female 98.2%) (*CIA World Factbook*, 2010)
- > President or top authority: President Ivo Josipović (since February 18, 2010)

## MEDIA-SPECIFIC

- > Number of print outlets, radio stations, television stations: Newspapers—11 nationwide dailies, six major political weeklies (plus the Catholic weekly *Glas Koncila*); Radio—167 stations, 6 of which are national; Television—31 channels, 9 are national.
- > Newspaper circulation statistics (total circulation and largest paper): The total circulation of daily papers is estimated at 360,000 copies a day, the top 3 being tabloid *24 Sata* (circulation 120,000), *Vecernji List* (circulation 60,000), and *Jutarnji List* (circulation 50–55,000); the highest circulated political weekly is *Globus* (18,000 copies)
- > Broadcast ratings: Top 3 television stations: Nova TV (private/commercial), RTL Croatia (private/commercial), HRT 1 (public TV)
- > Annual advertising revenue in media sector: Approximately \$350 million
- > News agencies: HINA (public), IKA/Croatian Catholic News Service
- > Internet usage: 66% of households, 61% of broadband users (2011, EUROSTAT)

## MEDIA SUSTAINABILITY INDEX: CROATIA



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Croatia Objective Score: 2.74

Croatia is set to join the EU family of nations on July 1, 2013, if the accession treaty is ratified on time. In abstract terms, this would imply that Croatia has harmonized its media legislation both with the EU's Audio-Visual Media Services Directive, its broadcast regulations package, and with higher international standards, primarily in the print media industry. That requirement was one of the most scrutinized in Croatia's long and bumpy path to accession.

"The level of media freedoms and legal protection of free speech is such that I can hardly imagine any substantial setbacks, talking in legal terms," said Emil Havkić, a lawyer specializing in media legislation, and an MSI panelist since the very beginning of the project. However, the social norms protecting and supporting the freedom of speech is a different question, the panelists noted.

Some panelists expressed their concern over what they see as "lack of social support" for media freedom. Is it a consequence of the fact that the public is simply exhausted by economic crises, which has been tipping between recession and depression now for the fifth consecutive year,

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

"My impression is that the media legislation supports free speech, but there is an obvious lack of public support and interest in it," said Vesna Roller.

or simply as the result of a certain loss of reflexes, or does it stem from the fact that there have not been any dramatic or obvious cases of violations of free speech? "My impression is that the media legislation supports free speech, but there is an obvious lack of public support and interest in it," said Vesna Roller.

The same panelist, as a member of the Council for Electronic Media, the independent regulator of the broadcast media, gave a brief intro to indicator 2. "It would be too demanding to say whether the licensing procedure is fair and competitive. Namely, in 2012, the Council issued only one license. It was for a radio station on a remote island, and we were happy to get even one single application for it," said Roller. Unlike in previous years, the frequency allocation procedure is not politicized, at least not openly. Objections to this indicator mainly concern perceptions that the procedure lacks transparency (for example, is there any reasonable explanation for the secret voting of the Council members on granting licenses?), and on the lack of transparency in presenting the general public licensing contracts and the selection criteria.

However, according to Toni Gabrić, editor of the H-alter web portal, this has improved significantly compared to previous years. "Concession contracts are now available on the Council's web page. Still, we would need to get complete contracts on license allocations. Only with this document could media consumers judge whether the license holder adheres to the licensing contract in terms of type and quality of production," Gabrić said.

In general terms, licensing is needed only when using a finite public good, such as frequencies. Registration of the web portals is a mere formality (it requires only a formal notification, not any kind of license or permit to operate), as well as print media, where requirements are down to registration of the name with the Chamber of Commerce. Lack of registration has never been used as a means to shut down a media outlet. "Although, I would like the Council to be more vigorous in these terms. Not in order to shut down media for not being licensed, but to use the right to revoke a license in cases of obvious breach of contracts in terms of

**Gordan Malić added another perspective: “Journalists in general are well protected against criminal attacks, but they are exposed to subtle violence from their publishers, who do not respect their legal and labor rights.”**

quality of production and output in general,” said Jelena Berković, spokeswoman for the NGO GONG.

Aside from licensing and registration, there are no other requirements or restrictions to market entry for media outlets. “Quite the contrary, we can easily say that the print media receive more favorable tax treatment in comparison to other businesses, including broadcast media and the Internet,” said Gabrijela Galić, a journalist for *Novi List*. Namely, print media enjoy tax breaks (paying VAT on a 10 percent scale, while most other businesses pay the standard 25 percent VAT rate). “The tax break is even for all print media. The idea should have been to stimulate the quality content, not to offer a general tax break,” Galić said.

“Why should a tabloid be awarded a tax break, while a good quality web portal has to pay higher VAT?” asked Milan Živković rhetorically. However, the MSI panelists feel they know the answer. The tax break to the print media was introduced in 2007, just months before the parliamentary elections. Some panelists suspect that the government at that time, concerned over their low ratings, used the tax rate to buy direct support, or at least the tacit neutrality, of the mainstream media in the election campaign. Whether that is true or not, the fact is that the tax break has not had any impact on the quality of journalism, or led to higher salaries for media professionals. Any profits just lined the pockets of owners, some panelists believe.

When it comes to broadcast media, panelists (including representatives of the sector) agree that the annual license fees are fair, whether they are local, regional, or national. “I would say that they are way below the market standards, considering the fact that broadcast frequencies are a finite public resource,” said Dražen Klarić, of *Večernji List*, a daily.

“Crimes against journalists are in decline; there were no high profile attacks on journalists in 2012,” said Havkić. Some panelists, such as Berković, are still concerned, though, because the old cases have not been resolved. “I am aware of it, but I do not see any kind of deliberate obstruction of the investigations,” Havkić added. “Attacks on journalists are usually complicated to investigate. It is not a problem to

make a list of suspects, but finding hard evidence against perpetrators is much more demanding.” However, Djurdjica Klancir, deputy editor-in-chief of T-Portal website, said that while it may be true that there were no high profile attacks in 2012, she asked, “What about journalists working in local media? They are exposed to intimidation, harassment, and threats on a daily basis. It is easier to criticize the [central] government than to write critically about local bosses,” said Klancir. Gordan Malić added another perspective: “Journalists in general are well protected against criminal attacks, but they are exposed to subtle violence from their publishers, who do not respect their legal and labor rights.”

Regarding legal protection for the editorial independence of the public media, the panelists agree that politics has had a direct impact on appointment of the Public TV (HRT) managers and board members. At the same time, the panelists wondered whether a model exists that would be completely free from political influence or pressure. “Try to imagine a BBC-type model, in which the state secretary appoints the Trust members, as a solution. That would be absolutely unacceptable in Croatia. It is not the model itself that defines political influence or editorial independence of a public broadcaster, but the level of democratization and the democratic capacity of a society,” argued Viktorija Car, a panelist and political scientist.

Berković agreed, but said it would have been better if parliament had adopted suggestions to appoint the HRT general manager with a consensual two-thirds supermajority, rather than by a simple majority of votes. Božo Skoko, of the Millenium Agency, has no doubts: “With the new amendments to the public television act adopted in 2012, politics deeply interfered in editorial independence, leaving it vulnerable to any other parliamentary majority in the future.” When it comes to financing, public television enjoys a high collection rate of the subscription fee/tax (more than 80 percent), which allows (or, at least, should allow) stable operations, even taking into account a considerable drop in advertising revenue.

Libel is a civil issue, but as of January 1, 2013, the new criminal offense of “vilification” will be introduced, defined as a “systematic and deliberate” defamation case. “In general terms, I am against any experiments in the criminal code, which should be based on established and unambiguous standards. But, it seems that each new minister of justice wants to leave a trace. It is too early to discuss “vilification,” but I am afraid it will bring more confusion than benefit,” said Havkić, leaving the issue open for the MSI 2014 debate.

The panelists also feel that obstacles to access to information underscore the deterioration of the overall media climate in the country. "We have a PR government. Most information flows through this channel," said Živković. "The prime minister and government have obviously decided not to have press conferences at all. They are communicating via PR consultants, friendly media, Facebook, Twitter, etc., but they no longer take questions directly from the press. Even if the questions were not always answered, at least the public was aware of the issues," said Berković.

Havkić added, "I am not a media professional, but as a passionate media consumer my feeling is that the public is only informed about decisions made, without opportunities to participate in the decision-making process. There are no public debates anymore. This is worrisome, indeed. It goes against the basic stipulations of democracy."

Other panelists agree that the most pressing points are no longer about preferential status of one media against others, or about the right to access to information in general. Now, it is about a government that has become increasingly hesitant to share information with the public. Whether that stems bureaucrats and political officials' fears being exposed as incompetent, or their reluctance to present the reality of their shortcomings in the delivering on their promises, is not that important. It is, however, a failure to apply democratic standards.

There are no restrictions on using any local or international news sources. Copyright standards are observed more than before, but compliance still falls short of international norms.

There are no licensing or any other restrictions imposed on entry into the journalism profession. The accreditation process is sometimes slow or overly bureaucratic, but it lacks any deliberate intent to prevent any media professional from reporting.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Croatia Objective Score: 2.07

The panelists gave Objective 2 their lowest scores, agreeing that professional standards are sinking. Middling scores were submitted for the quality of content. Scores dropped for most indicators in the objective, particularly niche reporting and the balance of news and entertainment, largely due to financial troubles at the media firms.

Anja Picelj-Kosak, a media specialist with the US Embassy in Croatia, said that the most frequently quoted source of

"What about journalists working in local media? They are exposed to intimidation, harassment, and threats on a daily basis. It is easier to criticize the [central] government than to write critically about local bosses," said Klancir.

information is "an anonymous senior source." An ad hoc survey by a group of journalism students (not scientifically grounded, but indicative enough) found that in March-April 2012, more than 85 percent of the key stories in three mainstream daily papers were based on an anonymous source. Thus, one of the primary lessons on professional standards has not been respected in practice.

In addition, the dividing line between journalism and PR has thinned. "Politicians deliberately use PR and friendly media channels first to test public reaction on some decisions, before they commit. In such an environment, it has become ever harder to realize what is news and what is spin. How can you question or criticize a decision when you do not know if it is a fact, or just a 'testing the waters' exercise? No wonder the public has less confidence in media than five or ten years ago," said Klancir.

This situation is reflected in the overall quality of reporting. In interviews with key government officials, one should not expect an open and intriguing dialogue, but rather just answers on the previously agreed questions. "These

## 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

**“Politicians deliberately use PR and friendly media channels first to test public reaction on some decisions, before they commit. In such an environment, it has become ever harder to realize what is news and what is spin,” Klancir commented. “How can you question or criticize a decision when you do not know if it is a fact, or just a ‘testing the waters’ exercise?”**

are not interviews. These are more open platforms for the interviewed to expose his or her agenda,” said one panelist.

Background research now sounds very “old fashioned,” and reporters justify the lack of it most often by citing deadlines and the need to compete with online news sources. There is more or less the same list of ready-made experts for each problem, additionally eroding public trust in such “expertise.” “If a journalist is writing about, say, pension or health reform, he or she is not expected any more to read books and reports on the matter, as it should have, but simply to use dial-an-expert approach. Very often, journalism is just a mere reflection of the outsourced expertise,” said Živković.

Tena Perišin, of Croatian Public Television, said she feels the situation is getting worse. “Experienced journalists are losing their jobs, or going to other, more stable and less stressful professions. They are being replaced by young, inexperienced journalists, mostly working on part-time contracts, and by definition more subjugated to editors and publishers. They do not have enough experience to tell the difference between information and spin, they are not questioning or investigating. They are simply publishing information as they get it,” she said.

The Croatian journalistic community has been known for more than a decade for its well-elaborated ethical standards, promoted primarily by the Croatian Journalists’ Association (CJA). This is still the case. CJA’s ethics committee is recognized as a group of respected media professionals, and their decisions matter. Some of the biggest publishers have their own, more tailored ethical codes as well, but the influx of younger, less experienced journalists and ever more relentless market competition have negatively affected ethical standards as well.

“I was shocked when I saw the cover pages of all major daily papers in Croatia featuring a large, almost a page-size photo of the brother of a student brutally murdered this summer,” said one panelist. “He was escorted to the police station, as a suspect. The headlines screamed, “Brutal Murderer of his Own Brother,” and “A Monster Captured.” After the forensic analysis was complete, he was released and cleared of all suspicion. But, by then it was no longer “news.”

Just days before the MSI panel, the most circulated daily paper in Croatia published a photo of a child who was fatally injured in a car accident on its cover page. “What is and what could be the added value to readers of such photo? There is absolutely no justification for that,” said another panelist. These examples show clearly that ethical standards should be reinforced, or revisited anew.

“We have publishers who are not interested in accurate and unbiased reporting, then editors hand-picked by these publishers, and then journalists who are under the strict control of these editors. This is what I call a pyramid of incompetence,” said Klancir.

Self-censorship follows as a logical consequence. “You should not expect a young journalist, working on a part-time contract, basically at the will of his employer, to open relevant issues. Most publishers have their own side-businesses; they are almost by definition involved in different, multifaceted, and not always transparent business operations. They depend on advertisers, who depend on politics, which depends on the media. This is a vicious circle in which it is very hard to avoid some sort of censorship, especially in investigative reporting,” said Gordan Malić, an investigative reporter who decided to join a small, independent web portal rather than work for a major publisher exactly to avoid censorship. “I could not publish my stories in ‘my’ paper. I did not want to bury these stories, so I gave them to other publishers. But I would rather work for a smaller publisher, than be paid for not publishing my own stories,” said Malić.

“We are a highly indebted country, with highly indebted citizens, with a highly indebted media. If you are taking bank loans to pay salaries to your employees, as many media outlets are doing, then it is not likely that you would criticize this bank,” said Havkić, using very practical terms to support his view.

As for the coverage of the most newsworthy events, Boris Rašeta commented, “With so many bloggers and social media users, it is impossible to sweep relevant issues under the carpet. I wouldn’t say that media are not covering all

key events. They do. But, the prevalence of trivial content is overshadowing it.”

It is hard to question that. A media consumer can find reports on all key events, but they are often trivialized, as Rašeta said. It is strange, indeed, that in a country that is about to join EU, that has been balancing between recession and depression for the record-breaking five years, and with record-high unemployment, the single most covered issue in 2012 was the transfer of a Croatian soccer player from Tottenham London to Real Madrid. The second most covered issue was—with an unbelievable frequency of articles—a serial of wild parties in one summer resort. Politics and the economy come in as a distant third on the list.”

“It is about incompetent editors. They do not know what to do and how to react, so their approach is to wait and see how the others are going to cover it. So, instead of in-depth analysis and different approaches, too often we are getting only cloned stories,” said Klancir.

“Media are covering all key issues. But, the focus of this indicator should be what are the key issues now,” said Klarić. Indeed, as Martin Mayer added, some problems are obviously not interesting for editors. For example, he said, “I haven’t seen analytical reports of the Eurozone crisis, aside from some agency reports on mass protests in Greece, for example,” said Mayer. “By mid-January 2012, Croatia has to make a plan to use €14 billion from the EU budgets from 2014 to 2020. As far as we know, the government started to work on it yesterday (December 10). It is about €14 billion, but no one is covering that,” said Berković.

Previously, MSI panelists have not viewed pay levels for Croatian journalists as any kind of discouraging factor when it comes to corruption. But, salaries in journalism have dropped by additional 10 to 15 percent in 2012. They are now at least 40 percent lower than in 2008.

“The dignity of the profession is in question. I know journalists who cannot cover even their basic needs with their income. This is humiliating, indeed,” said Car.

Klancir added, “There are ever more journalists with a second, even a third job. Of course, this has a direct impact on the quality of content. Besides, this situation exposes journalists much more, if not to corruption, than at least to conflicts of interest.”

The problem with Indicator 6 is more with a definition than with prevalence of one or another type of programming. “In the beginning, we had informative and entertainment programming. Then, we invented the neologism ‘infotainment.’ Now, the problem is that we do not

“If a journalist is writing about, say, pension or health reform, he or she is not expected any more to read books and reports on the matter, as it should have, but simply to use dial-an-expert approach. Very often, journalism is just a mere reflection of the outsourced expertise,” said Živković.

know anymore where ‘info’ ends and ‘-tainment’ starts. We obviously have new hybrid forms on the market that have so far escaped analyses,” said veteran panelist Ante Gavranović. Using the old definitions of “informative” and “entertaining” programming, one can say that the balance between the two is still within the area of acceptable.

Facilities and equipment for gathering, producing and distributing news are, in general terms, modern and adequate to the requirements. To a certain degree, this is a reflection of the fact that equipment (especially software) is ever more affordable.

“I remember when I started my career, in the 1980s, a journalist who covered the economy had a PhD in public finance,” said one panelist. This is not the case anymore, of course. This type of knowledge has been replaced by what Živković named ‘outsourcing of expertise’ and the ‘dial-an-expert’ approach. Let’s be frank and say that this is a global trend. The German paper *Der Spiegel*, for example, recently published a (premature) obituary for the former US president George Bush Sr. The moderator of this report recalled visiting the *Der Spiegel* newsroom in late 1980s, where the host proudly presented a group of 15 specialists, most of them with PhDs, whose only job was to provide expertise to journalists and check information before the presses start running. This is not the case anymore, anywhere.

“The lack of specialized and niche journalism is one of the key factors that have caused the crisis of our profession and the deterioration of its public image,” said Klarić. Constraints to investigative journalism, related to self-censorship and the interests of publishers, for example, have already been elaborated. But, there are some other aspects of the problem, as well. “It seems that most media have forgotten their own *raison d’être*. They are trying to survive on the market by offering ever more trivial content. Their main



**“The intentions of the third channel are definitely not commercial, but to serve interests of an audience with higher standards,” said Perišin. “This is a good indication of at least one positive change on public television.”**

motive is commercial, to earn money. Some of them have managed to do it, some of them have become wealthy, but they will have to pay the price for it, if they are not already. They do not care about the damage this approach has caused to the media environment and society. To the young readers, they are offering triviality, false role models, and shallow experiences. This is not what a responsible publisher should do,” said veteran publisher, Uroš Šoškić.

### OBJECTIVE 3: PLURALITY OF NEWS

Croatia Objective Score: 2.56

Plurality of public and private news sources has never been lacking in Croatia. With almost one radio or television station per 25,000 inhabitants, dozens of print media outlets and a myriad of local and nationwide online news sites, 60 percent of households with Internet access (plus 97 percent of enterprises), an ever-growing percentage of social media users, and more than 1.3 mobile phones per capita (many

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens’ access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

of them smart phones), the plurality of news sources is well-grounded and guaranteed.

Media consumers can say that all points of view are covered: from liberal to conservative, from the left of the political spectrum, to centrist and right-wing orientations. Unfortunately, this abundance of news sources does not reflect a wealth of quality as well, since many of the diverse sources suffer from the limited financial and practical capacities of journalists and editors to discover, produce, and disseminate quality news. Thus, while Croatia’s average score on this point remains decent, steep declines in private media output, ownership transparency, and program diversity keep its score below the sustainable level.

Ever since the mid 1950s, when the authorities allowed free and uninterrupted broadcasting of the BBC news service for the former Yugoslavia, there have not been any formal restrictions on access to international media. From the mid 1960s onwards, millions of foreign tourists brought not only a kind of breeze from the West, demonstrated by the popularity of television stations from Austria or Italy in Slovenia and Croatia at the time, but regular access to foreign print media, as well. Currently, the government imposes no restrictions on any source of information or communication, be it domestic or international, including Internet, satellite dishes, VOIP, or social networks. Thanks to satellite distribution, IPTV is now available in remote and rural areas of the country, as well.

In 2012, public television invested heavily in upgrading its programming, including specific, non-commercial programs. The MSI panelists expressed their satisfaction with the launch of the third national public television channel, which is based predominantly on culture, documentaries and quality movie programming (commercial advertising is not allowed). “The intentions of the third channel are definitely not commercial, but to serve interests of an audience with higher standards,” said Perišin. “This is a good indication of at least one positive change on public television,” she said. In this sense, public television has started to use public money to serve the public interest by offering content that is not available on commercial television channels. “Where else would we find a package of, say, contemporary French, Argentinean or Peruvian, or German art films?” asked one panelist. “And yet, it is too early to make any general conclusions after only few months of broadcasting of this channel. I still miss more content on alternative news and events,” said Car.

"It would not be fair or accurate to say that public television is politically biased or that it spends more time reporting on government than the opposition. The issue is not the balance of reporting. Frankly, I don't see one single, consistent editorial policy in public television programming. It depends much more on the capacity of each news editor than on any type of established editorial policy. Call it pluralism, or lack of consistency, but it contributes to presenting different views to the public," Klarić said.

There is only one nationwide news agency in Croatia, operating as a public agency (Hina). In addition, there's also a Catholic news agency, IKA, but it offers a limited news perspective. Still, the predominant opinion of panelists is that the public agency serves its purpose well. The basic agency service is very affordable, even for the smallest newsrooms, and provides a reliable source of information. Many web portals depend upon this source of information, as well. For as little as \$40, an individual journalist can obtain a basic monthly service subscription, while monthly rates for media outlets start at a very reasonable \$100 per month. Local broadcasters rely heavily on news provided by the five radio networks, which are usually negotiated as part of packages with the content providers: news in exchange for advertising time.

The electronic media act stipulates that all local commercial broadcasters must produce and air news programming, which must consist of at least 10 percent of the overall programming. "This is a heavy burden on us," said Miljenko Vinković, owner of a local television station and representative of the National Association of Local TV Stations. "News programming is one of the most expensive productions, and no one is asking us whether we can afford it in a recession," he said. Most panelists still believe that in this case; it is simply about the rules of the game. "The law is very precise in this respect. You are aware that one of preconditions for using a finite public good is producing content of the public interest, including local news. This is the core issue in your license contract, and I do not think we should change it, regardless of the recession that affects all media sectors," said Klarić.

Local commercial electronic media are obliged to produce local news, which they are doing on a daily basis. As mentioned, they are often using national (and international) news from the radio networks. This news does not differ significantly from the public media, aside from the length of segments.

Again this year, the question of transparency of ownership provoked a lively debate and exposed different opinions. "I think that the public considers this issue more important

"My impression is that, say, 50 percent of the legitimate public interest is condensed into ten percent of the media space. So, we cannot really say that the media are not reporting on these issues, but the proportion is definitely not a representative one," Živković said.

than it really is," said Havkić. "You can find the ownership structure of each media outlet on the web or in the commercial court registry." All print and commercial broadcast media are obliged to disclose exact data on their owners by end of April of each calendar year. But, are the true owners reported? "There is no way to find out," Havkić replied. "For example, a formal owner might lodge a contract on transferring ownership to any other legal or physical person, and there are no legal means to determine this, if the actors do not want to disclose it. Ownership can be impermeable, without being in breach of the legal procedure," he added.

But does the identity of media owners really matter? Živković has a fresh approach to this issue. "Of course, it is important who the owner is, but it is even more important who controls the media. Banks and advertisers, for example, are not media owners, but they efficiently control the media." Indeed, one single bank controls, through credit lines and mortgages, four out of six key daily papers in the country. "It is about a simple equation. It serves the interest of the bank more to keep leverage with the media owner in the form of a loan, than to sell the outlet in the currently non-competitive market," said Živković.

It has been more than a decade since the arrival of the first serious foreign investors in the media industry. Have they brought what we the panelists expected in the 1990s? Probably not, when it comes to content quality (after all, their main goal is to make a profit), panelists agreed, but they have substantially contributed to establishing certain market standards and stability, and to preventing direct political interference and control of media. Without idealizing the foreign investors, these should be considered fair contributions to the development of the local media industry.

**“About 90 percent of media in Croatia are in the red. This should be enough to describe the current position of media,” said Rašeta.**

“As for coverage of minority issues, we are often focused only on national minorities. But, my impression is that media do not report enough on social minorities. When did you read an in-depth analysis of, say, the problem of the ‘third age’ population?” asked Mayer. Indeed, the panelists agreed that the problems of social minorities are not well represented in the mainstream media, although independent web portals do report on these issues on a regular basis. “My impression is that, say, 50 percent of the legitimate public interest is condensed into ten percent of the media space. So, we cannot really say that the media are not reporting on these issues, but the proportion is definitely not a representative one,” Živković said.

But, given the overall situation in the country, the term ‘minority’ is usually seen in the form of national minorities. Minority language media have a long tradition in Croatia, both in print and broadcast media. One of the most relevant weekly papers in Croatia is *Novosti*, published by the Serbian National Council in Croatia.

This paper became the focus of an unusual outburst of criticism by the Croatian President earlier in 2012. This was a real surprise, indeed, especially taking into consideration the fact that the president was elected on the social democrat’s list and, even more, that he is a politician proud of his left-wing background. “*Novosti* published a series of articles on the president’s close friend who, allegedly, was supported by the president himself (although in his earlier professional incarnation) and amassed millions of Euros in not-exactly transparent business relations with the Croatian Music Rights Collection Agency, where the current president previously held an important position. The president reacted with an open call to review the (government’s) budget line that financed *Novosti*, and questioned the mandate of *Novosti*’s publisher to “represent the Serbian minority.”

However, according to Klarić, “It was not about minority problems, not at all. *Novosti* opened an issue with the president; he reacted nervously. But, I would not see it as an attack on media freedoms. It is rather a clash of egos.” Still, the case left a feeling that some important questions have not been answered, but rather suppressed by the authority of the office of the president. Unfortunately, aside from

some independent web portals, no mainstream media have found this problem relevant enough to venture into an open conflict with the president.

In general terms, minority media are well established, using multiple sources of financing (see Objective 4). Živković has already commented on representation of the minority-issues in the mainstream media, but there is another aspect of the problem, as well. “Many minority-language productions simply don’t want to go off their own, self-imposed ghettos,” said Perišin. “Just too often they feel safer under the umbrella and protection of “ethnic business.” They have no incentives to participate in an open market of ideas,” she said.

Given the number and structure of the media, citizens are provided with a variety of information on local and national issues, taking into consideration restrictions and problems discussed under Objectives 1 and 2. There is an obvious deficit of a higher-quality and in-depth analysis of international events, which are most often reduced to “copy-paste” reporting based on agency feeds. “A few weeks ago, I flew from London to Zagreb. I read international newspapers at the airport, and then Croatian papers on the plane. It was like two different worlds. The top issues elaborated on the front pages of international papers have not been mentioned at all in domestic print media,” said one panelist.

This is even more concerning knowing that Croatia, as a soon-to-be EU member state, will, by definition, become much more involved in international commerce than it has been so far.

## OBJECTIVE 4: BUSINESS MANAGEMENT

Croatia Objective Score: 2.13

Once one of the country’s stronger sectors, Croatia’s media businesses have been hampered by the general economic malaise in Europe, precluding the possibility of meaningful reforms that would solve profitability issues and identify new revenue streams.

“About 90 percent of media in Croatia are in the red. This should be enough to describe the current position of media,” said Rašeta. “In my paper, November 2012 was, in terms of circulation, the most successful month in the past three years,” said Klarić. “Still, this was not enough to make a profit. We are keeping the paper above the water only thanks to our side products. Without that, I am afraid that some 200 journalists would be laid off,” he added.

Indeed, circulation sales have been cut in half in the past five or six years. That is true for overall publishing income, as well. In 2012, the biggest publisher in Croatia is expected to make a mere 52 percent of its 2008 revenue. "This is not rhetoric. This is the fact," said Gavranović, who remembers the times when the circulation of one daily paper in Croatia equaled the combined circulation of all domestic daily papers today. "The dramatic drop in income stems from the market and financial crisis, combined with poor management. Which one prevails, it is hard to say," concluded Gavranović. "I would say that the drop in circulation reflects more distrust in media, than fallout from the financial crisis," said Klancir, suggesting that more responsibility should be assigned to publishers and editors, or content quality in general, than to the crisis. Malić goes further. "Most media serve primarily as a tool to win elections. In addition, media are platforms for different deals with advertising and business conglomerates, banks, or a publisher's own side businesses. This is what media are for now, rather than serving the public interest. But, you cannot hide it from the audience. Their reaction is simple: they do not buy and consume media as they did before," said Malić.

There is another aspect of the crisis, as well. "Five, six years ago, journalists did not benefit from the 'fat' profits with a fair share. True, salaries were decent, but they did not reflect profits made. Today, journalists' salaries and professional standards in general have fallen more than the real impact of the financial crisis can explain. In both cases, journalists paid the higher price," said Galić, for years involved in union's issues.

In such a context, it is of secondary importance whether media follow business plans or accounting practices in line

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

"I would say that the drop in circulation reflects more distrust in media, than fallout from the financial crisis," said Klancir, suggesting that more responsibility should be assigned to publishers and editors, or content quality in general, than to the crisis.

with international standards. "They do. After all, foreign investors own most of the mainstream media. But how can one make, say, a viable mid-term business plan in such a volatile market?" asked Klarić.

In fact, the issue of media financing erupted just days before the MSI panel was held. Živković, in his capacity as adviser to the Minister of Culture, raised the idea of using additional public funds to promote and financially support content of public interest in the media. The intention was to draw these additional funds from the public television subscription fee, but the main commercial media misinterpreted this announcement (perhaps not accidentally, many panelists would say) as a new tax. For sure, the concept opens many unanswered questions, such as the criteria for financial support, type of media eligible to apply, and more. But in essence, the issue raises another problem that needs to be addressed: can public interest content exist depending only on free market rules? Are there ways to enhance the content of public interest in media, avoiding the trap of combining support and control in one single package?

"We cannot go so far as to say that media should function independently of the market. After all, media content is also a commodity that must find clients and buyers on an open and fair market. But, at the same time, it is obvious that some outside forces have a great deal of influence on media content. For that reason, there should be some protective mechanisms at place to support quality content in the media. Eliminating VAT is one possible solution to preserve journalism as a public good, but not necessarily the only one," said Zdenko Duka, president of the Croatian Journalists' Association. Certainly, the panelists agree, this debate will be one of the core issues for discussion on the 2014 MSI panel.

In general terms, media outlets do receive revenue from multiple sources. Considering negative trends in the media industry and an almost dramatic fall of income, media tend to be more vulnerable to outside influence than before. In a restricted market, mainstream media depend ever more on banks, advertising agencies, and business conglomerates, as

**But in essence, the issue raises another problem that needs to be addressed: can public interest content exist depending only on free market rules?**

explained under Objectives 1 and 2. "There's a list of banks and bigger advertisers, who have a privileged position and exert heavy influence over the mainstream media. Only independent media, with a limited reach, dare to criticize them," said Rašeta.

Furthermore, local media have their own problems. Most local media receive direct financial support from local governments (usually in the form of contracts for "reporting on municipal issues," although this should be the core activity of the local media), or by in-kind support (favorable rental rates, for example). Of course, these liaisons have direct impact on the quality of reporting and/or editorial independence.

"On the positive side, we can say that the stable source of financing contributes to the editorial independence of the public television. Unfortunately, just too many changes of the respective public television legislation has created a certain climate of instability," said Perišin.

Commercial broadcast media make their income on the market, with one important exception. Namely, local commercial radio and television stations may apply for financial support to the so-called Fund for Pluralization of the Media, which is funded by the public broadcaster's subscription tax, in a ratio of 97 percent to the public broadcaster, 3 percent to the Fund. The Fund is financially supporting non-commercial productions of public interest on local radio and television stations, and productions on minority languages. The Fund disposes with some \$5.5 million, a substantial sum considering the total number of some 160 commercial broadcasters.

Some of the most prominent international advertising companies have been present for years on the Croatian market, setting standards for all involved in the industry. McCann Erikson, for example, opened its branch office in Croatia back in mid 1980s. The advertising market is, in professional terms, well developed, although it suffers from a serious contraction of the economy overall. But, it is exactly this contraction of the overall market volume that gives the advertising agencies additional means to influence media. "They (advertising agencies) are, of course, aware of the media's desperate appetite for advertisements. They are using this to get better package deals for their clients, at the

expense of media income. This is their legitimate right. But unwanted influences on media come with the package, as well. With increasing frequency, advertisers are asking for product placement or hidden advertising, for example. Some of them are even conditioning placement of their ads by introducing elements such as favorable and positive content environment for their products or services, which is a blatant way of influencing media," said one panelist. "Advertisers can buy not only advertising space for a bargain, but they can even buy public relations articles disguised in the form of standard journalistic articles and reporting," said Božo Skoko.

Advertising on public television is restricted (four minutes per hour in prime time), but there is still a general feeling that the public service undersells commercial media and lowers the market price of advertising.

"For print media, on average, advertising supplies some 55 percent of income, with circulation sales accounting for about 45 percent. This is, in general terms, in line with international standards. It is different when it comes to distribution of the total advertising volume. Globally, television takes between 38 and 41 percent of the advertising market, while in Croatia this percentage goes to more than 70 percent. Print holds about 29 percent of the advertising market globally, while in Croatia it is some 22–23 percent. Internet advertising takes 15 percent globally, but in Croatia it is only 2–3 percent," said Gavranović.

Advertising is limited on the commercial television stations to 11 minutes per hour. Non-profit media, supported primarily by the Fund for Pluralization of Media, the National Foundation for Civil Society Development, and local government funds, are allowed to up to three minutes of advertising per hour, but only rarely are they capable of filling this airtime with ads.

Government-generated advertising does not account for as much volume as in other countries in the region. For example, the Serbian government is thought to directly or indirectly control almost 60 percent of its overall advertising market. In Croatia, the figure is far lower. Still, some ministries (such as the Ministry of Tourism or the Ministry of Police) do have generous advertising/public awareness funds. There is a legal provision that obliges them, along with all government advertisers, to spend at least 15 percent of their respective budgets on local media. "There have been some improvements in this regard, but it is very hard to control whether the government really conforms to this stipulation," said Vinković. "When it comes to distribution of government-generated advertising, I have not noticed any situations in which media that criticize government are

excluded from their share. More often now, it is based on ratings and circulation figures, and not as much on arbitrary decisions as previously," said Klarić.

In one bright spot, surveys and market researchers follow high industry standards, using all recognizable tools and sophisticated methods. Although there are still occurrences of 'research' made on the basis of ad hoc phone calls or interviews (primarily in smaller local media), leading international players in the field of surveys, audience ratings and market researchers (such as AGB Nielsen) have set professional standards for all. Last year, the upcoming launch of ABC Croatia was announced, though it has not happened yet. Still, circulation figures are considered much more reliable than before. "I would say that publicly known figures are accurate within 5 percent," said Klarić.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Croatia Objective Score: 2.71

Supporting institutions remain strong in Croatia, and have improved over the long course of MSI studies in the country. Strengths include the journalists' associations and advocacy groups, the country's technology infrastructure, and the availability of distribution channels.

"When there is a problem, at the end of the day we are all going to the Croatian Journalists' Association (CJA)," said Klarić. And yet, CJA has taken a lot of criticism for being

### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

#### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

"CJA membership has been in decline for the third consecutive year, and this is not a reflection of the many lay-offs in the industry. This is more the result of dissatisfaction of members with the services and protection offered by the CJA," said Gavranović.

too passive in all these tectonic changes in journalism in the recent past.

In the 1990s, CJA was more than just an association representing an industry branch. In the authoritarian environment, CJA was the strongest voice in protecting not only media freedom, but human rights in general. This period of time earned CJA much of the reputation that it still enjoys. But, today, journalism as a profession has to deal with a whole different set of problems.

"CJA membership has been in decline for the third consecutive year, and this is not a reflection of the many lay-offs in the industry. This is more the result of dissatisfaction of members with the services and protection offered by the CJA," said Gavranović, himself president of CJA in the most turbulent early 1990s.

"CJA has lost its vigor. An association should be more proactive, instead of reactionary. CJA should have their team of legal experts ready at every moment, and they should more actively contribute in drafting media and media related legislation. They should more explicitly stand to protect journalist' rights," said Berković. "But, CJA can work only on a basis of consensus, which is not always easy to reach," replied Klarić. "This is why CJA cannot react instantly."

For his part, Skoko thinks that CJA has lost some credibility. "The other problem is that CJA simply does not have any leverage when it comes to violations of professional standards or the code of ethics. If you are a lawyer, and your association revokes your membership in their professional association, you have a serious problem. If you are a journalist, and CJA excludes you from membership, there are few consequences," Skoko said.

On the positive side, both CJA and the Journalists' Trade Union have been actively working in cooperation with international professional associations. Both CJA and the trade union has been, for years, a sort of role model for similar professional associations in the region.

According to Gavranović, “Ethics, responsibility, professionalism and credibility are the main pillars of our profession. It takes a life-long process of learning and practicing to internalize these elements”

On a formal level, associations have represented all sectors and interests involved in the media industry. The Croatian Journalists’ Association gathers more than 80 percent of journalists in the country, organized in different sub-associations (investigative journalists, freelancers, journalists covering the economy, health and medicine, ecology, IT sector, bloggers, automotive reporters, sport reporters, photo reporters, etc). The Journalists’ Trade Union works closely with CJA. Local media (primarily radio stations, but print media as well) are organized in the Association of Local Radio and Print, while local commercial television stations have the National Association of Local TV Stations. National commercial television stations have their own association, as do print publishers. Representatives of the web sector have also organized.

Most of these associations are involved in active lobbying for their member’s interests. The Association of Publishers, as mentioned, managed in 2007 to lobby the government for a reduction of VAT on daily papers, helping publishers net at least \$70 to 80 million. Other associations have actively supported member’s interests, when it comes to media legislation, bylaws and regulations, legal advice, financial terms and tax issues, individual support to members, etc. All these associations are independent of the government. Associations are covering running expenses by themselves; on an ad hoc basis, or by an established annual membership fee. There are no legal restrictions imposed by the government when it comes to registration and functioning of these organizations.

Unlike in the 1990s, other NGOs besides CJA are not very vocal in supporting freedom of speech and media independence. That is mainly because most NGOs are involved in the field of election/legislative monitoring, human rights, gender issues, and reconciliation projects. With CJA as a central point of reference when it comes to media freedom, free speech issues tend to be a secondary concern for human rights’ NGOs. Besides, current problems with free speech are subtler than problems with the same issue, say, fifteen years ago. The line between free speech and government pressure is not as visible as in 1990s. Now, free speech problems are more complex, reflected in

relations between publishers and financial lobbies, and are not the subject of base repression. Furthermore, champions of speech freedoms that have succeeded in the media business since the 1990s are now considered selfish or even ruthless media tycoons by some.

“Ethics, responsibility, professionalism and credibility are the main pillars of our profession. It takes a life-long process of learning and practicing to internalize these elements,” said veteran panelist Gavranović, media expert with more than half-a-century professional experience, and still one of the most active authors in the field of media theory and contemporary media trends. But, not many professional journalists are willing to participate at short-term training opportunities.

“There are still many short-term training opportunities available, but interest for this type of education has dried up. Even when journalists are interested, their editors are not willing to allow them to participate,” said Perišin.

In contrast to that, formal journalism studies are still popular. There are eight full-format graduate journalism programs in Croatia. Some of them (including private ones) in 2012 enrolled more students of journalism than ever before. At least some journalism degree programs are capable of reaching higher educational standards, the panelists feel. One example they highlighted is the Study of Journalism at the Faculty of Politic Science in Zagreb, which offers a quality television studio, and a radio station. Students are producing and broadcasting their own television programming on a ‘regular’ channel, as well. Faculty can offer undergraduates not only practical opportunities, but also a chance to get journalism degrees abroad.

However, Perišin pointed out, “It is not a problem in quality of journalism degree programs. It is about the absorption capacity of the Croatian media. With a record-high number of laid-off journalists and no chances to reverse the trend—quite the contrary—we have a record-high number of students of journalism. There’s no logic in it.”

Sources of media equipment, newsprint and printing facilities are apolitical; they are neither monopolized nor restricted in any way. There are no restrictions in importing any material needed for media or journalists, and clients do not face discrimination for their political interests or any other non-market criteria.

Printing resources have surpassed the market demand, allowing publishers to enjoy at least one expense-break option. Print presses in neighboring Slovenia, Bosnia, or Serbia, are within the range of Croatia’s publishers, and can

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always serve as a reserve or discount alternative in case of a sudden rise in prices by domestic printing presses.

There have not been any changes in regard to the country's technical infrastructure. Providers of Internet, mobile phones, cable TV, IPTV and similar services are privately owned, most of them local branches of large international IT and communication business conglomerates, offering professional, efficient and unrestricted access to all parties under standard market conditions. But, there is a problem with the distribution of print materials. Croatia's largest business conglomerate owns the nationwide newspaper distribution network, Tisak, and is also the biggest advertiser in the country. Recently, this distribution network began charging a type of entry fee for each new publication sold on the newsstands owned by the network. "This is a problem, or at least an indication of a potential problem," said Duka. "But even more worrisome is the fact that the biggest company in Croatia and the biggest advertiser in the country basically control print distribution. I'd call it a permanent conflict of interest," Duka said.

Considering the existing information and communication technology, Croatia can easily meet higher industry standards. Internet streaming of audio or video, podcasting, and content delivery via mobile phone networks (SMS and/or audiovisual MMS) are standard and affordable market services. The fastest growing sector is IPTV, which will improve information access in rural areas. The switch to digital broadcasting has been executed successfully, with 95 percent of households digitized so far.

Despite these advances, taking into consideration the grim economic and social perspectives anticipated for the rest of 2013, optimism is in short supply, once again.

## List of Panel Participants

**Emil Havkić**, media lawyer, Zagreb

**Dražen Klarić**, content director, Večernji List, Zagreb

**Martin Mayer**, adviser, Delegation of the European Union to Croatia

**Viktorija Car**, lecturer, Faculty of Political Science, Zagreb

**Božo Skoko**, adviser, Millenium Agency, Zagreb

**Djurdjica Klancir**, deputy chief editor, T-Portal web portal, Zagreb

**Toni Gabrić**, editor, H-Alter web portal, Zagreb

**Gordan Malić**, investigative reporter, Index web portal, Zagreb

**Gabrijela Galić**, journalist, *Novi List*, Rijeka

**Vesna Roller**, member, Agency for Electronic Media, Zagreb

**Ante Gavranović**, independent media analyst, Zagreb

**Jelena Berković**, spokeswoman, NGO GONG; media specialist, Zagreb

**Boris Rašeta**, journalist, *Novosti* weekly, Zagreb

**Anja Picelj-Kosak**, media specialist, US Embassy Croatia, Zagreb

**Tena Perišin**, news editor, Croatian Public TV, Zagreb

**Milan Živković**, media adviser to the Minister of Culture, Zagreb

**Miljenko Vinković**, co-chairman, National Association of Local TV stations, Čakovec

**Zdenko Duka**, president, Croatian Journalists' Association, Zagreb

## Moderator and Author

**Davor Glavaš**, independent media consultant, Zagreb

*The Croatia study was coordinated and conducted in partnership with Radio.net d.o.o. The panel discussion was convened on December 11, 2012.*



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*In a country where judges will issue a mere 200 euro fine for threatening an investigative journalist with death, Kosovo's Fourth Estate cannot be regarded as an important asset to a democratic society.*



KOSOVO

Kosovo faced protests from the start of 2012 when, on a cold January day, opposition party Vetvendosje organized a massive protest that aimed to block all goods coming from Serbia to Kosovo through the border at Merdar. The protest turned violent when Kosovo police brutally intervened. Journalists covering the event were not spared; a freelance journalist was knocked unconscious when an officer struck him, though he recovered without serious complications. The attack was filmed, but the police never apologized.

In late October, Vetvendosje organized another protest that met an even harsher police response. This time more than 60 protesters were arrested, some brutally beaten by the police, many were hospitalized, and one remains in a coma. Though the event was without doubt the top news of the day, with some media covering it live, it was not a breaking news item on Radio Television Kosovo's (RTV) main news telecast. To critics, this was a major signal of state financing putting the editorial independence of public television at risk.

Despite these events, the overall MSI score slightly increased from last year, showing that some progress has been made. Two major media achievements marked 2012. One was the removal of Articles 37 and 38 from the government's draft of the penal code. Two infamous provisions, one extending criminal liability from a publisher to its reporters, and the other requiring disclosure of confidential sources, were finally removed from the bill after extended lobbying by journalists' associations and the parliamentary opposition.

The second achievement was the government's decision to exempt broadcast media from the 16% VAT tax, a long-term demand of the media community. Still, 2012 was a year of financial crises for the media in Kosovo. Two daily newspapers that had operated for more than six years closed due to financial constraints. The resulting job losses, especially considering the increasing number of young journalists graduating every year from university, were particularly jarring for media professionals in the country.

The plurality of news sources remained a positive force in the Albanian-language media, with 105 radio and television stations, eight daily newspapers, and 11 cable operators, and 50 percent of the country with Internet access. While quantity is sufficient, however, the quality of journalism leaves much to be desired.

Crimes against journalists continue. While no journalists were killed in 2012, at least five were physically assaulted and 10 were threatened or intimidated. The perpetrators usually come from business groups, though occasionally from political faction. As a country that aspires to become a member of the European Union, Kosovo needs better mechanisms to protect the mission of the free press. When a judge issues a €200 fine to a businessman for threatening an investigative journalist with death, the Fourth Estate cannot be regarded as an important asset to a democratic society.

# KOSOVO at a glance

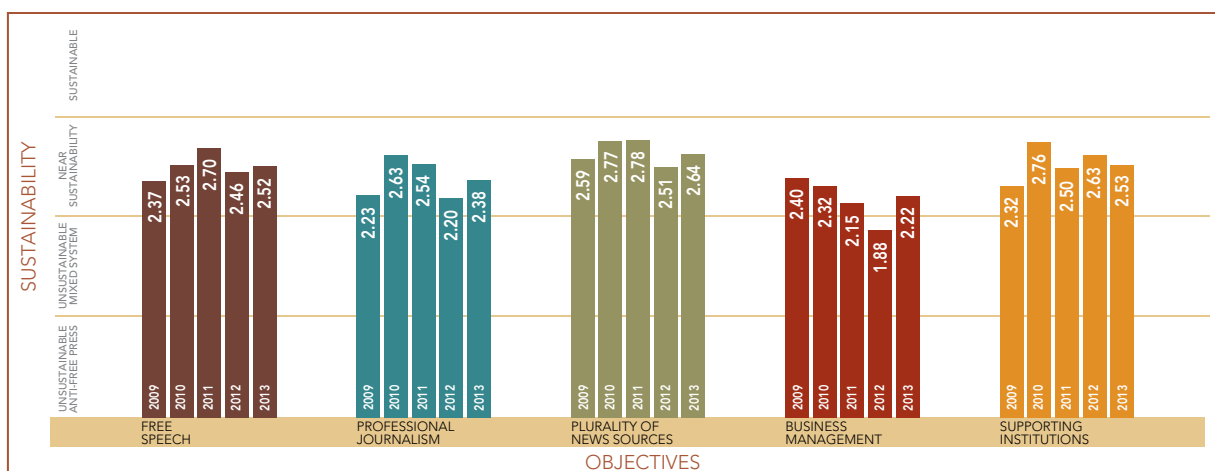
## GENERAL

- > Population: 1,847,708 (July 2013 est., *CIA World Factbook*)
- > Capital City: Prishtina
- > Ethnic groups (% of population): Albanians 92%, other (Serb, Bosniak, Gorani, Roma, Turk, Ashkali, Egyptian) 5% (2008, *CIA World Factbook*)
- > Religion: Muslim, Serbian Orthodox, Roman Catholic (*CIA World Factbook*)
- > Languages: Albanian (official), Serbian (official), Bosnian, Turkish, Roma (*CIA World Factbook*)
- > GNI (2011-Atlas): 6.321 billion (World Bank Development Indicators)
- > GNI per capita (2011-Atlas): \$3,520 (World Bank Development Indicators)
- > Literacy rate: 91.9% (male 96.6%, female 87.5%) (2007 Census, *CIA World Factbook*)
- > President or top authority: President Atifete Jahjaga (since April 7, 2011)

## MEDIA-SPECIFIC

- > Number of print outlets, radio stations, television stations: Print—9 daily newspapers; Radio Stations—92; Television Stations—22 (Independent Media Commission, 2009)
- > Newspaper Circulation Statistics: *Koha Ditore* is the leading newspaper, followed by *Kosova Sot* (Index Kosova, July 2009)
- > Broadcast Ratings: RTK 52%, KTV 28%, RTV21 49%; Radio Dukagjini 8%, Radio Kosova 5%, Radio 21 2% (Index Kosova, 2009)
- > Annual advertising revenue in the media sector: N/A
- > News agencies: Kosovo Live, Kosovo Press
- > Internet usage: 53% of households have Internet access (INDEX Kosova, 2009)

## MEDIA SUSTAINABILITY INDEX: KOSOVO



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Kosovo Objective Score: 2.52

Since the declaration of independence in February 2008, the Kosovo Assembly has passed a number of laws; some quickly as they were considered as basic laws necessary for statehood. Among these were laws that guarantee freedom of speech, establish media regulatory bodies and regulate the role and functioning of the public radio and television. The Constitution of Kosovo guarantees freedom of expression, which includes the right to express oneself and to disseminate and receive information, opinions, and other messages without impediment. The EU's influence over domestic media law for the nascent country has also been a consistent positive force. For this reason, Objective 1 scores have generally been decent, with 2013's score increasing slightly from last year's 2.46.

The panelists agree that legal provisions in Kosovo guarantee free speech. They mentioned tangible results that upgraded the status of media in 2012. In addition to the removal of Articles 37 and 38 from the Penal Code, two laws were passed, one on an Independent Media Commission and another on public broadcasting. Despite the removal of Article 38, the law does not protect the confidentiality of sources yet, though there is an initiative by an opposition

political party to pass a law that would explicitly protect the sources of journalists.

Although the law protects their profession, journalists' work is not without danger, as seen in the incidents of assault and threats in 2012. Such intimidation remains a habit. Arbana Xharra, editor of Zeri, explained how the methods are changing from the classical physical threats to legal tactics, as journalists are targeted in court. "The number of journalists being sued is increasing. When an investigative report is published, the subject immediately sues the journalist for libel," Xharra said. Kreshnik Gashi, a journalist at the Balkan Investigative Research Network, blames existing legal provisions that he said are unfavorable to journalists. "The law against defamation and insult allows any citizen to sue the journalist in court without providing any arguments that proves the story wrong. The burden of proof falls upon the journalist. This practice is time-consuming and quite costly for a journalist who faces trial," Gashi said.

Threats and lawsuits commonly emanate from business interests, and rarely from government officials. The panelists agree that the latter usually try to prevent certain stories from going public during the investigative phase, but rarely act once the news is public. Some will take their cases to court, though, as an immediate reaction seeking to persuade the public of their innocence. Kosovo's courts are overloaded with cases; some dragging on for years before the trial even begins.

The body in charge of licensing broadcast media is the Independent Media Commission. Panelist Eugen Saracini of RTV 21 said he believed that licensing procedures are in line with EU standards. "There is a mechanism in place that requires [television stations] to be transparent both in terms of program content and budget turnover," Saracini said. Print media, such as newspapers and magazines, do not need a license; instead, there is a simple registration procedure. The panelists expressed concerns about the functioning of online news portals, which continue to operate without licenses. Because they can easily register and become lucrative businesses, their number has been increasing in recent years. News portals are not transparent in terms of their ownership and the composition of their editorial boards. The panelists said that news portals and cable television operators require better regulatory oversight.

All panelists praised the government's decision early this year to exempt all broadcast media from VAT tax. Kosovo media organizations have been advocating for many years for the removal of VAT for media outlets. "Removal of 16% VAT for broadcast media is very important, and from now

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

**“The number of journalists being sued is increasing. When an investigative report is published, the subject immediately sues the journalist for libel,” Xharra said.**

on media will not pass along the 16% tax to advertisers. This will encourage media to use the latest technologies,” Saracini said.

The panelists assessed continued threats against journalists as being at a level intolerable for a country aspiring to EU membership. Scores were beaten, threatened, and intimidated in the past year. Panelists brought up the case of Halil Matoshi, a columnist of *Koha Ditore* newspaper, who was beaten by three unidentified men. Vehbi Kajtazi, an investigative reporter for the outlet, received the Kosovo Association of Professional Journalists’ 2012 award for the best written story on corruption—and then received death threats from the brother of a man indicted for corruption based on his reporting. Yet the panelists said threats and assaults against journalists do not cause any public outcry—somehow, society is getting used to them. “When a journalist presses charges against someone who has threatened to kill him or her, when the perpetrator is found guilty he gets a fine of €200,” Gashi said, adding that the justice system must provide more protective measures for journalists.

Libel and insult in Kosovo are civil, not criminal offenses. However, civil libel cases are frequently brought against journalists, and as such, libel remains a weak aspect of Kosovo’s media sustainability.

State broadcaster RTK, which consists of a television channel and two radio channels, continues to be financed by the government, which the panelists said jeopardizes editorial independence. The law passed in 2012 states that RTK would be financed by the state for the first three years until a new form of fee subscription is implemented. Panelists fear this is making the broadcaster an easy target for government influence. Bekim Hasani, the director of RTK television, admits that there is room for criticism, but he sees RTK as a mirror of Kosovo society as a whole. “We must increase the level of professionalism in order to resist any influence that may come from outside. The problem that we are facing is the tendency of certain journalists to lean towards certain political or business groups,” Hasani said.

Panelists criticized RTK for not providing sufficient coverage of news that is not favorable to the government. They

noted the case of the Vetvendosje protest, which drew sparse coverage from RTK. Saracini said the appointment of the RTK board is politically influenced and that the board members are carefully chosen by the Kosovo Assembly to push a certain agenda. Saracini, who manages a commercial television stations that is a direct competitor to RTK, said he believes the state broadcaster’s annual budget is much higher than that of commercial stations, making the playing field uneven.

The new law on public broadcasting calls for RTK to launch a second, Serbian-language TV channel, RTK 2. But a year after the adoption of the law, this has not happened. Predrag Radonjic, a Kosovo Serb journalist working for Radio Kim, says the government does not seem interested in a practical resolution to this problem. “An easier option to materialize RTK 2 would have been to merge local Serb TV channels operating in Kosovo into one channel with national frequency,” says Radonjic. There are at least four local TV channels in Serbian. Financing RTK 2 remains a challenge, as the law does not specify how to do so.

Public information is available, and the law regulates access to public documents, but implementation of that law has fallen short. Panelist Muhamet Jahiri of the Kosovo Journalists’ Union says a new law is needed to clearly identify and categorize all public documents that are state secrets. Officials of public institutions often claim that certain documents cannot be released due to their secret content. Access to information by bloggers is even more difficult, because they lack media credibility, unlike other journalists who are identified by their outlet. Besa Luci of the Kosovo 2.0 blog says it is quite difficult for bloggers to get interviews with public officials. Officials fear media pressure if they deny access to information, but they are less worried about that when it comes to bloggers, who lack the institutional support of larger media entities.

Media outlets are able to use local and international news sources, and no website or foreign news channel is restricted and blocked in Kosovo.

Journalists also do not face any official restrictions on entry to the profession. These were the best performing indicators in the index and two of the few considered sustainable overall. However, exit is more common than entry. In recent years many journalists have left the profession for jobs with the government or at major public and private companies. In some cases, even the most vocal journalists have ended up working for companies they once targeted in their investigative reporting.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kosovo Objective Score: 2.38

Objective 2's score rose modestly from 2012. More than 100 students graduate from journalism schools every year in Kosovo, the majority aspiring to work in the field. Yet, the quality of professional journalism leaves much to be desired. Performance on the individual indicators varied greatly, with objective reporting and self-censorship practices both scoring well below the indicator average, while the panel found a decent balance between news and entertainment and found somewhat appropriate the media's general coverage of key events and issues.

As the panelists explained, professional standards are mostly upheld, but they did not dismiss cases where journalists failed to follow them, especially when it comes to the conduct of necessary background research and the use of relevant sources. "You can read a story in the newspaper which is built entirely on anonymous sources. Some do not even bother to recheck whether such claims are true," Besim Abazi said.

Print media have developed their own code of ethics applying to anyone working for a print outlet. The Council of Written Media, a supervising body, often reacts publicly when these standards are violated. Some panelists claimed the standards are too strict, and that the nascent media community cannot hope to rise to them.

The panelists could not remember any cases in which media professionals have accepted payments or gifts in exchange for certain types of coverage. Still, they did not

"You can read a story in the newspaper which is built entirely on anonymous sources. Some do not even bother to recheck whether such claims are true," Besim Abazi said.

cases where television reporters would appear in front of certain businesses, causing some suspicion that they were compensated for choosing such a location.

Self-censorship is practiced to a certain degree, usually on the editorial level. Saracini says that self-censorship is not imposed but rather self-created, as the journalists who practice it are trying to avoid losing possible political benefits.

Overall, journalists cover all key events and issues in the country. The modest variety of sources requires most outlets to cover most events, for fear of being scooped, though in the case of the Vetvendosje protests, the limits of this competitive pressure were made clear. Panelists praised Kosovo media for fair and objective reporting on the wiretapping scandal involving the prime minister, another government minister, a member of parliament, and a mayor. In the midst of an investigation carried out by the EULEX (EU Rule of Law) mission, someone leaked four different phone intercepts to the public domain. The report triggered a harsh reaction from the opposition. At first the government denied the authenticity of the recordings, only to back off after EU officials confirmed their authenticity. This scandal made the headlines for a few days.

Pay levels differ among media outlets. Local radio and television stations pay less than public and national-level outlets. In average journalists working for commercial media receive between €300 and €400 per month, while the average salary in public media is around €600. The overall average salary in Kosovo is around €350. This means that journalists are paid almost the same rate as teachers and civil servants. Kosovo correspondents working for foreign media, such as Voice of America and Al-Jazeera Balkans, receive better salaries.

Implementation of labor laws has not yet been fully realized at media organizations, especially when it comes to working hours, an issue that concerned some of the panelists.

News and entertainment are well balanced in Kosovo's media. The reason why this indicator received the highest score for this objective is that the Independent Media Commission closely watches this issue and is quick to issue fines for those television channels that exceed 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

maximum time for advertisements. This is not the case with the less-regulated cable operator market, as some offer some packages with fewer informational channels to their customers.

Facilities and equipment for gathering and producing news are modern, but not to the level they should be to successfully make the shift from analog to digital television. As the 2015 deadline for turning to digital broadcasting approaches, Kosovo has not taken any concrete steps to prepare electronic media for this shift. There is still no law that would oblige broadcast media to initiate the process, and even the public media is behind and seriously risks failing to meet the deadline.

Niche reporting exists, but while the Kosovo media has good investigative reporters, there are no journalists that specialize in covering health, energy, or science. Bloggers and some enterprising new outlets have provided an alternative source to explore long-held societal taboos. Luci's *Kosovo 2.0* print magazine version of her website is a good example, covering issues that are not sufficiently debated in mainstream media. The latest issue of *Kosovo 2.0*, on sexual orientation, created a public debate that other media picked up on.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Kosovo Objective Score: 2.64

This objective has traditionally received the highest score in the MSI's analysis of Kosovo. This year was no exception, as panelists agreed that multiple news sources exist in the country and that citizens can get reliable and objective news, continuing a modest positive trend towards long-term sustainability.

Almost all types of media exist in Kosovo, including public and private broadcasters, print, and online media. The use of text-message news alerts has not yet gained popularity. One public and two private television stations have national frequencies, reaching almost the entire population. Cable television is spreading very fast, so far covering nearly half of the country's territory and providing a mix of domestic and foreign channels. Satellite television is also available, but most people prefer cable. Internet penetration is increasing. In general, legal provisions do not restrict the citizenry's access to domestic or international media.

Panelists were concerned with the way public television is financed. The law on RTK states that for a transitional three-year period, RTK's annual income from the state will be 0.7 percent of Kosovo's budget, which together with its own income puts the broadcaster's annual budget at

more than €12 million. State financing is a worrying issue for panelists who believe that editorial independence is at stake. Hasani, the RTK television director, dismissed the notion of partisanship favoring the governing party and asserted that RTK provides balanced coverage between the government and the opposition. "Normally the government has more activities than the opposition, therefore sometimes it is difficult to have a perfect balance. In general, both parties are given equal air space, quantitatively and qualitatively speaking," he said. Other panelists disagreed, seeing a tendency of RTK to lean towards the governing party. They mentioned the case when the former director of Kosovo's intelligence agency publicly joined the governing party; RTK aired a long report about it and considered it high-priority news. In terms of providing educational and cultural programs, Saracini said that RTK falls short despite being obliged to do so by law. "Sometimes RTK looks more like a commercial television station than a public one, broadcasting sports events instead of educational programs," he said.

There are news agencies in Kosovo, the most active of which is Kosova Press. Luci said not all of the agencies provide original reporting, but rather republish and cite other media. "Agencies tend to attract as many visitors as possible," she said, referring to their propensity towards sensational reporting, valueless lists, and other web search optimization techniques.

Private media do produce original content, and indeed there is stiff competition among them. "Each medium produces its own content, but there is not much difference among news," says Abazi. In general, private media do not rely on

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

public outlets for material. RTK has contracts with Kosova Press and Reuters, among others.

The level of transparency of media ownership depends on the type of outlet. Broadcast media ownership is relatively transparent, print media ownership is somewhat transparent, and online outlet ownership is not transparent at all. It is not obvious to the public who controls a news portal and, more importantly, who is the editorial team. Some of them function only with a copy-paste approach without producing their own content. And there is no official body in place to regulate online media. Kosovo does not have media monopolies or oligarchies.

Minority issues are covered in the public media, and some minority groups have their own programs on RTK. Specialty media is aimed at minority communities. Establishing RTK 2 would provide more programs for Kosovo's largest minority, the Serbs.

In general, Kosovo media provide sufficient news coverage and information about local, national, and international issues. Yet Luci said that most of the media coverage is about government activities and stories pertaining to Kosovo's status in the international arena: "Less space and time is given stories that would explore problems pertaining to communities, different groups, the hardships of people and other social problems."

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Kosovo Objective Score: 2.22

Objective 4 significantly improved from last year, with nearly all indicators improving slightly. The public media continued to benefit from subsidies, ultimately furnished by the EU, which have supported business operations. Two other private television stations that broadcast nationally, RTV 21 and KTV, also operate as efficient and well-managed enterprises. Each follows a business plan and has separate departments for accounting, marketing and human resources.

From a broader perspective, it becomes apparent that not all media outlets are financially stable. Print media, local media, and bloggers have difficulties generating the revenues they need. Due to financial constraints, two daily newspapers stopped publication last year; *Infopress* shut down permanently, and *Lajm* suspended its operations indefinitely. Both had been in the market for more than six years. *Infopress* had been relying mainly on government ads and as such was considered a partisan newspaper. But when the law on public procurement changed, requiring that

the government advertise on its own websites rather than in newspapers, print media was directly affected. This is another reason why the price of daily newspapers has risen, with some reaching 50 cents for the first time in Kosovo's short history.

The panelists expressed their fears that other newspapers too have difficulties making ends meet. "Some newspapers have significantly reduced staff," Jahiri said, and in addition to these job cuts, some organizations delay payment of staff salaries up to three months. "2012 is the year of financial crisis for Kosovo media," said Saracini, despite the fact that the government has exempted the media from paying VAT. "Financial instability to some extent is affecting editorial independence," Gashi said. Panelists did say they believed that online media could be a source of work for unemployed journalists.

Private media rely mostly on advertisements for revenues, and not much on subscription. Aside from commercial advertising, ads include those for government information, awareness raising, holiday greetings, congratulatory messages, and so on. The last two are very important for print media in particular, especially in a country such as Kosovo that celebrates a large number of holidays. Commercial banks, telephone companies, insurance companies, and chain stores are among the biggest commercial advertisers. The government used to be one of the biggest advertisers, until the procurement reform pushed all state solicitations online. There are no government subsidies for private or local media. The only state subsidies go to RTK, which is also allowed to collect revenues from advertisement, an arrangement that private media organizations consider unfair.

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.



“[NGOs and associations] have also invested time in offering training and workshop opportunities for journalists, as well as advocating on their behalf and on the overall improvement of the media climate in Kosovo. However, most of them remain dependent on international funding,” Luci said.

Media outlets do not consistently use market research to formulate strategic plans or enhance advertising revenues. Although there are market research agencies, private media rarely ask for their services. Not all media outlets accept existing data because of concerns about objectivity. For more than four years, no reliable research has been conducted to produce broadcast ratings, circulation figures, or Internet statistics. The Regulatory Authority of Electronic and Postal Communication, an independent agency established by the state responsible for licensing and supervising providers of telecommunication services, cover the latter to some extent. Despite the lack of reliable rating and circulation figures, certain media outlets often come up with figures claiming they are the market leaders. The panelists did not accept such figures because they are not provided by independent and professional organizations.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kosovo Objective Score: 2.53

Scores for this objective changed little overall from 2012, nearing sustainability but still prompting questions about the long-term implications of foreign financing of the country’s public education and NGO sectors.

Trade and professional associations remain active in supporting media interests, another reason why Objective 5 has scored relatively high in the past. “There are journalism associations and media regulatory bodies that work on behalf of the interest of journalism and its advancement,” Luci said. “Such actors have also invested time in offering training and workshop opportunities for journalists, as well as advocating on their behalf and on the overall improvement of the media climate in Kosovo. However, most of them remain dependent on international funding.” She also suggests that a new system is needed that would make these organizations self-sustainable through membership, which would also increase incentives for journalists

## SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists’ rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

to become more active advocates for improvement of media standards.

There are two main journalists’ organizations, the Association of Kosovo Professional Journalists and the Kosovo Journalists Union. Panelist Jahiri, representing the Union, explained its role: “Our mission is to protect the rights of journalists and freedom of expression as well as to advance our profession through trainings and public debates.” This year saw a serious and successful cooperation of the associations in their battle to get Articles 37 and 38 removed from the Penal Code. Nevertheless, panelists say that although they are active, the associations need to be more innovative rather than simply reacting when the rights of journalists are violated.

Print media are also represented by the Print Media Council, while broadcast media are represented by the Association of Independent Electronic Media of Kosovo, which is quite active in lobbying activities that aim to protect the interests of private broadcast media. It deals mostly with the Independent Media Commission, as well as with the Kosovo Assembly, where laws on media and telecommunication are adopted.

With regard to the trade unions, only RTK workers have established trade union that represents the interests of its employed journalists. “I think it would be good if journalists had a single trade union that would negotiate with the media owners,” Gashi said.

There is strong cooperation between the industry and NGOs, especially when violations of media freedom occur. The NGO community is quick to react in such cases.

Journalism degrees are offered both by the public university and private colleges. The quality of programs is not bad, although they lack modern facilities for practical training. A positive initiative is that both institutions have signed agreements with the public media to secure internships for journalism students. Students tend to be more interested in internships at television stations rather than at newspapers, radio stations or with blogs. Kosovo 2.0, one of the largest blogs in the country with more than 200 bloggers, each year accepts six to seven interns, Luci said. The Balkan Investigative Research Network takes around four to seven interns each year. The panelists expressed concern that the number of journalism students is constantly increasing while the number of traditional media outlets is falling.

There are short-term training opportunities for journalists. International organizations continue to offer fellowships and organize training programs or study visits for journalists. For instance, this year Al-Jazeera Balkan organized a training program on citizen journalism. Each year a Kosovo journalist has received one of the Balkan Fellowships for Journalism Excellence, offered by the Balkan Investigative Research Network; one of the 2012 fellows was Arbana Xharra, one of the panelists of this study. Saracini said that larger media outlets organize in-house training programs, adding, "It would be a good learning experience if we could exchange our journalists with larger international mediums, but unfortunately we cannot afford it financially." Gashi said there is a great need to train journalists in specific fields, such as law and the judiciary.

There are no restrictions on importing materials that media or journalists need to produce their work. Further, as noted earlier, the government has removed the VAT for media outlets, which makes equipment purchases more affordable for them.

In terms of channels of media distribution, such as newspaper stands, cable providers, and ISPs, there is no state control. Newspapers are mostly sold through kiosks; door-to-door distribution is not a practice. Cable is easily distributed, especially in urban areas, and the subscription fee is not regarded as too expensive. The same is true of Internet subscriptions.

Internet service providers do not block any sort of content. Almost all local television stations are provided by one of the available cable providers in each community. Overall, the existing information and telecommunication technology (ICT) infrastructure is modern and meets the needs of the media industry in Kosovo.

## List of Panel Participants

**Besim Abazi**, journalist, Voice of America; lecturer of journalism, University of Pristina

**Kreshnik Gashi**, journalist, Balkan Investigative Research Network, Pristina

**Bekim Hasani**, editor, RTK Television, Pristina

**Muhamet Jahiri**, president, Kosovo Journalists' Union, Pristina

**Besa Luci**, editor in chief, Kosovo 2.0 Blog, Pristina

**Predrag Radonjic**, journalist, Radio Kim, Caglavica

**Eugen Saracini**, news editor and marketing director, RTV 21, Pristina

**Arbana Xharra**, editor, *Zeri*, Pristina

**Ardita Zejnullahu**, executive director, Association of Kosovo Independent Electronic Media, Pristina

## Non-Scoring Observer

**Emine Berisha**, IREX, Pristina

## Moderators

**Antigona Berisha-Lucaj**, researcher, Institute for Advanced Studies GAP, Pristina

**Jeton Mehmeti**, policy analyst, Institute for Advanced Studies GAP, Pristina

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**Jeton Mehmeti**, policy analyst, Institute for Advanced Studies GAP, Pristina

*The Kosovo chapter was coordinated and conducted in partnership with the Institute for Advanced Studies GAP. The panel discussion was convened on December 11, 2012.*

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*Macedonia's generally lowly scores reflect a growing pessimism in the media community about the long-term trends towards state control, politicization, and economic deterioration.*



# MACEDONIA

Much of Macedonia's political focus remains locked on its prospects for EU accession, although concern over the economy and low-level ethnic conflicts continue as well. The government managed to bring these conflicts, which began as skirmishes between Macedonian and Albanian youth on Skopje public transportation, under control. But Macedonia still suffers from an anemic economy, with perhaps the highest rate of unemployment in Europe. Macedonia also remains locked in a stalemate with Greece over the country's name, another impediment to Macedonia's EU accession.

With Macedonia's long downward trend in freedom of expression potentially harming its prospects for EU accession as well, the Macedonian government entered into an EU-supported dialogue with journalism advocates. As a result of the process, Macedonia adopted the decriminalization of defamation as a starting point to strengthen legal protections for speech. The media community harshly criticized the law for the locally-high damages cap, set at up to €27,000 combined for the journalist, editor and media outlet. However, the law's passage immediately halted all court cases on defamation, over 300 at the time. The crucial implementation test now rests with the judiciary.

Several other events defined Macedonia's media landscape in 2012. A2 television was stripped of its license with the explanation that it failed to adhere to the programming structure outlined therein. A2 had been the sole survivor after the A1 group was shuttered in 2011. The government's tendency to assert dominance over the media landscape continues, upholding an almost half-decade trend. Another major event was the sale of the major newspaper firm MPM, previously owned by Westalgameine Zeitung, to local tycoon Orce Kamcev, who is allegedly close to the government. Later, half of the company was resold to the opaque Serbian-owned Internet Group (tied to Comtrade, the company that also owns Telegraf.rs).

The Broadcasting Council moved to implement the legal restraints in the broadcast law, which bans elected and appointed officials and members of their families from owning media outlets. As result, the council directed two major television stations, Sitel and Channel 5, and one radio station, Channel 77, to change their owners. This ownership transformation changed little in terms of media coverage by these outlets; while the owners officially stepped down, proxy owners took over.

In this environment, Macedonia's prospects for media sustainability remain stagnant, with negligible to modest changes in each of the five objectives. Macedonia's generally lowly scores reflect a growing pessimism in the media community about the long-term trends towards state control, politicization, and economic deterioration.

# MACEDONIA at a glance

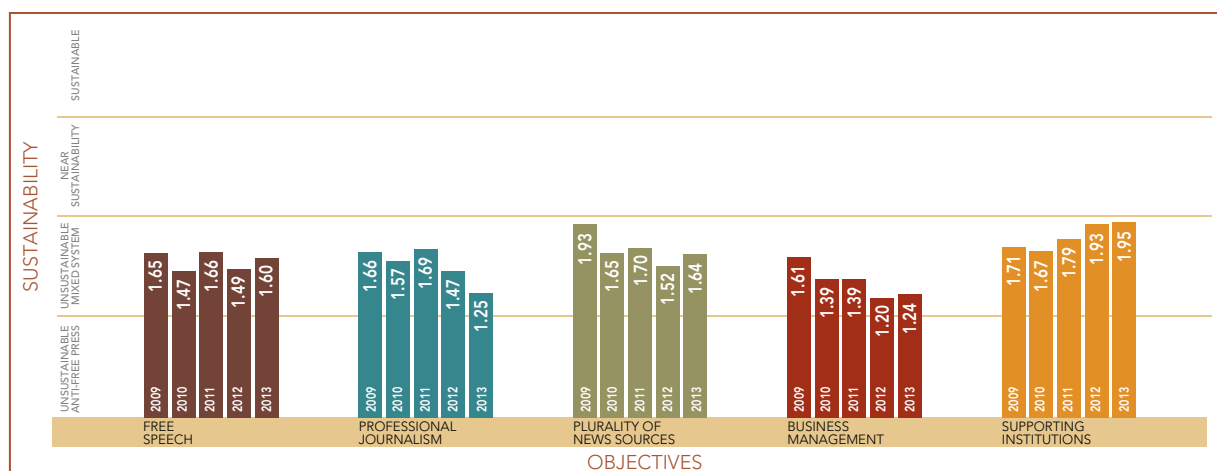
## GENERAL

- > Population: 2,082,370 (July 2012 est., *CIA World Factbook*)
- > Capital city: Skopje
- > Ethnic groups (% of population): Macedonians 64.2%, Albanians 25.2%, Turks 3.9%, Roma 2.7%, Serbs 1.8%, and others 2.2% (2002 census)
- > Religions (% of population): Orthodox Christians 64.7%, Muslim 33.3%, other Christian 0.37%, other and unspecified 1.63% (2002 census)
- > Languages (% of population): Macedonian 66.5%, Albanian 25.1%, Turkish 3.5%, Roma 1.9%, Serbian 1.2%, other 1.8% (2002 census)
- > GNI (2011 Atlas): \$9.752 billion (World Bank Development Indicators, 2012)
- > GNI per capita (2011 PPP): \$11,490 (World Bank Development Indicators, 2012)
- > Literacy rate: 96.1% (male: 98.2%, female: 94.1%) (2002 census)
- > President or top authority: President Gjorge Ivanov (since 12 May 2009)

## MEDIA-SPECIFIC

- > Number of print outlets, radio stations, television stations: Print: approximately 600 daily, weekly, biweekly, monthly, and periodical editions. There are 147 commercial broadcasters (5 television and 3 radio stations with national coverage) and 3 non-profit broadcasters. 10 television and 17 radio stations provide regional coverage; 49 television and 60 radio stations provide local coverage; 12 channels broadcast via satellite. (Broadcasting Council, 2011)
- > Newspaper circulation statistics (total circulation and circulation of largest paper): N/A
- > Broadcast ratings: Television stations: TV Sitel (22%) TV A1 (15%), and TV MTV1 (8,20%); Radio stations: Antena 5 (18%), Channel 77 (8.2%) and Macedonian Radio 1 (6.2%) (Broadcasting Council, 2011)
- > Annual advertising revenue in the media sector: € 574 million, (Broadcasting Council, 2011)
- > News Agencies: Macedonian Information Agency (state-owned), MakFax (private), and NetPress (private).
- > Internet Usage: 1.057 million, (2009 *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: MACEDONIA



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Macedonia Objective Score: 1.60

In Macedonia, constitutional and legal guarantees for freedom of expression exist, however their implementation is fraught with difficulty. Furthermore, the judicial system is inefficient and ill-equipped to cope with freedom of expression cases, panelists believe.

Macedonia has a long history of compliance with international standards in its written laws, but implementation of the laws is constantly weak or selective, and subject to political misuse. "The independence of the judiciary is the weakest point of our society. The journalists practice self-censorship largely because of a lack of institutional protection from their editors and media. The non-existence of protective mechanisms for journalists and their sources translates to a lack of investigative journalism," argued panelist Zoran Rieliev.

However, over 2012 two positive changes developed. First, as noted earlier, libel was finally decriminalized. Second, the Broadcasting Council finally started to implement the anti-monopoly clauses of the broadcast law.

Implementation of the broadcast law was managed in a highly formal manner. Three large media were in breach of the legal ban of media ownership by elected or appointed

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

**"Without a sufficient legal framework to lay out the rules for network access, we will probably face troublesome digitization switchovers controlled by powerful gatekeepers," said Roberto Belicanec.**

officials and their family members. As result, all of them maneuvered to comply with the law on paper, by deploying proxy owners. Still, the panelists see improvement in the sense that at least the media are formally in accordance with the legal requirements, for the first time in the past seven years.

The panelists believe that overly restrictive and arbitrary licensing guidelines severely hamper the freedom of speech and the media. As an example, they point to the dissolution of A1 TV, and failed attempts by journalists affiliated with the channel to set up a successor.

According to the law, licensing procedures should be transparent and guarantee equal opportunities. In reality, however, the licensing procedures, including the revocation of licensing, are tainted by governmental influence. The changes in the composition of the broadcasting council in 2011 secured the government's dominance in the day-to-day operations of the council—influences revealed by the revocation of A2 TV's license, the panelists believe. Furthermore, the Broadcasting Council blocked the attempt of several journalists from A1 TV to use the Australian broadcaster BOM to establish a segment within this channel named A3 (produced by the A1 staff). The council warned cable operators that carrying such a channel would be considered a breach of the law on copyright.

In the past year, the process of licensing digital multiplexes wrapped up, leading to additional changes for the sector. Now, the spectrum is monopolized by Slovenian telecom (with mixed private and state ownership). The digital licensing advanced without a sufficient legal framework; digital frequencies were licensed under the legal framework that had been developed for analog frequencies. "We now face a new type of problem, with monopolized frequencies resting in the hands of two telecommunications operators (Slovenian Telecom and the public enterprise Makedonska Radiodifuzija). Without a sufficient legal framework to lay out the rules for network access, we will probably face troublesome digitization switchovers controlled by powerful gatekeepers," said Roberto Belicanec, of the NGO Media Development Center, expressing concerns about re-licensing

“This began when so called ‘issue-based’ press conferences started. These press conferences are staged, and journalists are barred from asking any question that is not connected with specific issues. At the same time, designated media pose staged questions. The process became a theatrical play,” said Tamara Chausidis.

and start-up after the switchover to digital transmission, planned for June 2013.

Up to this moment, only broadcasters were subject to licensing and regulation, but the government presented its official intent to introduce a general media law that will require print and Internet media to undergo a registration process as a requirement for launching operations.

Print and new media face no special financial requirements to enter the market. For broadcasters, the Broadcasting Council usually requires applicants to provide proof of financial security, in the form of fixed assets or bank guarantees.

Taxation is equal to other sectors, but nevertheless, media owners complain that the economic situation is grave and not very favorable to media. “Almost 60 percent of the accounts payable are overdue. The state charges VAT upon issuing the invoice, not when it is paid,” lamented Lirim Dulovi, owner of *Koha*. Broadcasters also experience other limitations, in the sense that certain types of businesses, including advertising agencies, telecommunications operators, or security companies, cannot be owned or co-owned by media companies. The restrictions on security companies stem from charges that in the past, certain security agencies with ties to organized crime blackmailed small television stations, in a bid to gain control of the stations.

Although the panelists did not report any violent crimes against journalists, Macedonian journalists suffer from various forms of harassment and are sometimes the targets of hate speech. Public threats on media programs and through social networks are almost never prosecuted. In one case, a journalist endured public humiliation and sexual harassment. The perpetrator, a television show host, systematically posted content gossiping about the personal and sexual life of a journalist on its Facebook profile for days. She complained to police, but charges were never filed

against the host. The panelists cited the example to illustrate the indifferent attitude by law enforcement institutions toward the harassment of journalists.

The legal framework for public broadcasters guarantees their editorial independence and sets in place a series of fail-safe mechanisms to ensure its independence from political influence. In practice, various legal mechanisms, including the state budget, are used to keep the public broadcasting system (Makedonska Radio Televizija, or MRT) in the firm grip of the government. This also means that MRT’s editorial policy is pro-government. Most of the time, MRT strives to present a somewhat balanced picture, but in times of political crisis or in moments when the government needs to mobilize public support for its policies, they stand firmly behind the government’s viewpoint.

As noted above, defamation was decriminalized following negotiations between the Association of Journalists of Macedonia (AJM) and the government, as a part of the high-level accession dialogue with the EC. The immediate effect of the law has been positive, and there has been a halt in current court proceedings. However, there is great concern among the journalism community that the cap on the damages was set too high, and it may be used as a tool to suppress the media. Pointing to an under-trained and inefficient judiciary that is not immune to political pressure, the panelists believe that the high cap on damages may turn out to be a more efficient tool to silence the media and journalists than criminal defamation.

The law also fails to meet certain international standards. For example, the burden of proof lies on the journalist, and the plaintiff is not obliged to prove malicious intent. It also allows family members to sue in the name of a deceased person, and it allows a member of a group to sue on behalf of the group. However, it introduces a very important principle that public figures warrant greater public scrutiny than ordinary citizens.

The media community stands divided on the quality of the law. “A lack of quality self-regulatory mechanisms resulted with this law that will enable heavier control,” said Ricliev. “The law introduces the notion that media owners bear responsibility for the content, which may result in greater pressure on journalists.”

Access to information is regulated by a law that does not distinguish journalists from ordinary citizens. The panelists noted that the government has demonstrated the capacity to manage information on a daily basis through various public relations tools—promoting information that is beneficial to its interests, and blurring issues that could hurt its image. “This began when so called ‘issue-based’ press conferences started. These press conferences are staged, and

journalists are barred from asking any question that is not connected with specific issues. At the same time, designated media pose staged questions. The process became a theatrical play," said Tamara Chausidis.

There are no legal blocks to outside sources of news. Foreign sources are available, but are mostly online, otherwise they are expensive. Language barriers also prevent greater use of foreign news sources.

There are no laws restricting access to the journalism profession. However, the panelists noted another trend in the selection of journalists in the past year. After the closure of A1 TV, private and public television stations started to cleanse their newsrooms of journalists who refuse to suppress professional standards to promote propaganda. In one year, several long-term editors and talk show hosts were removed from the programs of television stations. The panelists cited many examples of experienced editors and journalists who met this fate, including Dragan Antonovski, an editor for SITEL TV; Robert Popovski, a journalist removed from Channel 5 after an interview with the prime minister; and Aleksandar Chomovski, an editor and talk show host removed from MRT.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Macedonia Objective Score: 1.25

In their assessment of professional journalism standards, the panelists delivered the lowest scores seen in the past four years, citing long-term negative trends. They largely attribute the most recent year's decrease to eroding ethical

### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

**"In the recent past, only a handful of non-professional journalists could be found in the media; today, the reverse is true," said Chausidis.**

standards among journalists, an apparent rise in the political coverage of key events, and a general decline in news programming in favor of entertainment.

The panelists agree that the level of professional journalism is at its lowest since Macedonia gained independence in 1991. "In the recent past, only a handful of non-professional journalists could be found in the media; today, the reverse is true," said Chausidis.

The panelists also blame long-term governmental interference that seems aimed at reshaping the media sector into a propaganda machine, rather than a free media model that will nurture journalistic professionalism. Macedonia's media world has been politically polarized for many years, with journalists selecting the facts that support their theses rather than conducting true reporting. The reporting is a mix of commentaries and facts. Headlines and leads often reveal bias, and journalists include 'expert' opinions only to support their political stance. Media usually present just one side of the story, without bothering to try to create balance. Exceptions from this general rule exist, but they are marginal in the current media environment.

"Many people become journalists not because they like the profession, but because they like the privilege that comes with it, such as the proximity to decision-makers, or the popularity that television gives. There is a feeling of passivity, despair and defeat among journalists today," Ida Protuger said.

The emergence of new media has not helped. Most of these outlets are on shaky financial ground, and the strain affects coverage. Plagiarizing content from other websites, and failure to proofread, are common pitfalls. Intensive usage of the social media networks and YouTube in sourcing the news, without additional fact checking, is another rising trend.

An ethical code for journalists exists, and the Council of Honor, part of the Association of Journalists, is charged with overseeing its implementation. However, the visibility of this body is low, and the media largely ignores its rulings. Media seldom possess any written internal code of ethics. Those that do put guidelines on paper, such as the public service broadcaster, fail to implement or follow them in their everyday work.



“The shutdown of A1 and its satellite newspapers flooded the market with journalists and that influenced salary levels. Just a few years ago, it was unimaginable for salaries to be as low as MKD 12,000 (about \$250). These days, that is the average,” lamented Sabina Fakic.

The media has developed rules for audience comments in their Internet editions, but they rarely put effort into moderating the discussion. As a result, comments are filled with insults, hate speech and unsupported accusations, as seen in other countries.

Self-censorship is common, mostly because journalists fear losing their jobs. Some forms of hidden censorship also persist, and sometimes editors are complicit with censorship in the newsrooms. For example, editors sometimes withhold technical resources from journalists. “If you do not have a camera at your disposal, then you have nothing. The denial of key resources when journalists need to cover an event is a form of censorship,” said Chausidis. In other situations, the owners drive censorship. In one instance, on order of the management, the printing plate with a story by the editor-in-chief of *Dnevnik*, a major daily, was pulled off the printing press. The editor resigned in protest.

The media covers key events, but often in a biased way. Another tactic is to diminish the significance of certain events deemed unfavorable to a media outlet’s political affiliation. Such events are buried low in the newscast, or ushered to the back pages of the newspaper. Other events are over-exposed in the media, even though their significance is minimal.

Salaries for journalists are low, while the risk they will be fired is high. That puts them under tremendous social pressure, which is reflected in the professionalism of the reporting. “The shutdown of A1 and its satellite newspapers flooded the market with journalists and that influenced salary levels. Just a few years ago, it was unimaginable for salaries to be as low as MKD 12,000 (about \$250). These days, that is the average,” lamented Sabina Fakic. On the other hand, the salary levels of editors-in-chief are relatively high for Macedonian standards, averaging \$1,300 to \$2,600.

Entertainment, trivial and tabloid content continue to push away serious content. Even the new Internet media leans heavily on trivial content, on a large scale. Panelists

also underscored the trend of the prime minister, and other ministers, toward using infotainment shows hosted by controversial figures rather than journalists to present their policies. “The public is confused, because these shows have an air of legitimacy thanks to the participation of government officials,” said Dusko Arsov.

Technology investments bolstered the public broadcasters; the rest of the media is forced to manage with limited equipment and resources. Internet access is now standard in all newsrooms, but equipment challenges pose some limit to the range of events that one newsroom may cover.

Specialized journalism continues to be a rarity, never fully developed by the local press. Economic reporting, which improved during the economic crisis of 2009, shows signs of decay. Only entertainment and sports show strong, specialized coverage. Demand for niche programming has largely shifted online, with audiences turning to foreign channels and website for leisure, lifestyle, and other nonpolitical content.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Macedonia Objective Score: 1.64

Further homogenization of the media space around governmental policies persists. There is some plurality of media outlets, but presenting one voice has become the reality in the mainstream media. With a few modest exceptions, such as a handful of Internet start-ups, VOA,

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens’ access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

Radio Free Europe Madeonia, *Fokus* and Telma TV, most media tuned to a pro-governmental editorial policy.

Furthermore, the internal plurality of the media has been destroyed in the past year. As mentioned earlier, major television media stopped airing several respectable shows, canceling the contracts with their authors because they clashed with their editorial policies. Another significant phenomenon the panelists underscored was that very often, on certain topics, the news presented by different media outlets looks exactly the same. "Whole news pieces are distributed from one center to a multitude of media," said Ida Protugjer.

Unlike the traditional media, new media are more diverse. Even though their relevance is far from the reach of the traditional media, they are gaining more and more users every day. Furthermore, the scene is very vibrant, with new projects opening on a daily basis. Social networks also serve not only as a relevant source of information, but also as a tool for direct communication with the audience. The spread of broadband Internet access among the general population adds to the trend. New media also face a gap in trust; people still place more trust in traditional than in new media. The key exception, of course, is the younger generation.

There are no legal restrictions on receiving foreign television or distributing foreign newspapers, and there is no Internet filtering. Media accessibility is limited instead by other factors, such as the development of telecommunication networks in rural areas, the purchasing power of people, the availability of the newsstand kiosks (which are fading rapidly), and language barriers.

On paper, the public broadcaster guarantees institutional autonomy and an independent editorial policy. The law also obliges the public service to present different views along the political and social spectrum. In reality, it covers events from the viewpoints of the government. For example, the government tried to put down a strike by medical doctors as soon as possible, and the public service moved to their side with reporting that blamed doctors for negligence toward patients. "Not a word about why doctors are on strike, or their demands," recalls Erdem Ahmet.

Aside from informative programming, the public service provides educational and cultural programming—but it is low quality. Commercialization of the programming is another concern. In that sense, the public service acts as competition to private television station instead of fulfilling its public interest role.

Media depend on the state-owned MIA as their primary news agency, as well as Reuters, AFP and AP. There is no

"This lack of transparency raises suspicion that owners stayed the same or in some cases were the subject of 'shotgun sales,'" argued Belicanec.

domestic private news agency operating in the country in this moment.

Private media do produce some of their own news, but they also rely on the content produced by the state-owned MIA and other agencies. The level of production depends on the size of the journalistic staff employed by the media. National media have enough staff to cover major events, and they produce most of their own newscasts. Local media are more limited, even though they strive to produce their own local content. However, the news agenda is largely set by the political parties, and thus the manner of coverage does not differentiate much from the coverage provided by the public broadcaster.

New media, especially Internet news sites, also produce their own news, with one big difference—they rely heavily on each other, sharing content in order to gain in volume despite their limited workforce capacity. A large chunk of their content is re-published from other foreign and domestic Internet media (mostly English-language news websites).

With the sale of the MPM (which owns the dailies *Dnevnik*, *Vest*, *Utrinski Vesnik*, and the weekly *Tea Moderna*) to a domestic company, there are no western foreign companies that own media. A portion of MPM has been sold out to a Serbian company; Alfa TV was sold out to a Serbian company as well.

Ownership is mostly transparent, at least officially. That is especially true in broadcast media. However, given that proxy ownership and silent partnerships are also common, the public does not have full insight into media ownership. In the past year, the panelists witnessed transfers of ownership in the biggest Macedonian media companies, and yet there is no basic data available on basic issues like the purchase price. "This lack of transparency raises suspicion that owners stayed the same or in some cases were the subject of 'shotgun sales,'" argued Belicanec.

In print and new media, the situation is bit more complicated than in broadcast. Transparency in this sector is a bigger problem. For instance, for the first time in Macedonia's history, there exists a newspaper, the weekly *Republika*, which does not disclose its editor-in-chief. It simply states that its editor is the 'editorial team.' A large

Media largely fail to address the needs of vulnerable groups in society. Especially when questions surrounding sexual minorities are involved, media have been known to support negative stereotypes.

number of Internet news media, even major outlets, lack a section with basic data on the ownership and editorial team as well.

Media largely fail to address the needs of vulnerable groups in society. Especially when questions surrounding sexual minorities are involved, media have been known to support negative stereotypes. Almost all media supported the efforts of the Minister for Labor and Social Policy to paint the opposition in favor of a position it knew would be unpopular with the public. The minister stated, "As long as we are in power, we will not allow same-sex couples to have the right to adopt children." None of the media pointed out that in Macedonia, there is currently no legal possibility for same-sex marriages or adoption. Government-controlled media picked up the topic and depicted sexual minorities as "unnatural," "demanding," and a "threat to traditional values."

Almost every vulnerable group has been a target of hate speech, panelists said. During the ethnically motivated fights in the public buses, the media once again divided on ethnic lines, and contributed to the heated atmosphere, mostly through unprofessional and emotional reporting. Gender issues are almost always depicted from a masculine, traditional, patriarchal point of view. The prime minister himself set the tone when he said, "If we want to survive economically and biologically, if we want any future, then every family should have at least three children."

Local news rarely finds its way into media with national reach, and local media are usually too understaffed or lack the necessary professional skills to produce quality content. Local Internet news sites exist in most of the municipalities that compensate for the lack of the local content. There are broadcasters in the Albanian and Roma communities that broadcast in their languages and focus on the issues relevant to these communities.

Macedonia's media tend to present global news, but always from a domestic focal point. World news pieces are typically supplied by international news agencies.

## OBJECTIVE 4: BUSINESS MANAGEMENT

Macedonia Objective Score: 1.24

Macedonia's media, with the exception of its two largest television stations (Sitel and Channel 5, both private) endure the constant threat of bankruptcy. For the most part, the media sector is not financially sustainable. The poor economy, an overcrowded market, low purchasing power, a lack of viable business models, and poor managerial and administrative skills all contribute to this situation.

To compensate for the business losses, some media outlets rely on the core businesses of their owners, and others survive as clients of politically-dominated companies. On a local level, most of the media collaborate with local governments for financial benefits. Links with political structures dominate media business models, and produce biased reporting.

Even the public service, which is entitled to taxpayer support, cannot finance itself fully because of poor collection compliance and the low level of the tax, set at about \$3.25 per household. It is forced to compensate with state budget grants that undermine its independence.

The new media scene is vibrant, but not yet capable of absorbing enough money from advertising to achieve sustainable development. Financing of this sector varies, with advertising revenue giving some outlets a boost, but the funds are far from adequate to enable sustainability and

### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

#### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

growth of this media. Additional income flows from private grants and other commercial activities.

Advertisers still prefer traditional media over new. Even though new media audiences are in constant growth, money does not follow the users. Advertising agencies claim that there is no interest among their clients for new media, which may be true, but the problem also lies within the long-term, established deals between ad agencies and major traditional media outlets. In that sense, not only new media, but also the local media, must fight for access to the advertisers. "Advertising agencies have become budget keepers, and they decide which media live and prosper, and which die. Neither audience numbers, nor the quality of the content, are determining factors in their budget planning. What matters is the revenue for the agency, and wholesale discounts," said Belicanec.

Print media face a crisis with circulation, which is dropping at a rate of 10 percent per year. At the same time, incomes stay flat, while costs climb. A single ad in a newspaper with a circulation 4,500 copies costs around \$520 for a half page, per day. One ad on a news portal with 30,000 unique daily visitors costs between \$1,300 and \$1,900 per month.

One of the most effective mechanisms for corrupting the media is so-called governmental advertising, which is not regulated by any law. Exact figures on how much the government spends on advertising remain unclear, but the media speculates that it falls between about \$13 and \$26 million, on a total market estimated at about \$52 to \$65 million. Clearly, this makes government one of the largest advertisers on the market, and according to the panelists the beneficiaries minimize their criticism toward the government, or offer open support. The problem has been noted in the accession dialogue with the EC, and the government proposed to work on the legal framework of the tendering procedures for advertising in order to make it more transparent. However, Belicanec warns, "Transparency is not enough. It will help us to know who won what and at what price. The legal framework should be broader and should regulate the process from the decision making to the end, measuring the effects and goals of the campaign. Otherwise, it will be the same corrupt system, but transparent," posited Belicanec.

A local branch of the global Nielsen media research firm provides audience measurements using People Meters. Advertising agencies use this data to compile their advertising proposals for television outlets. While some channels are attempting to integrate media research findings into their scheduling decisions, this potential is not fully developed. Of course, some media charge that the measurements are inaccurate, and thus irrelevant.

"Advertising agencies have become budget keepers, and they decide which media live and prosper, and which die. Neither audience numbers, nor the quality of the content, are determining factors in their budget planning," argued Belicanec.

Newspaper circulation numbers are not fully available, as the numbers are usually compiled internally by advertising agencies' estimates, or the newspapers themselves. Both are generally unwilling to disclose their circulation figures to the public.

Online outlets measure usage with Alexa rankings and Google analytics. Advertising agencies are learning how to use these systems, and are performing their own analysis, but they still remain hesitant to push more of their advertising spending online. Like in developed economies, advertisers remain skeptical of the value of Internet advertising.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Macedonia Objective Score: 1.95

Trade associations in Macedonia are long gone. Back in the first half of the past decade two associations were very active, the Association of Private Electronic Media (APEMM) and Association of Print Media (APM). Their activities focused on the general welfare of their members, and they seemed to have a bright future. First APM disappeared when Westalgemaine Zeitung bought the three largest newspapers in the country in 2006, forming a near monopoly of the print market. APEMM later dissolved as well, when donors withdrew support and media owners were not ready to finance the association out of their pockets. "I was a member of the board of APEMM, and we had great influence on media trends and policies; we were active and influential during the drafting of the broadcast law," recalled Mevaip Avdiu, owner of a regional television station. "Also, we managed to protect some of our members from regulators, and to influence their policies. Now, we miss that kind of support. There were some initiatives in the scope of economic health, as well, although they were ultimately unsuccessful."

As for professional associations, the Association of Journalists of Macedonia (AJM) continued its dialogue with

**“AJM made a mistake when it accepted the negotiations with government,” argues Fakic. “The whole energy of the association was focused on the government-imposed agenda. AJM failed to present its own agenda to represent journalists’ interests.”**

the government, ultimately leading to the decriminalization of defamation. This was the main activity of the association, and it was a bumpy road. When the negotiations locked in a stalemate, and AJM announced its intention to pull out of the talks, EC diplomats stepped in and brokered the agreement, saving the process. AJM also fell under additional pressure after pro-governmental journalists introduced the parallel Macedonian Association of Journalists, threatening AJM’s legitimacy. However, they have not been recognized by the public and international partners as legitimate advocates of journalists. AJM also faced harsh criticism from its members and the journalist community for allowing punitive damages in the defamation law, and for its lack of transparency in the last several months of the process. Another line of criticism stemmed from AJM’s perceived obsession with the government’s dialogue, leading it to neglect other needs of the members.

The MSI panelists were divided on the conduct and results of the AJM-government negotiations: “AJM made a mistake

when it accepted the negotiations with government,” argues Fakic. “The whole energy of the association was focused on the government-imposed agenda. AJM failed to present its own agenda to represent journalists’ interests.” Alternatively, Ahmet argued, “It was a success that the government accepted AJM’s request to discuss these topics.”

As for the Trade Union of Journalists, panelists note that its existence is under question. “The union of journalists and media workers has serious obstacles to overcome. Our members are harassed by media owners on a daily basis to step down from membership. Therefore, we started proceedings against Macedonia in front of the International Labor Organization. Because of this, we have a certain number of anonymous members,” said Chausidis, the union’s president. The union, however, won several court cases connected with labor law, which is the beginning of a more structured approach to protecting the labor rights of journalists. Both AJM and the Trade Union provide legal assistance to their members. AJM, in cooperation with Media Development Center, provides legal help to journalists for all lawsuits except labor issues, while the Trade Union offers legal support for labor issues.

NGOs directly connected with media issues include the Macedonian Institute for Media and the Media Development Center. Both organizations actively supported the AJM in its dialogue with the government this year, and both criticized the outcome of the talks. Other NGOs rarely interfere in media issues, or offer support to the media agenda. The exception is Infocentar, which regularly monitors the media and provides public outreach trainings to NGOs and the Youth Educational Forum, which fights hate speech on the Internet.

The Skopje and Tetovo branches of the state university both host journalism schools. The Macedonian Institute for Media also hosts a journalism school, which the panelists praise for offering a more practical, less theoretical curriculum. Several other private universities offer media and communication studies. As in the past, budget shortfalls have required students to take on greater costs in cases where foreign donor financing does not bridge the gap. Media firms remain unwilling to finance short-term training or other investments, either for their own staff or for the next generation of journalists.

Avdiu decried the quality of journalists prepared at Tetovo University. “Everything they learn they apply in the first two weeks, and then afterwards they continue as they if they never received any training.” Retention problems also dissuade investments in human resources. “There is no guarantee that my investment in some student will mean that he will stay at my company,” added Avdiu.

#### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

##### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists’ rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

Short-term training programs have grown rare, at least successful ones. Chausidis lamented the turn-out rates at these programs. "People are not interested in trainings; they are not interested in acquiring new skills because they do not need them. Why? Because all they need is a hand to hold the microphone and good relations with the editor-in-chief."

Television distribution channels are not monopolized. Several companies operate these networks on various platforms, including DVB-T, IPTV, and cable providers. The competition in this sector is healthy, and allows users to choose services in accordance with their purchasing power. The problem exists in some rural areas, where there are no networks available. However, penetration of these platforms is around 75 percent and rising. This year, with the decision of the telecom regulator, most of the digital frequencies were given to ONE, owned by Slovenian Telecom. ONE will thus be positioned to consolidate a monopoly for DVB-T broadcast signals. Broadcasters will be stripped of their rights to carry their own signals on their own repeaters, and will have to buy traffic from ONE.

In print, MPM holds a monopoly over print distribution, the largest newspaper company. An additional problem for print is that the number of kiosks for newspapers shrinks annually, and many were removed from Skopje's city streets by the local government as part of its rebuilding scheme.

In theory, ICT infrastructure capacity should satisfy the connectivity needs of the newsrooms. The government implemented a series of measures in the telecommunication sector to boost the use and growth of ICT services. The price of the services is still high, even though there have been several price reductions in the past two years. Broadband availability is ubiquitous, both terrestrial and wireless.

Mobile Internet access remains relatively expensive. Rural areas received special attention in this development plans, but a certain limited number of areas still struggle to gain quality mobile service. The digital divide is mostly based on age, with fewer citizens over 50 comfortable using the Internet, and the familiar urban/rural divide.

## List of Panel Participants

**Tamara Causidis**, president, Trade Union of Journalists, Skopje

**Roberto Belicanec**, program director, Media Development Center, Skopje

**Dusko Arsoviski**, journalist, Macedonian Radio Television, Skopje

**Biljana Sekulovska**, freelance journalist, Skopje

**Lirim Dulovi**, editor, Alsat TV, Skopje

**Zoran Ricliev**, new media consultant, Media Print Macedonia, Skopje

**Ida Protuger**, journalist, *Gragjanski*, Skopje

**Sabina Fakich**, director, Center for Civil Communications, Skopje

**Mevaip Avdiu**, owner, Koha TV, Tetovo

**Erdem Ahmet**, journalist, MRTV Turkish-language program; board member, Association of Journalists of Macedonia, Skopje

## Moderator and Author

**Gezmend Ajdini**, executive director, Media Development Center, Skopje

*The Macedonia study was organized and conducted in partnership with Media Development Center, Skopje. The panel discussion was convened in December 2012.*

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*The panelists noted a general erosion in media sustainability, particularly on issues of transparency, breadth of coverage, and support from civil society.*



# MONTENEGRO

Montenegro's ruling coalition, led by the Democratic Party of Socialists, won reelection in an early parliamentary vote on Oct. 14, 2012, making the country one of the rare constitutional democracies in which there has been no change of government for the past 22 years. Prime Minister Milo Đukanović also returned to his post for the seventh time, the sole original post-Yugoslav politician to still be in power. This resistance to democratic change is primarily the consequence of the long-lasting control that the ruling parties have had over public resources and the state apparatus, but also of the opposition's ideological and political weaknesses and the country's identity issues.

The proclaimed focus of the new government's policy is economic recovery and the continuation of Euro-Atlantic integration, including EU and NATO accession talks. As for internal issues, the greatest challenge for the government and the society in general will be improving rule of law, economic performance and social stability. The EU talks have moved on to these issues, as well as the difficult questions of organized crime and corruption.

Montenegro's economic struggles reflect both the global crisis and domestic structural weaknesses. GDP growth was insignificant last year (1%) and average monthly wages went unchanged (€485), while state debt exceeded 50% of GDP and the real unemployment rate is approaching 20%. The unfavorable economic environment has been a challenge for the media industry.

Media also took an active part in political divides and the electoral campaign. The most influential were divided between support of the government (RTCG, *Pobjeda*) and opposition (*Vijesti*, *Dan*, TV *Vijesti*). The remainder of media voices tried hard to stay outside political conflicts, but their public impact remained secondary. All this reflected on the work of the journalists' self-regulating body, in which the anti-government media did not take part.

The media market is saturated with outlets, about 70 for a population of 650,000, including four national dailies. The €9 million advertising market cannot hope to support this menagerie. Two national public stations and ten local public stations compete for the funds. Private organizations stay alive either with funding from their owners or by cutting back on programming. Only the above-mentioned opposition outlets manage to operate without losses. One major television broadcaster went bankrupt in 2012.

A positive recent development in media law was the decriminalization of libel and slander, making Montenegro one of the only Eastern European countries where this is the case. Professional and commercial responsibility and solidarity are lacking. There are frequent cases of public disputes among journalists, such as when private media criticize the work of public media and vice versa. In this context, the panelists noted a general erosion in media sustainability, particularly on issues of transparency, breadth of coverage, and support from civil society.



# MONTENEGRO at a glance

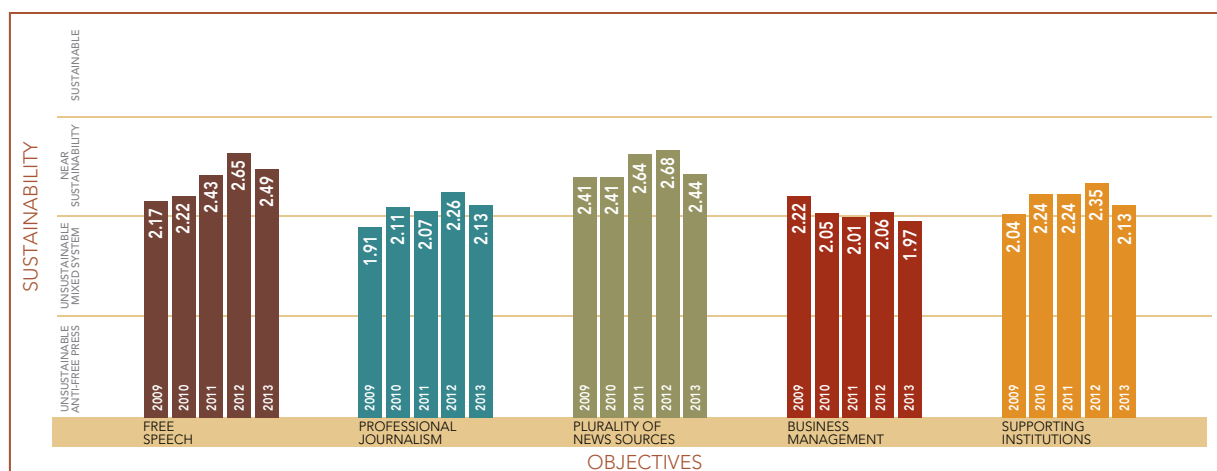
## GENERAL

- > Population: 620.029 (MONSTAT 2011–census)
- > Capital city: Podgorica
- > Ethnic groups (% of population): Montenegrin: 45%, Serbian: 29%, Bosniak: 9%, Albanian: 5%, other (Muslims, Croats, Roma (Gypsy)): 12% (MONSTAT 2011–census)
- > Religions (% of population): Orthodox 72%, Muslim 19%, Catholic 3.5%, other 0.6%, unspecified 3%, atheist 1% (MONSTAT 2011–census)
- > Languages (% of population): Serbian 43%, Montenegrin (official) 37%, Bosnian 5%, Albanian 5%, unspecified 10% (MONSTAT 2011–census)
- > GNI (2011-Atlas): \$4.51 billion (World Bank Development Indicators)
- > GNI per capita (2011-PPP): \$13,700 (World Bank Development Indicators)
- > Literacy rate: 98% (MONSTAT, 2011–census)
- > President or top authority: President: Filip Vujanovic (since April 6, 2008)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: 4 dailies, 3 weeklies, 30 monthlies; Radio Stations: 53; Television Stations: 23 (2012, Agency for Electronic Media of Montenegro)
- > Newspaper circulation statistics: Top three by circulation *Vijesti* (circulation 15,000, private), *Dan*, (circulation 17,000, private), *Pobjeda*, (circulation 7,000, state-owned) (2011 est., MEDIA Ltd.)
- > Broadcast ratings: N/A
- > News agencies: Mina News Agency (private)
- > Annual advertising revenue in media sector: €8 - €9 million (2012 est., MEDIA Ltd.)
- > Internet usage: 328,000—penetration 50% (2012, Internet World Stats)

## MEDIA SUSTAINABILITY INDEX: MONTENEGRO



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Montenegro Objective Score: 2.49

Montenegrin media regulations have mostly been harmonized with EU law. The country has separate laws dealing with the broadcast media, digital broadcasting, public broadcasting, and the media in general. Media owners, journalists and editors almost all agreed that the legal framework is mostly good and that it does not constitute an obstacle to the development of freedom of the press and professional journalism. However, as in previous years, some panelists agreed that there are significant problems with enforcement.

Over the past year, the country did not have any controversies or problems with regard to acquiring licenses or the registration of printed and broadcast media. Registration procedures take place in accordance with regulations.

Media outlets have free access to the market and are on an even fiscal playing field with other sectors of the economy. There is only one exception: print media sales are subject to a lower tax rate of 7 percent.

The year saw one drastic case of violence against a journalist when Olivera Lakić of the *Vijesti* daily newspaper, was assaulted over her reporting on suspicious operations of

There was broad public support from the majority of journalists and the public for lawmakers' move to decriminalize slander, which took effect in 2011. Most felt that the change would help promote press freedom and the development of investigative journalism. But the panel conceded some possible negative consequences.

a Montenegrin company. The offender was apprehended, tried and sentenced to nine months in prison. Panelists noted similar unresolved incidents in the previous year (such as arson that targeted vehicles owned by *Vijesti*) as they agreed that the overall social environment is not at the necessary level of tolerance and that authorities do not do enough to protect journalists from threats of harm.

Montenegrin law calls for the editorial independence of national and local public broadcasters. Nevertheless, panelists mostly agreed that national and local politicians are able to influence media content and appointments of newsroom managers to benefit their interests. Public broadcasters' dependence on state funds reinforces this as well.

There was broad public support from the majority of journalists and the public for lawmakers' move to decriminalize slander, which took effect in 2011. Most felt that the change would help promote press freedom and the development of investigative journalism. But the panel conceded some possible negative consequences. Panelist Slavko Mandić noted: "I am one few who was fighting against the decriminalization of slander. I think that a professional journalist has no reason to be afraid of slander as a criminal offense." He warned that the change might lead to a deterioration of standards, giving as an example a full page in *Vijesti* that accused a local mayor of organized-crime involvement. "It is incredible that someone can lease advertising space in the media and consciously defame someone," Mandić said. Panelist Nedjeljko Rudović, a *Vijesti* staffer, conceded the point but added: "Public figures must be ready to withstand more than ordinary citizens. When assessing the conditions in the media, we must pay attention to the overall environment in the society in order to be able to see their sustainability. Equally so, when slander is at stake we must have in mind the social environment. I think that the decriminalization of slander is

## 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Drobac said: “There are two key issues. The first is the independence of the judiciary, since protection of the freedom of speech can be a long-term judicial process... The second is line between the freedom of speech and violation of the law. There are few lawyers who are familiar with media law on this.”

justified since the community of journalists is free from fear. The job of a journalist can be of considerable benefit to the society but it can also ruin somebody’s life.”

RTCG editor Marina Vuković said: “I think it is good that slander has been decriminalized and that it is within the domain of civil proceedings now,” and TV Vijesti staffer Radomir Kračković noted that the change would prevent future cases such as that of Petar Komnenić, a journalist sentenced to prison in a defamation case before the new law was in effect. Mirsad Rastoder, president of the managing board of the Montenegrin Media Institute, called the decriminalization an “absolutely correct decision” and said he hopes that civil enforcement of the law will eventually lead to improved professionalism.

Regarding freedom of speech more broadly, TV Atlas editor Sonja Drobac said: “There are two key issues. The first is the independence of the judiciary, since protection of the freedom of speech can be a long-term judicial process. We have now got the possibility to protect ourselves even at the international level” (meaning at the European Court of Human Rights in Strasbourg, France). Drobac added: “The second is line between the freedom of speech and violation of the law. There are few lawyers who are familiar with media law on this.”

Montenegro’s Free Access to Information Act has been in effect for several years now, but its enforcement is plagued by frequent disputes before Administrative Court when nongovernmental organizations make requests. Media are active in making such requests, and in general it was agreed that officials try to respond in a timely manner.

There are no legal limitations on access to information and news at the local, national or international levels. Telecommunications companies and Internet access (now with more than 250,000 users) are increasingly widespread.

Media companies determine the conditions under which they employ journalists; there are no licensing requirements

or other limitations. The national broadcaster requires staff to have university degrees. Private media companies are more flexible, but sometimes as a result unqualified people are hired. Some on the panel felt a licensing requirement would improve this situation. Panelist Jadranka Rabrenović said: “The problem of the lack of professionalism must be resolved by the introduction of licenses issued by a special authorized body or ... association of journalists.”

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Montenegro Objective Score: 2.13

As in the past, panelists agreed that professional standards in Montenegrin journalism are lacking and that the majority of journalists’ work is not of sufficient quality. Reporting is superficial and often biased. Mandić underlined this: “Journalism is politicized not by the authorities, but by the interests of the journalists themselves.” Gordana Borović added: “Nothing can justify the lack of professionalism.”

Panelists agreed that the Code of Journalistic Ethics, adopted by the country’s media organizations a decade ago, has been insufficiently complied with. The industry still lacks a uniform self-regulatory body, a consequence of the conflict among journalists and owners. Some panelists used the term “media war” to describe the situation.

Panelist Dragan Klarić said: “If we are to talk about a media war it is necessary for both sides to be in favor of the war. Who is protecting journalists today? Nobody. Until the trade union shows its strength in private media, there will be no

## 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

chance for the social status of journalists.” He noted that local public media councils were set up to make decisions about programming and personnel, but that their members were not professionals. Sonja Drobac agreed but added: “The problem of Montenegrin journalism is in the absence of facts.” *Vijesti* editor Nedjeljko Rudović cautioned that staffs at competing media outlets battle each other while missing the bigger picture of “a campaign against the media and journalists who are recognized as those capable of endangering political and socially powerful figures ... I think that there is no media war, but only the flood of tactless and vicious words.”

Panelists agreed that self-censorship is practiced by editorial boards and newsroom staff, more so at public media organizations than private ones. The overall economic circumstances that media companies operate in: political control, a lackluster social environment, and fears of job losses, all drive this trend.

Despite this, it was agreed that media mostly do not avoid important social topics, though the extent and quality of reporting was up for debate. Also, there was concern that media owners and other large companies are exempt from criticism; as Borović noted, big advertisers are “in a privileged position ... because of that, I can say there is no impartial journalism.” Still, Internet forums, blogs and portals do not operate by the traditional rules and offer some alternative, and the crowded market makes a wide variety of coverage possible.

The general attitude was that the economic crisis has worsened the already difficult financial conditions journalists work under. Few earn more than €1,000/month, and the average media salary is below €500. Private-sector journalists are paid better than their public-sector counterparts. Low pay is pushing more and more journalists out of the profession, but there are still about 1,000 people working in the field, a high number for a small country where media outlets are struggling economically. Panelist Predrag Zečević noted that some young entry-level journalists earn only about €200 a month, not even enough to live on: “I believe that the majority of journalists are at the end of their endurance. Young journalists are disappointed and most of them are ready to leave the profession.”

Panelists and public opinion agree that entertainment dominates in broadcasting. While there is still space for informational programs, they are often pushed to the background, especially given the issues of cost and expertise needed to produce them.

Public broadcasting services mostly do not have the necessary technical facilities. For instance, Radio Crne Gore (RCG), which has a long history, works with equipment

**Mandić underlined this: “Journalism is politicized not by the authorities, but by the interests of the journalists themselves.”**

more than 30 years old. National broadcaster TVCG is still at the beginning of digitization, and it remains a big question when it will become sufficiently equipped. However, all significant national private broadcasters (TV *Vijesti*, TV *ATLAS*, TV *PINK*, *PRVATV*) are digitized and have contemporary technical equipment. Meanwhile, telecommunications have developed to the point where media have become considerably accessible online, which enables journalists to get hold of necessary information and news in a relatively short time. Still, a significant number of media organizations lack the funds they need for technological progress.

Panelists agreed that there are significant limitations (both in terms of a lack of financing and a lack of professionalism) on media specialization and investigative journalism.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Montenegro Objective Score: 2.44

By number of media outlets per capita, the small country of Montenegro likely ranks relatively high in the world, even as many of these outlets struggle financially. Of the 70 media organizations in the country, more than 60 are broadcast or Internet; the rest are print, including four daily papers (*Vijesti*, *Dan*, *Pobjeda* and *Dnevna Novina*).

Panelist Mandić observed: “I advocate the transformation of local broadcasting services into private media. Otherwise, I agree that the situation is bad.” He said most radio stations focus on music, not informational programming. Mandić added, “The question is how certain media got their licenses ... the Broadcasting Media Agency does not do its job the way it should.” Mirsad Rastoder, a longtime radio journalist, said there are too many competing media outlets, but called for more support for Radio Montenegro, which is working with outdated equipment: “Our only chance is for the state to protect the national radio station and to support it financially and technologically so that it survives and develops further.” Predrag Zečević added, “I think that such a number of media is not sustainable,” and noted that Montenegro has more media outlets than the US state of Colorado, which has eight times its population.

## MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

News websites are increasingly an alternative. Rudović said: "Internet portals indicate more and more that electronic journalism has the edge over the traditional one. I think that in the future, we will only see the best printed media survive with radical business reforms." He added that the *Vijesti* Internet portal is financially viable and helps guide his paper's readers to print content as well. Borović noted: "Portals live on advertising ... advertisements are a lot cheaper than in daily papers. The secret of their popularity is in the speed and interaction with the readers. Portals do not compete with each other, since Internet readers visit all well-known portals."

Montenegrins have liberal access to domestic and foreign media that is not limited by law, and Internet access is widely available.

The public view is that state media organizations are under the control of the ruling parties, despite regulations aimed at guaranteeing a wider public interest. Mandić said: "The majority of Montenegrin media most certainly do not serve the public interest. For example, the local public radio at Tivat received from the [state] budget as much as €185,000, although it has only 11 employees." Klarić noted that his Radio Budva receives support from the local government, but the deal "is not a guarantee that all planned funds will be allocated. This is why we are forced to try to earn additional funds in the market."

Regarding news agencies, organizations continue to use the services of foreign and domestic agencies, depending on

what they can afford. Leading organizations mostly use the national agency (MINA) or regional services.

With regard to production of their own news, there are considerable differences among private media. Local outlets largely lag behind national ones for financial, organizational and professional reasons, so they mostly use agencies, Internet sources or news already published by the national media. Leading national-level media, meanwhile, try hard to report their own news.

The country's company register is public and transparent, and it is possible to research the formal ownership structure of media enterprises via the Internet. However, the public is very often skeptical of official ownership; it is believed that the majority of actual owners remain hidden behind other registered names. Still, media organizations competing with each other will leak information about owners of other outlets. Panelist Borović noted: "Do we know what the ownership structure of the outlets we work in? The majority of journalists do not know."

Montenegrin media outlets strive to reflect a wide spectrum of social interests in their coverage. There are broadcasts in minority languages (for instance, RTV Teuta at Ulcinj) and national broadcast programs dedicated to minority communities, but panelists were concerned about insufficient support for such programs. Editorial policies do not discriminate against certain social groups or their access to media.

Panelists agreed that the large number of media outlets guarantees that Montenegrins get reports on important local, national and international events. Cable television offers daily access to regional, European and worldwide media. That said, domestic news outlets' coverage is often duplicated.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Montenegro Objective Score: 1.97

Panelists agreed that media outlets struggle, at best, to turn a profit. Those that do make money are mostly the largest private organizations, such as *Vijesti* or *Dan*. The past year saw the bankruptcy of television broadcaster TVIN, with 100 people losing their jobs.

Panelist Vuković commented: "When economic sustainability of the public service is concerned, we are on the edge of survival. The society does not understand the difficulties media are faced with. In recent years, everyone has had access to media. In that sense, the position of the RTCG as a public broadcasting service is a lot more difficult than

the one of the other media. We have our viewers, complex managerial and technological structure.” TV Vijesti’s Kračković noted that TVIN went bankrupt despite having the best viewing figures in the country only a few years ago. But panelist Rabrenović of *Dan* asserted that her paper, which has long been in opposition to the government, “is financed from market revenues. The circulation covers our cost of operations. We do not live on advertising, thus we do not depend on big companies. We do not have a list of companies that should be exempt from criticism.”

TV Atlas editor Drobac’s view was that “the financial sustainability of Montenegrin media is not possible. I claim that a smaller television station cannot survive if it cannot raise €160,000 per month.” Reminding of the former state subsidies to information media, Kračković noted that the state used to provide subsidies for informational programming and that media outlets that produce such programming are now struggling.

Private media are mainly financed with owners’ funds, as well as from advertising. Public media survive solely on the support they get from local and national budgets. They also compete in the advertising market, but the greatest share of revenues from advertising goes to private media. Still, because the Montenegrin market is small and the economy is relatively weak, it is not possible to get significant funds from advertisements. Newspapers such as *Dan* and *Pobjeda* earn significant incomes from the daily publishing of obituaries.

Large advertising agencies based elsewhere in the region (most often in Serbia) mostly cover the commercial interests of larger companies. These agencies are capable of dictating

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

Public media and private media sympathetic to the ruling parties are favored over government critics. The panel called for a fairer manner of the distribution of public funds.

prices that media outlets are forced to accept. Agencies based outside Montenegro control more than 70% of the domestic market. There are no significant advertising agencies in Montenegro, but a large number of smaller and medium-sized companies do direct advertising.

The size of the advertising market in 2012 was assessed at about €9 million, of which €5.5 million went to advertising in broadcast media. The general assessment of media analysts and the panelists was that the market is financially weak and that revenues from advertising are not enough to secure economic stability for many media. Kračković noted: “Broadcast media depend on advertisers. The budget of our house (TV Vijesti) is about €2 million/year. National TV stations must set aside as much as €300,000 [to pay a] fee to the Broadcasting Centre,” a cost he assessed as far too high. Panelist Rastoder, noting the market saturation, said: “Media in Montenegro are in big trouble with regards to the advertising market. I think that in Montenegro there is room for as few as three national television stations, and that everything else would constitute a market surplus.”

The panelists felt that public media had an unfair advantage in that they can profit from advertising while also drawing budgetary support from the state or local authorities. There are also concerns that officials and public agencies choose which outlets to advertise in depending on how supportive those organizations’ coverage is of the government. Public media and private media sympathetic to the ruling parties are favored over government critics. The panel called for a fairer manner of the distribution of public funds. In recent years the state’s support to the media has been symbolic, as subsidies for informational programming and the like were abolished.

Few media outlets have sufficient funds for regular market research to support the development of strategic programs and plans. Only a few (for instance, TV Vijesti) occasionally undertake market research activities; more than 90% of organizations do not have the capacity. Media do use publicly accessible research published by domestic NGOs.

NGOs that specialize in surveying public opinion (such as CEDEM, the oldest and best-known nonprofit that publishes public-interest opinion polls), periodically publish survey

results on public trust in the media. Circulation data is not clear since it is based solely on arbitrary statements given by the organizations themselves. Independent sources suggest there has been a drop in circulation across all print media, which is again a consequence of economic circumstances and the ever-stronger impact of the Internet. As far as it is widely known, only rare national-level broadcasters (for example, TV Vijesti, RTCG) research viewing figures, which they will release only if they are in the organizations' favor.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Montenegro Objective Score: 2.13

As in previous years, panelists emphasized that there are media business associations, but that their activity is weak and insufficient and often does not reflect the interests of the wider media community. The activities of these associations have mostly depended on international and donor support. The business associations, mostly in broadcasting, include UNEM, AKEM and ULES.

Similarly, associations of professional journalists tend to be dysfunctional and mostly ignored by the majority of people working in the field. There are three journalists' associations in Montenegro, which, given the size of the country, suggests a lack of integration among the profession, and their overall work is of minor impact. The panelists agreed that journalists lack professional solidarity and often fight among themselves. Kračković and fellow panelist Danka Novović noted that other media organizations did not

support their TVIN colleagues who lost their jobs when the station went bankrupt. Rudović, however, noted that *Vijesti* did publish two articles on TVIN's situation.

As in the past, panelists agreed that there is good cooperation between media and NGOs that deal with the protection of the freedom of speech, support for independent media and improvement of professional standards. Among the more than 1,000 active NGOs in Montenegro, the most influential include MANS, CEDEM, CEMI, CHK, Institute Alternative, Građanska alijansa (Civic Alliance), CDT, and Akcija za ljudska prava (Human Rights Action). They maintain good cooperation with the leading printed and broadcasting media houses.

Most journalists continue to be educated at the University of Montenegro's Department for Journalism. Practical training is limited, though, and most learn on the job after finishing their education, which is a difficult situation especially for young journalists seeking specialist knowledge. For the past decade, the Media Institute has offered training programs.

It was agreed that media organizations do not face obstacles, other than financial ones, in acquiring the necessary material and equipment. The leading newspapers have their own printing presses, so they are not dependent on external factors.

Registered media distribution channels (newsagents, broadcasting transmitters, cable operators, and telecommunication companies) were deemed accessible, free, apolitical and motivated solely by commercial interests.

One key issue is the delay in the digitization process for broadcast media. Panelist Rastoder said: "Digitization is a serious problem. The plan to complete this process until the end of 2014 is not realistic if there is no international assistance." Rabrenović added that there was a risk of corruption in equipment tenders issued through the EU. Zečević agreed and noted the controversial contract awarded to Italian provider Eurotel. Vuković commented "The RTCG has got its development strategy, but there is the issue of the reach of its implementation. The digitization is at the very beginning ... and the biggest problem is how to extend it to all our programs. The assessment is that the digitization cost will be between €11–15 million. At the same time, the RTCG has only got 13 cameras, of which only five are in permanent working order."

On the other hand, telecommunication operators manage to keep up with modern services, and the growth of the Internet is making online journalism stronger as the media culture shifts toward electronic journalism.

#### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

##### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

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## List of Panel Participants

**Sonja Drobac**, journalist, Atlas TV, Podgorica

**Ivana Jeremic**, editor in chief, PRVA TV, Podgorica

**Dragan Klarić**, editor-in-chief, Radio Budva, Budva

**Radomir Krackovic**, journalist, TV Vijesti, Podgorica

**Slavko Mandić**, editor-in-chief, Radio Skala, Kotor

**Danka Novović**, journalist, Radio Antena M, Podgorica

**Jadranka Rabrenović**, journalist, *Dan*, Podgorica

**Mirsad Rastoder**, CEO, Media Institute of Montenegro, Podgorica

**Neđeljko Rudović**, journalist, *Vijesti*, Podgorica

**Marina Vuković**, editor-in-chief, RTCG, Podgorica

**Predrag Zečević**, journalist, Portal Analitika, Podgorica

## Moderator

**Vladan Simonovic**, partner, Media Ltd, Podgorica

## 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 23, 2012.*



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*As it stands today, Romania has more pluralism in the media but less sustainability, less professionalism and less objectivity.*



# ROMANIA

Media outlets in Romania were hit in 2012 by the twin effects of the prolonged drop of advertising revenues and political turmoil which increased pressure on the media, and begged them to take a stand for the rights of journalists.

A second attempt to impeach President Traian Basescu triggered a constitutional crisis, with vital institutions such as the Constitutional Court and the Ombudsman being fiercely attacked by the majority in parliament. An intervention from the EU was needed to restore the basic functionality of democratic institutions. The situation took its toll on media outlets, which openly played one political camp off the other, with impartiality being the main victim.

Hit by the financial crisis and left with huge debts, layoffs and severe wage cuts, media institutions in Romania have had to deal with unprecedented political and institutional pressures in addition to the downturn in the economy.

Romania's media suffers from the effects of an investment bubble that peaked in 2009 and has declined sharply since. The panelists estimated that the media market experienced an 80% decline in advertising revenues between 2008 and 2012. Print media has been devastated. Two of the biggest media companies in Romania were in bankruptcy proceedings after their creditors demanded payment of their large debts. Adevarul Holding, once a leader in print media in all segments, closed in 2012 under the weight of 100 million euros in debt. The television market is overcrowded, and new stations continue to be created, but largely because politicians and business persons are looking for political influence and assistance with their "brands."

With these trends in mind, MSI scores dropped for all five objectives this year compared with last year, with the change most pronounced in Objectives 3 and 4. Public media independence remains a major constraint. Falling pay levels appear to have dragged ethical standards down along with them. Economic weakness in general led to Romania's poor showing on business management, with media audience dispersing to free online and niche outlets, leaving the mainstream players to wither away.

Still, there are bright spots. Access to foreign news has never been more widespread. Libel is a civil issue, protecting journalists from most frivolous claims. Market entry is generally permissive, and crimes against journalists are somewhat rare.

As it stands today, Romania has more pluralism in the media but less sustainability, less professionalism and less objectivity. A new super majority in parliament (over 75% for the Socialist-Liberal coalition) was formed after the 2012 elections, and has raised new doubts over the near future of independence in the media industry.

# ROMANIA at a glance

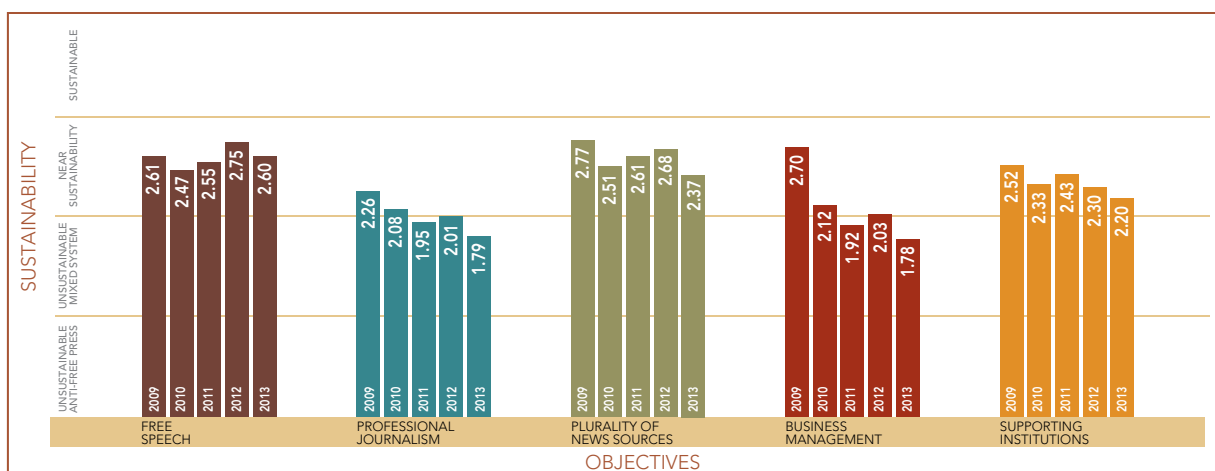
## GENERAL

- > Population: 21,848,504 (July 2011 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 (including all sub-denominations) 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 (2010-Atlas): \$ 168.2 billion (World Bank Development Indicators, 2011)
- > GNI per capita (2010-PPP): \$ 14,060 (World Bank Development Indicators, 2011)
- > Literacy rate: 97.3% (male 98.4%, female 96.3%) (2002 census, *CIA World Factbook*)
- > President or top authority: President Traian Băsescu (since December 20, 2004)

## MEDIA-SPECIFIC

- > Newspaper of active print outlets, radio stations, television stations: Print: 138 publications (according to BRAT); Radio Stations: 598 (licenses for terrestrial broadcasting, 26 satellite broadcasting (CNA Annual Report 2010); Television Stations: 45 news stations, 13 music stations, 15 sports-oriented (CNA Annual Report 2011)
- > Newspaper circulation statistics: Top ten papers had a combined circulation (May–June 2012) of approximately 416,964, with 9 out of 10 print runs declining (Paginademedi.ro, according to Audit Bureau of Circulation)
- > Broadcast ratings: Top three television stations: Pro TV (7.0%), Antena 1 (4.5%), Kanal D (2.8%) (paginademedi.ro, November 2012)
- > News agencies: Mediafax (private), Agerpress (state-owned), NewsIN (private)
- > Annual advertising revenue in media sector: about €303 million, of which €190 million on television, €23 million on radio and €41 million on Internet. (Media Fact Book 2012, Hotnews)
- > Internet usage: 3.611.716 number of unique visitors (2012, Internet Audience and Traffic Study SATI)

## MEDIA SUSTAINABILITY INDEX: ROMANIA



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1 FREEDOM OF SPEECH

Romania Objective Score: 2.60

The constitutional and political crises that occurred in Romania during the summer of 2012 raised the stakes and created an environment of fierce verbal attacks against journalists, who were blamed by politicians that accused them of “destroying the image” of the country abroad.

An agent from the Romanian Intelligence Service (RSI) was confirmed to have penetrated one newspaper’s editorial team in 2012, according to both parliament and the RSI itself. But as panelist Razvan Martin from the media watchdog group Active Watch described the failings of checks and balances on the matter. “The official reply from parliamentary Committee which controls RSI was simply a copy of the RSI’s statement, nothing more. This demonstrated [that] there is no civilian control over the intelligence services, exposing segments of society (media, in this case) to abuses.” Nevertheless, no other public condemnations were registered in this case other than those from the media industry and human rights organizations.

The lack of public outcry or reaction from civil society was decried by other panelists. “Romanian society has not given any importance to freedom of expression and has often confused it with the permission to say anything, including the right to offend someone,” said Petrisor Obae.

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

“Romanian society has not given any importance to freedom of expression and has often confused it with the permission to say anything, including the right to offend someone,” said Petrisor Obae.

He also noted several abusive practices to the panel. One of the main cable-internet providers, RCS-RDS, decided to ban access to a websites without any court ruling in response to pressure from a third party.

In July 2012, ruling coalition senator Dan Sova accused journalist Carmen Valica, at that time the Brussels correspondent for Romanian Public Radio, of misinforming the European Commission. He alleged that Valica told the EC that there was an imminent risk that the new Romanian government to going to arrest the Constitutional Court judges. He added that her questions led to EU Justice Commissioner Viviane Reding’s harsh criticism of the Romanian government. Senator Sova insisted that he had records confirming the allegations against Valica. He has, however, never produced that recording. As for the journalist’s reputation, the Ethics Committee of Public Radio concluded that Valica did nothing wrong and Sova’s accusation was simply a lie. The Board of Directors of Public Radio endorsed the Ethics Committee opinion five months later. This decision was completely ignored and had no effect whatsoever on Sova’s further political career. This case is relevant for its lack of accountability in Romanian politics. A prominent politician produces false, fabricated accusations about a professional’s reputation and no one pushes him or pushes for further evidence. His dishonest behavior, however, did not prevent Sova from becoming a member of the government several months later.

The National Council of Broadcasting (commonly known by its acronym, CNA) is an autonomous body that controls broadcast licensing. It is formally controlled by parliament, whose members’ mandate is distributed following the political configuration of the parliament. CNA’s 11 members are appointed and confirmed by the government and parliament.

In previous years, the panelists expressed doubt over the license-granting process, often citing the preference of political affiliation over professionalism. The panelists did not feel the same held true this year. “There were no obstacles in granting new licenses but there were questionable practices in [the lack of] competition between cable distribution companies delivering their own television

**“There were no obstacles in granting new licenses but there were questionable practices in [the lack of] competition between cable distribution companies delivering their own television channels and the ownership of the television stations,” Obae stated.**

channels and the ownership of the television stations,” Obae stated. The current regulations do not prohibit any cable provider from having its own television station, so CNA says it has no legal basis for rejecting license applications from cable operators.

The question was raised about whether RCS-RDS—which is one of the main cable providers and has won several broadcasting licenses this year—will not disadvantage the channels of other competitors in the cable television marketplace. “If you [control] the distribution of channels and you own your content, it is a problem,” Obae added, questioning whether this would be a case of conflict of interest. Georgiana Greco, executive director of The Romanian Advertising Council, said, “The Competition Council should have been responsible for clarifying these situations.” Underlining the current lack of a legal basis for regulating issues such as these, panelist Gelu Trandafir, member of the National Audiovisual Council and CNA member through December 2012, added, “In the future it should be clear what cable providers can and cannot do in the television market.”

CNA is supposed to monitor the television programming content after it grants a license. However in practice, “Nobody has respected the content [they] promised [after getting] their license,” summarized Cătălin Moraru.

A large majority of panelists referred to what they called hard political pressure over reporting political events during the summer of 2012 and the failure of CNA to intervene. “The selection procedure of CNA members has been politicized, the Council has been divided [across] political lines and its [ability to operate effectively] has been affected by political conflict,” Martin said.

Political leader have sent stronger signals and suggested heavier legislative actions in 2012 compared with previous years. Martin mentioned two of the most relevant. In March, CNA members were summoned in front of the parliamentary Commission for Culture, Arts and Media to

be criticized because of their “tolerance” of certain editorial practices. In autumn, Crin Antonescu, Senate President and interim President of Romania during the constitutional crisis in the summer, openly said he would agree with the disillusionment of CNA if the issue arose.

Political pressure became more pointed during the end of 2012 and was linked to the last Council’s decisions dealing with the unprecedented politicization of TV content. “CNA has been very [attentive] to the political messages it has received. There were pressures from both political camps and these were seen in discussions and decisions within the institution. Last year, consensus between CNA members had not been reached except in a very few cases,” Obae explained. History has seen tough decisions—fines or program suspensions—applied to all TV stations, independent of their political views or orientation.

Since 2005, CNA has been doing a decent job, according to the panelists. Obae added, “The ownership of the media company which controls Antena 1 and Antena 3 has been linked to the ruling coalition and has promoted its political interests and leaders. But even these stations have been severely fined. Now, however, there has been resistance inside CNA which has made [the organization] unable to impose fines.”

CNA issued many fines and some brave decisions were made but then, in order to avoid sanctions and under unprecedented political pressure, the Council failed to systematically correct the behavior of broadcast media, some panelists indicated.

“Come on, CNA has existed for quite a long time in Romania [but] let’s take a look at today’s TV talk shows. The most popular [ones] have constantly abused CNA itself, whose members have been depicted as decrepit whose only goal is to sanction the brave work of journalists,” Vlad Mixich, journalist with Hotnews, said.

Pressures during the summer’s political crisis of 2012 have shaken the cohesion of CNA, whose members have lost confidence in one another. Major misconduct by television stations were not fined during this time. Many serious incidents occurred, such as personal attacks on Constitutional Court judges who were trying to make crucial decision based on the rule of law. During all of this, CNA decisions were postponed. Even when, in the end, sanctions were discussed, CNA could not reach a consensus on sanctioning television stations that were protected by the ruling coalition, even if lower fines were being considered. Making such decisions also coincided with the end of the mandate of six CNA members, which caused further uncertainty and contributed to CNA’s reluctance to make decisions.

However, CNA was able to act in cases of severe misconduct. The leader of an extreme nationalist parliamentary party, Corneliu Vadim Tudor, and a local celebrity, Oana Zavoranu, had a shouting match during a live broadcasting and the images were rebroadcast later by all news programs. CNA took the toughest possible measures under the law and stopped the transmission to all major national channels for 10 minutes. The television stations were forced to repeatedly broadcast the text of CNA's decision: "We were totally outraged by how the TV stations showed the scandal between Corneliu Vadim Tudor and Oana Zavoranu and we have ordered a 10-minute interruption of broadcasting." It was only at this point when CNA gave its strongest signal. However, many panelists felt that even in this case, it difficult for CNA to reach this decision. "Compared to previous years, CNA's decision was hesitant and its members avoided sanctions when dealing with several of these serious events," said Trandafir.

One of the most controversial proposals all panelists indicated was the attempt to change overnight, by Emergency Ordinance, The Broadcasting Law (which is the foundational law of CNA). The Emergency Ordinance—a measure that would give a governmental decision the power of a law the moment it is passed—has been repeatedly used by the Romanian government to bypass parliamentary debates. Many proposed provisions have raised major concern that changes have come from the owners television channels that were supportive of the new political power structure. One of the provisions would make direct sanctions decided by the CNA non-binding, despite the fact that the CNA is the single most effective regulatory agency. The same proposals would give parliament the authority to dismiss the entire Council if its annual report is deemed unsatisfactory. Parliament has used the same method to control editorial boards at public TV and radio organizations. Indeed, each new majority in parliament rejects the previous year's report and dismisses the previous boards. CNA was, until now, protected from this form of abuse. Moreover, panelists indicated that CNA's work cannot be evaluated in the same manner as that of public television, where more performance indicators can be taken into account (audiences, targets).

"The new [majority] tried changing the provisions of the Broadcasting Act that would seriously affect CNA's activities. Ordinances amending the law were first announced as adopted by the government, and only then were some consultations and procedures considered. This set of amendments clearly demonstrated what the political intentions were," indicated Moraru.

"The Emergency Ordinance amending the Broadcasting Law hit us right at the beginning of the electoral campaign.

"The selection procedure of CNA members has been politicized, the Council has been divided [across] political lines and its [ability to operate effectively] has been affected by political conflict," Martin said.

We then organized consultations with the cable market's representatives, the advertising industry, and television stations. We sent a technical response and then asked the cabinet to formally consult us on the proposed changes. CNA members then learned about the new provisions of the government's Emergency Ordinance from TV," said Trandafir of his time as a then-member of CNA.

As for the digitization process, Romania has postponed the deadline for the switch over to 2015. The process was delayed several times. Romania is a country with a market for cable operators and has a well-developed infrastructure. However, with the principle of "must carry" (and nothing else), television channels have solved the problem and only cable providers remained as the party that is interested in digitization. "Everyone prefers the status quo. That is why the digitization has been delayed," Trandafir said.

Even if in 2010 the government abolished the practice known by Romanians as "intellectual property rights contracts" as a way of evading employment taxes under the Labor Code, other similar contracts have been used by journalist such as "bonus contracts," making journalists vulnerable to layoffs. Last year panelists indicated that the abolition of this type of payment would force media companies to pay journalists through regular, safer and more stable employment contracts. The result has been that employers deducted the share for taxes from journalists' salaries, further decreasing their salaries.

"There have been no [real] facilities [available] for the press, [rather] only for distribution companies and [even then] the VAT is too high," said Cristian Godinac, president of the Mediasind Trade Union. "But there has been a real need for facilities. It has been getting harder and harder to keep operations afloat," added Moraru.

In 2005, the government eliminated libel from the criminal code, and currently considers it to be a matter of civil law. According to Martin, who has been closely following court cases on libel, said that, "Despite decisions against Romanian authorities that were issued by the European Court for Human Rights, there have been judges who have not heard

**“All media outlets in Romania have been seen as partisan. There has been no interest whatsoever in being objective and sources have been chosen based on partisanship and information has not been verified,” stated Martin.**

libel cases according to the intent of the Convention on Human Rights or using European Court jurisprudence.”

“Legally, we are covered. But instead of libel cases, we have now been facing all too frequently, accusations of invasion of privacy, which have been more difficult to defend. Most officials have been able to defend themselves or their families, but common people have been exposed to such abuses from the media,” said Ioana Avadani, executive director with the Center for Independent Journalism.

Law enforcement during the electoral campaign proved to be a challenge for some courts that tried to punish newspapers with sanctions applicable only to broadcasting. “We published [clearly as an advertisement and marked as such] a text from ARD (a center-right coalition) saying that USL (the socially liberal coalition) had stolen votes. USL obtained in court the right to reply, based on the decision of a judge from the County Election Office, who referenced articles from the Audiovisual Law,” said Moraru.

In terms of access to public information, there have been successful examples of using legal provisions provided by Law 544 on free access to information. “We sent requests asking for the number of underage girls who gave birth in 2011 and received many different answers, that ranged from claiming this was private data, to invitations to come look for ourselves in the medical records,” Avadani explained, referring to the lack of clear procedures in providing public information. She also noted that, “You do not get information unless you have received a stamp in your request, which reduces the right of citizens to access information from public institutions.

The general rule in terms of accreditation of the journalists is that it is fairly smooth. There are a few exceptions, especially when dealing with local authorities, which tend to be overly bureaucratic, the panelists noted.

There are no restrictions for becoming a journalist in Romania but it is rather confusing to determine the status of bloggers. When Avadani indicated that there are access restrictions as far as bloggers are concerned and that there

are no standards to regulate their status, Mixich mentioned the lack of professionalism that some bloggers exhibit. “Certain boundaries must be in place. Bloggers pollute certain areas of [the media industry],” he said.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Romania Objective Score: 1.79

As in the previous years, the panelists sharply criticized the quality of journalism in Romania. Further cuts in staff and resources are among the complaints but so too is the lack of ethical norms or pressures from owners and politicians that further degrade the quality of reporting. The political crisis, the referendum to impeach the president and the parliamentary elections in December 2012 all found the media industry clearly divided and ready to openly support different political camps. Partisanship was obvious and some editors did not even appear to try to be objective. “All media outlets in Romania have been seen as partisan. There has been no interest whatsoever in being objective and sources have been chosen based on partisanship and information has not been verified” stated Martin.

Panelists gave several blatant examples of a lack of professionalism. Cosmin Chitu—a Romanian studying in Norway—was initially accused of committing murder by the Romanian media. The story was taken from Norwegian media, but a mistake in the translation led Romanian journalists to report that Chitu as the perpetrator of the crime. An exchange of emails between Active Watch and 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

author of the article revealed that Chitu was not involved in the murder.

Another example is that of the families of Judge Cristi Danileț, member of the Superior Council of Magistrates and Iulia Motoc, judge at the Constitutional Court, who were harassed by journalists during the ruling coalition's campaign to impeach the president.

Besides political bias, the lack of professionalism in media reporting also comes from a lack of time and extremely limited financial resources. Romania has 11 all-news television stations that broadcast 24 hours a day with endless talk-shows.

"There have been some cases of best practice, but most of them [are mediocre] mostly due to time limitations. Television programs, for example, have been forced to always invite the same people who jump on the opportunity to be seen, but true professionals are not on television," Mixich noted.

Trandafir also added: "We have been facing a human resource limitation. There are a few experts, but [there is an overabundance] of television news stations that do not have many topics for discussion. [There are only] a few guests that get shared by several television stations. Romania is a small country, yet the need to discuss topics other than domestic politics is quite limited." Obae also added that, "Gaining an audience is sometimes the reason there is a lack of complex subjects [to discuss]."

The history of attempting to apply codes of conduct in Romania is long, but only foreign media companies, like the Swiss Ringier, or subsidiaries of foreign media brands such as the BBC and Radio France Internationale, have such codes and actually apply them. CNA asked all television stations to adopt and publicize their ethics codes. They formally complied by adopting and publishing codes previously proposed by other professional associations on their websites, but no serious efforts were made to internally enforce these new rules, thus the impact of CNA regulations has been minimal.

"The major problem is that there have been no penalties for not enforcing ethics rules. CNA gave a deadline for the television stations to adopt such a code, but most local stations only adhered to the code of ethics of the Convention of Media Organizations (COM). On the other hand, adherence to a code of ethics changed nothing in the content and remained a formality. The only notable progress has been that media outlets have accepted that the existence of a code is necessary," Trandafir.

"A code of ethics has been considered outdated and even seen as a form of censorship. To ask some popular television journalists in Romania to behave is almost an insult, a kind of threat to their ratings, if you will," Obae said.

As the panelists described the trends in media, they felt that it is unlikely that there will be effective enforcement of codes of ethics in the near future. "A code of ethics has been considered outdated and even seen as a form of censorship. To ask some popular television journalists in Romania to behave is almost an insult, a kind of threat to their ratings, if you will," Obae said. "It's an empty shell", added Cezar Ion, president of the Association of Romanian Journalists and editor with state television.

When it comes to the content of the existing code, things are also not clear and there are even some very controversial provisions. Most of the Bucharest based television stations complied with CNA requirements by adopting ARCA standards (ARCA is an advocacy association for the media industry). "ARCA's ethics code has recognized the right of the owner to intervene in the editorial content, but it proves that the owners want to control the major television news coverage," Avadani said.

Public institutions remain the only media outlets where at least some enforcement takes place. Both public television and radio have ethics committees whose members are elected directly by the employees. Their functionality has been affected by the frequent changes of board members and by the fact that their decisions are not compulsory. "The decisions of the ethics committees have had the advantage of being used in court. In cases of dismissal or other professional matters, a decision by the ethics committees has been one that could save or sink a journalist," Ion said. But few such cases end up in court.

In the case of public radio, a new committee was elected in 2012. "The members of the committee were electronically voted on by journalists, but they have been afraid to state how they have voted. Only 320 journalists out of 970 voted. Unofficially they indicated that they have been reluctant because they feared their identity [would be known] and their vote could be detected," said panelist Adrian Moise, vice president with Mediasind—media trade union, who was elected by his colleagues as a member of the committee.



“During the election campaign I kept silent. We no longer evaluated the candidates and haven’t published any investigations about them, but have only published neutral reports. This has led to completely flawed information being provided to the public,” added Moraru.

In fact, there have been several cases of serious allegations against some Romanian journalists in 2012. Bogdan Chireac, journalist with many years of experience in media, has been accused by Cristian Sima, broker and former president of Sibiu Stock Exchange, that he was the middleman for unofficial payments by the Ericsson to several Romanian politicians.

The panelists felt, as in previous years, that self-censorship by journalists and editors is widespread. Self-censorship happens through a combination of an owner’s intervention and because of economic pressure.

Catalin Moraru said, “It is very serious. The situation has been very serious for the local media because advertising has driven the editorial process. The pressure is very high; there are offers you cannot reject, typically it is either ‘accept it or close the newspaper.’ A mayor of a big city does not need to say what he wants. Newspapers from that city know that if they published something that would upset the mayor, their business could be closed down. Today there are no more than five local newspapers in the whole country that have been able to afford to say no. This reality has perverted the system. Politicians are seen as a source of money. During the election campaign I kept silent. We no longer evaluated the candidates and haven’t published any investigations about them, but have only published neutral reports. This has led to completely flawed information being provided to the public,” added Moraru.

Political reports in television newscasts are becoming more like tabloids and they have come to contain more invectives and opinion than relevant information and public interest issues. “The success has become a kind of violent clownery,” said Iulian Comanescu, freelance journalist & media analyst, *HotNews*. “My newspaper has become less serious than it was five years ago,” added Moraru. “We need more substantial stories. Coverage of international events has been very low and it’s all been about a scandal or irrelevant story,” Grecu added.

Payments for journalists further declined in 2012, which led to experienced professionals leaving the profession. Many journalists from the private sector are making five times less than they did five years ago. In some cases, journalists with more than five years of experience are earning the same salaries as they did when they entered the field. Editorial management requirements have also decreased and as a result, the number of editors and senior managers has dramatically dropped. On the other hand, instead of long term employment contracts, short term contracts are now used more frequently. Successive short term contracts (3-6 months) have become the rule in the industry and as a result, the stability of journalism has been seriously affected. Many employers also have used abusive provisions of the Labor Code that allows them to eliminate positions so that journalists can be more easily fired without proper severance packages and without giving them the possibility to apply for unemployment. “There is a collective contract to protect journalists, but its provisions are not applied. Media employers have been arbitrarily using short term contracts,” Godinac said.

The panelists believe that generally, media outlets do have proper professional equipment. “Sharing the latest technology works for the press,” said Ion. Other panelists indicated that physical investments are not as important as programmatic content. “There have been problems accessing databases—usually very expensive—for investigative reports,” said Martin. “There are plenty of places where pirated software is still used,” said Comanescu. The prevalence of entertainment programs over news programming is still considered overwhelming, with the news tending to be “imported” stories and quotes. The panelists also pointed out that there is a lack of interest in serious investigative journalism. “Local media has been closer to the community,” Avadani indicated. “Yes, but it has been just a small number of truly independent journalists. Good journalists have chosen to work as political advisers or communications officers for private companies,” added Moraru. A journalists’ specialization in certain areas has also become scarce. “Fewer have been interested to come to trainings. Usually they say ‘Why come to training courses, I don’t know if I’ll keep my job anyway,’” Avadani added.

### OBJECTIVE 3: PLURALITY OF NEWS

Romania Objective Score: 2.37

While the print market continues to slide, with the most widely circulated newspapers shedding circulation sales by as much as 80 percent since 2009, the television market

remains overcrowded. This is especially true for all-news television channels.

There are a variety of media channels in Romania but few offer a variety of views. Clear, political positioning of media outlets has brought a clear and deep division to the media market. Supporters of left- or right-leaning views have gone from being competitors to enemies, often resorting to vicious personal attacks.

Unlike publications and broadcast media, which is now mostly partisan, online media offers the greatest diversity of news for the public, but accessibility remains an issue.

The panelists warned that the media market is now characterized by excessive fragmentation in terms of business. There are too many brands in different segments to be profitable. In terms of content, however, the information is the same because resources are scarce. "Outlets [distinguish themselves] through opinion and attitude rather than information," Comanescu indicated.

Most panelists characterized state media institutions as more balanced than commercial ones. Political control and lack of corporate management with transparent targets (such as audience targets or economic performance or public trust) are some of the main problems that public media experiences. This reality became obvious once again this year, when the new majority in parliament replaced the board of the state owned television station as well as the manager of public radio.

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

Unlike publications and broadcast media, which is now mostly partisan, online media offers the greatest diversity of news for the public, but accessibility remains an issue.

"Public television (TVR) is more balanced than private television," said Martin. "But the balance of TVR's programs is somehow negotiated between the parties," Trandafir added.

Panelist Mixich noted, "Balance does not mean courteous language which, indeed, characterizes TVR's newscast. Balance also means covering uncomfortable subjects from both sides. Let's look at a symptom we mentioned. The guest lists for TVR's talk shows have changed completely after the majority in parliament changed. During the electoral campaign for example, TVR has kept quiet." Still, Martin insisted, "TVR covers several topics that are not on private television."

A relevant example of TVR's management being extremely sensitive to political trends was TVR Info's case. This was an online project launched several months before the change in the board. It was an unusually independent voice, courageously covering politics and investigative reports. TVR Info was the first media outlet to publish exclusive documents unveiling the allegations of plagiarism against Prime Minister Victor Ponta, a media scandal that led to political turmoil. "The new TVR general manager, Claudiu Saftoiu, publicly recognized that, when he asked the journalists about their information source, they refused to disclose it," said Mixich, who interviewed Saftoiu on this topic. Faced with major financial difficulties, TVR was forced to proceed with a drastic restructuring effort and TVR Info would be among the first programs cut.

There were still three news agencies in the market in 2012: Mediafax, Newsin and the only state owned entity, Agerpres. "Agerpres still functions as a government news agency, with no credibility," said Martin. Both private agencies had dramatically narrowed their news coverage and faced financial problems that endangered their operations as a result. On the other hand, the massive growth of free online content remains a milestone for the sustainability of the agencies. "Mediafax's subscription price was lower. However, we have only been using the agency to take photos," said Silviu Ispas, manager of MIDAS Media.

The transparency of media ownership continually decreased as the financial crisis deepened. Limited segments of the

“Three years ago we knew who owned what outlet, but today the number of mysterious cases of ownership has multiplied,” Avadani said.

national market are owned by big international media companies, while local politicians and business persons increased their shadowy participation in big media outlets. “The problem of media ownership has turned into an issue of financing, because it has become more important to know who is financing all the unprofitable television stations and publications than who owns them,” warned Comanescu.

The uncertainty about ownership clouds the television market also because of bankruptcy proceedings. Many companies are in so called insolvency proceedings after many of their contractors have been unable to recover their debts. While the business operations of a bankrupt firm are handed over to an administrators appointed by a judge, it is unclear who bears the editorial responsibility for the outlets. “Three years ago we knew who owned what outlet, but today the number of mysterious cases of ownership has multiplied,” Avadani said.

One of the most important transactions of the year for the print media market was the sale of Adevarul Holding, owned wealthy businessman by Dinu Patriciu, to another businessman, Cristian Burci, with much smaller financial resources and much lower possibilities to invest. The company and its products have seen a dramatic drop in the past three years in all market segments—quality newspapers, local publications, yellow press publications and books. Staff layoffs were dramatic in the company as were the delays in paying employee wages and suppliers.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Romania Objective Score: 1.78

Advertising, the most important source for the Romanian media market’s revenues, continued to decrease but not at the same rate as in the previous years. Advertising expenditures stood at 309 million euros in 2011 (less than 2% of the previous year), and were expected to drop again in 2012 to 303 million, according a report by the Media Fact Book. The report also announced that advertising in digital media was the “star” of the market in 2011, when the Internet surpassed outdoor sales.

According to the same estimates, television advertising was expected to record a drop this year of about 10 million euros. Internet advertising was expected to grow by about 7 million euros thanks to social media. Radio, print and outdoor advertising markets are expected to contract slightly.

From an economic perspective, the Romanian market looked more stable than others in the region. Television shares fell to 64% in 2011 from 66.2% in 2010. Internet shares grew from 8.3% in 2010 to 11% in 2011. The growth rate of the Internet was large (30%) in 2011, but the largest increase was marked by search engine marketing (70%).

In terms of sustainability, many media companies went through bankruptcy proceedings in 2012. Adevarul Holdings, one of the biggest players in the print media market, organized several attempted auctions of its top brands, and according to official estimates, the company’s total debt reached 100 million euros, largely because of aggressive expansion to try and capture more of the media market share.

“The largest media company, Adevarul Holdings, is bankrupt after succeeding to destroy other newspapers in Romania. Very few were able to resist its expansion,” Ispas complained.

The news agency NewsIn was insolvent with debts estimated at 2.8 million euros while Realitatea TV and the publisher of *Romania Libera* newspaper also faced financial difficulties.

When asked, the MSI panelists could hardly indicate a single media company without debt. In the entire Romanian media industry, not a single company ended 2012 with a profit. “In

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

2008, many institutions just took off. It was a wild expansion based on lending. Then the crises decreased the [availability] of advertising funds and [companies] had to repay their loans. Financial turmoil followed," Ispas said, describing the market situation.

Local newspapers have the most diverse list of income sources. They collect money from local sources, from selling copies and national advertising. Bucharest based newspapers, all panelists agreed, were over dependent on advertising, which made them terribly vulnerable during the crisis. The panelists estimated that the advertising market fell by 85% between 2008 and 2012.

The Romanian advertising market is still dominated by big international players and their local subsidiaries. These include: Graffiti BBDO, McCann, Ericsson, Saatchi & Saatchi. However, other ambitious initiatives by former employees of large companies began to take shape as well. As in the previous year, panelists have complained about the gray or controversial practices in the market, such as blackmail or pressure to gain larger rebates.

"The advertisers have represented a developed market, but developed only for their own interests and not for the press," Ispas said, while adding that there were explicit threats demanding payment of rebates through a legal executor. The panelists estimated the regular rebate for the newspaper market was approximately 15% of all contracts, while for online subscribers, the percentage increased to 35%.

"Advertising budgets decreased in Romania more than in other countries in the region, which makes me think they were previously inflated so that the agencies would get a higher rebate. On the other hand, there have been newspapers that have increased their revenues from online advertising," Ispas said.

There are no direct subsidies for private media in Romania but contracts and tenders which they access are based on connections with the power elites of the day. There are still preferential opportunities to draw from public advertising budgets, particularly in promoting European funded projects or announcements related to procurements under these projects. Avadani indicated that the practice illustrates that the authorities in charge of managing these projects are corrupt.

"Public advertising funds have remained around 110 million lei per year. The regulations applied by the authorities have been totally unprofessional. Project beneficiaries have been asked to advertise in a national newspaper, and that has been it. Online advertising has not accepted because proof of publication (in the paper), must be seen and sent to the

**"Public advertising funds have remained around 110 million lei per year. The regulations applied by the authorities have been totally unprofessional," said Avadani.**

proper authorities. The procedures have often been outside the law. The lowest price has been the main criterion in awarding such contracts. Over 80% of the contracts we monitored were awarded following this rule, which neglected any technical criteria," Avadani said.

Estimates indicated that 8-10% of advertising money in the market comes from public funding. Panelists have also stressed the government has attempted to change the law on public procurement, by removing the threshold of 15,000 euros, above which would require a mandatory public tender. There were intentions of introducing a higher limit (30,000 euro per contract) to be able to award the contracts more easily. According to a government spokesperson, the limit remained at 15,000 euros "as requested by a group of NGOs."

For over eight years Romanian television audiences are to be measured by a single company, selected by both television companies and advertisers alike, and also endorsed by the Association for Measuring Audiences (commonly known by its acronym, ARMA). In January 2012, the winner of the selection was Kantar Media Company, after two years of measurements provided by GFK. A new mechanism and procedures starting in January 2012 was to account for online reach as well, when measuring audiences. The former system implemented by GFK was criticized by SRTV for being biased and favoring the most popular private channel, ProTV.

"There were three institutes which measured audiences in recent years. Each institute claimed to have a scientifically calibrated panel. When it came to the results you could see that, after three weeks, the audience of a television show dramatically changed as if more than a quarter of its viewers had died instantly," said Ion, expressing his skepticism toward the system.

As for print media, the industry and big advertisers formed an organization called the Romanian Audit Bureau of Circulation (commonly known by its acronym, BRAT). It was founded in 1998 as an independent, nonprofit entity. BRAT developed the National Readership Survey (commonly known by its acronym, SNA), which approximates the total number of readers per publication. As in previous years,

“There are professional associations, but they have been inactive, with no significant activity. Industry representatives prefer to influence the legislative process individually,” Martin said.

some panelists raised doubts about the number of readers reported by SNA. Nevertheless the current president of BRAT defended the record of SNA, saying that it failed only in the few cases where the local panels were too small to satisfactorily cover the population.

#### OBJECTIVE 5: SUPPORTING INSTITUTIONS

Romania Objective Score: 2.20

Faced with new waves of mass layoffs, on top of the already difficult trend from last year of poor salaries and late payments, Romanian journalists have failed to organize, join or form professional associations in order to have a common voice.

“There are professional associations, but they have been inactive, with no significant activity. Industry representatives prefer to influence the legislative process individually,” Martin said, giving as an example the recent proposal for amending the Broadcasting Act using an

#### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

##### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists’ rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

Emergency Ordinance. The media called the proposal “the Voiculescu Ordinance,” after Dan Voiculescu, owner a large media conglomerate.

After two years of editorial restructuring and reductions in salaries, in many cases openly disregarding the Labor Code, the number of media union members has decreased. Fear of losing one’s job or, as in the cases of Adevarul Holding and Romania Libera companies, the prospect of never recovering previous wages, has led journalists to become silenced. This trend has been confirmed by union leaders.

“Salary cuts and massive layoffs have decreased the number of union members in the media,” said Moise. He also claimed there were disciplinary pressures from the management of state run radio (where he is employed). “I have been subjected to an internal disciplinary investigation,” he added.

In a few cases, where the prospect of bankruptcy was openly considered, employees were more courageous. Godinac gives an example. “The first collective contract in the private media had been in Realitatea Media. What really helped us were the complaints from within Realitatea to the County Labor Inspectors Authority—the public body that deals with abuses against employees and sets compliance with the Labor Code. But nobody dares to organize a union in the private sector. It was a strategy we’ve seen in many media outlets, splitting their operation into smaller firms. If you have under 15 employees you cannot have your own union.” The percentage of employees in media outlets that have been drawn to trade unions is relevant, as compared to previous years, just for public radio and television.

On the other hand, one panelist argued that the provisions contained in collective contracts for journalists negotiated by Mediasind are overprotective of the journalists. “It has only contained rights for journalists and not obligations,” said Moraru.

Professional organizations, once powerful, have become marginal and continue to play a passive role in condemning improper professional attitudes or actions or in defending any attempt to restrict free speech. The Romanian Press Club, once a powerful organization, has vanished from the public arena. Only traditional organizations dealing with media freedom, such as the Centre for Independent Journalism and ActiveWatch Media Monitoring Agency, have been acting as watchdogs. They have promptly reacted to legislative initiatives that would restrict the freedom of expression.

"Journalists have not been able to defend their rights and they have not been able to associate to defend them," said Martin. "Sometimes [journalists] say that we haven't done enough to get their payments from their employers. They do not feel any duty or responsibility toward their situation and are expecting things or solutions from outside," said Avadani.

Some panelists believe that the impressive advocacy work by many NGOs still remains a mystery to many. "NGOs have had remarkable results in advocacy, but 90% of the journalists know nothing about that," Morar said.

"Active membership doesn't exist, not necessarily because of the lack of money but because the quality of journalism or the quality of journalists' work has not been considered a priority anymore," said Avadani, who, as director for the Center for Independent Journalism, has extensive experience in providing specialized trainings for media professionals.

Another large trend seen lately in Romanian media outlets is the replacement of experienced, high salaried journalists, with young and inexperienced newcomers. The newcomers are typically hired with short term contracts – and sometimes only with the perspective of having one. They often make three to five times less money than an experienced journalist. These newcomers now have access to the top newsrooms, where, a few years ago they would have had no chance to hope to work in such settings. "These children have not received coaching or professional feedback to their work. They have only been exploited," Avadani said.

Several private projects run by current or former anchors from the top TV stations have provided paid training especially for young students dreaming of a career in television.

The media has no restrictions in obtaining printing equipment or facilities but several professional alternatives do exist. There have been recently registered controversial decisions from cable providers to remove certain international television channels from the packages for which consumers have already paid. One of the main cable providers, RC-RDS decided to remove the Discovery channel package and replace them with their own offerings, generating protests from consumers, but to no avail.

## List of Panel Participants

**Adrian Valentin Moise**, vice-president, Mediasind, Federation of Journalists' Trade Unions, Bucharest

**Bianca Toma**, former EU affairs correspondent, *Adevarul*; researcher, Romanian Center for European Policies, Bucharest

**Catalin Moraru**, editor-in-chief, *Monitorul de Botosani*, Botosani

**Cezar Ion**, president, Association of Romanian Journalists; editor, public television, Bucharest

**Cristi Godinac**, president, Mediasind, Federation of Journalists' Trade Unions, Bucharest

**Gelu Trandafir**, member, National Audiovisual Council of Romania, Bucharest

**Georgiana Grecu**, executive director, Romanian Advertising Council, Bucharest

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

**Iulian Comanescu**, freelance journalist, media analyst, HotNews, Bucharest

**Razvan Martin**, FREEEX program coordinator, Media Monitoring Agency, Bucharest

**Silviu Ispas**, manager, MIDAS Media, Bucharest

**Vlad Mixich**, journalist, HotNews, Bucharest

**Petrisor Obae**, blogger & media analyst, *Paginademedia.ro*, Bucharest

## Moderator and Author

**Cristian Ghinea**, journalist, media analyst, Bucharest

*The Romania study was organized and conducted in partnership with the Center for Independent Journalism, Bucharest. Bianca Toma contributed to coordination. The panel discussion was held on December 12, 2012.*

*The state did not proceed with applying its media strategy. On the contrary, the state's media policy was almost entirely devoted to seeking greater control over media content. The gap between the law's provisions on media freedom and its daily practice is dramatically expanding.*



SERBIA

The year 2012 was another politically, socially, and economically turbulent year in Serbia. Especially strong negative influences on the media sector emanated primarily from the devastating economic conditions in the country and region, and a marked increase in political pressure on journalists.

The European Council granted Serbia the status of EU candidate country in March 2012, after determining that Serbia had taken steps toward a visible and sustainable improvement of relations with Kosovo. Presidential, parliamentary, and local elections were held in May. The elections were free, fair and peaceful, but media election reporting was assessed as insufficiently balanced and analytical. The leader of the conservative Serbian Progressive Party, Tomislav Nikolic, won the presidential election and his party secured the largest number of MPs. Most of the parties that entered parliament are in favor of Serbia's joining the EU.

The EC's Progress Report on Serbia noted the need to face fiscal imbalances, implement structural reforms, continue working to expand the economy and attract foreign investment. Unemployment climbed to 26.2% in October 2012, while debt approached nearly 55% of GDP by the end of July, far above the legally binding threshold of 45%.

The government adopted amendments to the strategy for switching over from analogue to digital broadcasting of radio and television programs in March 2012. The planned switchover date, originally scheduled for April 2012 was changed to June 2015. The first digital network was launched in April 2012.

Assessing media development as a whole, the MSI panel largely agreed that sustainability is at its lowest point in years and is getting worse. Firms continue to sacrifice quality and postpone investments in order to stay afloat. The state did not proceed with applying its media strategy. On the contrary, the state's media policy was almost entirely devoted to seeking greater control over media content. The gap between the law's provisions on media freedom and its daily practice is dramatically expanding. The media sector is still burdened with an astonishing number of outlets in spite of a wave of media outlet closures in 2012. As such, this year's MSI showed Serbia stagnating in nearly every objective, with the positive political influence of EU candidacy counterbalanced by the economic crisis and domestic political machinations.



# SERBIA at a glance

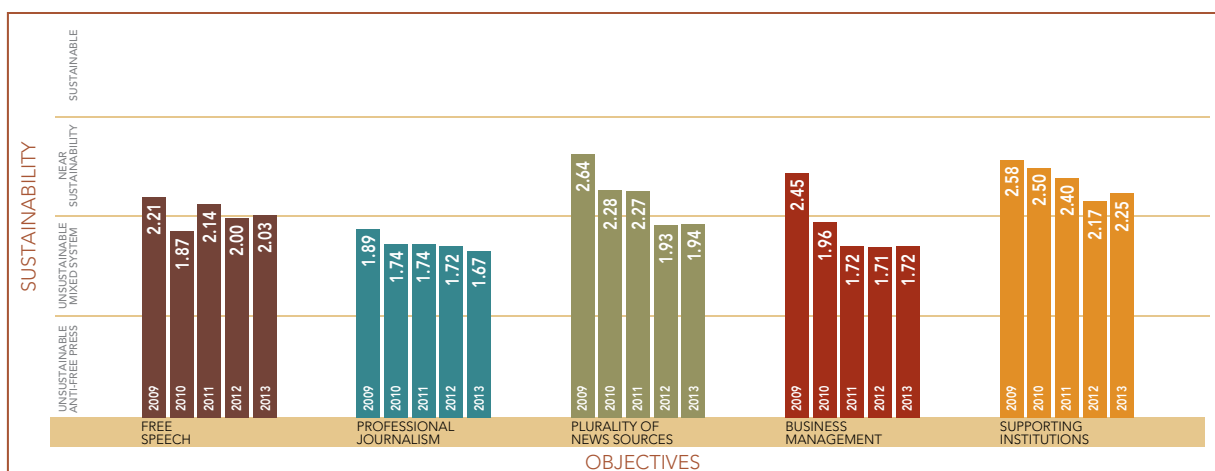
## GENERAL

- > Population: 7,243,007 (July 2013 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 (2011-Atlas): \$41.29 billion (World Bank Development Indicators, 2011)
- > GNI per capita (2011-PPP): \$11,540 (World Bank Development Indicators, 2011)
- > Literacy Rate: 96.4% (male 98.9%, female 94.1%) (2002 census, *CIA World Factbook*)
- > President or Top Authority: Tomislav Nikolić (since February 15, 2012)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: 591 outlets (including 20 dailies, 94 weeklies, 43 bi-weeklies, and 224 monthlies); Radio Stations: 214 radio stations (2 public service + 4 national coverage, 48 regional, 267 local); Television Stations: 111 on air, 134 licensed ( 2 public service, 4 are national, 30 regional, and 98 local; 39 cable stations); Internet: 107 news and information sites (sources: Republic Broadcasting Agency, Business Register Agency, 2011)
- > Newspaper circulation statistics: Daily average total circulation 850,000. Largest by circulation are *Blic*—private, 121,480, *Alo!*—private, 113,842 private, *Vecernje Novosti* 109,740, state-owned, *Press 74,672*, *Politika*, 55,970. (ABC Serbia data)
- > Broadcast ratings: The top three television stations: RTS1—public, TV Pink—private, Prva Srpska Televizija—private. (ABG Nielsen, 2012) Top three radio stations: Radio S—private, B92—private, and Radio Beograd I—state-owned. (IPSOS research for Feb 1–Dec 2, 2012)
- > News agencies: BETA (private), FONET (private), TANJUG (state-owned)
- > Annual advertising revenue in media sector: €172 million. (2012 est., AGB Nielsen)
- > Internet Usage: 42.2% of total population (Serbian Statistical Office, 2011)

## MEDIA SUSTAINABILITY INDEX: SERBIA



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Serbia Objective Score: 2.03

The panelists felt that free speech stagnated compared to last year, not changing its decline that was registered in the year prior. Prolonged media exposure to free speech laws that have not been implemented has produced an atmosphere of skepticism and disappointment. Nevertheless the participants not only described the media environment but also the lack of freedoms generally in the country. Nebojsa Spajic, editor in chief of the weekly publication NIN said, "In Serbia we have been faced with an essential misunderstanding of freedom of speech. The problem has been the lack of societal support for the implementation of good laws and constitutional provisions. We have had a social climate which has allowed some groups to [lobby for the closure] of certain media outlets for not being patriotic enough." The panel felt that one of more disappointing developments in 2012 was the fact that no law was passed to implement a new media strategy.

Constitutional norms and laws protecting free speech in Serbia are in line with all relevant European and modern international standards. But the persistent problem is the application of the law, especially by the court system. Legal protection in the courts is weak primarily because of the lack of knowledge and inexperience by judges and their

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

"In Serbia we have been faced with an essential misunderstanding of freedom of speech...We have had a social climate which has allowed some groups to [lobby for the closure] of certain media outlets for not being patriotic enough," explained Sajic.

self-censorship. Several seminars were organized in Belgrade for judges on European methods of trying defamation cases against the media. After these seminars, judges in Belgrade started applying European practice in media cases; however, judges in local court systems are still unaware of these European standards. As a result, there are still many cases of some laws being misinterpreted, as was the case in the trial of the print media outlet *Svetlost* in Kragujevac. A letter to the editor from a citizen complaining about inefficiencies and malpractice by one particular judge in the Kragujevac court system was published by the editor. The judge sued *Svetlost* for publishing the letter. The letter's author confirmed in court that the published letter was identical to one he sent. Nevertheless, *Svetlost* was fined \$10,000 (600,000 RSD). The verdict was reached by a judge from the same court system who was a colleague of the identified court.

Another problem that local judges experience is that they often succumb to pressures from local politicians and special interest groups. The pressures by local authorities on judges and courts are very strong and as a result, judges are not rendering verdicts that they fear could endanger them. Lawsuits against journalists in local regions are still frequent and are brought mostly by public authorities such as chiefs of police, police inspectors, state owned enterprise directors, local municipal aldermen, judges, businessmen, and politicians. There were nine new court proceedings in 2012 against members of the Local Press independent media association. Lawsuits for moral damages are those mostly filed against local journalists. "In local areas self-censorship is stronger and freedom of speech is much more endangered," said Aneta Radivojević, producer for the local television station TV Prva.

Another important problem is the incoherence of certain laws. One obvious example is seen in the Capital City Law which has provisions that are completely at odds with the Public Information Law. The Capital City Law allows the city of Belgrade to own media outlets in spite of a strict ban on such practices found in the older, Public Information Law. At least four such laws directly contradict the Law on

**“For me, until the state is able to solve the murders of our three colleagues, crime against the media will always be one of the biggest problems in the country,” said Spajic.**

Public Information, including: Capital City Law, the Law on Local Government, the Law on Public Goods and the draft Law on Public Enterprises. The array of statutes allows prosecutors to search for several angles to press charges against journalists.

In principle there is no serious public resistance to violations of the law or public reactions when laws are applied at the expense of journalists. One notable case in 2012 was that journalist Lazslo Shash, who was sent to jail on a curious court ruling. The court convicted Shash, under aggravated circumstances, when they held that he defamed a public official. Even the higher level court confirmed this verdict. This highlights the fact that a number of judges did not have a clear understanding of the international standards with which a public person should be held to greater scrutiny by the public and media. The entire case stopped after media associations and the public reacted strongly. Such reactions force a move by the President, who pardoned Shash. The fact that the President rectified the error of a state institution like the judiciary is one of a few encouraging events this past year. What is more important is that, in this case, the public strongly supported the journalist. On the other hand, however, this case also shows that journalists and freedom of expression can easily be endangered. It should be noted that the media was not active enough in supporting the outcry against illegal private phone taps, which occurred because of this case.

Serbia has an official, independent regulatory agency called the Republic Broadcasting Agency (RBA) which, regrettably, performed poorly again this year. RBA inactivity is the main reason that the electronic media market is saturated with so many low quality media outlets. RBA continually issues broadcasting licenses without any distinct process or criteria. RBA's priority seems to be the collection of fees from as many media outlets as possible. RBA's behavior is inconsistent and suggests that it remains under strong political influence. Mileva Malešić, director of TV Forum in Prijepolje said, “The worst thing is that RBA has had premises, equipment and money to monitor and to react, but RBA has been under political influence instead of being at the service of the average citizen. RBA has reacted seriously only when [a media outlet] is not paying its obligations.”

During the year, RBA took away the licenses of several television stations, including the national TV Avala and regional television stations TV Zona and TV5 in Nis for not paying their licensing fees. The license was taken from TV Zona, but an explanation for the cancellation was received only a month later. On the other hand, RBA wrote off the debts of some media outlets in a nontransparent manner. Radivojević noted, “RBA has not been monitoring the content of media programs nor the compliance of broadcast networks within the provisions stipulated by broadcast licenses. Apart from TV Avala, several local TV stations lost licenses for the same reasons and RBA did not monitor to what extent individual media kept the program criteria ascribed to them when they got their license. That was a devastating fact. For TV5 which is now closed, a serious feasibility study was done, but RBA never controlled program content of that outlet nor any other local station in Serbia outside Belgrade.” Ljiljana Smajlovic, president of the Serbian Journalists Association added, “The case of TV Avala employees protest and [the] refusal of RBA to react clearly showed that RBA is not independent.”

RBA consistently refuses to submit data and is hiding information on how much and which media outlets have paid their debts or have arrears to RBA. The nature of RBA's unprofessional behavior can be seen on their website which posts out an outdated license database in a disorganized manner. Sinisa Isakov, director general of RTV in Novi Sad, said, “RBA has been growing and equipping itself, but it stands inefficient.”

The good thing RBA did was monitoring the media's behavior during elections, but unfortunately only for a limited number of media outlets, virtually none of which were local media outlets. Also during 2012 RBA published some objections to the advertising practices of television stations generally (such as increased volume compared to programming, longer-than-normal advertising length allowable during a one hour TV program and moral advertising content). However, the reaction from the marketplace was mild and RBA fines ineffective.

RBA also refuses to regulate cable broadcast outlets despite the fact they are the solely responsible institution to do so. An example of the anarchy that rules cable broadcasting is that the day after TV Avala lost its license, the newly formed channel TV Pink 2 immediately began broadcasting in Avala's place without any formal bidding process or organized procedure. While a cable operator can select who they want due to the lack of rules and regulations, this moves Serbia far from a fair and transparent practice of free speech and opens up the industry to speculation concerning the behavior of the industry's stakeholders. Another problem created by RBA's refusal to properly regulate is

seen with TV Arena where because of proper regulation; it is now in competition with terrestrial TV stations. Nebojsa Samardzic, a lawyer with the law offices of *Zivkovic & Samardzic*, stated, "As RBA has not shown an interest to regulate cable operations, the move of TV Pink2 in the place of TV Avala was not illegal, but it has been a common belief that political or other influences on RBA are obvious. There has been no consistent monitoring of programming [according to] feasibility studies despite the fact that RBA has excellent premises and more money than they need. RBA is not working, however, and it is obvious that [the benefit of] public interest has not been considered by those that decide on licensing."

The most serious criticism of RBA by the panelists is the function of one of its most important strategic areas. In order to get a license, every media outlet must submit a detailed feasibility study to RBA detailing their professional performance, including a description of their program content. In previous years all media outlets invested significant effort, time and scarce money in producing feasibility studies. RBA is not even monitoring the compliance of programs that are broadcast with programming authorized by the RBA license, let alone rescinding licenses of media outlets that broadcast noncompliant content. This is the main reason why there are programs broadcast that are completely different from what has been authorized by the RBA. There are even cases where some television stations on the air do not have their own production equipment or cameras, as was the case with TV Enigma from Prijepolje. These are all explanations as to why Serbia has far too many broadcast media outlets per capita.

The panelists unanimously concluded that RBA is performing poorly in spite of the fact that it has excellent premises, new equipment and projected budget surpluses every year. The practice of transferring RBA surpluses to the state budget should be changed by either lowering their licensing fees or by directing surpluses toward the development of the media sector. Print media outlets pay no specific license tax, as they are treated equally to other private firms. As mentioned, news websites are not regulated.

In Serbia all media industry organizations must register with the Serbian Business Registers Agency. No special conditions or legal restrictions exist in order to enter the media market. The application of taxes is also equal for all media outlets. The problem is that, according to some panelists, print media should have tax exemptions such as lower VAT. In the Government of Serbia's *Media Strategy* such a proposal was accepted, but the strategy is not yet operational. Two requests were put forth in the strategy: A 0% VAT or subsidizing the import of inputs for print media outlets. Both were refused.

Those trying to enter the print media market are in somewhat of a better position as they do not need licenses at startup. The only truly tax privileged media outlets are the pirate media, illegal electronic media outlets, largely thanks to ineffective state and private regulatory agencies. Their numbers have varied from between 50-100 in 2012 and do not pay taxes or other fees of any kind and have a devastating effect on local advertising markets in areas where they broadcast. "We in the print media are lucky that we have not been obliged to seek licenses from RBA," Spajic said.

The year 2012 was a year with numerous crimes committed against journalists. This year journalists were again beaten, their cars burned and many have received numerous threats. In a randomly selected, two week time period (June 26 to July 5, 2012), the following incidents against journalists occurred: A car belonging to a journalist with the daily newspaper *Kurir* was set on fire in Novi Sad; The local station from Kucevo, TV Zvizd, was destroyed in a fire; Journalists with RTV were attacked in Becej. The reaction of the police and judiciary was ambivalent at best, but was mainly one of ignorance to the events. The case of beating journalist in front of police officers was even broadcast on national television. In this case, the attacker has not yet faced prosecution, as court proceedings are extremely long and the judicial process very inefficient.

There is limited investigative reporting in Serbia despite the prevalence of corruption and the political misuse of investigative functions. Nevertheless investigating reporters are under attack from different interest groups defending their illegal interests. Right now three journalists are under permanent police protection and the public reaction has ranged from outrage to ambivalence depending on the region of the country. Criminal acts against journalists have not been vigorously prosecuted and as in previous years, are very often left unsolved as is the case of the murders of three Serbian journalists many years. "For me, until the state is able to solve the murders of our three colleagues, crime against the media will always be one of the biggest problems in the country," said Spajic.

A number of state owned media outlets receive preferential treatment mainly by the state or the party in power. A good example is the case of media financing from the government budget in Nis, where 2/3rds of the media budget is given to only one media outlet. In January 2012, a regulation ordered that media outlets financed from the state budget should be treated as public companies. The law on public subsidy control forbids the preferential treatment of one entity over another, but to avoid this provision of the law, the draft law was changed at the last moment, making the law applicable to transfers over €30 million only. So again, the media

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industry is not protected since there are no transactions above this amount that ever occurs.

Another form of discrimination is the fact that several political parties have not paid arrears for advertising during the election campaign, even to state owned media. In Belgrade, media financing is carried out through intermediary or public companies. The financing of state owned media in Belgrade and local regions is not transparent and is done according to unequal standards which ultimately endanger marketplace equality. Political elites have close connections within the media industry and use them to promote their own agenda to the public. In local regions it is even worse for media outlets that are financed from the state budget. Budget financing in Serbia traditionally lacks transparency. Electronic media are under heavy market pressures from two large advertisers that dominate the market. The new government has the perception that the Democratic Party controls the media through advertising monopolies, since the owners of the two biggest advertising agencies are close associates of former President Tadić, and one of them is the mayor of Belgrade.

Libel is still not decriminalized in Serbia and the Constitutional Court has not expressed an opinion on the controversial provisions of the Law on Electronic Communication (specifically the provision that enables warrantless phone tapping). This law also endangers the practice of protecting informants. Prison sentences for libel are extremely rare and court practices are slowly improving, especially in places like Belgrade which is doing better in accepting the practices of the European court system. Journalists are having more difficulties with cases of civil lawsuits, especially in the regions. How prevalent corruption is in the judiciary is difficult to assess. However, it is obvious that a great number of judges are not familiar with how to try cases of libel in a just society. The most drastic are cases where editors are sentenced for broadcasting or publishing quotes or reports from institutions or politicians. Internet service providers or web hosting companies in Serbia today are operating in an unregulated environment, but Internet media outlets believe that the same rules of editorial standards in the media industry apply equally to them.

There are no legal regulations that preclude the media from access to public information. Officially, all media outlets have equal access to public information but this is not the reality in practice. A great number of politicians, political institutions, companies and even courts still refuse to disclose information of public importance. Some would rather intentionally pay fines instead of disseminating

information that they consider to be unfavorable toward them. Some state institutions in local regions have been ordered not to make public media announcements before clearing the information through Belgrade first. In 2012 near the border crossing town of Prijepolje, a huge drug shipment was captured by the local police, where were then told to first contact headquarters in Belgrade to seek approval for the announcement to media. The Belgrade headquarters then promptly informed media, so that the information first came from Belgrade rather than the regions. The Prijepolje media then published the news story later.

Some politicians choose to whom they will disseminate their information. There are some media outlets that are permanently supplied with exclusives from the same politician or party. The opposite also occurs, however. In Bečej, the municipality president forbade a correspondent of RTV to enter his press conference. Another serious problem is the refusal (or self-censorship) of the media to quote sources from which official information has been obtained. The professional public sector is excluded from discussions on new proposed legislation. Predrag Blagojević, owner of *Južne Vesti* noted, "Recently the Municipality of Niš asked all regional and local media to submit the names of two journalists that will be allowed to enter into the municipality building when press conferences occur. They do not have [any written standards] on accreditation of journalists. Only after strong protests from journalists did the media receive an apology."

A journalist's job is further aggravated by the Law on Data Confidentiality, which is formally in effect but the bylaws have never appeared so journalists are left to interpret confidentiality in a subjective manner on their own.

Through a concerted effort by the Commissioner for Public Information, however, the situation is improving every year. A number of panelists highly praised the efforts of the Commissioner and his extensive help to journalists and editors.

Another positive area that Serbia enjoys is the media's access to and use of local and international news sources. Access to sources of information has been unrestricted in Serbia for a long time, and the panel felt this was very positive. Another positive area the panelists felt was important to note, was the ability to enter into the field of journalism. The panelists felt that entry into the profession has been free and non-discriminatory.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Serbia Objective Score: 1.67

Several panelists thought that professionalism improved in 2012, others disagreed. The objective score showed only a slight decline from the previous MSI report. There are different approaches to societal problems that can be addressed without dictates from the central government. The panelists observed that while there is more pluralism in journalism, unprofessional journalism is also spreading. The improvement seen after the elections is that there are now numerous power centers that are influencing the media sector rather than a single one. Vukasin Obradović, president of the Independent Journalists Association of Serbia, noted that, "Only centers of power that control the media have changed. Censorship and a high degree of media control have been replaced with the worst of tabloidization which is dominated by articles on arrests, charges and adjudication. We were faced with two negative phases of media development in 2012: pre-election and post-election. During the pre-election period we saw low levels of media freedom and during the post-election period we saw an explosion of tabloids. The popularity of tabloids has been growing and 'serious' media outlets, who are often interpreting public service news, have become sterile rather than professional."

Media competition is evident. Sensationalism coupled with unprofessional journalism is spreading the public's interest in the sector. It appears that with more pluralism in Serbian society, one is seeing more divisions in it as well. Nevertheless, the majority of panelists agreed that today there is more information available concerning different

### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

"One journalist actually told me," recalled Spajic, "I refuse to publish anything that does not come from someone's PR department because I am a professional journalist."

aspects of politics, but at the same time there is clear evidence that professionalism in the media is decaying. Because of this trend, the panelists felt that this area of the media sector decreased compared to the previous year.

There are many illiterate, unprofessional journalists but professional standards have also deteriorated. In a race for exclusivity many journalists are not checking facts. This year PR departments have been pressuring journalists and editors to publish their own content. The PR impact on management, editors and journalists is not harmless. There are some media campaigns that exist that are not critical of the media at all, such as the government's current struggle against corruption which has turned into a witch hunt, as one panelist said. Tabloids and sensationalism are widespread and are intruding on privacy. Despite the obvious need for media diversity, the expansion of tabloids is having a strong and negative impact on society, as tabloids are published with unchecked information and don't adhere to any ethical code. All told, professional standards are very low but are still there as journalists are not giving up their struggle for professionalism.

Reporting is under permanent economic and political pressure. Pressures on media after the election have not stopped. General standards are also lower due to weaker financing, the general collapse of social values and the expansion of tabloids. Professionalism is also affected by levels of poverty that hits the media and journalists. Poor conditions such as these generally dictate the level of professionalism that is seen. "The case of RTV is interesting. We introduced a new group of affirmed journalists in an effort to improve journalism on public service in the province of Vojvodina. But we were not able to restart programs for minorities [that have waned over the years]. Our experience showed that if editors are not active the quality of programs deteriorates. Serious falls in revenues limits payments to only salaries, with no money left for development and new equipment." Isakov said.

Journalists also contributed to poor reporting. Before the elections they were not publishing information on the misbehavior of politicians and tycoons, and now after the elections, they are literally "swooping on the carcasses." for stories. Journalists are also guilty of not

According to Obradovic, "In the local media there has been a trend: 'a broken pipe is not news, but one that is repaired is,'" meaning, local news find the good side in articles that could reflect poorly on local government.

quoting and checking their sources and for "spinning" a number of their stories. "One journalist actually told me," recalled Spajic, "I refuse to publish anything that does not come from someone's PR department because I am a professional journalist." The public's confidence in the media is becoming undermined and journalists are not seen as members of a respected profession. That is one of the reasons why their support is weak. Spajic added, "[Professional journalism] would be even worse if there were not a few, good quality professional media outlets. [As a whole], the media has been dominated by very low levels of professionalism, low ethics standards, low quality, low knowledge and low common sense...It seems to me that never before have things been so bad."

Journalist's code of ethics and that of most media outlets exist and were created on the basis of international ethical standards from professional media associations. A number of media outlets adhere to this code, but there are some that intentionally violate ethics standards to increase their public attention. In journalism, there is no consensus on either the substance or knowledge of ethical standards. The problem is partly in the fact that the Serbian public does not know that it is their right to demand that the media industry abides by ethical standards. According to Snezana Milosevic, secretary general of *Lokal Press*, "The media's relationship with advertising has been especially interesting. Faced with the financial crisis, more and more local media have agreed to publish an advertisement for up to 1,000 characters when advertisers are willing to pay. In as much as 80% of the cases, editors have not indicated that such text is not editorial. It is my opinion that journalists and editors recognize the advertisements very well, but the financial crisis has been preventing them from not identifying the source."

The experience with the Print Council, the body in charge of ethical standards in print media, shows that neither journalists nor their editors pay any attention to the Serbian Journalists Codex. During 2012, the Print Council received 23 appeals out of which 12 were rejected and 9 were taken into consideration. In no case was a consensus reached among members of the appeals commission. Out of the 9 cases

considered, as many as 5 were appeals against *Press Daily*. There were not any appeals against local media due to the financial crisis that increased the level of self-censorship. Nor were there any appeals against local media, largely because most editors are cautious and know that local interest groups would close down such disobedient media outlets with the help of local prosecutors, judges and other institutions with the authority to close them down. According to Obradovic, "In the local media there has been a trend: 'a broken pipe is not news, but one that is repaired is,'" meaning, local news find the good side in articles that could reflect poorly on local government. He continued, "The journalism we see today in dailies such as *Informer* and *Kurir*, which publish, in advance, announcements of arrests that will happen the next day, are professional and social disasters. Such newspapers have been ruining the name of professional journalism." In late 2012, word of the planned arrest of two oligarchs broke in these newspapers, believed to be linked to the deputy prime minister who initiated an anti-corruption drive. Far from reporting a scoop, such acts are more indicative of political tools, rather than investigative champions.

Self-censorship has spread in recent years, especially in the local media. A good example of self-censorship was seen lately in Nis. The Internet daily *Južne Vesti* published an article with the headline: "More expensive public transport." All state owned media in Nis, however, used the following headline: "New prices for public transportation." Self-censorship is still very much present in all media outlets as are cases of direct collaboration between individual journalists and editors with politicians. For a local journalist, any information that is not favored by authorities is dangerous even if seemingly trivial. The panel noted that local journalists will be wary of criticizing local officials, for fear of eliciting a public attack, threats, lawsuits, job loss, or even violence. In Kragujevac, for the first time in 20 years, one editor of a local publication recently refused to publish a journalist's column in which a fellow citizen referred to a town official as a "neighbor." After this, the journalist published the column on her Facebook profile and many more fellow citizens in town read the column than when it was published in the newspaper. Panelists agreed that widespread self-censorship is obviously returning the media sector to conditions similar to the 1990s.

In Serbia journalists cover all key events and issues in the country. Due to the attitudes of some politicians, a number of serious societal problems are not on the agenda. New citizen journalists are becoming established in Serbia without obstacles and this opens another avenue in which to cover events and issues.

The bad economy and extremely low salary levels available to media workers present huge obstacles to professional standards. This year journalist's salaries are especially low and have even decreased between 2010 and 2011. The average monthly salary in a local media outlet is around EURO 250, with wages often being paid as late as four to seven months. A number of journalists do not have social security as their employers are not able to pay into health insurance funds. Journalist's social status and living standards are near the bottom of pay scales, but journalists have few other options because employment opportunities in other industries are also few.

Panelists share the view that the proportion news and entertainment programming is balanced. The problem of content on most programs is that of quality and not quantity. Some observers think that Serbia has even more news programs than are necessary.

The technical capabilities of local media outlets are at relatively low levels and in principle lag behind media outlets in Belgrade. Technical equipment and capacities are obsolete, equipment is old or in poor condition and a number of media outlets don't have enough money to buy legal versions of software. New business models or development plans for local media are often an unattainable luxury, as they deal only with the daily problems of survival.

Niche reporting and investigative journalism share the same general quality of professionalism with the mainstream Serbian media. Due to lack of specialized journalists, some important topics are left out of the media industry. Economic news is rarely presented in a way that is understandable to the general public. Investigative journalism is underdeveloped due to the bad economy, self-censorship, the small number of specialized journalists and pressure from politicians, media owners or tycoons. It is widely believed that RTS, the public sector station, must improve its investigative reporting since they have not yet had any serious investigative stories in their programming content to date. RTS programs are, as in other media outlets, biased and burdened with self-censorship by its journalists and editors. "[The status of] professionalism can be seen in how investigative texts from the IJAS Center for investigative reporting (CINS) have been treated. A number of investigative texts on corruption were uploaded to the web site [during our reporting] but nobody ever downloaded them. Now when politicians from previous governments described in those texts are under investigation, tabloids are downloading our reports." said Obradovic.

### OBJECTIVE 3: PLURALITY OF NEWS

Serbia Objective Score: 1.94

All year, journalists and institutions pledged to be more transparent in their ownership despite the fact that in only a few cases were the identities of media owners actually known. Concerning the plurality of news sources, the opinions of the panelists differed slightly but plurality has still been ranked the same as last year which illustrates that stagnation in this area of the media industry persists.

The plurality of news sources is spreading in Serbia through social networks and Internet portals. The plurality of sources is not a problem but an increase in the number of sources does not guaranty the quality of sources. It is certain that citizens in bigger towns have better access to media than citizens in small towns and villages. First, low incomes prevent people from using Internet services or buying newspapers, which would improve their awareness. In those areas, traditional local media has been a priority because they broadcast or publish local news. Poor media literacy is another reason why people over 50 years old use online media or social network less than other age groups. Blagojevic noted, "Progress has been obvious in Internet media and social networks as an increasing number of comments and [posts] from citizen are registered. Citizens have become a new and abundant source of information through Twitter and Facebook, and information has been spreading. All data collected from those sources have been

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.



The lack of transparent ownership distorts the market, as the owners of such media outlets have hidden agendas and are not necessarily motivated by earning profits. Daily Press, for example, somehow publishes a weekly political magazine at a price 50% below the competition.

thoroughly checked by editors, as those sources often have false information.”

In principle, access to domestic or international media is not limited, but the economic crisis that has diminished people’s overall purchasing power prevents better access to a wide variety of media sources. Pirate media and overlapping signals still persist with the same effect of preventing access to electronic media. In bigger towns, the access to media is better due to the abundance of different media sources, better distribution networks and more efficient Internet access compared to local regions.

Most media under direct or indirect political and state control are not representing the complete media spectrum. Public media does not fulfill its role in covering cultural or educational issues nor airing specialized programs or covering investigative journalism. Media are not independent because they depend financially on different interest groups and because a large number of editors in chief are appointed by politicians and political parties. This is especially the case in local media and minority markets.

There are three news agencies with unequal market positions due to their different ownership structures. In principle, agencies are free, but one agency owned by the state is often favored and violates the media market. The state owned agency Tanjug has abundant financing from the Serbian state budget. On the other hand very often media entities in Serbia do not have money to pay for news agency services, especially foreign services.

News production is extensive in Serbia in both the state owned and private sector. A number of media outlets produce news, but since the process is expensive, much of their reporting comes from one single or a few sources of information. Very often news in local media and national minority language programs are not produced by themselves. In producing news, many media outlets rely on the Internet or other free or inexpensive sources. The new trend of illegally downloading programs from the Internet is spreading.

Media was scheduled to be privatized according to national legislation but it still lags six years behind schedule. Though politics have been somewhat competitive in Serbia since 2000, successive coalition governments have each, in turn, attempted to control the media and bend it to its own ends. Their refusal to implement the country’s privatization law is indicative of this trend. In the past decade, several Serbian governments invested significant efforts to stop media privatization and retain direct control of the media, especially those most influential outlets. Instead of concentrating efforts to finalize the privatization, in 2012 the top theme in media has been devoted to hidden ownership of a few media outlets. Transparency of media ownership is still unclear and many of the panelists are convinced that media transparency is the critical issue for media sector development. They contend that without transparent ownership, a comprehensive view of the media industry is not possible. According to the panelists, the lack of transparent ownership distorts the market, as the owners of such media outlets have hidden agendas and are not necessarily motivated by earning profits. Daily Press, for example, somehow publishes a weekly political magazine at a price 50% below the competition, the panel noted.

Other panelists agreed that transparency of media ownership is not unimportant but that transparent financing is far more important. “Ownership transparency has particularly been in the public eye during 2012 because of the affairs with *Politika Daily*, TV B92, TV Avala and TV Pink2. The public has not been interested in who the owner is but in who has been exerting the strongest pressure. No matter how [much the media has tried] to discover who the owners of certain outlets are, there has always been the possibility to hide real ownership. A very important topic is the prevention of monopolies. During 2012, tendencies toward monopolization of media distribution channels were recorded,” said Samardzic.

Financing of media is not transparent at all, especially in local regions that see media financing through local municipality budgets. Financing channels and practices are hidden. According to one research article, the state advertising agency controls 40% of all financial resources that come into the media sector. Therefore it is necessary to strictly control the spending of state money for media. Serbia should use the British model of transparently publishing all state financial transactions that go to the media, argued panelists.

Due to the extremely high number of media outlets in Serbia (around 1,100 registered entities), including as many as five national TV stations, the citizens of Serbia are not endangered by monopolies or oligarchies in the media industry yet. Foreign investments in the media have

diminished in 2012 as Germany-based WAZ-Mediengruppe left the market and newcomers are not yet on the horizon.

In principle the media does not resist reporting on different social issues such as those concerning gender, ethnicity, social convention, religion, and sexual orientation. Unfortunately, however, the media deals with such themes mainly when extreme events or accidents happened. Cultural and educational programs are stagnating (only 0.8% of programming on public station RTS is devoted to educational programs). The newest development on RTV Vojvodina (RTV) public television is a new program, broadcast one hour weekly, that will address the issues facing the regions 25+ minorities and discuss them in Serbian, which will help these communities address their problems and priorities to larger audiences and form bonds with neighbors around issues of common concern.

The minority language media are handicapped due to the Law on Minority Councils which is in serious contradiction with the Law on Information. Minority media are under control of the National Councils of National Minorities with devastating consequences. The Law gives to the National Minority Council the right to establish minority media and with this, they completely control minority media including the right to appoint an editor in chief. They have changed editors for unprofessional reasons and under exaggerated pressures of the most basic kind. Several minority groups did not form their Councils yet, but the fear is that their Councils will be as aggressive as some of the existing ones in controlling their minority-language media. Vojvodina's RTV station, which has 60 years of history, broadcasts programs on 10 minority languages.

Financing of minority language programs should be separated from the National Minority Councils, which are staffed by political appointees and loyal to the minority parties that are in the national ruling party coalitions in Belgrade. In this sense, as in other areas, Serbia's minority media is politicized, but competitively so. The National Minority Councils are only one side of the national minority media. RTS, a public station in Serbia does not have any programs for minorities. Several local media have topics and texts on minority languages. However, print media such as Hlas ludu, Caladi kor etc. are addressing only their native language population.

Thanks to the record number of registered and illegal media outlets, citizens have the opportunity to access information on virtually any topic that the media deals with without any problem. National coverage media sporadically cover local and regional news, with incidents and political developments dominating such reports. National media reporting on important events and news from local regions

When the mayor of Kragujevac became the subject of corruption allegations, the town's media took vehement positions on the subject, making a balanced investigation of the facts by the public all but impossible.

are not of the same caliber of other news in the national media. Some local media have more balanced news content, especially after the start of the citizen's media offensive.

In principle, international news outlets are also very well covered. Where print media are concerned, the latest research showed that local media content changed significantly since the year 2000. Before that, local newspapers carried only 60% local content and 40% covering the Serbian national political scene. Today over 90% of the content is based on local news. Unfortunately, local media that are still state owned are extended the hand of local governments and serve to forward information that glorifies certain existing political structures. Very often media outlets are also used to confront political opponents. When the mayor of Kragujevac became the subject of corruption allegations, the town's media took vehement positions on the subject, making a balanced investigation of the facts by the public all but impossible.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Serbia Objective Score: 1.72

Traditionally, the media sector's economic performance has paralleled the country's overall economic performance, which has been trending downward toward negative growth or stagnation. Throughout 2012, advertising agencies and state media financing were the focus of journalists and journalist associations. The two advertising agencies that were most strongly criticized are fortunately not the only players. There is a larger number of agencies in the market than the public perceives. Another almost unknown fact to the public is that between one fourth and one third of workforce turnover occurs within the media sector. Long term research practices proved useful for both media and advertising agencies. During the year there were disagreements between ABC Serbia and two tabloids on data accuracy, but the conflict was not resolved before the end of the year. The advertising market is stagnating and there is only room to expand in outdoor and radio advertising. Due to the serious declines in all sources of

**“Advertising market stagnation has been occurring despite the fact that 2012 was an election year,” said Samardzic.**

revenue, the panelists felt that business management practices in Serbia declined compared to the year before.

The unique conclusion of all panelists is that most media are not self-sustaining and is a reality that negatively affects editorial independence. The economic crisis has additionally made things worse. Only the largest media outlets can work on the edge of sustainability, therefore almost all media are trying to earn money from alternative sources, which in turn, further endangers the independence of the media. RTS public station does not present its balance sheet, and public station RTV Vojvodina does not even know how much subscription revenue will arrive to its account from the RTS account. RTV is exposed to decreases in revenue and cannot even obtain information on how many subscribers have paid their arrears to the public station.

Local media are not efficient and sustainable enough to save their independence. Only several big media outlets use business plans and all other are not in the position to do so and do not have the capacity to use such plans in everyday business due to the small number of employees. In the last three years, editors in local print media have reduced the number of employees by an average of 30% (source *Lokal Press*). Those journalists are now unemployed and have gone on social assistance. Layoffs have been one method

#### **MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.**

##### **BUSINESS MANAGEMENT INDICATORS:**

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

to diminish costs and have been used by practically all private media outlets. On the other hand, state owned media have surpluses of employees and have social programs for workers that are laid off. In a majority of local media outlets, the director and editor is always the same person due to the low number of employees. Blagojevic noted that, “Business and other planning do not exist as the conditions have been completely unpredictable. Very few media outlets invest money in improving the management function of the media unit.”

Most ad space is sold in Belgrade and this fact opens the question of media sustainability for media outlets that do not have national coverage. “Low prices in a saturated market disables sustainability so much that even good management has not been enough to earn a profit. [The primary] goal has been to survive. The poor market influences media activities in dramatic ways. Advertising market stagnation has been occurring despite the fact that 2012 was an election year,” said Samardzic.

In principle, revenues come from multiple sources. Parallel to that is the importance of growing state or municipality budgets, irrespective of the manner in which those funds are disseminated (through projects, state subsidies or advertising). The importance of state budgeting is now rising and the media industry now sees that state as a kind of “financier of last resort.” In the other words, media managers see state funds as the most important potential market/source of revenue. Unfortunately such an attitude is in contraction to with normal market mechanisms and profit consideration. Also, this also creates more space for stronger state influence in media and their continued independence.

The practice of advertising in Serbia has developed with most agencies being established as affiliates of well-known international agencies. Media financed from state budgets are free to advertise under essentially the same conditions as private media. Advertising turnover has stagnated despite the fact that 2012 was an election year and media revenues benefited from political campaigns. In the advertising market, an oligopoly situation has been created in the last several years. Only a few advertising agencies control the bulk of the market and most ad buys are diverted to a few select media outlets.

Until now, the largest advertisers have been banks, insurance companies, retail chains, and a few local manufacturers. All have been cutting advertising budgets. Compared to the region, the Serbian market is weak, with advertising budgets much smaller than former cohorts Croatia and Slovenia. In Serbia there are 20 agencies that are engaged in the media advertising market. Most of them do their ad buys through pools, three of which are prominent.

Approximately ten producer pools with their own advertising agencies actively sell advertisements according to their client's wishes and needs. Currently, the largest advertisers are consumer goods sellers, but with smaller budgets, so they primarily seek better results through engagement in national coverage media.

Most panelists complained that big advertising agencies are not recognizing local media outlets. Local advertising died out due to the simple fact that there are few products to advertise, as most manufacturing companies in Serbia have closed. The normal world standard is that local media averages 70% of the revenues from the local economy. But in Serbia today, the local economy is effectively nonexistent. Agencies still working with local media are paying their bills with delays of between 60 to 90 days. The biggest advertiser, Telekom, did not have a single advertisement in any local media markets. In local markets, private media have been forced to reduce ad prices, while state owned media, having direct funds from state budgets, can keep their prices stable. Nevertheless, the panelists also agreed that local media should be more active in informing advertisers about their market position.

Small and shrinking local markets and local advertisers with low financial strength brought the percentage of advertising revenues to an average level of as low as 30% of total media entity revenues. Revenues from advertising are obviously not in line with world standards. Some local media outlets have dropped their prices and bigger media outlets have lost 25% to 30% of advertising revenues in the last two years. Small media have lost even more.

The position and role of the state in media sector was and still is critical in developing the Serbian media industry. A key question concerns the way the state is spending money on media financing. State involvement in the media market is controversial because state subsidies for media are forbidden but such practices are the norm even in 2012. All year long, media institutions insisted in vain for the principle of project financing through public bidding, instead of the subsidy approach. Ministries and state agencies and public enterprises have questionable contracts with the media. State owned media do not spend taxpayer's money in a transparent manner. A good example of this is that the largest television station in the country, the state owned RTS television, does not have separate accounts for receivables from subscriptions and from their commercial activities. According to Milosevic, "Dissemination of state funds in most cases are conditional directly or indirectly on different editorial compromises. In local regions different methods have been used—from prolonging the signing of a contract,

Agencies still working with local media are paying their bills with delays of between 60 to 90 days. The biggest advertiser, Telekom, did not have a single advertisement in any local media markets.

to accumulating arrears or threats of nonpayment—if a media outlet refuses to make editorial concessions." Dragana Zarkovic Obradovic, country director for BIRN, also added, "Local authorities have granted money to local media. Research in 33 municipalities showed that 25 of them had financed media outlets directly from the municipality budget. Only one third of recipients submitted reports on spending. Results like these have been a clear illustration of [the lack of transparent] spending of state money. Those municipalities that had given money to the media divided the money as follows: 80% to municipal owned media and 20% to private media. This 20% was not given on a projected basis or through [competitive] bidding but directly for maintaining their operations."

For more than a decade, media research has been done professionally with extensive and diversified methodologies and has become an industrial standard years ago. The results have been used by media outlets for programming content or editorial policies as well as by advertising agencies for media planning. Researchers and analysts have also use market research results. The real problem once again is research on local media performance. Local media can afford market research in their respective areas only if and when donors finance such activities. The lack of data on the market performance of individual media outlets is often a strong reason for advertising agencies not to advertise in local media markets.

Broadcast ratings and circulation figures in Serbia are products of well-known worldwide research organizations: AGB Nielsen, ABC and Ipsos. AGB Nielsen and Ipsos regularly supply clients with data on television viewership and radio listenership. ABC Serbia is doing the same with print media circulation figures. ABC has been in the market for only a few years yet each year is increasing the number of print media circulation figures. Internet statistics are covered in Serbia by Wave 6 Research.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Serbia Objective Score: 2.25

In Serbia publishers' associations are rare and only represent a small number of media owners. On the other hand there is no strong syndicate of journalists and media employees. Therefore, so called collective agreements that would define the rights of journalists on one hand and the rights and obligations of publishers on the other, is still missing in Serbia. This has forced media associations to deal more and more with social protection and labor rights of journalists, compensating for the inefficiency of weak journalist unions.

Traditionally several media associations at a country, provincial, and regional levels are active in Serbia. In 2012 one new association was formed, the Nis Journalists Association. However, the biggest leap forward was in the consolidation of numerous media associations into a single coalition. The new coalition consists of: the Independent Journalist Association of Serbia, the Independent Journalist Association of Vojvodina, the Journalist Association of Serbia, the Association of Independent Electronic Media, and the *Lokal Press*. During 2012 this coalition succeeded in convincing the government to change its dealing with media outlets by amending some of the articles of the Law on Companies in 2013. One panelist pointed out that there is no association formed to promote the capabilities of technical staff in the electronic media sector. Such an association is needed to help such professionals develop their knowledge and innovative expertise to keep up with the fast pace of

change in technology. In Serbia another new association was established called the International Advertising Association (IAA) that until now has had three strong members. The association started their work by drafting a proposed Advertiser's Codex.

Some panelists believe that cooperation between the media sector and NGOs is excellent, but the president of the Independent Journalist's Association of Serbia pointed out that media coalitions did not cooperate enough with the NGO community during the country's *Media Strategy* campaign. However, they intend to improve this in the future.

During the year no significant new development was registered in the education sector. Panelists assessed that the Nis faculty media study was weak and that no real progress occurred during 2012. The criticisms of short-term trainings that were expressed by last year's panel still stand. Diversification of training is needed with an emphasis on modern journalism and specialized journalism. No progress was registered.

In terms of acquiring media equipment, neither print media outlets nor printing services in Serbia seem to have any problems or restrictions. The low purchasing power of the media is still the main obstacle that effectively prevents the acquisition and use of better technical devices, services and innovations.

The newest development in media distribution was the take of the big distributor Futura Plus by the company Centroproizvod. Now, Centroproizvod is close to gaining a monopoly in the print media distribution marketplace. According to *Lokal Press*, in Serbia there are now six active print media distributors, while two years ago there were 12. This is a potential danger, since the margin for selling newspapers through Centroproizvod is already 30% of the retail price. Panelists repeated that in terms of allocating cable television stations the situation is inefficient because RBA insists on not regulating the cable broadcast market in the country.

A major development has been the continued postponement of digitalization in Serbia. Only one initial network was activated and then all else stopped and much more should be done. Before digitalization is finished it will not be possible to use broadband services. Currently there are many serious problems for media which are in the regions outside of Belgrade or in smaller towns. Throughout the year, the majority of media owners were for the first time informed of the daunting costs of switching over to digital broadcasting. Digitalization is a process to which much more time, money and effort should be given than it has to date.

### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

#### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

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## List of Panel Participants

**Ljiljana Smajlović**, president, Journalists Association of Serbia, Belgrade

**Vanda Kučera**, CEO, McCann Erickson Group, marketing agency, Belgrade

**Aneta Radivojević**, producer, TV Prva, Belgrade

**Mileva Malešić**, director, TV Forum, NGO media, Prijepolje

**Dragana Žarković Obradović**, country director, Balkan Investigative Reporting Network (BIRN) Serbia, Belgrade

**Snežana Milošević**, secretary general, Lokal Press, local print media association, Nis

**Vukasin Obradović**, president, Independent Journalists Association of Serbia, Belgrade

**Darko Bročić**, CEO, AGB Nielsen, marketing agency, Belgrade

**Nebojša Samardžić**, lawyer, Zivkovic & Samardzic Law Office, Belgrade

**Nebojsa Spajić**, Editor in chief, *NIN*, Weekly political magazine, Belgrade

**Siniša Isakov**, Director, RTV Vojvodina, Vojvodina province public service, Novi Sad

**Predrag Blagojević**, CEO and Owner, *Južne vesti*, private Internet daily, Nis

## Moderator

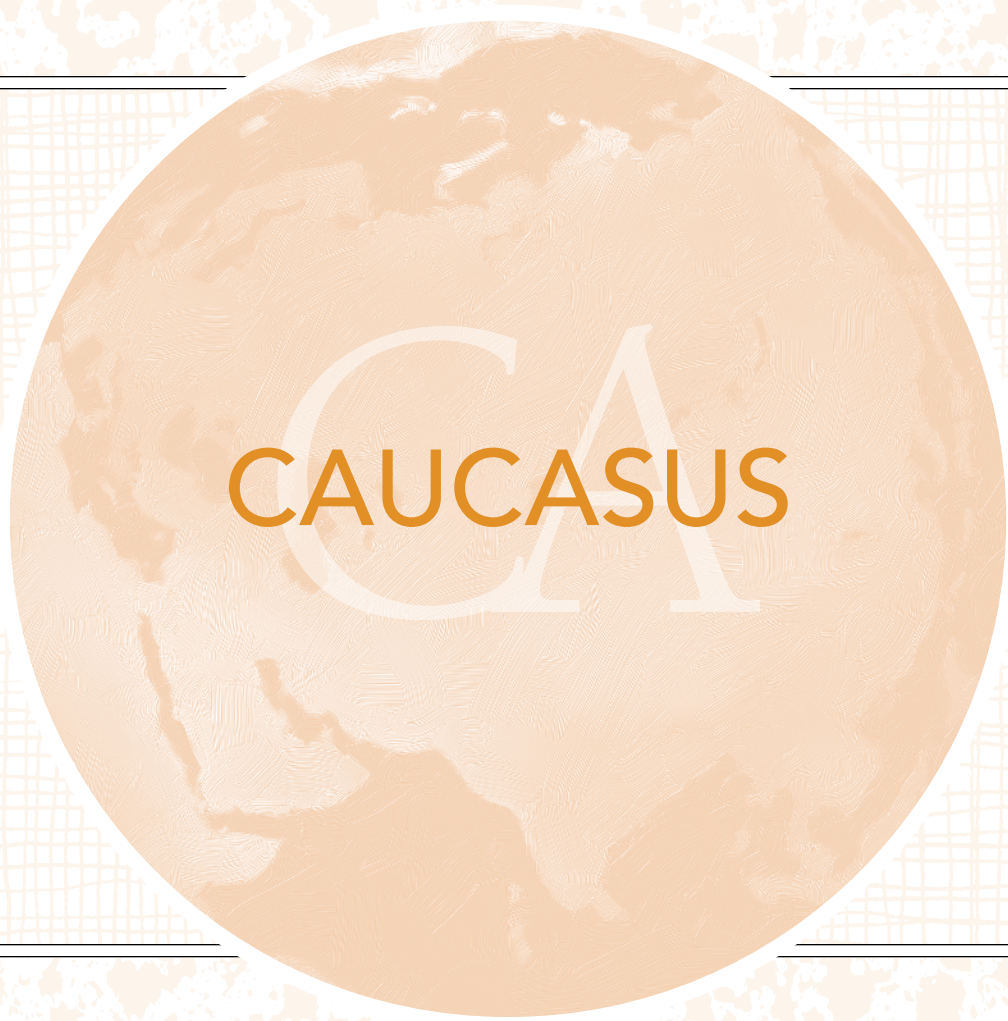
**Dragan Kremer**, Media Projects Coordinator/Open Society Foundation–Serbia

## Author

**Goran Cetinić**, Independent Media Consultant

*The panel discussion was convened on December 6, 2012.*





# CAUCASUS



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*All panelists agreed that the dramatic expansion of online media has damaged the field overall, flooding it with a new generation of unprofessional editors and journalists. They lamented the proliferation of poor-quality, unverified reporting.*



ARMENIA

The main political events developed around the 2012 parliamentary elections and the presidential elections of February 18, 2013. In the parliamentary poll, President Serzh Sarkisian's Republican Party won the majority of seats, with a comfortable lead over Prosperous Armenia and other parties. Sarkisian won the presidential election after his two most serious rivals withdrew prior to the poll, claiming fraud. A long-shot candidate registered a surprising 37 percent of the vote and placed second.

International observers from the Organization for Security and Cooperation in Europe (OSCE) described the parliamentary elections as "a vibrant and largely peaceful campaign, with overall balanced media coverage," and noted that the media "fulfilled their obligations to provide balanced coverage, and all candidates took advantage of free airtime" during the presidential election. OSCE observers were more skeptical about the fairness of the polls, citing pressure on voters, flawed complaints processes, and misuse of state resources by the ruling party and its allies—all of which undermined confidence in both elections.

Panelist Edgar Vardanyan of the Armenian Center for National and International Studies noted that television stations have become a bit more open politically. Compared with the coverage of previous elections, the television reporting on the parliamentary poll was more balanced. He underscored that the improvement is a result of a government policy that allows some venting of discontent, so as not to permit anger to accumulate and spark public unrest—as occurred during the previous presidential elections. The result has been positive, with the once-closed rostrum now partially open. "I wouldn't dare say that these changes are irreversible, but restrictions at the previous levels are not likely to recur. The setback cannot be of that scale," Vardanyan said.

Armenia improved on every objective for the 2013 MSI, though improvements were slight in most cases. Important gains were made in freedom of speech rights and enforcement, though the decriminalization of libel from 2010 has shown more harm than good in the short term. Numerous civil libel lawsuits erupted following the decriminalization, forcing some media outlets to face the possibility of extinction due to enormous fines. However, the situation has calmed, with the number of such lawsuits down by one-third from 2011. Public media independence, private media ownership transparency, and meaningful trade associations remain key constraints to further improvements in media sustainability.

Ethics and bias concerns somewhat countered improvements in broader news coverage. All panelists agreed that the dramatic expansion of online media has damaged the field overall, flooding it with a new generation of unprofessional editors and journalists. They lamented the proliferation of poor-quality, unverified reporting.

"A great number of websites have emerged that work under the government," said Edik Baghdasaryan, editor-in-chief of online periodical Hetq.am and president of the Armenian Association of Investigative Journalists. "The government has thus gained a larger audience, and greater leverage mechanisms. They are doing so many projects on the Internet that sometimes you just want to give up."

# ARMENIA at a glance

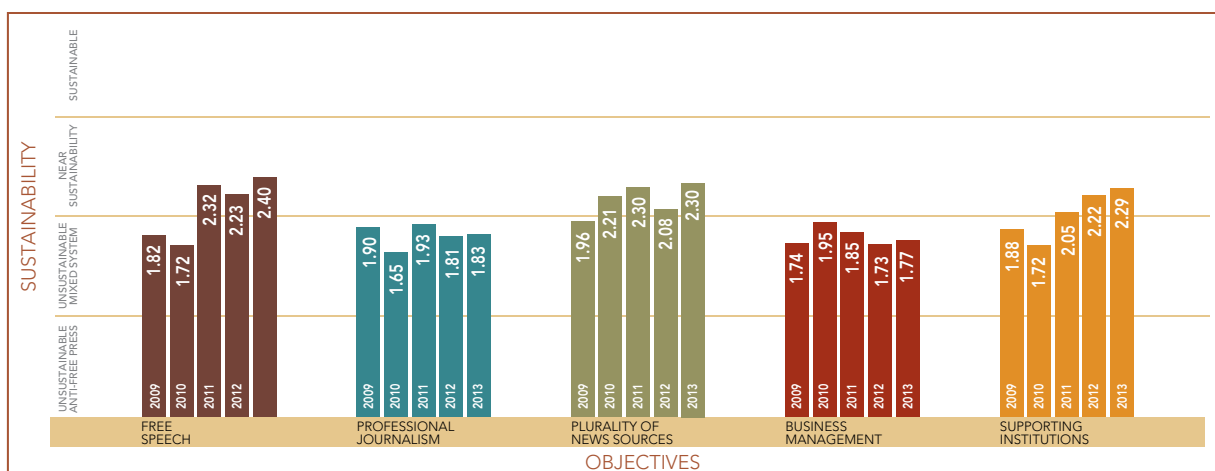
## GENERAL

- > Population: 2,970,495 (July 2012 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 (2011-Atlas): \$10.409 billion (World Bank Development Indicators, 2012)
- > GNI per capita (2011-PPP): \$6,140 (World Bank Development Indicators, 2012)
- > Literacy rate: 99.6% (male 99.7%, female 99.4%) (2010 est., *CIA World Factbook*)
- > President or top authority: President Serzh Sarkisian (since April 9, 2008)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: over 36; Radio stations: 21; Television Stations: 14 stations in Yerevan, 3 Russian relay channels; 26 television stations in regions; Internet news portals: over 219
- > Newspaper circulation statistics: Average reported circulation is between 1,000–3,000
- > Broadcast ratings: Top three most popular television stations are H1 (public), Shant TV (private), Armenia TV (private) (AGB Nielsen)
- > News agencies: ARKA, Armenpress, Arminfo, MediaMax, Photolur
- > Annual advertising revenue in media sector: \$70-80 million, estimated by panelists
- > Internet Users: 208,200 (2009 est. *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: ARMENIA



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

### Armenia Objective Score 2.40

As in past years, the panelists agreed that Armenia's constitution and laws guarantee the freedom of speech, but the tradition of poor enforcement continues. According to Vardanyan, journalists become more vulnerable when they come up with expository reports on oligarchs and state officials or when they cover elections.

The judiciary does not act impartially in cases involving free speech. According to Gayane Abrahamyan, a reporter for armenianow.com and eurasianet.org, "This is because the judiciary is not independent in general, and not just when dealing with media." Journalist and political analyst Artyom Yerkanyan added, "On the contrary—the courts are now even more careful when dealing with media issues, because they know they are under public scrutiny."

Baghdasaryan recounted an experience in which officials sought to violate his rights under media law. "The law provides for the confidentiality of sources, but around three months ago, I got a letter from the special investigative service asking where I had gotten information about a US court verdict against a former minister [and current MP]," even though the article stated that the information was taken from the court's website. "I called them and

## 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Journalist and political analyst Artyom Yerkanyan added, "On the contrary—the courts are now even more careful when dealing with media issues, because they know they are under public scrutiny."

wondered whether they didn't have anyone in the department to check the website for themselves. At times, law enforcement don't know the laws, and practice shows they don't know the Law on Mass Media," he said.

However, courts are not used uniformly against the press. Edik Baghdasaryan added an example of a court case in which defendants successfully prevented the disclosure of a reporter's identity, who used a pseudonym to write an article. "A lot of outlets today use the expression 'our sources' and they are not subpoenaed, and these sources live their calm lives. So, it's not a big deal here," said Samvel Martirosyan, a blogger.

Licenses in Armenia are required only for radio and television, and there were no licensing competitions in 2012. The panelists agreed that as a rule, the licensing process is free from politics. However, they noted the example of A1+, the TV station that was de facto shut down after not receiving a broadcasting license renewal for suspect reasons in 2002. The station was offered, and accepted, 20 minutes of nightly airtime on Armnews TV.

Market entry and tax structures for media are comparable to other industries, as has been the case for years. With print media, taxation is even more concessionary than other industries, as print materials are exempt from VAT for distribution.

During 2012, Armenia saw a few crimes against media professionals, mostly in connection to the parliamentary elections in May and the by-elections in December. Elina Chilingaryan, a correspondent with RFE/RL's Armenian Service, was assaulted while filming at a polling station, where some young men had gathered. One of those men approached her suddenly and hit on her hand twice in an attempt to seize the camera, which fell on the ground. Although a complaint was filed with the police and they conducted an investigation, the case was later closed for lack of substantive evidence, according to a police statement. The statement said that the reporter had neither accreditation badges nor any evidence on the camera, and concluded that the assailant did not know that Chilingaryan was a reporter performing her professional duties. The statement went on

“He told me ‘move your camera away, or I’ll break it, mind your own business, better not to mess with this,’ to which I replied that this is my business,” said Amiryman.

to say that the person being filmed simply did not want to be recorded, so he tried to push the camera away without any intention of injuring the reporter, which arguably would have been within his rights.

A similar instance took place during the by-elections on December 2 with Irina Hovhannisyman, a journalist from the same radio station. She was trying to videorecord voters being transported to polling stations in minibuses—frequently a sign of illegal multiple voting. The camera was grabbed from her and returned shortly after.

Another example was given by Margarita Minasyan, director and co-owner of Tsayg TV in Gyumri. Her station’s crew was attacked and verbally abused when they were setting up at a polling station during local government elections in September. Although a complaint was filed with police, according to Minasyan, there have been no arrests.

Arevhat Amiryman, editor-in-chief of the *Vorotan* newspaper in Sisian, mentioned her own experience, in which assailants threatened to break her camera while she was shooting an illegal tree cutting. “He told me ‘move your camera away, or I’ll break it, mind your own business, better not to mess with this,’ to which I replied that this is my business,” said Amiryman.

Vardanyan had a tempered view of the dangers for journalists. “Overall, criticism—even the most fierce—does not provoke reaction from the government or pro-government circles if it is of general, impersonal nature. And I believe any journalist doesn’t have anything to worry about in such cases. But if the content deals with a specific state official or oligarch, then the reporter subjects himself to a certain degree of hazard, which often leads to self-censorship,” he said.

According to Melik Baghdasaryan, owner of the Photolur photo news agency, photographers and videographers can generally feel secure, because their footage does not carry serious consequences most of the time. As an example, he cited a case in which an MP was filmed playing a game during a parliamentary session. “It should have had huge

outcry and consequences. We had the outcry, but there were no consequences,” he said.

Armenia has two public newspapers, two public television stations, and one public radio station. On the one hand, the country’s Law on TV and Radio protects the editorial independence of public media, and provides for their adherence to the principles of objectivity, democracy, impartiality, and diversity. On the other hand, since the president chooses all five members of public media’s governing body, the Council on Public Television and Radio, the possibility for independence is virtually eliminated. “These are political appointments, and there is evident bias” in the selection of members, said Vardanyan. The council thus remains a potential tool in the hands of the president, and can influence media coverage in spite of formal laws and regulations.

Since 2010, libel has been a civil law issue in Armenia. This enactment was followed in 2011 by an eruption of civil lawsuits, which endangered the existence of some media outlets. As a result of public outcry and international pressure on the government, in 2011 a constitutional court ruling stressed that financial compensation should not be the primary and main punishment; instead, an apology or refutation should suffice. The ruling also said that any financial compensation applied should be commensurate with the outlet’s financial resources.

In 2012, the libel situation normalized, registering a dramatic drop in the number of cases. The court proceedings of one case that was described in last year’s MSI came to an end this year with the defeat of the plaintiff, who was demanding 18 million Armenian drams (around \$46,000 at the time). The case involved a lawyer that had sued Hraparak.am for publishing an article interviewing a group of people that had complaints about the lawyer’s practice. The lawyer specifically protested the comments section of the article and an anonymous remark in it that used insulting language. In remarking on the grounds of the case, Abrahamyan said, “This is, of course, very controversial, because a media outlet normally need not moderate the comments it receives on its articles. In this way, such cases engage some impetus towards censorship.”

The Armenian access to information law is very liberal on paper but not in practice. “I think the biggest and number one problem of Armenian journalism is the access to information,” said Edik Baghdasaryan. “At least it is for us.” He said that in his opinion, the most reluctant official is the Minister of Justice. “The prisons have been closed to us for three years now. Previously, at least we got some kind of explanations or excuses. Now we don’t get even that—we don’t get any responses.” he said.

Other panelists commented on information access. "At least today [state officials] have their press secretaries, so you have a 'go-to' person. If previously they were just hanging up the phone, now there is at least a person you can talk to," Abrahamyan said. Baghdasaryan disputed the positive effect of this, arguing that the change has made things worse, with the press secretaries serving as buffers for officials. "I think there has been some stratification on information sharing [among government officials]. There are questions that are answered promptly and without any obstruction. But then you do the next step, and instead of getting an official written response, you get an unofficial friendly call, asking you to meet [off the record]," said Tigran Paskevitchyan, a freelance journalist.

"Now the [Gyumri] city council is very prompt with answers, because they provide information about the previous mayor," Minasyan joked.

The media are not restricted from accessing or using any local or international news or news sources, as has been the case for several iterations of the MSI study.

Entry into the journalism profession is free, and the government does not impose any licensing or restrictions for journalists. On January 31, 2012, the RA Central Electoral Commission (CEC) approved journalist accreditation procedures. The procedures called for restricting accreditation rights for journalists that disseminate false information on the activities of electoral commissions or state officials (as proven in court) or journalists that have been convicted of premeditated crime and whose convictions have not expired or expunged. Thanks to opposition from media advocacy groups, CEC removed the restrictive provisions from the accreditation procedures.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Armenia Objective Score 1.83

Armenian journalism only partially meets professional standards of quality. Some outlets adhere to such standards, but most do not. According to Edik Baghdasaryan, a large number of people practicing journalism are only capable of attending press conferences and transcribing the recordings.

As stated by Abrahamyan, the media field is highly polarized politically, and if in the past the online media served to balance this polarization, now that domain is also "confiscated" and serves as a mouthpiece for different factions, such as the ruling Republican party and opposition Prosperous Armenia and Armenian National Congress parties.

**"Overall, journalism in Armenia is not journalist-generated but rather is copy-pasted," said Paskevitchyan.**

To beat their competitors to scoops, newspapers publish content instantaneously without verifying or checking in any way. The panelists recounted many instances of ridiculous content emerging as a result, and Martirosyan posed a particularly grotesque example of the problem. She said that to test the field, "every now and then, together with friends, we disseminate some fictitious press conferences, and they always get published by almost everyone."

Martirosyan mentioned another telling occurrence, in which a media outlet dismissed a translator that was capable of translating only about two articles an hour in favor of another who could "translate" 15-20 articles per hour using Google Translate. "Overall, journalism in Armenia is not journalist-generated but rather is copy-pasted," said Paskevitchyan. Press conferences in particular are copied without any additional work, be it research, verification, or elaboration. Abrahamyan noted one instance in which his outlet made a technical mistake in a published article, and by the time they corrected the error, a great number of online outlets had copied the article with the mistake, without noticing or correcting it.

The quality of interviews leaves much to be desired, according to the panelists. "They insert a title, which is a conclusion based on my analysis [from the interview]

## 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

**“Since most of the media serve as a tool for this or that political force or group, [ethical] violations are intentional rather than accidental, because they harm the adversary,” said Vardanyan.**

and put my name after it, which makes it look as if I said it,” said Vardanyan. “I wonder how it happens, when 90 percent of press conference coverage is of not just poor, but outrageous quality.” Martirosyan explained the phenomenon by the fact that most reporters attend several press conferences a day on different topics, have no knowledge of many topics, and usually do not even know the topic before arriving.

Ethical standards continue to be an “internal matter” for each individual media outlet, the panel agreed, rather than being recognized or adhered to widely. Thus, journalistic standards are often violated. “Since most of the media serve as a tool for this or that political force or group, [ethical] violations are intentional rather than accidental, because they harm the adversary,” said Vardanyan. “They are driven by the principle where if you can discredit, discredit. If you can call names, call names. And the more the better, because he is your enemy—he needs to be destroyed,” he asserted.

Media professionals accept payments and/or gifts in exchange for certain types of coverage, but such deals are possible mostly with higher-level staff, such as editors or owners, and with individual reporters. In general, the media do not make clear distinctions between editorial and paid content.

Plagiarism is flourishing. Many online outlets copy and paste entire articles and present them as their original content, often even with their own bylines. Edik Baghdasaryan noted one example: “An online periodical [1in.am] published our article without any author’s name. Then, after a warning, they put a name on it. We demanded they add a link [to our original article], otherwise that would be plagiarism. They didn’t, so we prepared a suit, but backed off at the last moment because we thought the outlet wanted us to sue them to garner advertising.”

Generally, journalists and editors self-censor. Self-censorship can be driven by important advertisers as well as by political partisanship. Paskevitchyan said that journalists and editors practice self-censorship when a matter refers to a benefactor, but not often otherwise. The panelists said that an observer won’t notice any criticism or exposé content of

certain political groups in print or broadcast outlets that are owned by or associated with that group.

Journalists cover key events and issues in the country. “They are forced to cover them, since there is competition,” said Martirosyan. Abrahamyan described the collusion that has taken place previously among rival broadcasters. “When dealing with opposition events, an [informal] decision would be made for the broadcasters to cover them either in a bad light or not at all. But now, it seems that this problem is no longer,” he said.

The panelists agreed that in general, the parliamentary elections are covered fairly—even by public television, which in the past had been notoriously biased.

Vardanyan pointed out that pro-government outlets still do not cover particular issues at times, or cover them from a different, often misleading perspective. “There are certain topics where the editors demonstrate their ‘fear of the unknown,’” and forego covering issues if they are unsure of the government’s reaction or position.

Among online outlets, certainly no key issues go covered. The online media’s impact today can be compared to that of the broadcast sector, according to many panelists. Martirosyan mentioned that because Internet outlets provide deeper, more consistent coverage of more issues and from more diverse viewpoints, many consumers have shifted from conventional television news to online media. “The TV audiences have shrunk and online users have grown, bringing both audiences to commensurate levels, and it’s hard to distinguish either’s importance or impact,” Martirosyan said. She supplied some statistics from the national rating service Circle.am that show an average of 500,000 daily visitors to Armenian domain news portals. This count even excluded foreign-hosted services such as PanArmenian, Arminfo, MediaMax, and RFE/RL’s Armenian Service, which did not participate in the ratings survey for a variety of reasons.

Some panelists contested the theory of audience shifting, arguing that it is not the case in the regions, and that even if Internet users have grown in number in the regions as well, they are mainly consumers of the Russian-language social network Odnoklassniki.ru. Minasyan argued that in the regions, Odnoklassniki.ru can have even more impact than Facebook. She recalled one instance in which she shared the same content on both networks, and found Odnoklassniki.ru generating far more views and responses.

The pay levels for journalists and other media professionals differ greatly; according to Abrahamyan, “salaries range from 15,000 (\$37) to 300,000 darms (\$740).” In general, pay rates are not sufficient to retain qualified personnel. Income

shortfalls are the main reason why most journalists have to contribute to several outlets or engage in work completely outside the field. In discussing this trend, Anna Satyan, deputy editor-in-chief of *Novoye Vremya*, said that "...this is a major downside, because if the person's background is writing for a news agency, the person has a hard time converting to writing for a newspaper, and vice-versa."

As in previous MSI reports, Paskevitchyan cited a familiar indicator: the preponderance of women in the profession that are not required to support their family on their salary. This trend has not changed over years, and starts from the university level. Martirosyan and Satyan, both professors, mentioned that they have only two male students in their class, one of whom is performing poorly because he is also holding a job. "I tell my students that to become a journalist, you need to really love it, because journalism doesn't pay that much," Satyan said. According to Minasyan, the highest paid are those who are considered "the voice or face of the channel," while other, anonymous journalists are paid far less.

The panelists did not register any evidence of widespread blackmail, extortion, or corruption in reporting. However, the strong political forces behind each individual outlet and its editorial policy precludes the necessity for individual bribery, to some extent.

Entertainment programming eclipses news and information programming, according to the panelists. "I've observed a tendency to make the TV as apolitical as possible," said Vardanyan. "At least, [information programming] has slid out of primetime," said Martirosyan. Yerkanyan described the changes at his outlet. "Two socio-political talk shows have been shut down at our channel, and the newscast has shrunk from around 45 to 50 minutes to 25 to 30," he said. "This is the result of the ratings battle. News programs cannot compete [in ratings] with soap operas or other entertainment programming."

Other panelists spoke of similar programming shifts. "Yesterday I checked six Armenian channels from 6 p.m. until midnight, and I couldn't find a single sociopolitical program, except for on the Yerkir Media station," said Paskevitchyan. Minasyan lamented that "After 9 p.m. our channels die with the soap operas. The ratings of my 10 p.m. evening news have dropped to such a level that I'm thinking of taking it off the air."

Facilities and equipment for gathering, producing, and distributing news are fairly modern and efficient, and nearly all panelists agreed technical facilities do not pose a significant barrier for their outlets today.

"The media have become more accessible to the people. The opposition has an open microphone, but when the microphones appeared, speakers dwindled," Minasyan said.

Niche reporting is under-developed, because the average outlet does not have the luxury of keeping a journalist focused on only one sphere, and must be fairly universal to meet the outlet's content demand. "If an outlet has only five reporters, it cannot afford to keep them for only writing on one specific topic," said Abrahamyan. Investigative journalism's high demands on human and financial resources are beyond the reach of most Armenian outlets.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Armenia Objective Score 2.30

Armenia has a great number of news sources, and like other countries in the region, it has experienced an unprecedented quantitative increase in the number of websites in recent years. However, the growth has been accompanied by a major qualitative decline. Most of their content is derivative and plagiaristic, rather than original.

### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

#### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.



**“Selling news has become obsolete, because it is freely openly available,” said Martirosyan.**

But given the plethora of sources, different viewpoints can be found. “The review of the scene will give us a general picture about events,” said Vardanyan. “If TV doesn’t talk about something, then the online outlet will. If a pro-government media doesn’t talk about it, then an opposition one will. If neither does, a third one will,” he said.

The panelists said that bloggers and online sources have proven that no restrictions should be imposed and no one should be silenced, because if someone wants to voice an opinion, that person will eventually find a platform and an audience. But as Minasyan put it, “This, however, is the only first seed that we’ve planted. For it to become a sprout, we have to water it.”

Despite the increased freedom to speak, citizens have not fully engaged in this right, and the same voices and political forces maintain their dominance over political discourse. “The media have become more accessible to the people. The opposition has an open microphone, but when the microphones appeared, speakers dwindled,” Minasyan said.

According to Abrahamyan, civil activists have brought about quite a bit of change with their increasing use of social networking tools. Recently, two road police officers were fired after a video, posted on YouTube and disseminated through Facebook, showed their inappropriate and offensive behavior towards a driver. Another example from 2012 was the Mashtots Park movement, which stopped the construction of glass clothing stores in a small downtown park. Their calls to halt construction led to a general public outcry, thanks primarily to their resonance on social networks. Such networks also were well leveraged by the victors of the parliamentary elections.

Panelists agreed that most of the media, whether online, broadcast, or print, serve as propaganda tools for their respective real owners. They represent different political circles, clans, or state officials, rather than honestly purvey information.

“One can say there are no independent channels,” Vardanyan said. “There are certain channels, Yerkir Media or Kentron for example, which service the interests of their sponsoring political forces, and their editorial policies are overtly partisan. Although now and then these channels

really become platforms for free speech, it is obvious that this freedom is applied selectively.”

Citizen access to domestic and international media is not restricted by law, and this has been the case over the years. Satellite, cable, Internet, and terrestrial broadcasts are at citizens’ disposal without any restrictions. Although cost is a limiting factor, the panelists agreed that generally access to news and information is affordable for citizens. The most accessible outlets are naturally the freely broadcast television and radio stations. The Internet has become slightly cheaper and its quality has improved thanks to fiber optic cable to the capital, though such high speeds are not available elsewhere. Quality, high-speed Internet that allows reading and video streaming is still priced high enough to preclude mass use or impact. Some panelists noted that even in the regions it is possible to use the Internet as a primary resource for information, but in general, the capital has better access to alternative sources of Internet and cable news. In small towns and villages, the main sources may include a few national television channels, possibly a local television channel, national radio station, or local radio station; and satellite television, where affordable.

On the subject of state media serving the public interest, Abrahamyan stated that these outlets, sustained by the taxpayers, do not serve the public and have only one purpose: to promote the interests of the current ruling authorities. However, the panelists agreed that an improvement has been registered since last year’s MSI. The media gave parliamentary elections their due coverage, which the panelists deemed mostly balanced and neutral. Opposition activists, rallies, and events are covered neutrally on public television. Although this type of coverage simply did not exist before, this change is not to suggest that the public media are independent, or that the state or ruling party are following a public service model, panelists cautioned. It would be I to suggest that editors and journalists at public media see their role as serving the public interest. They do not seem to perceive that they are funded by the citizenry and are in their service, not the service of the ruling forces, panelists said.

Public media outlets do not fill the gap left by commercial broadcasters. According to Vardanyan, the private commercial station Yerkir Media TV appears more devoted to the public interest than public broadcasters, as it provides more comprehensive and balanced news and information. Whatever educational, cultural, or socio-political program the public television broadcaster has is run at off-peak hours.

Armenia has several news agencies, including ARKA, Armenpress, Arminfo, MediaMax, and Photolur, but according to Edik Baghdasaryan, Armenian outlets no longer use the agencies. "That's history now. I don't remember when the last time we made use of a news agency was," he said. Some panelists wondered if the model is profitable enough to be self-sustaining. "Selling news has become obsolete, because it is freely openly available," said Martirosyan.

According to Paskevitchyan, news agency content is mostly published in diaspora print media, when these outlets need sources on the ground in Armenia. News agencies also survive by selling specialized news, especially banking and finance, to interested parties. Photo agencies are different in that they can still sell photos, but according to Melik Baghdasaryan, many outlets use their own consumer cameras to fill their pages, turning to professional photographers less frequently. The plight of news agencies is exacerbated by the rapid decline in print media circulation. Broadcasters mostly prefer to use international news agencies for original video content.

Many private media outlets produce their own news and information programming, but others merely re-circulate content, either as an affiliate of a national broadcaster, as an online aggregator, or as a blatant plagiarizer. "There are a lot of parasites, but there are also those who produce their own content," said Martirosyan. For the most part, television stations are generally producing their own programming.

Consumers do not judge the objectivity of news through any knowledge the outlet's ownership. Quite the opposite—consumers figure out the ownership of an outlet based on its content bias and nature. "You can figure out whose outlet it is by looking at who it doesn't criticize," said Martirosyan.

Judging from the content, the prevailing majority of media are controlled by major political elites and their parties. The perception is that Kentron TV is associated with Prosperous Armenia, Yekir Media with Dashnaksutyun, and all other broadcasters are believed to be owned or controlled by pro-government, Republican Party forces. The Armenian National Congress has its own online and print outlets. Probably the fewest media outlets today are affiliated with the Armenian Revolutionary Federation, including one comparatively minor television channel.

Many online media sources do not provide any names of editors, journalists, etc.

Social topics such as health, women's issues, and education are covered without official hindrance. Minority language media exist and have always been legal. Newspapers in

Russian, Ukrainian, and Kurdish are printed, and the state radio airs programs in Russian, Kurdish, Georgian, and other languages. The panelists agreed that there are no problems connected with minority representation, but interest in these types of programs is usually low. "I used to do a program in Russian, but we had to shut it down, since there was no specific demand for it," said Yerkanyan. Nagorno-Karabakh (the breakaway autonomous region of Azerbaijan that is allied with, but not recognized by, Armenia) has been covered extensively.

Citizens are able to get news and information about their hometown, other regions of the country, national issues, and international developments. The situation with national media reporting on significant news from the outer regions has improved considerably. Many regional outlets cooperate with national broadcasters, which supply them with coverage of local significant news or reports of national interest. In addition, many national TV stations have their own correspondents in the regions, and some even maintain them overseas. Minasyan mentioned that her Gyumri-based television channel supplies content to about four others. Armenian media outlets do provide coverage of international issues, but sophisticated citizens turn to international sources to get fresher, deeper, and more accurate coverage on demand.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Armenia Objective Score 1.77

Print, online, and broadcast media outlets demonstrate varying levels of financial viability and efficiency. The print media are on the verge of extinction; most print outlets have cut their print runs, and some have stopped printing altogether. Edik Baghdasaryan's *Hetq* is one newspaper that discontinued its print version and went fully online. More closures are likely after the presidential elections, along with an expected drop in sales and ad buys.

With an increasing user base, online media outlets are slowly but steadily developing their business potential. With the advent of an Armenian advertising agency for online media outlets, further growth is expected. However, so far, the market is incapable of fully supporting online media, as it cannot rely solely on advertising revenue.

Broadcasting, despite losing a significant audience percentage to online media, continues to be perhaps the "wealthiest" media format. Television garners the lion's share of advertisement spending, followed by radio.

Minasyan also noted the pitfalls of donor-funded operations. “When you get a grant, you are financially safe. You don’t have to worry about expenditures, so you don’t work towards making more money through advertising.”

Standout media outlets prepare and follow business plans that help them secure financing and guide decisions on expenditures and personnel. These outlets hire professionals to manage accounting and keep practices in line with local tax authorities. But very few outlets hire trained marketing, human resources, or legal professionals.

Speaking of sustainability, Minasyan joked, “If I have managed to survive for 25 years, it means I am self-sustainable.”

Minasyan also noted the pitfalls of donor-funded operations. “When you get a grant, you are financially safe. You don’t have to worry about expenditures, so you don’t work towards making more money through advertising. So getting grants is a blessing on one hand and a curse on the other.”

Yerkanyan painted the financial picture for Armenian media outlets. “There are two different cases. The first is when an oligarch with political interests invests in a TV outlet, He doesn’t care about [return on investment], thus, he doesn’t care about its sustainability, and he doesn’t intend it to be

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

profitable. The other is when a person establishes [an outlet] to make money. The latter saves every penny and goes out of his way to make as much income as possible, which is a more sound approach, but rarely observed.”

Media in general have few sources of revenue. Most broadcast outlets without sponsors rely on advertising, but a great number rely largely on a single benefactor, who has the potential for limitless editorial influence. There are exceptions to that phenomenon, however, as posited by Abrahamyan. “Our funder [the Armenian General Benevolent Union] never even made an attempt to influence our editorial independence during the ten years of our existence,” she said. “They never even told us to cover any given [party] activity. But indeed, this is a very rare situation.” The Armenian General Benevolent Union is a US-based non-profit organization dedicated to the social and cultural heritage of Armenians.

Newspapers also rely on retail sales, less on advertising, and very little on subscriptions. As for the online media, “If you make a donor cry [i.e., impress] with your [online] project, you can get grants easily to support the outlet,” according to Martirosyan.

Given the small Armenian media market, a few large advertisers can also have real influence on an outlet’s content related to the advertisers’ products, or those of its rivals, according to the panel.

Public media have a guaranteed source of revenue from state budget, but they act like commercial outlets and pursue large amounts of advertising from the commercial market, taking a lead in the ratings race. The current health of public television, however, has no bearing on the outlet’s immunity from political interference.

Many companies are advertising in the media, particularly on television and radio. The biggest advertisers are telecommunications providers, banks, insurance companies, consumer electronics stores, beverages, and consumer goods manufacturers and importers. It is common for ads to be placed based on market principles, but political influence or business ties also drive much of the placement decisions. Aside from business advertising, regional outlets have crawling lines, commercial announcements, etc.

Advertising agencies work with mainly Yerevan television and radio stations. Local buys are not frequent, as the majority of advertisers prefer to buy from national channels. “In our region, the advertising price is ad hoc,” Minasyan said. “Outlets set a price list, which is almost never observed, and they sell advertising space for a pittance, just to keep the advertiser from going to the competitors.”

The regional ad market will not develop until there are solid television ratings for the regions, according to the panelists. Private ratings companies do not produce regional ratings, because of the perceived tiny market share of regional media. Media outlets in general cooperate with ad agencies, but rely on their own sales forces. The technical quality of ads has improved over the years, with the advent of digital equipment that is affordable to the larger television outlets and production companies. However, the panelists said that they still view the content of many ads as revoltingly vulgar.

An advertising company dealing with online banner advertising has emerged, therefore raising expectations for growth in online ad placement. The growth will depend on how the market reacts to this option. Attempts by local Armenian firms to market contextual ads ended in failure, perhaps due to their inability to compete with Google Adwords.

Even if advertising is not the only substantial source of revenue, media managers are devoting increasingly more space and airtime to ads. At those outlets expected to turn a profit, the trend is more extreme. "We sell the airtime as much as possible," said Minasyan. "For example, if a film is on, we put crawling lines at the bottom of the screen, company logos, and slide-in advertising, [plus] we interrupt the film to show commercials. That is awful," he admitted.

Public media outlets are allowed to sell advertising. The length of advertising breaks on state television often exceeds that of the commercial channels, which the panelists found preposterous. During prime time, breaks between programs can reach up to 30 minutes in length, with 17 minutes of pure ads and 13 minutes of program teasers. According to the 2011 amendment to the law on advertising, broadcasters may only air 14 minutes of advertising per hour. The hours are measured by clock, not as ongoing 60-minute periods, so a station may still legally show up to 28 minutes of continued advertising if the break crosses the hour. Because of the lengthy commercial breaks, the first and last segments of the breaks have surplus price of 30 to 50% of the regular price.

The government has provided subsidies for non-government print media since 1998. Around 48 million drams (\$118,000) are divided among the approximately 80 print publications, including ethnic minority, regional, and children's publications; literary journals; newspapers; and even reference books. The average outlet receives around 300,000-600,000 drams (\$750-1,500) per year. According to Amiryan, subsidies do not come with strings attached. "There are no attempts to influence editorial or management policies in any way," he said. Edik

Baghdasaryan agreed that distribution is non-discriminatory. "When you look at the [long] list of the outlets, you ask yourself, 'are there so many newspapers in Armenia?'" he commented.

Rare are the media outlets that perform market research to formulate strategic plans, enhance advertising revenue, or tailor their products to the needs of audiences. Minasyan said that his outlet is currently conducting market research to determine its audience's interests. Fewer outlets hire third-party companies to conduct this research. When an outlet does hire such a company, the purpose is to manipulate or invent data that favor the outlet, and to use the data as negotiating leverage with local advertisers. Real market research, corresponding to international standards of quality and integrity and carried out by professional, experienced companies, is very expensive and therefore seldom used by media outlets.

"Outlets produce easily digestible products and make people get addicted to it," said Vardanyan. "They say, 'this is what people want to watch, read, listen to,' which, to my mind, is manipulative, because if you do comprehensive research, you will see that demands are different," Paskevitchyan used this analogy: "Drug dealers never conduct market research to find out whether people want it or not. They just use every channel to deliver [the drug] to the consumer, and widely spread it." For example, he said, "Today, the competition among the TV channels is the competition between their soap operas."

No credible circulation data for newspapers exists—an obstacle that has only worsened with the financial situation for print outlets. Many of them claim exaggerated print runs to keep advertisers from fleeing. Armenia has two companies (AGB Nielsen and JFK) that produce television ratings data, but just for the capital city and the nation as a whole—they provide no ratings for individual regional towns. The data is accessible commercially, but the panelists agreed that media members hold little trust in the data. Internet statistics show an unprecedented boom in the number of online media visits; however, it should be noted dishonest outlets can manipulate these numbers easily. The average advertiser is not yet sophisticated enough to grasp these subtle nuances.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Armenia Objective Score 2.29

Over the years, Armenia has had no trade associations to represent the interests of media owners or managers or to provide member services. "We don't have trade unions,"

## SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

Edik Baghdasaryan said. "It would be a good thing to have one."

Some professional associations in Armenia work for the benefit of journalists. They include the Association of Investigative Journalists, Yerevan Press Club, and Asparez Journalists Club in Gyumri.

The panelists spoke highly of the Asparez Journalists Club. "They do a tremendous job. Just the fact of their existence sets an example," Martirosyan said. Minasyan agreed, saying, "Asparez is the driving force of civil society [in Shirak region]." One of the club's recent projects involves monitoring public television. It has produced and published reports covering various ad-time violations and budget expenditures.<sup>1</sup>

The panelists also mentioned the press clubs in Vanadzor and Goris. The clubs actively engage in civil society in their regions and promote journalism to the public in a positive way. These associations are not able to support themselves through dues, and their main sources of revenue are grants. The government does not impose any legal restrictions to prevent the registration or functioning of these associations.

Several NGOs are present in Armenia that support free speech and independent media. As in the previous year, among the most active ones at the moment are Internews Media Support NGO and Eurasia Partnership Foundation-Armenia, which are implementing a joint four-year Alternative Resources in Media project funded by USAID. Launched in 2010, the project is designed to increase

<sup>1</sup> More information at: <http://www.asparez.am/project/h1-monitoring/>

alternative sources of diverse news and information through a program that generates civic demand for alternative content, and fosters its production and dissemination.

NGOs are involved in reviewing legislative changes in the media. One such example is the joint statement that a group of media outlets and NGOs disseminated that protested the Central Electoral Commission's restrictions on the accreditation procedure for journalists. The Commission later reversed these restrictions.

Legal support to journalists and media outlets is in high demand. "There are no organizations that would have on-staff lawyers to assist journalists and media professionals. That is something we really need," Edik Baghdasaryan said. The panelists agreed that the government places no restrictions on the registration or operations of such organizations. However, Minasyan was not satisfied with the NGO registration process, saying that it is too particular. "This is wrong, that is missing—they are picking on all sorts of things," she said. The panelists, however, noted that severe bureaucratic impediments were more the exception than the rule.

Journalism degree programs exist in many universities and colleges, private and public alike, but the quality has been falling steadily. Institutions lack teaching professionals with real, practical experience in the field. In addition, the journalism curricula are often very old and have little to do with modern journalism, as they are basically philology courses with some reporting elements, with theory unsupported by practice.

Baghdasaryan describing the unwillingness of school deans to work on professional growth, for fear that it might expose them as behind the times. "I have offered to take students into real editorial conditions starting from the first year, and train them from the very beginning up to graduation. [The deans] are not ready for any changes; they think it might be risky for them."

Low admission standards are another issue. "The journalism department at the state university is among the easiest places to get admitted to, and whoever does not qualify to enter other departments goes to the journalism department. Hence, the quality [of the graduate]," Abrahamyan observed.

Edik Baghdasaryan said that his school turns out only a handful of quality journalists, and that they contend with low-quality facilities. "I have been teaching for 10 years, and I would say, every year we have at least five good graduates. The technical equipment is very poor. Most of the computers do not work, and it is impossible to do any filming or editing."

Short-term training opportunities and in-service training institutions and programs allow journalists to upgrade their skills or acquire new ones. The programs are set up mainly by local NGOs that are members/affiliates of larger international networks. The courses teach modern techniques, such as the use of the Internet and multimedia applications. "In practical sense, the best results of NGOs are trainings that raise the educational level, and familiarize participants with technological advancements in practice. These are quite effective," Abrahamyan said. Edik Baghdasaryan agreed, saying, "Internews seminars are very good ones in that sense, especially for the young generation."

There are also short-term training opportunities abroad. Deutsche Welle, for one, conducts practical training programs in journalistic formats; research methods; and presenting techniques, including modules on working with texts, audio, photos, and webpage design.

Training in video production and videography are in high demand. "We need trainings for camera operators, but these are non-existent at the moment," Minasyan said. Vardanyan agreed, saying, "Judging from the great number of young journalists with poor quality output, we can conclude that these trainings are not sufficient in quantity."

Edik Baghdasaryan disagreed and said that bad quality journalism is the fault of editors. Even a professionally trained journalist, when under a poor editor, cannot stay professional, he argued. "I had a reporter who now works for another online outlet. When I read that reporter's articles now, I get terrified," he said.

Print outlets have to pay 80,000 drams (\$197) upfront annually for the delivery of their newspapers to the kiosks of the largest press distribution agency, a privatized firm built on the remains of the Soviet Haymamul (ArmPress) distributor. In addition, they have to pay the traditional 30% commission on sales. This can be quite a hardship for a regional outlet. Amiryan explained his distribution process: "I'm printing my newspaper in Yerevan, so if I have to commute to Yerevan anyway, I can take the print run home with me [to Sisian]. Why would I need to also pay the distribution agency for that?" Edik Baghdasaryan noted that these kiosks have shifted to general goods, selling candies and beverages rather than only newspapers.

The fourth ISP in Yerevan is growing rapidly, providing fiber optic Internet and indicating strong development of the ICT infrastructure in the capital. The Internet in regions has also shown improvement. It is still of moderate quality, but is expected to improve considerably with the advent of fiber optic ISPs beyond urban areas as well.

## List of Panel Participants

**Tigran Paskevitchyan**, freelance journalist, Yerevan

**Artyom Yerkanyan**, journalist, political analyst, Shant TV, Yerevan

**Samvel Martirosyan**, blogger, kornelij.livejournal.com; IT security expert, Yerevan

**Arevhat Amiryan**, editor-in-chief, *Vorotan*, Sisian

**Ashot Gomtsyan**, freelance journalist, Gyumri

**Gayane Abrahamyan**, reporter, armenianow.com and eurasianet.org, Yerevan

**Anna Satyan**, deputy editor-in-chief, *Novoye Vremya*, Yerevan

**Edik Baghdasaryan**, president, Armenian Association of Investigative Journalists; editor-in-chief, hetq.am, Yerevan

**Edgar Vardanyan**, expert, Armenian Center for National and International Studies, Yerevan

**Margarita Minasyan**, director, Tsayg TV, Gyumri

**Melik Baghdasaryan**, owner, Photolur photo news agency, Yerevan

## Moderator and Author

**Artashes Parsadanyan**, independent media consultant, Yerevan

*The panel discussion was convened on December 6, 2012.*

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*It was a year of arrests, harassment, and lawsuits with excessively high fines for journalists. With eleven imprisoned in 2012, Azerbaijan remained one of top 10 global jailers of the press.*



# AZERBAIJAN

It was a year of arrests, harassment, and lawsuits with excessively high fines for journalists. With eleven imprisoned in 2012, Azerbaijan remained one of top 10 global jailers of the press. Journalists work under restrictions and constant harassment. Crimes against the press are poorly investigated. At least 60 reported cases of violence against journalists were logged, and many more unreported due to fear of further reprisals. Another 35 lawsuits were filed against media outlets. Libel remains a criminal offense. Access to public information is a struggle. Press enquiries are delayed or ignored altogether. In many areas, the government of President Ilham Aliyev, who took over the job from his father, appeared to be cracking down on the press.

An impressive number of over 5,000 TV channels, radio stations, and newspapers does not translate into a pluralism of views. Broadcast media, including Public broadcaster ITV and state-owned AzTV, are under the strict control of the government. Only one TV station, ANS, provides anything approaching balanced reporting, but it struggles to attract revenue due to selective advertising by risk-averse companies in the market. Newspapers that are critical of the government are struggling with court-imposed fines.

In 2012, parliament further restricted public access to information by banning information about registration and ownership of commercial companies in Azerbaijan. Independent experts criticized this as a step backward, at a time when the country has made public commitments to become more transparent.

Self-censorship is widely practiced. Journalists don't feel that law enforcement and juridical systems can secure them. Suspect investigations of crimes against journalists further contribute to the feeling of impunity among enemies of the free press.

In contrast, Internet media is gathering momentum. In 2012, Internet users reached more than 3.6 million, about 40 percent of the population. In the absence of freedom in the traditional media, blogs are used to comment on political developments, and YouTube to post videos showing mass protests and crackdowns at rallies.

In the absence of any advertising, the government continued to offer news outlets grants through its newly established State Council to Support the Media. Observers say newspapers, barely surviving, are reluctant to lose this newfound source of income.

While the Ministry of Communications and Information Technologies lowered online service tariffs, Internet still remains expensive compared to neighboring countries. Azerbaijan's Internet access and digital broadcasting are expected to increase with the country's first telecommunications satellite, to be launched into the orbit in 2013.



# AZERBAIJAN at a glance

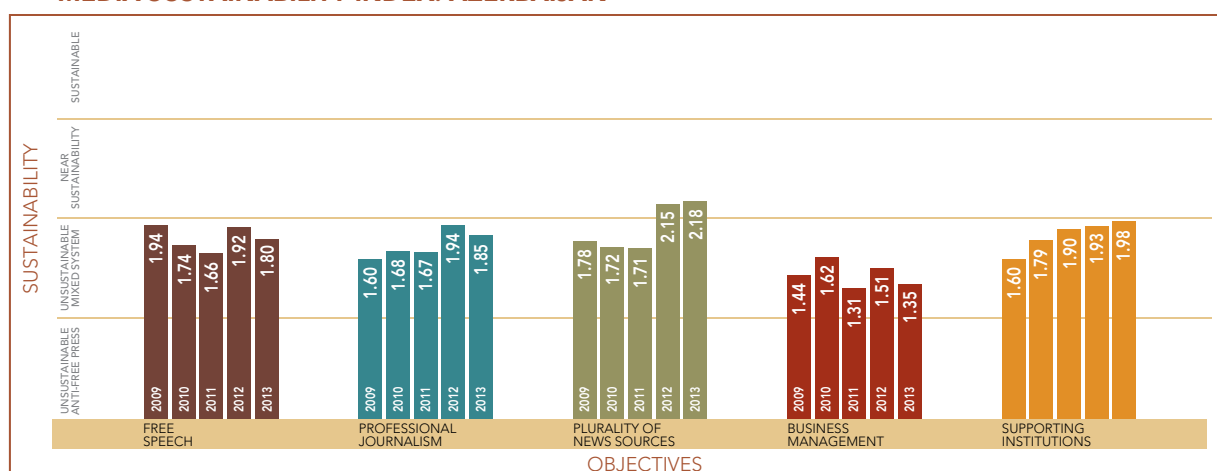
## GENERAL

- > Population: 9,590,159 (July 2013 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 (2011-Atlas): \$48.519 billion (World Bank Development Indicators)
- > GNI per capita (2011-PPP): \$8,960 (World Bank Development Indicators)
- > Literacy rate: 99.8% (male 99.9%, female 99.7%) (2010 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: 36 dailies, 100 weeklies, 85 monthlies; Radio stations: 9 AM, 17 FM; Television stations: 23 (9 broadcasting nationwide, 14 regional)
- > Newspaper circulation statistics: Most widely read publication is the opposition newspaper *Yeni Musavat*
- > Broadcast ratings: Top three television stations: ANS-TV, Azad TV, and Khazar TV (AGB/Nielsen)
- > News agencies: Turan, Trend, APA, Day.Az, and 1news.az (all private); Azertac (state-owned)
- > Annual advertising revenue in media sector: Newspapers: about \$1 million; Television: approximately \$30-\$40 million (figures are not publicly released)
- > Internet usage: 2.42 million (2009 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorres.xls](http://www.irex.org/system/files/EE_msiscorres.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Azerbaijan Objective Score: 1.80

Azerbaijan's constitution guarantees freedom of speech, media and other basic human rights. Article 50 of the Constitution states this explicitly, codifying that "everyone is free to seek, acquire, transfer, prepare, and distribute information." On June 12, 2012, this article underwent important changes as the parliament voted to restrict public access to information about registration and ownership of commercial companies in Azerbaijan. The adopted amendments curtail information about the owners' charter capital and other corporate data. As a result of the amendments, the tax authorities scrapped the ownership information of corporations it had on its website that journalists could use.

The panelists characterized the new amendment as a step backward. In their view, at a time when the country has pledged to become more transparent, the amendment was clearly meant to make it difficult for journalists to reveal who was behind local and foreign assets. Media lawyer Alasgar Mammadli argues that new reading leaves space for maneuver and falsification. "Before everyone knew what the limitations to access to commercial information were. The new ones are abstract. Terms like 'national,

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

"There are areas that the Azerbaijani public should not know anything about—these are the business and oil profits [of the ruling elite] and how these profits are used," Alizade commented. "Those at the top of the hierarchy can not only not be criticized in the media, they may not even be discussed."

economic, financial, and other interests' can be interpreted in many ways."

Media expert Zardusht Alizade believes that the amendment is designed to better protect information on the commercial profits of the ruling elite. "There are areas that the Azerbaijani public should not know anything about—these are the business and oil profits [of the ruling elite] and how these profits are used. Those at the top of the hierarchy can not only not be criticized in the media, they may not even be discussed."

Azerbaijan remained infamous for the number of arrested journalists. According to the Media Rights Institute, eleven journalists were sentenced to prison in 2012. The president's New Year's Day decree pardoned two journalists, while seven remain behind bars. The trend of imprisoning journalists for charges other than libel continued. Chief editors Avaz Zeynalli of *Khural* newspaper, Nijat Aliyev of *Azadxeber.org*, Hilal Mammadov of *Talishi Sado*, and Araz Quliyev of *Xeber44.com* were arrested on charges of treason, corruption, hooliganism, abuse of power, and others. Regional *Khayal TV* journalists Vugar Qonaqov and Zaur Quliyev were arrested for posting a YouTube video featuring local governor's speech that was alleged to have sparked public disorder. Journalist Faramaz Novruzoglu was sentenced to four and a half years in jail on charges of inciting mass disorder via social media. Novruzoglu said he did not own the Facebook page in question and that the charges were fabricated. Most of these arrests were widely seen as retaliation for press reports critical of the government.

Crimes against journalists were poorly investigated. According to the Media Rights Institute, in 2012 there were 60 reported cases of violence against journalists. In none of these attacks were the perpetrators punished. The blackmail of female investigative journalist Khadija Ismayilova demonstrated the lengths the authorities will go to silence critical press. When Ismayilova, radio host for Radio Free

“My biggest dream is to visit the grave of my mother, who died two years ago. I want Azerbaijan to be a county where youth activists like me can go back and lay flowers on their mothers, regardless of their personal political views.” said Munteziri

Europe/Radio Liberty’s Azeri service, received a threatening message and intimate photos of her taken by a hidden camera, she took the matter to the General Prosecutor’s office. But before an investigation was launched, the intimate video was released online. The incident showcased that journalists are not only followed and their phones tapped, but that they were not safe even in their own bedrooms.

Many incidents of attacks and other forms of intimidation go unreported as journalists fear further repressions, especially against family members. No progress was made in the unsolved murder cases of prominent journalists Elmar Huseynov in 2005 and Rafiq Taghi in 2011.

Habib Munteziri is a successful Internet activist based in Germany, whose YouTube channel enjoys the highest popularity ratings among Azerbaijani subscribers. Munteziri said he receives many videos from individuals who fear posting the content themselves. Asked whether he would do his job while based in Azerbaijan, he said he probably would not. “My biggest dream is to visit the grave of my mother, who died two years ago. I want Azerbaijan to be a county where youth activists like me can go back and lay flowers on their mothers, regardless of their personal political views,” he said.

Lawsuits with unrealistically high fines are another way to pressure the free media. Altogether 35 lawsuits were compiled against media organizations for libel and other charges. As in the past years, the majority of the suits were filed against the most critical opposition newspapers, *Yeni Musavat*, *Azadlig*, *Khural* and others. *Azadlig* newspaper ended 2012 with a tally of 62,000 AZN (\$79,000) in court fines. For *Yeni Musavat*, it was a year of battles with high-ranking government officials and their relatives, including Emergencies Minister Kamalladdin Heydarov’s family company Gilan, Transportation Minister Ziya Mammadov’s son Anar Mammadov, President Ilham Aliyev’s brother Jalal, Defense Minister Safar Abiyev and six of his generals, and the border service head Elchin Qulliyev. Rauf Arifoglu, editor-in-chief of *Yeni Musavat*, considers that

the biggest challenge for Azerbaijan’s newspapers is the fact that courts are not free and are ‘totally dependent on executive power.’ “We cannot win any of these cases. No matter who files against us and who is right or wrong, we lose all of the lawsuits. And newspapers are obliged to pay ridiculously high fines,” he lamented.

Licensing for broadcast media remained political. The National Television and Radio Council (NTRC) remained nominally in charge of licensing, though it is widely seen as an implementing instrument of the president’s office. On December 2012, NTRC granted frequencies to the first regional radio channel in Azerbaijan. The winner of the tender, Kapaz TV and Radio Company, is to open first radio station outside of capital, Baku, based out of the western city of Ganja. While the opening of new radio stations in the regions was welcomed, however, the conduct of the tender was rather hasty, not providing sufficient time for potential competitors to apply and therefore was not seen as credible.

The panelists agreed that NTRC was often seen intervening in editorial and commercial choices of broadcast companies. For instance, on NTRC demanded that all marriage shows be pulled from television due to the supposedly improper moral values these programs were publicizing. It wasn’t clear how the demand was legally substantiated. On May 2012, NTRC has successfully stopped broadcast of all foreign TV shows on Azerbaijan’s national television channels. There was no written decision made public by NTRC, however, all national TV stations received a letter by the Council saying that starting from May 1, all the stations that are still running foreign TV series will be fined. It is believed that the act was designed to curb foreign influences. Even popular TV shows from Turkey, with which Azerbaijan has close strategic, linguistic, and cultural ties, were banned. Media lawyer Mammadli opined that NTRC’s act was illegal. “It is illegal to impose such a restriction on television stations. NTRC can intervene in cases of pornography, racial, religious and other forms of discrimination, but it has no authority to tell TV channels what shows they can and cannot broadcast. It is a gross violation of law.”

In contrast with broadcast media, registration of print media was easier. The process required the submission of a letter to the Justice Ministry identifying its chief staff and providing an overview of the new media outlet. The newspaper and/or magazine can be started in five days of the submission of the letter. Azerbaijani print media continued to enjoy a VAT exemption for production and distribution. MP Rasim Musabyaov characterized print media registration as “exemplary.” “No licensing required, anyone can open his or her paper in a matter of days,” he claimed. However, all panelists agreed that there was a stark divide between print and broadcast media in Azerbaijan.

Well-known media expert Zardush Alizade considers that the reason the government keeps strict control over television, but has liberated the registration of print media, is because the latter has incomparably lower reach level. Circulation of the majority of newspapers ranges between 500–5000. The most popular newspaper, *Yeni Musavat* reaches its highest circulation of 12,000–15,000 in the elections period.

Libel remains a criminal offense in Azerbaijan despite media rights activists' efforts to decriminalize it. MP Musabeyov confirmed to the panel that new draft law on Defamation and Libel was still in the parliament, but he also sided with the majority of parliament that it was too early to decriminalize libel. "I myself am a former member of Press Council Committee, investigating complaints against newspapers. What would you do to 'journalists' who uses their press ID to blackmail innocent people?" he asked.

Apparently due to negative international attention, journalists are imprisoned for charges other than libel. In the past couple of years, journalists were jailed on charges such as illegal possession of narcotics, weapons, hooliganism, treason, terrorism, instigating public turmoil, and others. Independent observers say most of these cases were politically motivated.

Access to and use of international information sources is nearly unobstructed except days of remembrance of late president, and father of the current president, Heydar Aliyev, and some national days of mourning, like Remembrance Day (January 20). On these days broadcast of foreign channels by many cable companies is halted. Otherwise, over the past year no foreign news outlet was blocked, filtered or otherwise restricted. Journalists were able to use internal and external media sources.

Access to public information remains problematic. Government entities do not feel themselves accountable to press. Press enquiries are delayed or ignored altogether. These barriers to obtaining verifiable information leads to journalists publish rumor, conjecture, and unverifiable information from anonymous sources. Journalist Jahan Aliyeva says that no matter how many press enquiries you send using email, fax, letter, followed by phone calls, your enquiry is dealt with only if you have personal contacts.

Military forces and law-enforcement agencies are the hardest to obtain information from. In 2012, the Ministry of Defense used various methods to pressure independent media not to make public news about non-combat deaths in the army. Relatives of dead soldiers approached news outlets claiming that their children did not die due to natural causes, but claiming that they were killed, or beaten to death. There is no mechanism in place for civilians, including parents, NGOs, and journalists, to investigate these deaths.

**"We cannot win any of these cases. No matter who files against us and who is right or wrong, we lose all of the lawsuits. And newspapers are obliged to pay ridiculously high fines," Arifoglu lamented.**

Journalists are not allowed into the army units to conduct independent investigations. The press service of the Ministry of Defense claims that commissions comprising military and public officials are set up with regard to each of the cases of abuse and death. But it was not possible to identify who was on these commissions, if there really were any. Human Rights Ombudsman Elmira Suleymanova also admitted to the press that she had no authority to access military units.

The Public Chamber at the Penitentiary Service of the Justice Ministry is doing a somewhat better job. The Chamber consists of ten members, most of whom are accessible to the public. The head of the Chamber, a parliamentarian and former rights activist Chingiz Ganizade, responds to media enquiries with regard to access to prisoners and their problems.

The state and public media generally enjoys better access to information than those working for independent and pro-opposition media. For instance, an independent Turan news agency reporter has a smaller chance of getting into an official or state event than colleagues from pro-government Trend or APA news agencies. Among government representatives, journalists identified Ali Hasanov, director of the Public Political Department of the President's office, as the most accessible official to the press. Ali Hassanov's exclusive interviews often appeared in the leading opposition daily *Yeni Musavat*. Interviews with government ministers were rare. Ministers preferred standing press briefings opportunities to in-depth exclusive interviews. President Aliyev continued his policy of granting interviews to foreign journalists only. No local journalist had a sit-down, one-on-one interview with the president to challenge him on domestic policy issues.

The perception of media freedom varied. MP Musabeyov considers that Azerbaijani news outlets may not seem as free as US ones, but are way ahead of neighboring Central Asian countries. "Take our opposition newspapers, they can say whatever they want and they have been enjoying this freedom for a long time," he said. Arifoglu considers that freedom of media was not something guaranteed by

According to Arifoglu, “Every journalist has this question in their mind: What will happen to me if I speak to this person or write this piece? And there is a reason for this. Journalists in this country have been killed, stabbed, kidnapped, and beaten.”

Azerbaijani constitution and they have to “pay a high price” to maintain it.

Entry into the journalism profession is free and does not require special licensing. The Media Council issues press cards to practicing journalists but it is for the purpose of facilitating attendance at events only. The panelists felt that introducing some kinds of filters for the journalism profession would not hurt if they were approved by the press community and served to the increase of professionalism of journalists, rather than hinder their work.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.85

Fair and objective reporting remains one of the major challenges of the Azeri media. Only a few media outlets are considered to be offering objective news. According to reporter Farid Qahramanov, political affiliation of news organizations is the reason why so many of them fail to

### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

refrain from bias. Government-sponsored media is used for propaganda purposes and is often engaged in personal attacks on opposition leaders. Similarly, pro-opposition media also falls short of independent reporting, covering stories from their prism of political interests. The difference is that the political opposition has fewer resources, using newspapers only, whereas government has the advantage of seven national television stations it keeps under its control. Only a few independent outlets try to pursue a policy of balanced reporting, airing views of all sides.

Editorial teams are known to have blacklists of people they are not supposed to interview or even mention. This further complicates journalists’ ability to conduct objective reporting, as the lists include think tanks and political, economic, and social experts. For example, all television stations are known to have blacklisted opposition leaders Isa Gambar and Ali Karimli at the request of the government.

While blacklists and selective reporting are characteristic for all media outlets except a few independent ones, Qahramanli considers that news agencies are generally doing a better job in adhering to professional standards. “News agencies are doing better job because they target not only local, but also foreign audiences. It is harder to make absurd statements when you are read elsewhere,” he argued.

All news organizations in Azerbaijan share a basic journalism code of ethics. The code has been further improved under the auspices of OSCE and Press Council. However in day-to-day business only a few media outlets truly pursue ethical journalism. Many media managers simply remain unconvinced that they need ethical guidance.

Self-censorship is widely practiced. Journalists don’t feel that law enforcement and judicial systems can protect them, which aggravates this situation.

Zardusht Alizade argued that in the 1990s, while still under official censorship, the Azeri media was more free, as there were no attacks against journalists for the work they do. Arifoglu also admits that self-censorship among journalists is a reality. “Every journalist has this question in their mind: What will happen to me if I speak to this person or write this piece? And there is a reason for this. Journalists in this country have been killed, stabbed, kidnapped, and beaten. The editor-in-chief of *Azadlig* newspaper had to take his family out of the country. These threats are out there for all of us—from reporters to investigative journalists and chief editors, like myself,” he said. Arifoglu says that he warns his journalists to gauge every word they use, as he will not be able to protect them if they find themselves in trouble.

The situation is even more critical in the regions. Executive authorities in the regions intervene with editorial policy of news outlets, from pressuring them to change reports to completely withdrawing their stories even during live broadcasts. Reporter Ulvi Telmansoy said, "It is not like media is sympathetic or loyal to the government. They are in their pocket. The authorities can turn the story upside down or completely kill it." Nakhchevan Autonomous Republic, an exclave located between Armenia and Iran, remains a place where no independent journalist can set foot, or are accompanied everywhere they go until they leave. No independent news organization succeeded in opening a correspondent bureau in Nakhchevan, and therefore there is very little, if any, information flow coming out of the region as to what is going on there.

The panelists agree that public opinion has little effect on developments in the country. Many investigative research pieces, no matter how professionally done, fail to make impact and change things. Media criticism rarely gets feedback as public officials do not consider themselves accountable to the public. Media projects coordinator Tarana Tarverdiyeva recalls research revealing the bureaucracy has no limit as to how much can be spent for purchase of service cars for government officials, and that one vehicle could cost as much as several hundred thousand dollars in taxpayer money. The contrast was absurd: Hundreds of thousands for one car at a time when minimum wage in the country is 93.50AZN (\$119) per month. As shocking as it was, she says, no government entity bothered to provide feedback—to admit, deny, or try to rectify it.

Mass protests in the northern town of Quba on March 1 highlighted friction between traditional and new media, which further deepened in 2012. None of the seven national TV channels ran any footage from Quba, fearing sparking an Arab Spring-style revolt in Azerbaijan. National television stations completely ignored the story, as demonstrators burned down the residence of the local governor demanding his resignation and were met by police, who fired tear gas and rubber bullets against the protesters. While the governor was forced to resign following the mass disorder, the only people imprisoned for inciting mass disorder by the were journalists from local TV. Khayal TV Executive Director Vugar Gonaghov and Editor-in-Chief Zaur Guliyev were imprisoned for posting a YouTube video featuring the governor's speech, where he insulted local residents for "selling out" their properties, followed by pictures of his several luxurious properties in Guba. The video went viral on the Internet and is believed to have triggered public outrage.

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posters, sent a very important message to the public and Internet community that that individuals exposing public officials will be tracked down and jailed.

Pay levels for journalists differ substantially depending on where they work. Absence of advertising revenues due to political barriers make it difficult for newspapers to offer good salaries. In general, journalists' income is very low. Journalists belong to the least-paid caste of society. Many reporters are paid honoraria for stories and struggle to make ends meet. Media expert Jahan Aliyeva believes that lack of highly-paid mature political commentators is not incidental. "Ironically, the more mature and experienced you get, the higher is the likelihood that you will be forced to leave the business, because you are seeing as representing threat to the authorities with your independent and comparative thinking." Interestingly, state-sponsored programs offering free tuition to Azerbaijani youth overseas and in Western countries has never offered journalism studies, another indicator of the government's policy to prevent the "import" of Western-style journalism into Azerbaijan.

Outflow from journalism careers is high. The emergence of oligarch-sponsored media outlets and commercial entities makes it more difficult to keep journalists in their workplaces. News outlets affiliated with oligarchs offer better salaries and therefore end up hiring well-trained, poorly-paid journalists. Many journalists choose better pay conditions over the opportunity to do real journalism.

The Azeri public continued to debate the growing number of low-quality entertainment programs on television. Most-criticized live shows such as live marriages and social interest shows, such as those that search for lost loves, enjoyed the highest ratings. Zardush Alizade considers that it is indicative of the "low level of the Azeri audience," arguing, "It is impossible to interest the Azeri audience [with intellectual programming]. They are indifferent to world developments, are poorly educated, and have no interest in the outside world whatsoever. All they want to watch is celebrity gossip and television stations meet this demand."

“Ironically, the more mature and experienced you get, the higher is the likelihood that you will be forced to leave the business, because you are seeing as representing threat to the authorities with your independent and comparative thinking”, said Aliyeva.

Among television channels, the panelists said that ANS, Khazar TV and Public Television are seen as offering some quality niche reporting. Among radio options, US-government sponsored RFE/RL offers quality daily news and investigative reports on issues like lack of rule of law, mismanagement and corruption. Among newspapers, *Yeni Musavat*, *Zerkalo*, *Ekho*, *Azadlig* and to some extent *525 Gazet* are considered the most popular for their niche reporting.

Investigative reporting is gathering momentum in Azerbaijan. In 2012, several international organizations sponsored journalist competitions for research on corruption, mismanagement of oil profits, and failing governance. Due to the media situation in Azerbaijan, with all television channels under the government’s control, these research projects were not able to grasp the attention of the wider public as they were published mostly in opposition newspapers with minor circulation.

The rift between traditional and new Internet media further deepened in 2012. New media used its “just-in-time” ability to its advantage, proving to be the most effective channel when covering breaking news like mass events, protest rallies, and other issues censored by traditional media. For instance, all national television stations ignored the story of dozens of people being evicted from their homes to make way for a new concert hall in the capital Baku that would host Eurovision Song Contest. Social media and Internet activists did a better job informing the public of the eviction operation by updating their stories with amateur videos and photos from the scene. Traditional media’s stories on the eviction in the come-up of the Eurovision Song Contest were considerably late and censored to reflect the government’s version of events.

### OBJECTIVE 3: PLURALITY OF NEWS

Azerbaijan Objective Score: 2.18

With around 5,000 media outlets registered with Justice Department, there is no lack of media outlets in Azerbaijan, however, the plurality of views remains problematic. Political affiliation and lack of independent editorial policies are the major reasons why media outlets fail to provide alternative views. Public Television and state-run AzTV were used as government’s propaganda tools, which the panelists agreed failed to cover issues of public concern.

“[State-run television] only serves the authorities and issue the government’s propaganda line,” asserted Alizade. “They provide only coverage of the authorities, while completely ignoring the public.”

When a bribery scandal, later known as Gulergate, surfaced around one of the most influential ruling YAP party members, Guler Ahmadova, started, public-funded news organizations faced a dilemma as to how cover the story. Filmed by a hidden camera, the video discussed a \$1 million bribe for a seat in the parliament, and went viral in social media. Apart from high-level corruption in the country, the video has also evidenced that there was a list of parliamentarians-to-be in advance and it was pre-approved by the President himself. Nearly all television networks, both state and private, altogether ignored the corruption scandal until an official reaction from the Prosecutor Office a couple of weeks later was issued.

### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

#### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens’ access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

Hebib Muntezir, the Internet activist based in Berlin, says he is thankful that there is Internet, otherwise the scandal wouldn't have become public. Hebib himself also posted all the videos released on the case. "If not for the Internet, the public would have never learned all this, because all the national TV stations, except [private] ANS, completely ignored the story. The scandal showcased that in sensitive and life-changing issues the public relied on the new media and opposition newspapers with their minor circulation," he argued. Foreign based Azeri-language media, including BBC Azeri, VOA Azerbaijani and RFE/RL Azeri service reports also helped to fill the gap. Interestingly, when Guler Ahmadova was deprived of her deputy status and lost support among the ruling elite and ultimately its media support, she also chose to speak to the audience via her own Facebook page.

Among newspapers, *Zerkalo*, *Ekho* and *Express* are seen as the only dailies offering wide spectrum of political viewpoints. Among TV stations, ANS TV was cited as making some attempts at pluralism. However, the panelists hedged their praise, as the outlet has been shut down several times, most recently on November 24, 2006, after the rigged parliamentary elections. "ANS has not been the same," considers Habib Muntezir. "I have been watching it for long. It compromised its independence considerably."

In 2012, ANS political special *Achig Sohbet* ("Open Talk"), a televised debate, hosted political leaders labeled as 'radical' opposition and blacklisted for decades, including Sardar Jalaloglu, Panah Huseynov, Mirmahmud Fattayev, Iqbal Agazade, Etibar Mammadov and others. The opponents debated issues of fair governance, human rights record, challenges of political opposition and other serious issues. The debate was taped and broadcasted next day. Media expert Gulu Mammadov called the debates "the rare exception" in the Azeri media offering pluralism of views. Sevinj Osmanqizi, moderator of the MSI panel and of these debates, admitted that their biggest challenge was to bring the ruling YAP party to a dialogue with the opposition. "They [YAP] are not used to being challenged. It was hard to get them face-to-face and talk. They all seemed to have boycotted the debate."

In 2012, a couple of new wire services entered the market. Journalist Jahan Aliyeva says that while there was a lot of public expectation that new agencies would offer fresh looks at events, some of them proved to be poorly sourced and offering gossip instead of news. "Qafqazinfo is nothing but gossip. They turn private conversations or Facebook chats into a story, making vague references like 'as people close to events say.' This is not serious." In general, Azerbaijan's news agencies are subject to less pressure from authorities than television, radio, and the printed press.

"[State-run television] only serves the authorities and issue the government's propaganda line," asserted Alizade. "They provide only coverage of the authorities, while completely ignoring the public."

All broadcast media outlets produce their own news programs. ANS and Khazar TV remain leaders for their news programs. Khazar TV continues to enjoy its popular Turkish-style presentation of news, accompanied by music and generous graphics, but lacking in-depth analysis. Public TV news was seen as improving its news programming, but was still seriously lagging behind in editorial content due to its failure to offer fair and objective news. No opposition leaders or dissident thinkers appeared on Public TV news throughout the year. Public TV boosted its profile during the Eurovision Song Contest, which Azerbaijan hosted on May, as it was the official partner of the European Broadcasting Union.

Transparency of media ownership remains problematic. Among commercial television stations, only ANS TV's founding ownership is clearly indicated on its web site. "Everyone knows that Vahid Mustafayev is the main owner of the ANS TV, while Mir Shahin and Seyfulla Mustafayev have minor stakes," said Mammadli. "But who is behind ATV, Lider TV, or Space TV is all based on assumptions." It is believed that president's sister Sevil Aliyeva, currently residing in England, is the owner of Space TV. Similarly, Adalat Aliyev, cousin of the president, is believed to be backing Lider TV.

ATV's ownership is completely opaque. For many years the current Diaspora Minister Nazim Ibrahimov and his businessmen brothers were running the company and were considered to be its co-owners, along with two high-ranking officials from the President's office. However starting from December 31, 2011 the company experienced problems. It was heavily rumored that ATV's troubles started when the broadcast of President Ilham Aliyev's New Year were interrupted by the appearance of the cartoon character Shrek appeared on the screen. Following the incident, brothers Taghi and Namig Ibrahimov were forced to leave the company after several months of constant denial that there were no changes in the management of the company. In mid-May, former general director of Lider TV Vugar Garadadagli assumed his duties as the new general director of ATV. But it was not clear what changes took place with regard to official ownership of the company. The incident



**“ANS has not been the same,” considers Habib Muntezir. “I have been watching it for long. It compromised its independence considerably.”**

was also seen as a message to all the other television channels that any disloyalty will not be tolerated.

Internet use is rising fast in Azerbaijan. In 2012 Internet World Stats estimated the number of internet users at more than 3.6 million, representing about 40 percent of the population. Taking advantage of this growth and in the absence of free traditional media, freedom-loving youth use blogs to comment on political developments, and YouTube to post videos showing mass protests and crackdowns.

Hebib Muntezir considers that while web sites are not blocked as much as they used to be, the government continues to persecute individual activists. Internet activists who call for protest actions are tracked down and arrested.

Most Azerbaijani bloggers use Wordpress and Blogspot as platforms. Among the political opposition, Musavat party leader Isa Qambar and People’s Front of Azerbaijan Party leader Ali Karimli are known for their popular blogs. President Ilham Aliyev has Facebook and Twitter accounts. Many parliamentarians and other public officials are also starting to use social media.

While some bloggers like Adnan Hajizade have established themselves for their insightful and mature blogs, many of the bloggers were described as amateurs. Forums and comments sections contain a lot of offensive language and comments of low intellectual quality. Hebib Muntezir considers that absence of debate environment in the country contributed to it.

“I am not ashamed to admit it—the intellectual level of Azerbaijani internet user is very low. I myself can not read comments on Azeri videos, even under my own videos. There is so much cursing and insult there,” said Habib Munteziri. “What is it indicative of? I think the reason for this is that an Azerbaijani citizen is not brought up in the environment of civil debates and public discussions. They do not know how to interrelate. And they are not used to being tolerant to differing points of view. I blame Azerbaijan’s television channels for failing to nurture such environment as well.”

In order to prevent live broadcast ‘surprises,’ television channels prefer to tape most of their programs. For instance, it is believed that state-sponsored AzTV pre-tapes all its programs except the news, whose scripts have to be approved in advance.

#### **OBJECTIVE 4: BUSINESS MANAGEMENT**

Azerbaijan Objective Score: 1.35

Only a few media organizations are run as businesses; most newspapers were set up for political or personal interests. Many parliamentarians have their own newspapers and news outlets that they steward to publicize their views. These news outlets easily get advertising because of the political connections of their owners.

Some news outlets are set up in order to counter the opposition organs. For instance, the design of pro-government politician Hafiz Hajiyev’s newspaper *Muasir Musavat* is identical to pro-opposition *Yeni Musavat* newspaper. It is done on purpose in order to confuse new readers, Arifoglu believes. Shortly after the registration the Women’s Journalists’ Union, which convened and moderated this MSI panel, a pro-government organization was set up with nearly identical title of Women Journalists’ Association.

There are no set boundaries between advertising and media owners. Even though duties and obligations are laid out in signed agreements, private companies often abuse their status as advertisers and intervene in the editorial policy of the media organizations. They threaten not to renew or

#### **MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.**

##### **BUSINESS MANAGEMENT INDICATORS:**

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

even withdraw their advertising if a media outlet runs a story criticizing them.

Selective advertising placement remains a major reason for poor business performance of media outlets. Advertising, by and large, bypasses both independent and pro-opposition media. There is no way for independent outlets to survive on their own as advertising distribution is strictly political. No opposition-affiliated outlet receives advertisements, indicating that there is control over the placement of advertising.

Advertisements are placed based on political considerations and business and family ties, rather than market principles. Arifoglu says that, despite a letter addressed to the president requesting action, and a follow-up meeting with his aide Ali Hasanov, nothing has changed in the advertising sector. He recalls a potential advertiser telling him that all the newspapers getting ads should be on the list approved by the president's office. "I didn't realize it was such a big problem and was handled in such a centralized way. All our efforts are in vain. Only new websites belonging to oligarchs place their ads in our newspaper. Their purpose is to use the high audience of ours to quickly enter the market. We know that they are using us for this reason. But without them our advertising revenues are zero." *Yeni Musavat* is one outlet that has to sustain itself on sales of copies only. Similarly, other pro-opposition outlets also struggled to make ends meet in the absence of any advertising.

Internet banking is not developed in Azerbaijan. Many Internet users either do not use, or are not familiar with, Internet banking, PayPal, and other options for monetization online.

According to the law on mass media, advertising in television may not exceed 15 minutes per hour of airtime. In newspapers advertising may not exceed 40 percent of column space. In practice, however, few print media outlets are able to exceed 30 percent, and independent newspapers struggle to reach 10 percent.

In the absence of any advertising, the government continued to offer outlets grants through its newly-established State Council to Support the Media. Officials argued that the mechanism worked well and the editorial independence of media organizations receiving grants from the state does not suffer. However, journalists themselves admitted that newspapers, struggling to survive, are willing to risk compromising themselves to receive grant income from the Council.

Media expert Zardusht Alizade criticized the State Council's promises to build free housing for journalists. "Why not let newspapers flourish so that journalists can buy those

"Why not let newspapers flourish so that journalists can buy those apartments themselves? Many journalists have become completely loyal in order to 'win' those lucky apartments," Alizade said, criticizing government subsidies to the private media.

apartments themselves? Many journalists have become completely loyal in order to 'win' those lucky apartments." Noting that the apartments, promised two years ago, are still not ready, Alizade said: "The longer they take to be built, the more loyal press will be."

In 2012, the number of newspapers and news agencies receiving grants and awards from the State Council to Support Media grew. The Council gave out grants on occasions like New Year's, the spring holiday Novruz, and on National Press Day. Only a few independent media refrained from applying for awards and gifts. Over 100 editors-in-chief and senior reporters received awards, medals, cash, and gifts from the Council.

Advertising agencies are developing, but in general, advertising remains one of least transparent sectors. Projects advocating human rights and democracy, investigative reporting, political debates, and analytical journalism have no chance of getting commercial sponsorship. Advertisers want to make sure media projects are nonpolitical and will not have anything that may upset the government. Therefore advertising is usually purchased to air during cooking, style and fashion, health, song competitions, and other entertainment shows.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Azerbaijan Objective Score: 1.98

There are a rising number of press associations nominally representing the interests of media employees. However, none of them is in a position to protect and advance the interests of journalists, including negotiations for better work conditions or higher pay. There are no functioning trade unions in workplaces that would represent interests of individual journalists. Just as in many other sectors of economy, journalists can be fired without cause.

With so many security challenges and few social benefits, it gets harder to attract bright students to the profession. Many students in journalism departments at universities are there because they failed to pass into their first or second choice programs.

Many media organizations register their employees as individual entrepreneurs in order not to pay health insurance and other social benefits. There are no regulations in place to ensure payment of social benefits to close this loophole. Journalists are expected to work overtime hours without additional pay. Some media organizations still have six-day work schedules despite the forty-hour work limit introduced by the parliament. Therefore, low payment and close to zero social benefits make it difficult to keep qualified staff in journalism for long. Many starting journalists regard their work as a transitional step in a career ladder to other fields. Female reporter Qanira Pashayeva, who became a pro-government parliamentarian with many benefits after a successful stint as a TV reporter, is seen as a symbol for many entry-level journalists.

With so many security challenges and few social benefits, it gets harder to attract bright students to the profession. Many students at journalism departments at universities

#### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

##### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

often are there because they failed to pass into their first or second choice programs.

The panelists agreed that NGOs were doing their best to attract public attention to the problems journalists face. When RFR/RL journalist Ismayilova was blackmailed or reporter Idrak Abbasov was beaten, the Institute for Reporter's Safety and Security was there to help them more than anybody else. The Media Rights Institute was seen as a venue to alert local and international community to attacks on freedom of the media in a timely manner. Rights activists Arzu Abdullayeva, Saida Gojamanli, Novella Jafaroglu, and others served as watchdogs and reacted regularly to violations of freedom.

The Media Council continued to lose its support among independent and pro-opposition print media due to its pro-government stance. The leadership of the Press Council changed the organizations charter to permit the chairman to stay in office for a 3rd term. Media expert Gulu Mammadov ridiculed the move, expressing regret that a body that was designed to protect the law, was breaching it itself. Many heads of news organizations spoke in favor of creating an alternative and independent press council.

University programs favor theoretical training over practical, on-the-job training. Baku State University and Baku Slavic University have in-house television and radio studios. ANS TV hosts the U.S.-Azerbaijan Journalism Academy jointly with the U.S. Embassy. This program provides three-month courses to broadcast journalists. AzTV also has its own program, the Television and Radio Academy, for its entry-level journalists. The Dutch School of Journalism offers several training courses yearly, mostly for print journalists. Each year a couple of Azeri students also took journalism classes at the Caucasus School of Journalism in Tbilisi, Georgia.

Radio plays only a small and declining role, especially after the authorities closed the local FM relays of the BBC, Voice of America and the Azeri service of RFE/RL, Radio Azadliq, at the end of 2008.

The distribution of newspapers is largely limited to Baku, and even in the capital it can be problematic. A small number of newspapers are also distributed in the large towns of Sumqayit and Ganja. There is very little distribution in rural areas. There is also a struggle to dominate the press distribution market, with the authorities removing the kiosks of the private firm Qasid in Baku and installing new kiosks. However, the new kiosks, which belong to the Baku city authorities, often sell old issues of newspapers, while fresh copies can be found at newsstands within metro stations. Street trade in newspapers is not reliable and has been clamped down on by the authorities several times.

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Azerbaijan Printing House remains the most used printing facility due to its reasonable pricing for print as well as offices to rent. Despite a number of new private print companies, the once state-owned Azerbaijan remains the cheapest.

Following critical media reports and public debates, the Ministry of Communications and Information Technologies lowered Internet tariffs. But Internet still remains expensive compared neighbors in the region. There are over 30 secondary Internet providers. Broadband is gaining momentum, but there are still dial-up connections in use, offering very poor quality Internet. Azerbaijan's Internet access and digital broadcasting is expected to improve considerably with the country's first telecommunications satellite launched into orbit in Feb 2013.

## List of Panel Participants

**Zardusht Alizade**, head of Dutch Journalism School, Baku

**Rauf Arifoglu**, editor-in-chief, Yeni Musavat newspaper, Baku

**Rasim Musabeyov**, parliamentarian, Baku

**Alasgar Mammadi**, media lawyer, IREX, Baku

**Tahir Mammadov**, head, Public Relations Department, Public TV and Radio, Baku

**Farid Qahramanov**, reporter, Turan news agency, Baku

**Jahan Aliyeva**, media expert, Baku

**Aytekin Alkhasli**, reporter, ANS TV and Radio, Gusar

**Natig Jaffarli**, blogger, Baku

**Tarana Tarverdiyeva**, media expert, Women's Media Watch Azerbaijan, Baku

**Ulvi Telmansoy**, reporter, Alternativ TV, Ganja

**Hebib Muntezir (Abdullayev)**, Internet activist, Berlin, Germany

## Moderator & Author

**Sevinj Osmanqizi**, journalist and media analyst, Women Journalists Union, Baku

*The Azerbaijan study was coordinated and conducted in partnership with Women's Media Watch Azerbaijan. The panel discussion was held on December 9, 2012.*

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*Political competition opened the field for greater pluralism and freedom of expression, but also revealed the difficulties of establishing apolitical media firms and outlets in Georgia.*



# GEORGIA

A local television station was sold for a price of a compact SUV, a large news network was disposed of for less than two dollars, and still another major public channel imploded as the surprise change in power in Georgia triggered Rube Goldberg machine-style shifts in the news industry.

Two weeks after the October 2012 parliamentary elections, anchors, reporters and weather presenters for PIK TV all stared in silence at the viewers in protest against the impending closure of the station, a Russian-Language channel of the Georgian Public Broadcasting. Despite the silent demarche by its journalists, the signal of the channel, which cost millions of dollars to Georgian taxpayers, eventually went static. Other channels either changed hands or laid-off most of their staff, or both.

The dislodging of President Mikheil Saakashvili's allies from their governing majority in the parliamentary vote broke the longtime status quo in the media environment, previously dominated by large, pro-president news channels. The election resulted in a sharing of power between Saakashvili's presidential office and his rivals' government, which, in turn, led to a more balanced distribution of the media market and cautious hopes for more balanced news.

The highly-contested election campaign unveiled all the issues with Georgian media, such as hyper-partisanship, deficient ethical standards, and uncompetitive business practices. But Georgia offers a regionally-enviable diversity of news sources, reflecting the full gamut of viewpoints. "The information is out there for those who want to get it," said Nino Jangirashvili, director of TV Kavkasia. However, she added, for getting the full picture, media consumers need to watch several channels, read newspapers, and check what they read online for accuracy.

Television stations continue to function as king-makers and breakers. Many observers believe that television coverage of a prison abuse scandal, essentially Georgia's Abu Ghraib, sealed the fate of Saakashvili's party in the election.

The focus group gave Georgia its most optimistic evaluation in years, with the panel placing the country back in the "near sustainable" category, above 2.0 overall, once again. A weak business management sector, while modestly improved from 2012, continues to be a major barrier to overall sustainability. Political competition opened the field for greater pluralism and freedom of expression, but also revealed the difficulties of establishing apolitical media firms and outlets in Georgia.

# GEORGIA at a glance

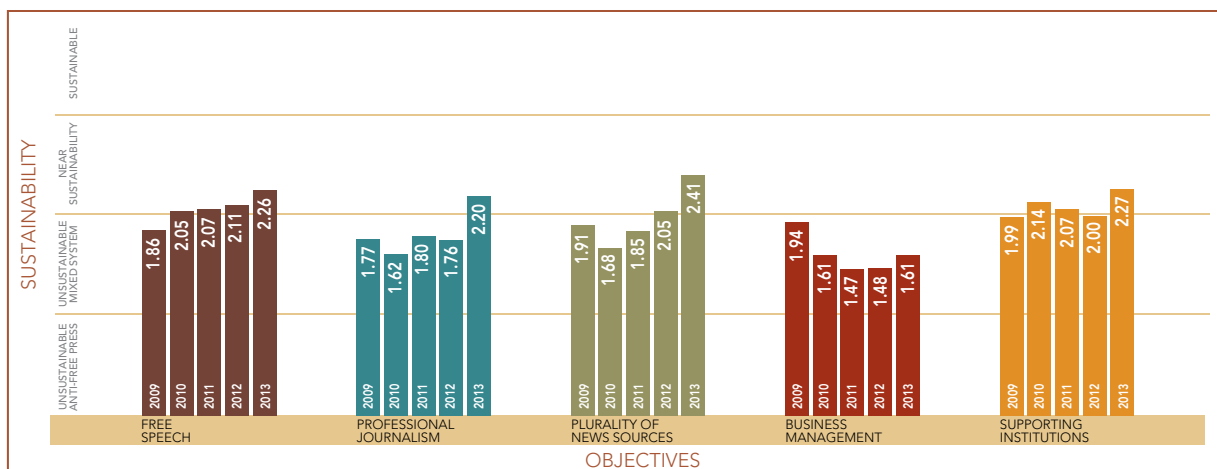
## GENERAL

- > Population: 4,570,934 (July 2012 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% (*CIA World Factbook*)
- > Religion (% of population): Orthodox Christian 83.9%, Muslim 9.9%, Armenian-Gregorian 3.9%, Catholic 0.8%, other 0.8%, none 0.7% (*CIA World Factbook*)
- > Languages (% of population): Georgian 71% (official), Russian 9%, Armenian 7%, Azeri 6%, other 7% (*CIA World Factbook*)
- > GNI (2011-Atlas): \$12.849 billion (World Bank Development Indicators, 2012)
- > GNI per capita (2011-PPP): \$5,350 (World Bank Development Indicators, 2012)
- > Literacy rate: 99.7% (male 99.8%, female 99.7 %) (2010 est. *CIA World Factbook*)
- > President or top authority: President Mikheil Saakashvili (since January 25, 2004)

## MEDIA-SPECIFIC

- > Number of print outlets, radio stations, television stations: According to licenses—Print: 48 newspapers, 18 magazines; Broadcast: 62 television, 48 radio, 1 combined. (*Media.ge*)
- > Newspaper circulation statistics (total circulation and largest paper): *Rezonansi* (4,000–5,000 daily), *24 Saati* (5,000–5,500 daily), *Kviris Palitra* (45,000–50,000 weekly) (individual newspaper claims)
- > Broadcast ratings: Highest rated in Tbilisi are Rustavi2, 4.80%; Imedi, 4.06%; Channel 1, 1.13% (TV MR GE, Licensee of AGB Nielsen Media Research)
- > Annual advertising revenue in the media sector: Television estimated at \$35 million, excluding political and state public service announcements; unknown for print and radio (TV MR GE, Licensee of AGB Nielsen Media Research)
- > News agencies: AP Bureau, Reuters Bureau, Agence France Presse (representatives), Bloomberg (local representative), info 9, Black Sea Press, Iveroni, NovostiGruzia, Sarke, Interpressnews, Iprinda, ItarTass, Kavkazpress, Media News, Prime News, Business, Pirveli, Georgian Business Consulting News, Georgian HotNews, GeoNews, Expressnews, World Sport ([www.yellowpages.ge](http://www.yellowpages.ge))
- > Internet usage: 1,395,348 (Georgian National Communications Commission, November 2012)

## MEDIA SUSTAINABILITY INDEX: GEORGIA



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Georgia Objective Score: 2.26

Freedom of the press is a constitutional imperative and, much like in previous years, the panel agreed that media laws are generally liberal, but, what may come off as counter-intuitive in this region, there has been a push toward more government-imposed rules for the sake of a better media environment.

In 2011, broadcasters became legally bound to reveal their owners, while in 2012 cable operators were requested to carry all news channels during an election campaign. Pushed through by several civil society groups, these changes were meant to level the playing field in the broadcast industry, where pro-establishment news companies used to rule the roost.

Introduction of the “must-carry” regulation for news networks, though temporary, became perhaps the most important change in media regulations and is widely believed to have had major political implications. After a group of media and democracy watchdog organizations steamrolled the regulation into the election law, cable operators that were previously averse to carry channels critical of the government had to begin transmitting all news and political programming. As a result, criticism of the government, which before was mainly available in

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

larger, urban areas, reached wider audiences across the country in the crucial period before the October 2012 parliamentary elections.

Another development, which ties into changes in media regulations, was the Constitutional Court’s decision to cancel licensing of cable television networks. Many television companies and media advocates long complained about the rule that required cable television carriers to obtain broadcasting permits from the communications regulatory body, the Georgian National Communications Commission (GNCC). Critics of this rule argued that cable broadcasting services, unlike over-the-air broadcasters, are not exploiting a public good, in this case, the frequency spectrum.

The Constitutional Court agreed with this view and satisfied the suit of the Georgian Ombudsman’s Office. However, the court kept in force licensing requirements for satellite transmissions. Media Lawyer Tamar Kordzaia praised that part of the court ruling that dropped licensing requirements for cable broadcasters, but said that satellite frequency management practices remain restrictive.

“If a television channel has a general [terrestrial] broadcasting license and is assigned a limited zone of coverage, it cannot be included in the package of a television distributor, which uses satellite frequencies,” Kordzaia said. “To include its programming in a package delivered via satellite, a television channel needs to acquire a satellite broadcasting license of its own. It makes no sense to request a television channel to acquire a satellite broadcasting license to distribute its content via a distribution company, which already has such a license.”

State agencies, including the communications regulator, state auditing service and courts, have been long accused of selective enforcement of media-related laws and regulations. The allegations became particularly vocal in the buildup to the October 2012 parliamentary vote. In a highly controversial move, the police seized, on court orders, thousands of satellite dishes that had been handed out to viewers by Maestro TV station and Global TV, a television programming distributor. The antennas were meant to extend to wider audiences the broadcasts of Maestro TV and Channel 9, both active government critics, and help break pro-President Mikheil Saakashvili media companies’ effective stranglehold over nationwide news broadcasts. In total, some 140,000 antennas were impounded.

Prosecutors claimed that Ivanishvili—then opposition leader, now the prime minister—underwrote distribution of the satellite dishes, which amounted to vote buying, the courts ruled. While Channel 9 and, indirectly, Global TV, are owned by Ivanishvili, no evidence was offered to prove alleged collusion between Ivanishvili and Maestro TV. The Georgian



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Young Lawyer's Association, a prominent rights advocacy group, described the court decision to seize Maestro TV's antennas as illegal.

Casting further doubt on the legality of the move, the satellite dishes were returned to the television companies immediately after Ivanishvili's Georgian Dream Coalition defeated President Saakashvili's United National Movement in the October 2012 elections.

The election race was a challenging time for Georgian journalists. Several reporters were verbally and physically abused in the run-up to the election, causing alarm for the OSCE, which called on Georgian authorities to investigate the incidents.

Accusations of harassment were leveled against both the United National Movement and Georgian Dream. A female reporter with Info 9, a news agency affiliated with Ivanishvili's Channel 9, was persistently harassed and intimidated by a group of men. A posse constantly followed, taunted, and intimidated her. Police took no action. Gela Mtvlishvili, Director of Kakheti Information Center, and Tamar Kordzaia said that in none of the cases of harassment and violence against journalists have criminal investigations been launched. The media actively covered such cases and rights groups raised the alarm.

Panelists said that apart from verbal abuse and some physical violence, including several cases<sup>1</sup> of clashes in which protesters were injured and beatings, there were attempts to intimidate and blackmail journalists. Late in the year, Giorgi Abdaladze, one of several photographers scandalously arrested in 2011 on spy charges, went public with accusation of being forced by the police to confess to espionage charges.

Media widely covered alleged and discrediting phone conversations of politicians that mysteriously appeared online. Frequent releases of such conversations by the media sparked allegations that police were secretly and illegally wire-tapping the government's opponents.

The Georgia chapter of Transparency International (TI), a corruption watchdog, reported that telecommunications companies do not disclose to their customers under what conditions their personal information and electronic conversations are shared with third parties or the authorities. "The Ministry of Interior appears to have continued access to the technological infrastructure of telecommunications companies. This access effectively undermines any efforts to establish the court-oversight required by law concerning the monitoring of citizens' electronic communications." TI Georgia said in its report

<sup>1</sup> Noted by the OSCE: <http://www.civil.ge/eng/article.php?id=25011>

"The State of the Internet—Who Controls Georgia's Telecommunication Sector."

Panelists say that the Internet is free of government or corporate censorship. TI has found no cases of reporters interrogated or arrested for their online activity.

While some panelists said that freedom of the press is valued in Georgia, it is mainly media and rights activists, who battle encroachments on the freedom of the press. Opinion polls<sup>2</sup> repeatedly showed that freedom of the press falls far behind major national concerns such as jobs, health care, and territorial integrity.

Nino Jangirashvili said that in Georgia there is still no proper appreciation of the freedom of speech. "For a large part of Georgian society, freedom of speech means free expression of views that conform to their own views," she said. "I can tell you from experience that many viewers watch and support a channel as long as its take on the news dovetails with their own convictions. The moment the channel offers an alternative take, they start complaining and their supposed appreciation of free speech dissipates."

Conservative social mores sometimes clash with the need for freedom of expression, especially when journalists cover sensitive issues such as the church and minorities, some panelists said. Dimitri Avaliani, journalist with *Tabula* magazine, said that media coverage of clashes between Orthodox Christian and Muslim communities in two Georgian villages was often unbalanced, and openly hostile to the Muslim minority. Some panel members believe reporters and editors are hesitant to criticize the Church, the country's most revered institution. Homosexuality is another topic that media largely prefers to avoid.

However, some reporters are increasingly willing to take on the church and challenge the dominant, traditionalist views. Eliso Janashia, editor of TSpres local news service, grilled a provincial bishop with questions about posters of the president on the exterior of a new church, until the prelate and his attendees grabbed her mini video camera. Quality print and web outlets such as *Tabula*, *Liberali.ge*, and *Netgazeti.ge*, and, to some degree, public television, also offer some criticism of the church and cover minority issues.

Almost all those members of the panel, who are practicing journalists, said that reluctance of government agencies to provide public information is a persistent problem. "Government officials often refuse, delay or provide unsatisfactory responses to the requests for public information," said Zviad Kordize, of the Georgian Charter of Journalism Ethics. Because the government was reluctant to

<sup>2</sup> NDI November Survey. <http://www.civil.ge/files/files/2012/NDI-Poll-November2012.pdf>

provide public information, Georgia's overall score decreased measurably in this area, which puts the country close to the anti-free press category.

"The law is part of the problem here," said Mtivlishvili. "If an official refuses to provide public information, you need to request it from his superior before you can take your case to court. By the time you go through all the stages, the information you need is not newsworthy anymore." He and Nestan Tsetkhladze, editor of Netgazeti news site, said that courts often refuse to review complaints citing lack of administrative and human resources.

The rate and the quality of responses to Freedom of Information requests remained poor throughout 2012, according to the [www.opendata.ge](http://www.opendata.ge) website, which maintains statistics on freedom of information requests. "We have seen no improvement to speak of this year," said Koridze. Tsetkhladze added that per administrative law Georgian government meetings should be open to the public and if such meetings are closed the officials need to offer a public explanation. "Save for a few publicity stunts by the Saakashvili government, this rule was not observed then and is not observed now [by Prime Minister Bidzina Ivanishvili's cabinet]," she said.

In 2011, Georgia joined the Open Government Partnership at the invitation of US President Barack Obama and started developing an action plan to conform to the principles of the initiative. Civil society groups, including media advocacy organizations, have been involved in the process. While some notable improvements were made in simplification of public services, ensuring full disclosure of public finance remained a problem throughout 2012. The Institute for the Development of Freedom of Information, which posts public finance and official income details on the [www.opendata.ge](http://www.opendata.ge) website, complained about the official refusal to provide the sources and the amounts of funding of select government projects, such as the construction of the new parliament building.

Khatia Jinjikhadze, manager of Media Development Programs for the Open Society Georgia Foundation, said that since Georgia joined the Initiative some good steps were made toward building a transparent governance system and it is imperative the new government continues working in that direction.

Libel is a civil law issue and the burden of proof rests with plaintiff. Judicial independence remains a persisting issue, but the panelists did not cite any media-related problems with enforcement of libel laws. There are no special licenses required to pursue a journalism career. There are also no limits on the use of outside news sources for domestic distribution, though poverty and language barriers remain for many.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Georgia Objective Score: 2.20

The year 2012 made it clear that Georgian journalist's basic knowledge of math leaves something to be desired. "Surprising as it sounds, the temperature is slowly going down, instead of going up. It is -1 [Celsius] now in the city, while it was -3 earlier, at eight in the morning," marveled a morning news presenter on Channel 9. "It is curious indeed that the temperature is going down during the day," agreed her co-host adding in jest that Mayan doomsday prophecies could have something to do with the supposed anomaly.

Another prominent journalist repeatedly insisted in a prerecorded interview that, per the Pythagorean Theorem, the square of the hypotenuse equals the sum of the squared "catheters."

A Meet the Press-style, syndicated interview with the former Minister of the Economy, magnate Kakha Bendukidze turned into a math 101 lesson with the economist spelling out the difference between percentage increase and absolute increase to the reporters, who were supposed to be there to grill him.

Math may not be the strongest suit for journalists elsewhere, but some panel members said that these instances show just how little effort reporters make to prepare for a news show or an interview.

In 2010, Imedi television station sent the country into panic and grabbed international headlines with its Orson Welles-style bogus Russian invasion report. The channel's

### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

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ever-creative production team again caused a stir at home and caught some international attention in 2012 with its Women's Logic quiz show. The show featured attractive and scarcely clad female participants, in a quiz show parody, giving ignorant answers to trivia questions. In the other show room, male participants were gaining scores not for picking the correct responses but for guessing whatever silly answer the women would pick, based on their "female" logic.

The show caused outcry among feminists, media ethics critics and progressive liberals, who said the show deliberately pitted smart men against ignorant women and perpetuated denigrating stereotypes against women.

Many panelists said that the line between news and commentary is nebulous, and gonzo-style journalism is popular. Political leanings continue to take precedence over the dictums of balance and fairness.

"We are mostly seeing specious adherence to the principle of balance," said Koridze. "If one political side makes some claim, television stations do tend to include what the other side says, but they do not make sure that both sides of an argument are equally well represented. So both sides are there, but not in a fair, truly balanced way... And for Georgian television networks balance mostly means including the two sides, not all the relevant sides of the story." He said that the television channels are setting different, often competing political agendas through the way their pick, sequence and frame the news of the day.

Kordazia said that news outlets, especially television stations, often fail to include or include correctly such basic information as the name and the title of an interviewee.

Panelists said that in the quest for sensationalism and in the race to be the first to break the story, media companies often violate ethical norms. Maestro TV, which broke the story on prisoner abuse in Georgian jails, initially showed the face of one of the torture victims, sparking criticism by media observers. Channel 9 and Maestro concealed their faces in later broadcasts, but the raw footage was available for quite some time on video portals. "The footage was looped on TV round-the-clock and the channels displayed no discretion toward children's exposure to these gruesome images," said Mariam Gersamia, journalism professor at Tbilisi State University. "Even my eight-year-old child caught a glimpse of it."

Television stations in the opposite corner of the partisan divide—Rustavi2, Imedi and Real TV—have also come under fire for displaying poor ethical standards in their coverage of the prison torture scandal. The Georgian Charter for Journalism Ethics, a local media watchdog, lambasted these

channels for complacently conveying the official line of the story and for failing to challenge the government's claims.

But when it comes to erroneous coverage of the prison story, a Tbilisi based tabloid Asavali-Dasavali takes the prize, the panelists said. In an environment electric with tension, the paper published the names and addresses of the entire staff of the prison, where the cases of gruesome abuse had taken place, sparking fears of extrajudicial retributions against prison personnel. Students and liberal activists rallied outside Asavali-Dasavali's newsroom condemning the publishing of what they called a proscription list. The rally ended in a clash between the activists and the newspaper's supporters.

On the election's eve, the Kakheti Information Center, a regional web based outlet, showed disturbing images of a deceased infant, who drowned in a wine container. Kakheti Information Center and Channel 9 both reported the claims of a local candidate, who accused her rival's party of being involved in the infant's death. Months later, these allegations have not been substantiated. Some panelists believe that the uncritical coverage of these allegations by the two above outlets have affected voter behavior.

Many print and broadcast outlets have their own ethics codes, yet there are also ethics guidelines for broadcast media drafted by the communications regulator. Some 180 journalists subscribe to the Georgian Journalism Ethics Charter, a grass roots media standards convention. The group reviews and reports on media ethics complaints. The panel noted that ethical practices do not substantially differ across media outlets.

The line between advertising and editorial content is often blurry. The panelists say that large television companies routinely air paid content packaged as news without indicating the commercial nature of the broadcasts.

The majority of the panel said that plagiarism is rampant. Many media companies have no qualms about copy-pasting reports of other outlets without attribution, said Mtvilishvili. Avaliani cited the case of *Tabula* magazine, which went to court with Imedi TV for a copyright breach. Without giving credit to the magazine, Imedi aired an exclusive video interview with a top NATO official recorded by *Tabula*. Tsetskhladze said that television stations and other news services often lift stories published by her online service.

The panel said that self-censorship is widespread, though it is not always clear if reporters themselves choose to exclude some stories to avoid potential conflicts with their superiors or political circles, or if they simply obey top down editorial instructions. "The problem is particularly acute in the regions, where we have small, tightly knit communities,"

said Natia Kuprashvili, Director of Georgian Association of Regional Broadcasters. "Sometimes reporters do not want to anger local officials, sometimes they do not want to offend relatives."

In October 2012, special forces units entered polling stations in a provincial town of Kahshuri and interfered with the vote count process. Rustavi 2 and Channel 1 did not send reporters to Kashuri and, Koridze thinks, these channels nixed the story.

Koridze and Natia Kuprashvili said that Channel 1 was slow covering the prison abuse news, and it might have been a deliberate editorial policy. Channel 1 later explained its refusal to carry the story by casting doubts over the authenticity of the reports. Challenging Georgian Public Broadcasting Company's management, Channel 1 talk show host Eka Kvesitadze expressed her support for student protesters, who demanded that state run television cover the scandal more actively. In September 2012, the Georgian Public Broadcaster posted on its website a mobile phone recording between Kvesitadze and the protesters, and the company's management went on to accuse her of egging on the students to rally against the public station.

The panel did not name bribery as a significant problem, but said that job insecurity in the news industry creates an environment conducive to self-censorship. "Journalists often have monthly contracts and reporters know better than to buck the editorial line, and they are perfectly aware of the political loyalties of their organizations as these leanings are fairly conspicuous," Khatia Jinjkhadze said.

Pay levels, the panelists agreed, were not much different from other fields or from media sectors in most market economies. There is a wide gap in pay between TV personalities, particularly talk show hosts, and print, radio, and Internet reporters. The poor pay is not a major cause of consternation among journalists, according to the panel. Well-paid journalists and better-heeled media companies alike are susceptible to political or business pressure, as are their poorer, smaller compatriots.

The panel was unanimous in saying that entertainment programming does not eclipse news and information programming, and the trend is toward hard news. "We can't say that there were some important issues that were not covered by the media," said Avaliani. "They may have done a poor job covering certain issues, some might have been biased and selective, but they did cover all major topics one way or another."

Most of the panel said that the news companies across various media outlets increasingly use state-of-the-art reporting technologies. "They either update the gear

themselves, or receive it from the donors, or from their political sponsors, but we can say that news companies are fairly well equipped today," said Jangirashvili. Only Kuprashvili disagreed saying that some local television stations, especially in the poorest parts of the country, use very outmoded broadcasting equipment that affects the quality of their journalism.

Niche journalism exists, but very little of it is of good quality. "The lack of resources is part of the problem here," said Gersamia. "Most companies cannot afford to have reporters on the beat, so everyone is doing everything." Avaliani said, and most of the panelists agreed that only few print and web based services offer high quality niche reporting.

There is very little investigative journalism, much less professionally conducted, in Georgian media and the few investigative reports are rarely carried on national airwaves. Here the criticism focused on state run television, which has the resources and the obligation to run investigative stories.

### OBJECTIVE 3: PLURALITY OF NEWS

Georgia Objective Score: 2.41

In September 2012, less than two weeks before the crucial parliamentary election, a news presenter for Maestro television, a channel prone to criticism of the government, announced that the station was about to air leaked footage of prison abuse and advised viewer discretion. What followed would change the country.

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

The year 2012 was particularly notable for the arrival of Channel 9, essentially a project of now-Prime Minister Ivanishvili to provide positive PR for his coalition's election campaign and counter the pro-president television networks, Rustavi2 and Imedi.

The viewers could barely recover from the first wave of televised revelations of heinous abuse when Maestro and Channel 9 aired an entire series of secret videos depicting prison officials beating, sexually abusing, and humiliating prisoners, including juvenile inmates. Before long thousands of viewers were out protesting against the prison torture and demanding the dismissal of key officials. The government and its loyal television stations initially scrambled for a response, trying to place the blame on a handful of prison officials. But as the protest swelled, people started getting fired and the president admitted to having an institutional problem in the penitentiary system.

For many panel members, the prison abuse scandal testified to the power of the media. Some panelists share the view that the two channels' coverage of the story ultimately resulted in the defeat of the ruling United National Movement in the October election and left President Mikheil Saakashvili facing a hostile parliament, prime minister, and cabinet.

Until the election, the allegedly discriminatory regulatory policies, politicization of the advertising market, and news distributors' alleged conformism created an asymmetrical balance favoring pro-government over anti-government news. Television channels with national reach ran long, often indistinguishable stories of President Saakashvili opening factories, hugging supporters and informing the nation of the country's progress. But despite the pro-government media's near monopoly of national airwaves, the criticism of the government still reached broad audiences during the campaign period, in part owing to the "Must-Carry, Must-Offer" regulation on cable network channels, the panelists said.

Divisions and bias in the news became particularly salient during the election race, as evidenced by monitoring of the media during the campaign period by international organizations such as the EU and UNDP.

"Contrary to their legal obligations, the majority of television stations...displayed partisan editorial policies in the news and on talk shows," wrote the Election

Observation Mission of the OSCE's Office for Democratic Institutions and Human Rights.

The viewer's choice was between the pro-establishment Rustavi2 and Imedi and opposition-leaning Channel 9, Maestro and Kavkasia. Although all channels did make efforts to include both sides of the story, the bias was obvious in the allocation of time and the tone of coverage of the competing political groups, the election mission said. Maia Tabagari, a news producer at Maestro, argued that Saakashvili officials were often reluctant to show up at the channel's talk shows and that made for the disproportionate coverage of the two camps. But media monitors also recorded the prevalence of a negative tone toward Saakashvili's administration by the station's reporters. Tabagari said the campaign participants mostly refused to engage in direct televised debates, which compromised the quality of political coverage. The same point was also made by representatives of other television stations.

All international and domestic election observers praised Channel 1, the flagship television station of the Public Broadcasting Company, for being the single most objective TV source of campaign news. "Only Channel 1 provided politically-balanced news coverage of the campaign," said the election mission. However, Channel 1 still faced some accusations of leaning toward the president's party. "The bias was palpable in several talk shows, in the attitudes of show hosts. And also, while whatever made it into their newscast was indeed balanced, they chose sides by leaving some news out," said Koridze, who is the chairperson of the board of the Georgian Charter of Journalism Ethics, which also conducted media monitoring of the broadcast outlets during the campaign.

But because of the power of the wide variety of news sources, numerous televised debates and campaign talks, the plurality of views was generally available to voters, the panelists said. The international observer mission also said that the campaign messages of both sides, though unevenly distributed by the media, still reached the majority of the population. For this reason, plurality of sources improved markedly from 2012, up nearly half a point and well into the "near sustainable" range. Significant gains were noted in each indicator.

The year 2012 was particularly notable for the arrival of Channel 9, essentially a project of now-Prime Minister Ivanishvili to provide positive PR for his coalition's election campaign and counter the pro-president television networks, Rustavi2 and Imedi. From the moment it went on air, the station bombarded the Saakashvili administration with scathing reports. The government fought back.

Channel 9 repeatedly complained about the state machinery being used to sabotage its broadcasts. Managers of the station said that the broadcasting equipment they imported got repeatedly and mysteriously damaged during customs clearance. The satellite dishes meant to carry the channel's signal were confiscated and, the station's managers said, advertisers and business partners shunned the dissident station, lest they antagonize government officials.

Channel 9 reporter Nodar Chachua said he was blackmailed by purported police officers, who requested him to spy on his employers. According to Chachua, he was confronted by unknown men in plainclothes, who, among other requests, demanded him to have homosexual intercourse with his superior and record it on camera, or else they threatened to publish compromising videos depicting Chachua's private life.<sup>3</sup>

To insulate against alleged meddling from the authorities and perhaps mitigate accusations of political bias, Channel 9 struck up a partnership with US firms, and even had the veteran television star Larry King join its board of trustees.

After the election, major news companies remained sharply divided along political lines, and very few manage to maintain distance from partisan rivalry. Following the power-share between rival teams of the president and prime minister, the media market also became more equally divided between outlets leaning toward either camp.

But while the playing field may have been leveled after the power transfer, mainstream media remain divided into political camps and free-wheeling news services complain about persistent political favoritism. Some panelists said that Rustavi2 is still President Saakashvili's mouthpiece, while others say that Channel 9 has become the Rustavi2 of Prime Minister Bidzina Ivanishvili. Ia Mamaladze, Director of the Georgian Regional Press Association, said that law enforcement bodies feed exclusive stories to Channel 9 and its web-based offshoot Info 9. "Often when you request information from the justice ministry or the prosecutor's office, they delay the response on [any number of excuses], and then [tell] you that Channel 9 already has the story," Mamaladze said.

Reducing political hegemony over the media is a continued challenge. "One big problem with Georgian media—and this is not just my opinion, it is what foreign observers say all the time—is that they cannot create an agenda on their

<sup>3</sup> Civil.ge. Channel 9 *Journalists Alleges Blackmail Attempt*. (July 28, 2012). Retrieved from <http://www.civil.ge/eng/article.php?id=25051>

**"Only Channel 1 provided political-ly-balanced news coverage of the campaign," said the election mission. However, Channel 1 still faced some accusations of leaning toward the president's party.**

own, reflecting issues faced by the society. Rather, the media relays the agenda set by the politicians." Jinjikhadze said. "They run from one press conference to another picking whatever topics the politicians want them to pick, and hence become passive players in this political football match."

Major news companies rely heavily on the newswires and often relay agency news without adding reporting of their own. In the most publicized case, Imedi and Channel 9 parroted a typo from GHN newswire, declaring that Russia's 2008 invasion of Georgia was perfectly legal. "It's not just lack of the original reporting, these journalists don't even bother to take a close look at the printouts of news agency reports," said Avaliani.

The 2011 media transparency law, which banned offshore ownership in media conglomerates, helped bring some clarity into broadcasting business ownership, but panelists said it could not fully insulate against indirect political influence in the media. Before passing the law, beneficiary owners of Rustavi2 were hidden within elaborate ownership chains with traces disappearing somewhere in the Caribbean. A similar situation persists in internet business. Transparency International Georgia reported that the owners of largest internet service providers are hidden behind shell entities.

The group also found strong indicators that 50 percent of Caucasus Online, a major internet service provider, and 49 percent of Beeline, the third largest mobile phone operator, "are controlled by the same opaque individual[s]."

While television remains to be by far most popular news medium, more Georgians tend to get their news online. In NDI's November survey, respondents named the Internet as the second most frequently used source of current affairs news.<sup>4</sup>

Computer literacy and Internet access is very poor in rural communities and among older people. "More than five out of 10 Georgians—58 percent of the Georgian population—

<sup>4</sup> Survey of Public Attitudes in Georgia. Retrieved from <http://www.civil.ge/files/files/2012/NDI-Poll-November2012.pdf>

has never been online,” TI Georgia’s report said, citing 2012 survey data of the Caucasus Research Resource Centers. Only seven percent of survey respondents from rural areas said they access the Internet every day. A lack of Internet skills and equipment is the main reason they cite for remaining offline.

Facebook is an increasingly popular place to gather, share and discuss news, the panelists said. According to SocialBakers, a social media statistics website, Georgia’s Facebook population is 940,700-strong<sup>5</sup>. The network provides a very effective forum for debates on current issues, and crossovers into mainstream media are frequent. “It has become standard fare for television companies to run stories about politicians’ status updates or comments,” Koridze said.

Citizens’ access to international media is not limited by the state. The alleged informal ban on Russian news channels following the 2008 war, which led cable providers to stop carrying the channels under assumed government pressure, has ended, with Russian television now available.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Georgia Objective Score: 1.61

Business management remained by far the country’s weakest aspect of media sustainability, with no indicator within the objective categorized as “near sustainable”. Media organizations continued to be subsidized by political interests, deeply distorting the market.

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

Television, the single most influential medium in Georgia, has long been largely a political enterprise sponsored or influenced by political circles, but the recent political transformation created some hopes of less politics and more business in the way television is run.

The modest (estimated at \$50 million) television advertising market could not sustain the range of operating television stations, experts say. Large tax arrears for broadcasting companies and the way television stations appear, disappear or change hands suggests that political rather than market mechanisms provide the lifeline for the broadcasting industry, panelists said.

Most media companies have professional accounting practices, but in smaller, especially regional news outlets, owners sometimes double as managers, editors and writers. Independent blogging is a volunteer activity and only corporate news blogs pay.

Shunned by advertisers, media critical of the government had little choice or qualms about heavily relying on money from the political opposition. A free-wheeling, quality magazine *Liberali* was only able to go back to print after it agreed to run a series of ads for Ivanishvili’s Channel 9. The move sparked some attacks on the magazine’s editorial integrity.

The accusations of direct political sponsorship of the media are mostly deductive, but television companies indeed receive indirect financial gifts from their political patrons. In mid-October President Saakashvili’s outgoing cabinet announced a tax pardon for all Georgian broadcasters, a move that mainly benefited pro-president television channels Rustavi2 and Imedi that owed roughly \$3.3 million and \$8.5 million in taxes respectively. Media observers and independent television companies with no tax arrears described the move as political favoritism and a detriment to competition.

“Tax amnesty rewards those companies which do not pay their taxes and creates unfair, noncompetitive environments for the many television companies that pay all their taxes, as those television channels that enjoy political backing continue to get away with not paying them,” said Transparency International Georgia, the corruption watchdog, in a report.<sup>6</sup>

Representatives of Kavkasia and Maestro, the two stations that did not benefit from the amnesty, complained about the pardon, saying it left their competitors with extra resources to invest in technical upgrades. “The tax department would not let us get away with a single lari,

<sup>6</sup> <http://transparency.ge/en/post/general-announcement/new-tax-amnesty-tv-stati>

and it is inexplicable how these big stations were allowed to accrue such huge debts,” Tabagari said. She and other panelists spoke about discriminatory enforcement of tax collection practices as any delay in tax payments would immediately result in financial sanctions against their companies, but other stations were able to operate freely despite the massive tax backlog.

Some panel members say that political stakes in television companies inhibit the shift toward purely market driven editorial or management policies. Prime Minister Ivanishvili’s wife Ekaterine Khvedelidze owns Channel 9. Inna Gudavadze, the widow of late billionaire and 2008 presidential candidate Badri Patarkatsishvili, regained control over the second largest news channel Imedi. Tamar Chergoleishvili, the wife of National Security Chief and the brains of the Saakashvili government, Giga Bokeria, started a Tabula TV, which went on air early in 2013.

Saakashvili’s former Defense minister Davit Kezerashvili bought a 40 percent stake in Rustavi 2 for a humble \$500,000, only to offload his shares in five days to businessman Levan Karamanishvili. Some news reported that Rustavi 2’s news directors protested being associated with the former defense minister. Businessman Karamanishvili was described by President Saakashvili as a friend.<sup>7</sup> Along with Rustavi 2, Karamanishvili owns entertainment channel Mze and has business interests in Caucasus Online and Beeline.

Imedi, Rustavi2, and Channel 9 were all operating at a loss in 2011. Shortly after the October 2012 elections, Imedi was returned to the Patarkatsishvili family as inexplicably as it had been taken away. Briefly run by Rupert Murdoch’s News Corp., and once harshly critical of the Saakashvili government, Imedi controversially changed hands following billionaire Patarkatsishvili’s death in 2008 and soon began toeing the establishment’s line.

Patarkatsishvili’s widow Gudavadze tried to claim back the channel but the dispute got resolved in a closed-door deal with the government. After the October elections, the company was handed back to Gudavadze for a paltry 3 lari (\$2) for one of the largest news networks in the country. Smaller and fiercely pro-establishment channel Real TV was sold for a bargain-basement price of about \$18,000.

In a further knock-on effect of the election, several TV stations imploded, including PIK TV, the Russian-language channel of the Georgian Public Broadcasting Company, which cost Georgian taxpayers millions of dollars. Saakashvili’s pet project, PIK TV’s closure may have been political, though it appeared to attract little audience at great expense regardless.

<sup>7</sup> <http://www.media.ge/en/stories/davidkezerashvilisellssh>

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The year 2012 also proved to be a stressful year for journalism in terms of job security. Following change of ownership, Imedi’s new management fired many of its newsmen, including most of its on-air talent. Most of PIK TV’s staff were left without jobs. Infighting at Channel 9, which was rumored to echo internal turf wars in the new ruling elite, led to resignations of the stations key anchors and managing directors. Some of these journalists cited interference in editorial freedom by the new managers.

Before the election, Rustavi2 and Imedi would get the lion’s share (up to an estimated 70 percent<sup>8</sup>) of television advertising spending, but the trend now is toward a more equal distribution of advertising, Jangirashvili and Tabagari said. Maestro and Kavkasia, which long complained about government allegedly scaring advertisers away from them, both reported a post-election uptick in advertising revenues. There are also signs of de of the advertising industry, as the advertising giant General Media no longer dominates the market, Koridze said.

In broadcast firms, 2012 ended with a trend toward consolidation. “The glasshouse environment, in which most Georgian broadcasters existed, has ended. Some stations closed down, others downsized their staffs and programming, and television is becoming a more market-driven affair,” said Jangirashvili.

Announcements for deaths, births, and marriages still provide vital revenue for many local television and print companies, as major businesses have little interest in running commercials in regional outlets, according to Kuprashvili. “Many regional broadcasters live off personal and classified advertisements, and rarely have corporate commercials,” she said.

Some advertising practices are based on proper market research, but advertisers often rely on their gut feeling rather than professional marketing data, panelists said.

<sup>8</sup> [http://transparency.ge/sites/default/files/post\\_attachments/Who%20Owned%20Georgia%202002-2012.pdf](http://transparency.ge/sites/default/files/post_attachments/Who%20Owned%20Georgia%202002-2012.pdf)



There are a variety of Web-based news outlets, including a few very professional operations, but financial sustainability of these news sites remains fickle. Online advertising market is still nascent and some panelists say that many businesses are still mistrustful of the Internet's potential. The bulk of the total advertising market goes to television stations and Internet is estimated to be the last place business want to place their ads, according to Transparency International Georgia.

There are no fully-trusted services for online user metrics, and advertisers have little empirical data that they can use to target the right audiences or trace the effectiveness of their campaign. According to Transparency International Georgia's estimate, net online advertising spending was just above \$1 million in 2011. "The number of shares and "likes" on Facebook are often used as a gauge of an outlets' popularity," Mtvilishvili said. Professionally produced print news circulation and reader statistics are not available, but television ratings, mostly based on the industry standard People Meters methodology, are considered reliable. "Sometimes newspapers name different circulation figures to the tax department and to advertisers," Mamaladze said.

With few exceptions, one of them being the leading newswire Interpressnews, news sites do not use paywalls. Mtvilishvili and Tsetskhladze, both online editors, believe putting up a paywall would result in their customers migrating to competing sites.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Georgia Objective Score: 2.27

Supporting institutions improved on all fronts, as civil society organizations won some tough-fought victories, raising scores for NGO support, distribution freedom, and other areas. Over-reliance on foreign aid to support civil society institutions remained an impediment to long-term sustainability.

As was the case in previous years, the panelists said that trade unions make little to no difference in the media sector. "There is nothing going, really," said Beka Oniani, chairman of Georgian Journalists' Trade Union, citing skepticism among journalists toward collective bargaining as the cause of this gap. "They prefer to bargain in small, self-organized groups," Oniani said.

A number of very active professional associations and civil society groups also lobby journalists' interests. Groups like Georgian Regional Association of Broadcasters, Georgian Regional Press Association and Georgian Charter of

Journalism Ethics are actively advocating journalists' rights and respond to crises in the media.

"In past couple of years, including this year [2012], we have seen a hike in the work of media groups," said Jinjikhadze. Most panelists noted the work of Georgian Charter of Journalism Ethics, which promotes ethical standards in the media and media literacy in audiences.

Mamaladze complained about inertia among the members (a total of 24 signatories) of her regional press association, saying that parochial interests take precedence over the need for collective problem-solving. "Many members are reluctant to disclose circulation numbers, pay membership fees [less than \$200 annually], agree on common principles and so on," she said.

Jinjikhadze said that associated media is largely an international donor initiated sector, rather than the grass-roots activity, and some associations proved to be less successful due to the lack of common interests and values among their members. "Everyone joined in at first, but after realizing that it meant shared standards and rules for all, some started to keep their distance," she said. Mamaladze and Kuprashvili said that the donors' priority should not be focused on efforts to make the associations inclusive and field-wide, but rather on the capacity-building of truly value based associations.

One of the most active lobbyists of media interests is the Media Advocacy Coalition, a non-profit alliance of about a dozen of NGOs, including such rights and democracy heavyweights as Transparency International Georgia and the

## SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

Georgian Young Lawyers Association. The panelists again identified the introduction of “Must-Carry, Must-Offer” as the biggest achievement of the concerted efforts of media associations and democracy organizations.

Donor aid keeps afloat many news services based on the web, where some of the best (and worst) news is available. Jinjikhadze said that, in a welcome development, the donors are paying more attention to the financial sustainability of media.

Gersamia complained that journalism education is not a priority field for the state. Unlike other fields of study, there are no full or even 50 percent state scholarships offered to journalism students at state universities. “This is a discriminatory approach, as it discourages students from applying for journalism programs,” said Gersamia.

Within the government and the hierarchy of Tbilisi State University there is a dose of skepticism toward journalism education. Gersamia said she confronted attempts to take journalism off the list of major independent disciplines. She said that she has been meeting media companies to see what Tbilisi State University can do to make sure its journalism program meets industry needs. “Turns out some of our graduates cannot handle deadline reporting, so we plan to make changes to the curriculum to focus more on those skills,” she said.

Appropriate course sequencing and poor technical facilities remain a significant problem for the state schools. Two private schools, the Georgian Institute of Public Affairs (GIPA) and the Caucasus School of Media, offer well-regarded journalism programs. The Georgian service of Radio Free Europe/Radio Liberty also launched its own Media School.

The G-Media Program, funded by USAID, launched a Multimedia Education Center. This high-tech facility equipped with the latest visual media tools affords journalism students the opportunity to work in multiple platforms. GIPA’s Caucasus School of Journalism and Media Management and RFE/RL’s Media School both use the facility as a platform for class instruction.

Throughout 2012 there have been a series of international donor-sponsored media training courses, ranging from managerial, to editorial, to the multimedia fields. Panelists have particularly praised in-house training courses tailored at the needs of individual media organizations.

## List of Panel Participants

**Zviad Koridze**, freelance journalist, Tbilisi

**Nino Zhizhilashvili**, journalist, Radio Utsnobi; dean, Caucasus University’s School of Media, Tbilisi

**Nino Jangirashvili**, director, TV Kavkasia, Tbilisi

**Natia Kuprashvili**, executive director, Georgian Association of Regional Television Broadcasters, Tbilisi

**Beka Oniani**, chairperson, Journalists’ Trade Union, Tbilisi

**Ia Mamaladze**, chairperson, Georgian Regional Media Association; publisher, *Guria News*, Chokhatauri

**Maia Tabagari**, news producer, TV Maestro, Tbilisi

**Gela Mtvlishvili**, director, Kakheti Information Center, Gurjaani

**Medea Imerlishvili**, head of news service, Radio Mtsvane Talgha, Tbilisi

**Tamar Zurabishvili**, program manager, Eurasia Partnership Foundation media program, Tbilisi

**Mariam Gersamia**, professor, Tbilisi State University, Division of Journalism and Mass Communications, Tbilisi

**David Paichadze**, journalist, Georgian Public Broadcaster; professor, Ilia University, Department of Journalism, Tbilisi

**Nestan Tsetsckhladze**, editor-in-chief, Netgazeti.ge, Tbilisi

**Tamar Kordzaia**, lawyer, Georgian Young Lawyers Association, Tbilisi

**Khatuna Jinjikhadze**, manager, Media Program, Open Society Georgia Foundation, Tbilisi

**Dimitri Avaliani**, journalist, *Tabula* magazine, Tbilisi

## Moderator

**Ekaterina Basilaia**, project coordinator, Tbilisi State University, Tbilisi

## Author

**Giorgi Lomsadze**, reporter and media analyst, EurasiaNet.org, Tbilisi

*The panel discussion was held on December 9, 2012.*





**RUSSIA AND  
WESTERN  
EURASIA**

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*What might look like a vibrant media sector at first glance masks a more of polarized and hostile environment that stifles press freedom limits both reporting impartiality and quality.*



## BELARUS

Belarus maintained its abysmally low MSI score, virtually unchanged from last year. Only two out of forty indicators even approached a score of 2, or “near sustainability,” those addressing professional associations of journalists and short-term training opportunities. Six indicators scored near zero, all of which related to the government’s regulation of, or interference with, the media sector. Licensing and registration of outlets, crimes against journalists, editorial independence, self-censorship, government subsidies, and channels of media distribution remain the stiffest barriers to independent media.

Belarus has almost 1,800 registered media outlets, including about 700 newspapers, 166 radio and 89 television stations; about two-thirds of these are private. What might look like a vibrant media sector at first glance masks a more polarized and hostile environment that stifles press freedom and limits both reporting impartiality and quality. The government retains control over most of the “old media,” either via direct ownership or heavy-handed regulation. State-owned media essentially speak with a single voice, and state television remains the most popular (62.7 percent of the audience) source of news, according to an independent opinion poll.

Dissenting voices are gagged using economic and legal pressure. Critical coverage is undertaken at risk of breaking the law, either on legal grounds of “extremism” or “insulting a representative of authorities.” Self-censorship is common across the spectrum. Libel remains criminalized. Andrzej Poczobut, a correspondent for Poland’s largest daily, *Gazeta Wyborcza*, once again faced charges of libeling Belarus’s hardline President Aleksandr Lukashenka, and even spent a week in prison.

Separately, 20-year-old photographer Anton Surapin spent over a month in jail after he posted pictures of teddy bears online. Teddy bears holding cards and banners in support of free speech were dropped from a light aircraft that illegally flown into Belarus; the stunt was organized by a Swedish advertising company. Surapin was charged with assisting an illegal border crossing.

Lukashenka, in power since 1994, heads a Soviet-era administration that is secretive, opaque, and essentially restricts access to public information. Legislative and judicial branches are mere rubber-stamps, hardly offering any protection from attacks on the media. Even media distribution channels such as newspaper kiosks, the postal service, and the broadcasting and telecom infrastructure remain largely state-owned and thus selective on political grounds.

A handful of private newspapers, expatriate broadcasters, and online media continue to offer more balanced reporting and a variety of viewpoints. Online media is the most freewheeling in their coverage, offering critical reports and debate on many social issues; the independent poll showed the Internet is the chief source of news for 34.3 percent of the population. At least two pro-opposition news websites were blacklisted by the government, educational institutions, and libraries. A total of 80 websites were on the classified blacklist, mostly extremist and pornographic sites, the government claimed.

# BELARUS at a glance

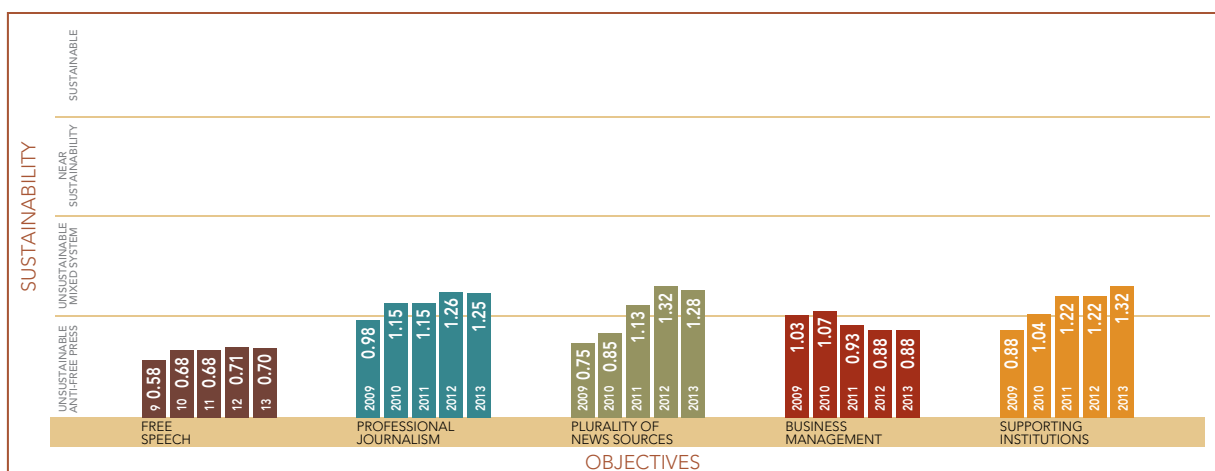
## GENERAL

- > Population: 9,625,888 (July 2013 est., *CIA World Factbook*)
- > Capital city: Minsk
- > Ethnic groups (% of population): Belarusian 83.7%, Russian 8.3%, Polish 3.1%, Ukrainian 1.7%, other 3.2% (2009 census)
- > Religions (% of population): Eastern Orthodox 80%, other (including Roman Catholic, Protestant, Jewish, and Muslim) 20% (1997 est., *CIA World Factbook*)
- > Languages (% of population): Belarusian (official) 53.2%, Russian (official) 41.5% (2009 census)
- > GNI (2011-Atlas): \$55.23 billion (World Bank Development Indicators, 2012)
- > GNI per capita (2011-PPP): \$14,460 (World Bank Development Indicators, 2012)
- > Literacy rate: 99.6 % (male: 99.8 %, female: 99.4%) (1999 census, *CIA World Factbook*)
- > President or top authority: President Alexander Lukashenka (since July 20, 1994)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: 1,746 (Newspapers: 692, journals and magazines: 739, radio stations: 166, TV stations: 89, bulletins: 40, catalogs: 9, information agencies: 9 and almanacs: 2 (December 2012, Ministry of Information); Internet News Portals: 25 (2012, Gemius)
- > Newspaper circulation statistics: Top three by circulation *SB. Belarus Segodnia* (circulation 2,000,000, state-owned), *Komsomolskaya Pravda v Belorussii* (circulation 522,000, private, Russia-owned), *Respublika*, (circulation 240,000, state-owned) (December 2012, Medusa advertising agency)
- > Broadcast ratings. Top three by share: ONT–26.71%, NTV-Belarus–17.89%, RTR-Belarus–14.1% (January-June 2012, NOVAK)
- > 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, 2012)
- > Annual advertising revenue in media sector: \$76.2 million (\$41.9 million television, \$10.1 million press, \$7.9 million Internet, \$4.11 million radio) (ZenithOptimedia advertising group, December 2012)
- > Internet usage: 4.436 million (2010, [www.internetworldstats.com](http://www.internetworldstats.com))

## MEDIA SUSTAINABILITY INDEX: BELARUS



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Belarus Objective Score: 0.70

Belarus's legal environment remained hostile. The country's score was essentially unchanged from the 2012 MSI. The country traditionally fell short of meeting the requirements of even partial sustainability, due to restrictive legal environment, cumbersome and politicized licensing procedures, as well lack of editorial independence for the state media and limited access to public information. On the other hand, access to, and use of, both domestic and foreign news sources remained largely unrestricted and that indicator yielded the highest score of for the field, though still remained under threat of tightening government regulations.

The freedom of speech is guaranteed by Belarusian constitution. It is also provided for by other legislation. "To some extent [these laws] guarantee the freedom of expression, and at the same time they substantially restrict it. For example, accreditations are being used to close off journalists that are considered to be disloyal to the government, rather than to assist them in their work. Besides, communication with most state officials is restricted—as they need to get a go-ahead from their bosses—or only possible via press services or ideology

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

The panelists also mentioned restrictions related to distribution. Local governments approve lists of TV channels distributed by cable operators and sometimes list the newspapers to be sold in shops.

departments. That is to say, considerable restrictions have been put in place by laws as well," one panelist commented.

Belarusian laws provide for the primacy of international legislation over domestic, and thus media-related laws should be in compliance with the international press freedom standards. Yet these norms are far from being enforced. The society itself is to blame for that, one of the panelists argued, as it does not value the freedom of expression. He went on to recall the last years of the Soviet Union when there had been no such laws, yet the society was able to put enough pressure on the government to obtain the information that had been previously concealed.

At the same time courts offer very little protection in case of freedom of speech violations. And their decisions are not independent as all judges are appointed by the president himself, they reside in state-owned apartments, and can be fired any time. "I'm not sure a court would take a journalist's side," one of the panelists said, "yet formally there is some sort of a mechanism." The media law protects the confidentiality of sources of information, yet that can be lifted following a court order or a request from a criminal investigation authority.

There was at least one case when a journalist might have been compelled into revealing his sources. Anton Surapin, a 20-year-old journalism student and a contributing editor at Belarusian News Photos (Bnp.by) spent over a month in the State Security Committee (KGB) prison for allegedly abetting an illegal border crossing. On July 4, 2012, a crew working for Studio Total, a Swedish advertising company, illegally entered Belarus in a light aircraft and dropped hundreds of teddy bears holding cards and banners in support of free speech. Surapin posted photographs of the teddy bears on his website that he said had been e-mailed to him by a friend. On July 13, 2012, Surapin's home was searched, his computer confiscated, and he was detained as an accomplice. A 16-year-old girl, who had allegedly sent him the pictures, was also briefly detained and interrogated by the security services. Surapin faces up to seven years in prison, as the KGB believed he was linked to the stunt, since he was the first to upload the photos.



“There is no place for editorial independence, as they [editors] are appointed by the government, outlets are funded by the government and they understand perfectly that if there is any word against [the government], they will be out,” one panelist said.

Belarus’s independent journalists campaigned against Surapin’s arrest, most notably by being photographed with the teddy bears themselves. Two female journalists, Irina Kozlik, who works for newspaper *Komsomolskaya Pravda v Belorussii*, and Yulia Doroshkevich, a press photographer, were detained while posing for photographs holding teddy bears. They were then taken to a Minsk district court and fined \$400 each for organizing an unauthorized demonstration.

Surapin was released on August 17, 2012, yet the investigation is still underway, as the 2013 MSI went to press.

One of the panelists mentioned the presidential edict #60, adopted in 2010, on Measures to Improve the Use of the National Segment of the Internet, that requires Internet service providers (ISPs) identify all Internet users and keep logs of their activity for at least a year. By the same edict, Belarus law enforcement agencies were granted 24/7 access to this logs, even without a court-issued warrant. The law raises the question of whether the anonymity and confidentiality of sources can be achieved in any case where information is sent over the Internet. One of the panelists also mentioned that journalists of the key pro-opposition news website Charter97.org became victims of a Trojan horse virus attack that stole their passwords, contacts and other information. Charter97.org accused the Belarusian secret service (KGB) of being behind the attack, which also targeted civic activists and other independent journalists.

In order to operate in Belarus, broadcast and print media as well as news agencies should obtain registration from the Ministry of Information. Panelists referred to registration requirements as “draconian.” Applicants need to provide numerous details on the would-be outlet, including topics to covered, frequency, distribution area, as well as information about the sources of funding and the editor-in-chief. The latter should have a journalism diploma and at least five years of editorial work experience. One of the panelists argued that both the registration and licensing procedures are used only to enforce loyalty in the media.

The Ministry of Information reported it registered 110 new outlets in 2012, 98 of them were private. In particular, it handed registrations to 25 newspapers (24 private), 69 journals and magazines (62 private), 1 bulletin, 2 almanacs, 4 radio stations (1 private) and 9 TV stations (8 private). The panelists, however, failed to recall any start-up media that covered news to say nothing of reporting on politics. At the same time the ministry cancelled registrations for 46 outlets: 10 newspapers (all private), 31 journals and magazines (18 private), 1 bulletin, 2 radio stations (1 private), and 2 TV stations (all private).

In addition to registration, broadcasters need one more license from the government. A frequency must be obtained from the Republican Commission on Television and Radio Broadcasting. The commission is a nine-person body headed by the minister of information and comprised of state officials only. Frequencies are allocated via tenders; successful bidders then have to receive a license from the Ministry of Communications and Informatization to use the allocated frequency. However, the National State Television and Radio Company—a conglomerate of four TV and five radio channels and five regional TV and radio companies—as well as broadcasters founded by the prime minister, receive frequencies without a tender. In 2012, only one tender was announced, for an FM station in the town of Baranavichy. In general, the licensing procedure was absolutely politicized and opaque, the panel agreed.

Online media remain the least regulated of all. The aforementioned Internet regulation edict requires all websites selling goods and services to be hosted on servers in Belarus and have national (.by) top-level domains. Yet many news websites are still using foreign hosting and/or have non-Belarusian domain names.

Apart from registration and licensing, market entry is the same for media companies as for businesses in other sectors. The only exception is that direct foreign ownership of media outlets is restricted to 30 percent. Separately, the Ministry of Information may suspend the operation of any media outlet for up to three months, without a court ruling.

Taxation is the same for media organizations as for other businesses. However, the three biggest media companies: state-controlled TV networks ONT and STV, as well as the National State Television and Radio Company, have been exempt from value-added and income taxes for several years.

The panelists also mentioned restrictions related to distribution. Local governments approve lists of TV channels distributed by cable operators and sometimes list the newspapers to be sold in shops.

Although crimes against journalists remained rare, journalists did not feel safe. Law enforcement continues to try to gag the media and bloggers, panelists argued.

Pavel Sviardlou, a Belarusian journalist with Poland-based European Radio for Belarus was detained and served a 15-day arrest in June 2012—when he was grabbed from the street and forced into a minibus by plainclothes police officers just outside his house. The journalist, also a teacher of cultural studies, was accused of swearing in a public place. Sviardlou said he believed his arrest was a punishment for a story that tested the allegedly increased security of the Minsk subway after a blast killed 15 and injured hundreds in April 2011. Sviardlou and one of his colleagues actually carried a huge bag through the Minsk subway, taking the same route as the alleged perpetrators a year earlier.

On September 18, 2012, Associated Press photographer Sergei Grits was beaten and briefly detained by plainclothes security officers in Minsk. Grits said he was among eight journalists covering a protest by four opposition activists calling for a boycott of the parliamentary elections when plainclothes security officers attacked them. Grits spent several hours at the police station, during which time the photos he made during the picket were deleted. He filed a complaint, yet the police said they had nothing to do with the attack and were unable to identify the attackers despite numerous photos and videos of the incident being available.

On 30 August 2012, when Lukashenka celebrated his 58 birthday, the police detained four young men who were believed to be behind the two biggest anti-Lukashenka communities on VKontakte.ru, a Russian social network. The larger of the two, “We are fed up with that Lukashenka”, had 37,000 members at that time. The houses of their administrators were raided, their computers confiscated and they were interrogated for several hours. Two of them received several days arrest for “disorderly conduct.” On the same day the communities were deleted with all their posts, suggesting these security services had acquired the passwords. However, they were restored in four days with tech support from V Kontakte.ru.

The media law provides for editorial independence of all media outlets, regardless of ownership, and expressly bans censorship and unlawful interference. Belarus has no public media in the Western sense, while state-owned outlets are editorially, financially, and managerially dependent on the government. Editors of the key state-controlled media organizations are appointed by the president himself; his administration also approves candidate editors for other national media and key regional outlets. Private media actually have no chance to receive state funding, and at the same time there are no clear-cut and transparent

The government does control admission to journalism schools, as one of the panelists put it: “the state tries to monopolize the training of journalists at universities; however, it hasn’t fully succeeded.”

mechanisms for distributing state funding to state-owned media. The state media essentially speak with one voice, that of the government. Pro-government publications often publish almost identical front pages with stories touting President Lukashenka’s leadership or discrediting his opponents, a panelist added.

Although the media law claims equal access to information for all outlets, private outlets are usually barred from official events or find it very difficult to obtain official information from governmental agencies. A largely unregulated system of accreditations is in place. Photo reporters and cameramen cannot bring along professional equipment even to celebrations for Independence Day and the New Year. “There is no place for editorial independence, as they [editors] are appointed by the government, outlets are funded by the government and they understand perfectly that if there is any word against [the government], they will be out,” one panelist said.

Libel may be prosecuted both within the civil and criminal law, in the latter case it is punishable by up to six months in prison. Unlike in some other countries, public figures are given greater protection against libel. “Insult of a representative of the authorities” is punishable up to six months in jail. Two articles of the Criminal Code expressly protect the president. “Insult of the president” is punishable by up to two years in prison and “calumny toward the president” by up to four years.

Andrzej Poczobut of Poland’s largest daily, *Gazeta Wyborcza*, and several independent Belarusian news websites once again faced charges of libel against the president. On June 21, 2012 Poczobut was arrested in his apartment in the north-western city of Hrodna. His apartment and office were searched and his computer and documents were confiscated. Poczobut was charged for a story criticizing the government’s handling of the 2011 Minsk Metro bombing for the pro-opposition news site Charter97.org. Poczobut was released on bail after a week in detention, but was told a trial against him is forthcoming.

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In 2011, as detailed in the 2012 MSI report, Poczobut spent three months in pre-trial jail and later received a three-year suspended sentence for libel against the president.

“Criminal prosecution of Andrzej Poczobut, allegedly over libeling the president, is a telling example of how criticism is being suppressed in the media and how independent journalists are being intimidated,” one panelist said.

“Court precedents show that state officials (journalists and official politicians) cannot be prosecuted for libel. Criminal prosecution is only used against independent journalists,” one panelist reported. On the other hand, such court cases remain rare, another panelist added. More common were so-called “honor and dignity” and “business reputation” suits, falling under the civil law.

Access to public information remains restricted both for private and state-owned media. However, one of the panelists noted that private outlets do sometimes manage to bypass those restrictions.

Belarus has a law on information, informatization, and protection of information, adopted in 2009. It guarantees access to, and distribution of, information of interest to the public. On the other hand, 58 state bodies (including the ministries of health, education and culture) as well as regional governments can classify their information as secret. Furthermore, as a rule, state officials cannot talk to journalists without a go-ahead from their top bosses. In most cases, the media can only obtain information via official press services or the so-called ideology departments, which all state-controlled organizations have.

Many events attended by top officials, as well as press conferences, require accreditations and in most cases reporters and photographers working for non-state media find it very difficult to win access to these events. For events, attended by the president, an additional accreditation is required, from his security service. According to the media law, only those who work for registered Belarusian media outlet or are accredited by the Ministry of Foreign Affairs as a foreign correspondent, are considered journalists. As a result, freelance journalists, bloggers, and in fact anyone lacking press credentials from are denied access to many events.

There is no procedure that grants media better access to information, as compared to ordinary citizens: both can request public information on the same terms. Access is equal for everyone, yet it is slow, a panelist said, as written requests are to be dealt within 30 days (or 15 if no additional check is needed). Although the Internet regulation decree ordered state bodies to publish information about their activities on their official websites, that was in most cases

limited to working hours and contact information, a panelist argued. Events, texts of laws, decrees, and regulations were getting harder to find on the Internet, as the government wanted to encourage the use of paid versions of legal databases.

With all those hurdles in place, journalists and media somehow got used to the restricted access and see no point in fighting it in any organized way, the panel agreed.

Access to and use of foreign news remains unrestricted, yet limited by financial conditions. Most notable is the use of pirated photos and artwork, the use of which may at any time lead to repressions against newsrooms, a panelist commented.

The copyright law gives a very loose definition of what is the fair use of other media reports or other copyrighted work, saying they “may be quoted to the extent necessary for the purposes of such quotes.” One of the panelists argued that Belarusians did have unrestricted access to Internet, yet face restricted access to content, as many foreign media companies erect location-based barriers around their copyrighted products. Despite the Customs Union with Russia, many Russian video streaming services are inaccessible in Belarus, as their content is not being cleared for use by Belarusian customers.

By and large, entry into the journalism profession remains unrestricted. The government does control admission to journalism schools, as one of the panelists put it: “the state tries to monopolize the training of journalists at universities; however, it hasn’t fully succeeded.” Applicants to state-owned journalism schools are reportedly checked for political loyalty during admission interviews. Graduates are subject to the Soviet-style “distribution,” requiring them to work for two years whenever the government sends them. Alternatively, they can reimburse the cost of their training and stipends they received during five years of their schooling.

“Some teachers at the schools of journalism openly say they train journalists who will work for the state, rather than try to undermine it. That is, they view journalism in terms of information warfare, and quite obviously they work with students in exactly the same way, either trying to “correct” them or get rid of those who could not be corrected,” one of the panelists asserted.

Separately, strict requirements have been in place for would-be editors-in-chief that “seriously complicate the launch and reorganization of media outlets,” a panelist said. As noted, editors should have a journalism diploma and at least five years of editorial experience. In some cases the

Ministry of Information has made exceptions, yet only for non-political media projects, another panelist added.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Belarus Objective Score: 1.25

Professional standards of quality met the requirements of minimal sustainability, though remained quite similar to the 2012 assessment. The panel praised efforts by independent journalists to cover all key events objectively and practice ethical journalism, thus offering an alternative to state-sponsored propaganda. On the other hand, self-censorship was so common that the indicator was considered a drag on the development of independent media in general. Furthermore, pay levels for journalists remained low and are crippling the impartiality of reporters.

“Many editors require subjectivity from journalists lest the story will be ‘flavorless’ and uninteresting. That is common for TV, newspapers, and websites, both state and private,” a panelist argued. “Of course, there are different examples, yet in general the media sector fails to meet the standards of objectivity”. On the other hand, this new subjectivity could be an attempt to compete with bloggers, who score points with their highly-opinionated posts. There remained a big problem with experts. Journalists still think that the circle of experts is a very narrow one. As a result, everything the audience was getting was a very limited opinion of a very small group of people. And those people whose opinion journalists were transmitting in many cases were dubious as experts, the panel agreed. Still, many 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

“Many editors require subjectivity from journalists lest the story will be ‘flavorless’ and uninteresting. That is common for TV, newspapers, and websites, both state and private,” a panelist argued.

were known to use their experts poorly, at first approaching them for context, then quoting them later, particularly if a predetermined answer were offered, often omitting caveats.

Belarus has two journalism organizations and both have come up with ethical codes of conduct. However, most journalists, even those who belong to these organizations, were not being guided by these ethical standards, a panelist said.

Gifts, invitations to parties and dinners or press junkets were generally viewed as pleasant bonuses from partners rather than some element of bribery. Hidden advertising, usually in the form of paid content, was also quite common, mostly because outlets wanted to pay less in taxes or comply with the requirement that limits ads to a certain percentage of content. Ads are restricted to 25 percent for state-owned general news press and 30 percent for privately-owned. Broadcast media must not exceed the 20 percent cap for total broadcasting time and 30 percent from 6 to 10 p.m.

Some online media were inserting paid hyperlinks into news stories or interviews, making experts or an article’s protagonist look like they are promoting some product or service, a panelist complained.

Disguised plagiarism was commonplace amongst news sites. Often, another site’s content is slightly “camouflaged,” credits buried in the bulk of the text, or dropped altogether. “The same news story will jump through all of my RSS feeds within an hour,” a panelist said, “though sometimes I would not spot it immediately because headlines would be different, yet the remaining part is absolutely identical.”

Both journalists and editors regularly practice self-censorship, one of the panelists argued: “Media workers at state-owned outlets have a clear understanding that they should write in a certain way or go work elsewhere. Private media organizations are just afraid that some stories or their tone might be damaging to their financial interests.” His colleague added, “I can’t say that there are serious social problems that are not being covered. There are no challenges of the kind right now. Yet there is the topic of Lukashenka’s family that is hardly covered ‘by default.’

One panelist argued: “Media workers at state-owned outlets have a clear understanding that they should write in a certain way or go work elsewhere. Private media organizations are just afraid that some stories or their tone might be damaging to their financial interests.”

Reporting about Belarusian oligarchs is very cautious. And almost all newsrooms that rely on advertising are wary of offending their advertisers.”

Coverage by the state-controlled media was described as unbalanced, added another panelist. “Many socially important topics are ignored, while the personality of the incumbent president is being disproportionately puffed up.”

Private outlets report on protests and political prisoners, yet not all of them do so, since some newsrooms think their audience might be tired of such stories.

Some local outlets, such as *Intex-Press* newspaper in Baranavichy, cover both local and national news; other local newsrooms concentrated on their local issues only and reprinted syndicated national news. National media were also sometimes borrowing stories from local newspapers and websites. The panel failed to recall any topics or events covered solely by social media. At the same time, traditional news organizations mined them for story ideas and information.

After the economic crisis unsettled Belarus in 2011, many media professionals saw a decline in their incomes. In private media organization journalists earned around \$300 a month, pretty much the same as collective farmers or school teachers, according to a panelist. Smaller regional outlets pay even less, while offshore donor-funded broadcasters covering Belarus offer better compensation. Meanwhile, Belarus average monthly salary was \$428 in 2012. Key reporters at big national state-owned TV channels or country’s biggest daily *Belarus Segodnia* made between \$800 and \$1,000. In the meantime, even those propaganda pillars were forced to give pay cuts to their employees. A handful of key reporters left once very generous *Belarus Segodnia*, published by the Lukashenka administration, to start their own online project covering business news, *Doingbusiness.by*. As a result of the low pay, many media professionals tend to work for multiple outlets or in other sectors like PR and advertising. One of the panelists

mentioned a blog post by one journalist who wrote she could earn up to \$1,000 a month working for five outlets. At the same time, editors view press junkets as a way to keep and motivate low-paid reporters rather than something that might compromise their editorial independence. Bloggers hardly live off their blogs, yet rather work somewhere else. Still, they might be getting some revenues via banner or classified ads or sponsorship deals.

There was a trend for entertainment to overshadow news and analysis, the panel agreed, most notably on radio and “to some extent” on television. At the same time news were becoming more entertainment-oriented, one of the participants added. According to his colleague, there was some sort of a balance in newspapers, yet entertainment content was bringing them more readers. “News websites work more like newswires, akin to Reuters and Bloomberg, while there are lots of Internet users who read news on weekends only and are mostly interested in entertainment content and tabloids,” another panelist noted, regarding online media.

Around 80 percent of Belarusian Internet users were making use of search engines, 77 percent social networks, 60 percent video services, and 50 percent news websites, according to December 2012 data released by Gemius, an Internet research company.

The panel differed on whether equipment for news gathering and production was easily available and affordable. There was a discussion on whether newsrooms really needed expensive professional equipment to produce content that met the needs of their audiences. Most papers and news websites hardly need anything more than no-frills computers and cheap cameras (or even mobile phones) to produce stories both for the print and the web, some panelists argued. At the same time, those who produce video content need better video equipment and faster PCs. The software newsrooms and journalists use is almost 100 percent pirated. None of Belarusian newspapers or magazines was using publishing platforms that could make their workflow more efficient. One of the panelists said that building or upgrading a website was expensive and took a lot of time. Internet connections remained slow and managers were reluctant to buy them for everyone, so many journalists tended to purchase their own Internet subscriptions. Half of journalists use their own voice recorders, cameras, and laptops, estimates one panelist.

There was hardly a market for quality niche reporting and niche outlets, apart from economics, automotive, and sports. Still, there are journalists who specialized on certain topics. The panel mentioned *Belgazeta*, *Belorusy i Rynok* and several specialized news agencies that report on economy

and business. Many newspapers and websites write about politics, yet that coverage is shallow, one of the panelists argued. Amongst outlets offering good coverage of local news the panel named *Intex-Press* and *Vechernii Brest* weekly newspapers.

Investigative journalism has virtually gone extinct; as no media organization could afford that or even relieve a reporter of his or her daily duties to concentrate on investigations. Restricted access to information was further hampering investigative reporting. In most cases what was referred to as investigations are at best in-depth reporting, the panel agreed.

### OBJECTIVE 3: PLURALITY OF NEWS

Belarus Objective Score: 1.28

As with other objectives, little change in news plurality was felt from the previous year. Some sort of plural environment did exist, made up of state-owned outlets and private players. Together they offered some variety of sources and viewpoints. The highest scores were yielded by indicators related to the work of private media organizations and coverage of both domestic and international events. The state media received the lowest scores, largely for playing down important topics and stifling debate.

Numerous news sources do exist, yet not all of them were readily available or affordable to the general public. As mentioned, the Ministry of Information counts 1,746 outlets

### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

#### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

There is high percentage of female reporters in Belarusian media, yet few hold editorial positions, thus, "there is some recreation of the gender imbalance that is characteristic of the Belarusian society in general," a panelist said.

on its register. That multitude of outlets did not deliver plurality to the media landscape. There were very few private outlets that covered politics, and not enough TV and radio stations, as well news websites, the panel said. Moreover, the outlets offered very little diversity. Amongst online media it was difficult to differentiate between online newsrooms and news aggregators. Furthermore, almost all of them were syndicating stories from other websites and it did not really matter whether the same story could be read elsewhere, a panelist argued. This has made censorship of the most critical pro-opposition news websites senseless, since the same stories would be published by a dozen of other websites, he added.

Meanwhile, government-controlled media dominate the media sector with the exception of the Internet, audience data suggest. In an independent opinion poll conducted in May 2012 by NOVAK, a research company, 62.7 percent of respondents said they were getting information from national state TV channels, 46 percent Russian TV channels, 18.4 local television, and 7.3 Western TV channels. National state newspapers were the source of information for 19.2 of those polled, local state newspapers for 15.9 percent, national private newspapers for 9.9 percent, private local newspapers for 6.5 percent, and Russian newspapers for 2.7 percent. National and local radio stations were mentioned by 18.6 percent and 13.6 percent, respectively. And finally, 34.3 percent said they were getting information from the Internet, while 34.5 percent from friends and relatives.

The government retained tight control over television, radio, and print outlets. Six out of seven TV channels with national reach were either owned or technically controlled by the government. Private radio and TV stations were small local broadcasters offering very little to no news at all.

The government claimed the private press outnumbered the state controlled press. This is accurate on paper: 1,071 titles versus 411. However, circulation-wise, the state newspapers continued to dominate the market. National state-owned dailies report aggregate circulation of 800,000 copies, and local government-owned weeklies 900,000 copies,

Private radio stations were all music-based and supplied relatively little news outside short bulletins with official information, some local issues, and weather.

according to the Ministry of Information. *Belarus Segodnia*, the country's biggest daily and the mouthpiece of the Lukashenka administration, has a share of 33.72 percent of newspaper readership, according to the aforementioned opinion poll by NOVAK. It is followed by *Komsomolskaya Pravda v Belorussii* (28.77 percent) and *Argumenty i Fakty* (20.35), popular Russian tabloids. Pro-opposition weeklies *Narodnaya Volya* and *Nasha Niva* yielded 5.28 percent and 2.81 percent respectively.

On the Internet, Russian portals Mail.Ru and Yandex, each reaching around 60 percent of Belarusian users Internet users, and Russian social network VKontakte (over 50 percent) are the most popular, according to Gemius. They are followed by Google, YouTube, the Belarusian portal TUT.by, the Russian social network Odnoklassniki, and the Belarusian portal Onliner.by. Russian and Belarusian portals syndicate news from Belarusian online media, both private and state-owned. Meanwhile, standalone pro-opposition and independent news websites were much more popular than state-owned ones, according to another Internet research company, Akavita.

While state outlets uniformly praise state policies, many non-state outlets follow the same pattern. "With very few exceptions, media outlets do not allow for plurality of viewpoints. And some people would squabble when newsrooms deviate from those 'wonderful' editorial policies", a panelist said, noting the censorship within loyal private outlets.

"We have restricted access to media that are "physically" distributed in Belarus via Belarusian networks, are it print or broadcast media. Belarusian media with circulation of over 300 copies should be registered with the Ministry of Information. Foreign titles and broadcasters need expressed permission from the ministry to be distributed in Belarus. On top of that, local governments approve the list of TV channels cable operators distribute via their networks. But for a citizen that makes certain efforts [to access alternative media], the only restriction would be the knowledge of foreign languages and their affordability," a panelist commented.

No registration is needed to own a satellite dish, and 22 percent of those who watch TV have access to satellite television, according to research company Zerkalo-info. The same poll said 53 percent of them watch Belsat TV, an expatriate satellite channel broadcasting news and cultural programs into Belarus from Poland.

Almost 80 websites are blacklisted in government agencies, educational institutions, and libraries, the government reported in July 2012. The list itself was never made public, yet telecom officials claim it mostly contained extremist and pornographic websites. Yet according to numerous reports, key pro-opposition news websites Charter97.org and BelarusPartisan.org are on the list, as well as the website of the human rights center Viasna (Spring96.org), and a satirical blog by Jauhen Lipkovich (Lipkovich.livejournal.com).

Restricted access to state-controlled distribution channels essentially limited the reach of private newspapers. In 2005, more than a dozen titles that were criticizing the government were expelled from state-owned postal service Belposhta and its press distribution network Belsajuzdruk. Since then, they have relied on in-house networks of distributors and private shops. Some outlets that won access to state-controlled distribution reported caps put on the number of copies they were allowed to sell. As a result, in many regions people do not have access to private newspapers writing about politics, especially in smaller towns, to say nothing rural areas, a panelist said.

Foreign press largely remained unaffordable. Still, NewspaperDirect, a digital newspaper distribution and publishing operator, was offering 2,000 same-day international newspapers from 95 countries in 52 languages. Although those newspapers were printed in Minsk in black and white only, they were sometimes much cheaper than original titles, according to a panelist.

The panel also mentioned the digital divide with people in bigger towns having better access to multiple news sources, including cable networks and faster and cheaper Internet. Rural areas in most cases have access to several state-owned terrestrial television and radio channels. Similarly, Internet was only available via state-owned telecom monopoly Beltelecom, selling ADSL subscriptions. Mobile phone penetration reached 113 percent in January 2012, with many citizens carrying several lines. Fully 98.1 percent of country's territory was served by mobile networks. One panelist argued that access to multiple news sources became simply an issue of willingness to take additional steps, and to some extent, of affordability.

There were no public-interest media outlets in Belarus, while state media, as one of the panelists put it, "deliberately does not reflect the full spectrum of political life in the

country.” They mostly report about the government, with the president getting most of the coverage, and only praise at that. State media were used not only to push the official line, yet lambaste opponents, including independent journalists. Critics of the government were commonly referred to as the “fifth column.” Meanwhile, only 38.1 percent of those polled in December 2012 by the Independent Institute of Social, Political, and Economic Studies said they trusted state-owned media. Private outlets yielded 48.1 percent.

Nine companies were registered as information agencies with the Ministry of Information, two state-owned and seven private. Only four of them—BelaPAN, BelTA, Interfax-Zapad, and Prime-TASS—were selling newswire services to other media. Others were offering legal updates or publishing specialized business journals. BelTA is the official agency of Belarusian government, while BelaPAN is private. Interfax-Zapad and Prime-TASS are Russian-owned. There was no selective distribution of news on the part of news agencies, however not all outlets, especially smaller ones, could afford their services. “It is only because BelTA and BelaPAN are unwilling to take legal action against those who steal their information; alternative information from news agencies is there in the Belarusian media. The rest is either stolen—and that can get media into trouble at any time—or there is nothing at all,” a panelist argued.

On average, a newswire subscription would cost around \$300 a month for daily news updates and \$600 for real-time ones, according to a panelist. In addition, those news agencies were selling roundups and analytical reviews. They also ran websites that offered some of their news stories for free, yet for personal use only. Other services included photographs and infographics (BelTA and BelaPAN), video and audio (BelaPAN), building and running websites for other organizations (BelTA and Interfax-Zapad).

Only a handful of big state-owned media organizations like national TV networks and *Belarus Segodnia* can afford subscriptions to international news agencies like Reuters or AP. However, many outlets use their stories for free by “borrowing” them from other sources, according to a panelist.

As noted above, there were no private broadcasters with national reach. Private radio stations were all music-based and supplied relatively little news outside short bulletins with official information, some local issues, and weather. Expatriate radio stations, like European Radio for Belarus, Radio Liberty, and Radio Racyja, which broadcast daily to

Belarus from the West, have several hundred thousand listeners, according to various estimates. All of them had a significant proportion of news and current affairs throughout the day. Radio Liberty is largely talk format.

Private television was also dominated by entertainment formats with news playing a minor role. In most cases they offered only short bulletins with local news and weekly roundups.

More news was produced by private newspapers, the panel agreed. Regional titles were mostly offering local features (business, government, accidents, and sports). They relied on newswires and national websites to fill their pages with national and international news. National press tend to concentrate on national issues and analysis. The vast majority of newspapers operated their own websites alongside their print editions. Almost all media websites aggregate news from other sources, some of them, both national and local, produced their own content.

Media ownership remained opaque. “The media law requires disclosure of media outlets’ founders, yet owners of newsrooms, meaning, those who control a certain media business, might not be apparent. There is a mechanism to file a request with the Ministry of Justice about owners of the specific company, yet no one is doing that. Furthermore, those requirements only apply to registered outlets and it is unknown who is behind news websites,” a panelist commented. There is no monopolization of the media, except by the government. Immediate foreign ownership of media outlets is restricted to 30 percent. An exception was made for those media organizations that were foreign-owned before that requirement was introduced in 2009. Thus, Russian businesses own two news agencies (the private Interfax-Zapad and state-owned Prime-TASS) and three newspapers (popular daily *Komsomolskaya Pravda v Byelorussii* and weeklies *BelGazeta* and *Argumenty i Fakty*) and have stakes in VTV, an entertainment television channel.

Coverage of many minority issues like ethnicity, gender, sexual orientation, disability and subcultures remained scarce, the panel agreed. Journalists and editors at mainstream media were unwilling to pursue those topics referred to by one of the panelists as “very slippery.” Most minority communities largely remained invisible unless there was some sort of a conflict. Still, communities discussed issues of interest for them on the Internet, there were also small-circulation newspaper published by ethnic groups, most notably by Poles.

Government officials sometimes contributed to stereotyping and stigmatization of certain groups, for example, by mentioning the ethnic origin of alleged offenders in police reports, usually Roma or Caucasians. These attributions were



“The media law requires disclosure of media outlets’ founders, yet owners of newsrooms, meaning, those who control a certain media business, might not be apparent,” a panelist commented.

then mirrored in news stories. There is high percentage of female reporters in Belarusian media, yet few hold editorial positions, thus, “there is some recreation of the gender imbalance that is characteristic of the Belarusian society in general,” a panelist said.

Most outlets offer a mix of national and international news, alongside “lighter” news, and entertainment. “Local media tend to concentrate on local issues, less so on national. National media organizations mostly cover Minsk, and less so the country on the whole. And they do write about the president. I would say there are not enough national news stories; they are being substituted by reports on the activities of top officials and news from Minsk. Consequently some country-wide trends might not be apparent,” one panelist commented. Still, state television has local news bulletins for specific regions and websites, most notably TUT.by, Ej.by, or Belta.by aggregate news for specific regions. International news remained a sore point, since very few newsrooms could afford a correspondent abroad. As a result, international developments are being viewed via Russian media, giving a somewhat distorted picture. There were no hyper-local media in rural areas, as there was no market for them.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Belarus Objective Score: 0.88

Business also experienced few changes. Most media organizations, regardless of ownership or sector, found it next to impossible to operate as efficient and sustainable businesses, the panel agreed. The tiny advertising market, strict legal environment, state interference, financial and political, exasperated by digital challenges all complicated the quest for workable business models. Highest scores were given to the indicator related to media ratings, and first of all because of the availability of accurate Internet statistics from the web research company Gemius.

“The market is distorted and media is not a business in the common sense of the word,” one of the panelists

commented. “Most of the outlets are on the brink of survival, some of them are balancing on the brink only because they receive financial assistance outside of the media business,” his colleague added.

Meanwhile, the sector was still recovering after 2011 financial crisis. Although the ad market grew 10.6 percent in 2012, per capita ad spending was mere \$7.7 a year. Government interference was huge: in 2012 state-owned outlets received \$57 million in direct funding, including \$43 million for government-owned broadcasters. That came on top of subsidized rent, printing and distribution costs, as well as tax breaks for national TV networks. For comparison, the advertising market totaled \$76.2 million in 2012: TV \$42 million (55.1 percent), press \$10.1 million (13.3 percent), web \$7.9 million (10.4 percent), radio \$4.1 million (5.4 percent), and outdoor billboard advertising \$12.1 million (15.9 percent), according to the advertising group ZenithOptimedia.

Some newsrooms had to cut jobs, most notable being the layoff of one third of the TV team of TUT.by. Privately-owned weekly *Obozrevatel* ceased publication at the end of 2012. Its owner, a lingerie tycoon, cited financial problems. Many outlets, even most successful ones, were unwilling to hire new people, since even the existing staff happened to be unhappy about the pay levels, according to a panelist.

Most media did some basic business planning, usually short-term, since the planning horizon was as such very short in Belarus’ turbulent economy. Having a certified accountant is a legal requirement, and paying taxes remains time consuming. Although electronic filing made it easier and less

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

costly, it still takes 337 hours per year for a medium-sized business to pay taxes, according to research by World Bank. All outlets employ advertising sales managers, print media usually have dedicated circulation managers. Only richer and bigger newsrooms can afford lawyers and sometimes marketing specialists.

It is difficult to assess whether state media use government funding responsibly and efficiently. “Still, the president seemed to be dissatisfied with how these funds are being spent, and so are we as taxpayers. However, the situation has not changed for years,” a panelist asserted. Apart from the aforementioned funding from the national government, many local state-owned outlets receive subsidies from their respective local authorities, making it even more complicated to assess their impact.

There are multiple sources of revenue, although, “They are not very generous and not very reliable,” as one of the panelists put it. All outlets depended on advertising in their revenue mix, yet to varying degrees. State-owned media did have guaranteed sources of funding from the government. Newspapers relied on copy sales and subscriptions. Local television generated a significant percentage of their income via classified ads and personal messages like birthday greetings. The commercial model for online media was banner, display, and search advertising. Some websites, usually those that write about automobiles or cover local issues managed to secure revenues through classified ads. Foreign donors fund expatriate broadcasters, as well as some websites and print media. Sources of revenue do influence editorial policy: those who heavily rely on ads were wary of offending their advertisers. Most media managers did feel pressed to sell more advertising, yet, as mentioned above, the law restricts ads to 30 percent of content in press (25 percent for state-owned outlets) and 20 percent for broadcasters (including 30 percent during primetime).

Belarus’s unreformed command economy was still dominated by government-owned companies that generate around 75 percent of GDP. “State companies are not very interested in advertising their products or services. As a result the market is underdeveloped, since the bigger part of GDP is not being advertised,” a panelist said. The biggest advertisers represented the same group of industries as in previous years: mobile operators, food and consumer products, and banks. Around 50 percent of total advertising was coming from non-Belarusian businesses. Almost 90 percent of all budgets were controlled by a handful of advertising agencies working with big domestic companies and multinational companies like Procter & Gamble, Nestle, Coca-Cola and Unilever. Brands and agencies continued to invest in TV advertising (mostly via state-controlled national TV networks) and outdoor advertising. Only a

It is difficult to assess whether state media use government funding responsibly and efficiently. “Still, the president seemed to be dissatisfied with how these funds are being spent, and so are we as taxpayers. However, the situation has not changed for years,” a panelist asserted.

small percentage of ad agencies’ money was channeled to regional media, mostly from mobile operators and banks. On the positive side, classified ads from local small and medium businesses continued to underpin those news organizations, regardless of recurring economic meltdowns. Elsewhere, Internet spending was up almost 30 percent, yet amounts of advertising income generated by news providers remained small.

Government subsidies did distort the market, as they were comparable to what the entire media sector was earning through advertising sales. Only government-owned organizations received government financial support—either in the form of direct funding; discounted postage, printing and broadcasting fees, or special tax breaks. Their subsidized status made it possible for state-controlled outlets to undersell their privately-owned counterparts. For years both state and private companies were coming under pressure not to advertise in the media that criticized the authorities, according to numerous reports. Cash-strapped government agencies usually publish their advertisements and notices for free in state-owned media. The government requires businesses to publish their legal notices in certain state-owned newspapers.

Market research remained a weakness, according to the panel. “There is real demand for market research. Quite often advertisers ask about audience profiles and media have almost no information of the kind,” said one panelist. Most outlets cannot afford professional surveys. Sometimes such surveys are commissioned by big advertising agencies for their own purposes and outlets have no access to results. Some in-house research is done, mostly by local outlets and through questionnaires or online polls. Generally, market research is not used to tailor the editorial policy, one of the panelists argued.

Broadcast ratings and press readership data are subscription-only and thus affordable mostly to big media companies and advertising agencies. They are available from two private research companies: GEVS and NOVAK.

“State companies are not very interested in advertising their products or services. As a result the market is underdeveloped, since the bigger part of GDP is not being advertised,” a panelist said.

The former is using People Meters for TV ratings and phone interviews to measure radio and newspaper audiences. NOVAK is using self-completion diaries for TV and radio ratings and twice annual face-to-face interviews for press audiences. Alternatively, many Internet usage statistics and online ratings are available for free. Panelists complemented Internet research firm Gemius on the amount and scope of information it shares. It gathers its rating via a combination of website counters, offline panels, and offline research. Gemius has also been chosen by advertising agencies as a provider of online metrics for media planning. Online ratings are also available from Akavita. Whether ratings and statistics are accepted depends on whether a certain media outlet looks good on these ratings, the panel agreed. Furthermore, not all media professionals understand ratings terminology, web statistics happen to be the most confusing.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Belarus Objective Score: 1.32

The government retained a tight grip over supporting institutions. Trade associations and academic institutions remained weak, while printing and media distribution infrastructure was inefficient and politicized. This objective constituted the country's most notable change, with a modest improvement over last year. The highest scores were assessed for associations of journalists, non-governmental organizations, and short-term training opportunities, though even these remained low.

Two trade associations currently operate. United Mass Media brings together 12 regional publishers of 20 newspapers in central and western Belarus. Telecommunications Industry Union represents almost 100 local TV stations and cable operators. Both organizations offer mostly networking and learning opportunities for their members, the panel said. There is also some bulk sale of advertising and purchase of newsprint and programming rights through them. Although the Union's 2012 work plan provided for their participation in joint meetings with the telecommunication and information ministries, as well as some sort of work

on telecommunications and copyright laws, it is unknown whether the association was successful in lobbying their interests.

There are several professional associations in Belarus, most notable being Belarusian Union of Journalists (BUJ) and the Belarusian Associations of Journalists (BAJ). BUJ is the “official” journalists’ organization that brings together around 2,000 media professionals working for state-owned media. BAJ has around 1,000 members, mostly employed by private media. Both organizations offer legal assistance to their members and run professional development programs and give awards to honor excellence in journalism. BAJ is also publishing a quarterly journal, *Abajour*. Admission procedures are similar. Any media worker, who agrees to follow principles of ethical journalism and secures two recommendations from active members, can join in. According to BAJ reports, they received almost 100 new members in 2012, mostly young people. In general, around a quarter of their members are under 30.

BAJ is working to protect journalists’ rights and doing much, especially given the very hostile legal environment and its very limited resources, the panel agreed. The MSI panel mentioned BAJ’s campaigns for the release of photographer Anton Surapin and Andrzej Poczobut specifically. “It is hard for me to judge what BUJ is doing to protect journalists’ rights,” a panelist commented on BAJ’s counterpart, “As they never actually say that journalists’ rights are being violated. The maximum they can publicly speak of—and there recently was a story on one of the state-controlled

## SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists’ rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

TV channels—that they also face restricted access to information.”

Both associations cooperate with similar organizations in other countries, yet BAJ tends to work with Western and international partners, while BUJ mostly partners with organizations in other post-Soviet states, first of all Russia. The panel mentioned a two-year project by Swedish media development institute FOJO that set its sights on promoting ethical journalism. The project brought together representatives of BAJ and BUJ as well students and faculty of state Journalism Institute. A series of roundtable discussion and trainings was held that offered some networking opportunities. However, after the aforementioned teddy-bear stunt, organized by a Swedish firm, BUJ walked away from the project.

Panelists once again noted there should be some sort of a journalists’ trade union, as employment-related disputes were not uncommon. Managers usually maintain the upper hand, despite the country’s labor-friendly laws.

Separately, there is an organization of sports reporters, the 102-strong Belarusian Sports Press Association. However, according to a panelist, it mostly helps its members get accreditations to sports events.

The panel noted that BAJ also meets most of the requirements of a free speech-defending NGO. It monitors and publicizes, including internationally, violations of freedom of information in Belarus and is, by and large, the country’s only press freedom watchdog. There are also organizations of human rights defenders, both registered and informal, that in most cases react to freedom of speech violations. They work both in bigger cities and rural areas. These organizations mostly provide publicity, express solidarity and might offer some sort of legal assistance. “It turns out that everything these organizations can do themselves they do properly and in full. The problems arise where they need to cooperate with the government,” a panelist commented. As a result they were not involved in such things as legislative reviews. There is some cooperation with international organizations, yet it remains limited as access to foreign funding is restricted by law and use of unregistered foreign aid is criminalized.

Several universities offer journalism degrees; most notable is the Journalism Institute at the Belarusian State University in Minsk. The institute offers courses in print, broadcast and web journalism, as well as editing, media management and international journalism. Almost 1,000 of its 1,500 students are based on campus. “I’m afraid no one is getting practice-oriented training there,” one of the panelists argued. “All students are perfectly aware that they will learn real journalism only on the job, and not earlier. Practical

“It turns out that everything these organizations can do themselves they do properly and in full. The problems arise where they need to cooperate with the government,” a panelist commented.

experience is obtained outside of universities.” Furthermore, his colleague added there are too many “arts and science” courses to the detriment of core journalism training. Students have to spend too much time on literature, arts, history and philosophy. The curriculum seems corrupted by political interference, as the government considers media to be part of the ideological apparatus of the state. Meanwhile, the Institute’s up-to-date TV studios have been used for years to film talk and lottery shows, while students have very little access to these facilities. Although the Institute offers majors in web journalism, some teachers actually learn from students, as the latter happen to know more about online media, one of the panelists recalled in his conversation with one of the students.

Similar, rather theoretical, training is offered by state universities in Homiel, Hrodna, and Viciebsk, as well as several private institutes in Minsk. One of the panelists argued their training is closer to linguistics than journalism.

Amongst foreign opportunities most notable is the European Humanities University (EHU). Once a Belarusian university, it now works in exile in Vilnius, Lithuania. EHU has around 200 students on-campus and almost 500 distance-learning students divided amongst four majors: mass communication and journalism, visual culture (cinema, television and Internet), design and visual media, and new media. The panel similarly criticized EHU for too much of general-education courses like philosophy, sociology, and other humanities classes. EHU students receive more practical training in journalism compared to their colleagues in domestic universities, the panel agreed. That is mostly owing to EHU Media Hub, a fully-equipped multimedia training facility provided by the international community. The facility has a television studio, a radio studio, and a multimedia newsroom that allow students hands-on experience in producing a variety of multiplatform reports. However, as noted during previous discussions, many graduates are either not coming back to Belarus, or pursue other careers not related to journalism.

Newsrooms, especially regional ones, can easily absorb journalism graduates, panelists said. Both state-controlled

**“A number of Belarusian and foreign organizations are good at organizing individual seminars and trainings, but in general this process suffers from unsystematic and uncoordinated approach,” one of the panelists argued.**

and private outlets are understaffed. As not noted above, the government “distributes” graduates that received state scholarships for their studies to state-run media outlets after graduation. They are being sent to work for two years wherever the government wants them, usually small regional newspapers. Alternatively, they can reimburse the cost of their training, approximately \$1,500 a year. For comparison, EHU charges its students \$2,500-\$3,200 a year, depending on the program.

Short-term, mid-career trainings are offered by both Belarusian and international organizations, ranging from one-day seminars and webinars to hands-on workshops and exchanges. They tend to focus on newsroom staff and first of all reporters, according to the panel. There was a lot of emphasis lately on web journalism, multimedia reporting and photography, one of our experts noted. However, advertising and finance departments, for example, tend to be neglected.

“A number of Belarusian and foreign organizations are good at organizing individual seminars and trainings, but in general this process suffers from unsystematic and uncoordinated approach,” one of the panelists argued, mentioning the lack of coordination between media assistance organizations, resulting in overlapping dates or even topics. One of the panelists spoke about the “seasonality” of training sessions: sometimes there are too many of them, sometimes there are none at all. Some events had to be held outside of the country as certain foreign trainers were banned from entering Belarus. Separately, understaffed newsrooms are often reluctant to send away key personnel for more than a couple of days. Furthermore, changing the entrenched newsroom practices seemed to be the toughest task trainees faced after they received new knowledge and skills. Training programs should be more comprehensive and involve some element of training of media managers as well, the panel suggested.

Most trainings are donor-funded, and thus are offered for free and they are quite popular, “provided tutors are experienced practitioners”, a panelist said. There are

however, paid courses from private companies on journalism, photography and computer graphics. More media-focused paid courses are available from the Journalism Institute at the Belarusian State University. They last four to ten days and cover 15 different topics from newspaper and broadcast journalism to advertising, media management, and website promotion. The institute also offers longer 16 to 21 month distance courses in web and photojournalism.

Access to media equipment and software is only restricted by affordability. Printing presses are mostly owned by the government or otherwise controlled via strict licensing procedures. The few private printers are similarly open to political interference. Only 53 of 341 printing houses are licensed to print newspapers and just three of them are private. For years, a handful of private newspapers had to print in the capital, Minsk, or other cities after they were banned from their local printing presses for critical reports, according to a panelist. Most outlets remain dissatisfied with both the quality of printing and the prices. As a result, some monthly magazines that are more flexible with their publishing dates prefer to print in either Lithuania or Russia.

Sources of newsprint are not monopolized, yet most papers are using domestically-produced paper. Regardless of its somewhat poor quality, and the availability of better, more expensive imported newsprint, many outlets can afford nothing else. All the newsprint papers purchase is usually warehoused at the printers’ facilities. And, not infrequently, publishers have seen their copies printed on cheaper, locally-produced newsprint rather than on their own.

Media distribution channels remained monopolized by the state. Two government-owned companies, postal service Belposhta and press sales network Belsajuzdruk dominated the press distribution market. Belposhta has around 3,800 post offices and kiosks and Belsajuzdruk runs a network of 1,500 newspaper kiosks. Both offer press subscriptions and sales of copies and both are criticized for high commissions and slow payments for sales. State newspapers are getting better spots on the counter, while private news publications are tucked away. Kiosk employee salaries reportedly depend on whether they sell a certain minimum amount of government newspapers. The few remaining critical publications have to either put up with circulation caps or are just banned from these networks altogether. Since 2005, a dozen private outlets have to rely on private shops as well as their own in-house subscription and street sales.

Most of the terrestrial broadcasting infrastructure remained state-owned and a handful of private outlets with their own transmitters are controlled via strict licensing requirements. Cable networks are owned by both private and state-controlled companies, yet, as mentioned above,

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local governments approve the lists of TV channels operators can broadcast. Expatriate satellite channel Belsat TV was unsuccessfully trying to get into cable networks for several years, according to a panelist.

The government similarly retained tight control over most of the telecom infrastructure via direct ownership. State-owned companies control connections between domestic Internet service providers that connect Belarusian networks with other countries. All 57 providers have to purchase international traffic from the state telecommunications company Beltelecom. Beltelecom also sells to end-users: it has 1.5 million subscribers, or 65–70 percent of all wired broadband subscriptions.

Internet penetration reached 56 percent in November 2012, according to web research company Gemius. Almost 70 percent of Belarusian Internet users were using broadband connections. Still, complaints about quality, prices, and speeds were common, the panel agreed.

The average Internet connection speed was 2 Mbps in mid-2012, according to Akamai Technologies, a leading Internet content provider. Belarus's neighbors Poland, Lithuania, Russia and Ukraine all had average connection at around 5 Mbps, while Latvia was at 8 Mbps. The global average was 2.8 Mbps, according to the same report. On average, Belarusian providers were selling 2 Mbps Internet subscriptions without a traffic cap for around \$10 a month. Such connections were more or less acceptable for comfortable web browsing, yet still slow for video streaming services like YouTube.

Users in bigger cities can enjoy faster connections and better deals. ADSL connections from Beltelecom could be obtained pretty much everywhere in the country. Another alternative, although a costly one, is mobile Internet, similarly available nationwide.

## 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.*

*The panel discussion was convened in December 2012.*

*The panelists' scores reflect some optimism over the gains made in the media sector in recent years, particularly in the strength of civil society and its ability to foster free speech protections. Whether these gains can be sustained and carried into other sectors remains under question.*



MOLDOVA

On January 1, 2012, a new year began with the shooting of a Moldovan citizen by a Russian peacekeeper at a checkpoint on the border with Transnistria, the breakaway territory on Moldova's eastern frontier that is politically backed by Russia. The death of 23-year-old Vadim Pisari sparked protests in Moldova, raised tensions in the country's diplomatic relations with Russia, and revived the debate over Russia's military presence in the region.

Moldova also elected a new president in 2012. After a series of anti-government protests led by the Communist opposition in February, parliamentary parties constituting the Alliance for European Integration (AEI) managed to overcome internal differences and agree on a common candidate for president, thus ending a two-and-a-half-year political crisis. Former head of the judiciary Nicolae Timofti was elected president on March 16.

In a significant change for the media world in 2012, the Broadcast Coordinating Council (BCC) withdrew the license of the openly pro-communist television station NIT. Officially, the decision drew mildly negative reactions from some European officials and the OSCE. Unofficially, others who considered NIT a Communist Party propaganda tool hailed the development. The final adoption of anti-discrimination legislation and subsequent protests of the Orthodox community marked the last days of an eventful spring and earned AEI the appreciation of European officials.

Later, representatives of the unionist community, which advocates for Moldova's union with Romania, organized marches in Chisinau, Cahul, and Balti. In Balti, Russian-speaking protesters who sought to stop the unionists were backed by Social Democrat leader Victor Selin, who supplied them with eggs and free beer. Ultimately, violence erupted and Jurnal TV reporter Victoria Ocara was hit in the head with a stone thrown by a protester.

The summer ended with the visit of German Chancellor Angela Merkel amid political discussions on the transparency of media ownership, the passage of minor amendments to the Broadcasting Code and the emergence of a new broadcaster (Canal 3). Jose Manuel Barroso, president of the European Commission, visited in December.

The year ended with the unlikely election of Mircea Surdu as the new director of public broadcaster TV Moldova 1, after former director Angela Sirbu's resignation in February 2012. The supervisory board of the public station also elected a new chair. Both elections were perceived by panelists as a step backward in the long awaited reform of the public broadcaster, because the candidates elected represent the "old guard" at M1, and the panelists do not consider them likely to implement reforms pledged in 2009, including staff reductions. M1 has over 1500 employees, while its actual needs have been assessed at about 750.

In general, however, the panelists' scores reflect some optimism over the gains made in the media sector in recent years, particularly in the strength of civil society and its ability to foster free speech protections. Whether these gains can be sustained and carried into other sectors remains under question.



# MOLDOVA at a glance

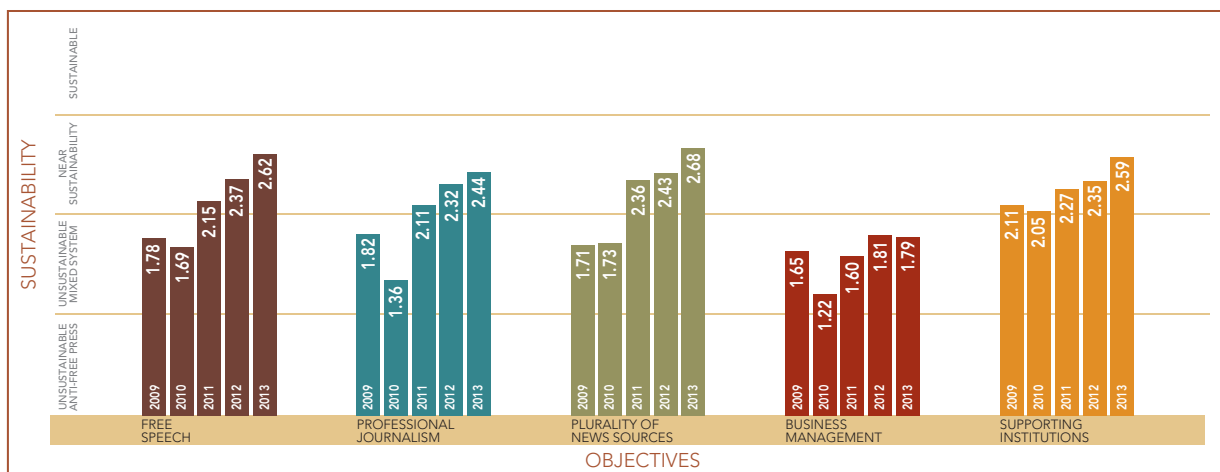
## GENERAL

- > Population: 3,619,925 (July 2013 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*)
- > Religion (% 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 (*CIA World Factbook*)
- > GNI (2011-Atlas): \$7.056 billion (World Bank Development Indicators, 2012)
- > GNI per capita (2011-PPP): \$3,640 (World Bank Development Indicators, 2012)
- > Literacy rate: 98.5% (male: 99.1%, female: 98.1%) (2010 est., *CIA World Factbook*)
- > President or top authority: President Nicolae Timofti (since March 23, 2012).

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: 184 newspapers, 227 magazines (2012, National Bureau of Statistics); Radio Stations: 58 (2012, Broadcasting Council); Television Stations: 57 (2012, Broadcasting Council). Internet News Portals: ProTV.md (247,773 visitors, 9,061,949 page views), Publika.md (189,181 visitors, 4,119,320 page views), Unimedia.md (117,268 visitors, 4,420,240 page views). (2012 BATI, Gemius)
- > Newspaper circulation statistics: N/A
- > Broadcast ratings: Top two are Prime TV – private; Moldova 1 – public; ProTV has highest rated news cast. Top three in radio are Radio Noroc – private; Radio Moldova – public, Russkoe Radio – private. (IMAS-INC Chisinau, 2012)
- > News agencies: Info-Prim Neo, Moldpres (state-owned), Infotag, Info-Market, Monitor Media, Basa-press, Deca-press, Novosti-Moldova.
- > Annual advertising revenue in media sector: Television: €15.23 million, Radio: €1.2 million, Print: €3.57 million, Online: €1.3 million (2011, BATI, Gemius)
- > Internet usage: 1,502,637 users; Internet penetration rate 50.5% (2012, BATI, Gemius).

## MEDIA SUSTAINABILITY INDEX: MOLDOVA



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Moldova Objective Score: 2.62

As far as legal protection for freedom of speech is concerned, little changed in 2012; however, scores for the indicator went up slightly from the previous year. Two new laws were proposed to punish media censorship, but Parliament had not yet examined the proposed laws by the time of the MSI panel discussion. Although AEI included a new broadcasting code in its 2010–2014 agenda and finalized a draft back in 2011, Parliament has delayed its passage. Meanwhile, in August 2012 it passed a minor amendment modifying teleshopping conditions in the current Broadcasting Code.

While some see only modest enforcement of the Law on Freedom of Expression, others deem the situation satisfactory considering the current state of affairs in the judiciary.

According to the latest statements of President Timofti, the legal branch needs deep reforms, and the judiciary has to rid itself of those judges who failed to apply the norms of the European Convention on Human Rights (ECHR). “In 2012 Moldova succeeded in maintaining last year’s progress in protecting free speech. Updates to the legal framework have started to yield results, although it is still necessary to continue publicizing these rights to society, including among

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

journalists, lawyers and judges,” said Vitalie Dogaru, a program host and producer for Publika TV.

Ion Guzun, a lawyer and program coordinator at the Legal Resource Center, underscores the limited impact of the Law on Freedom of Expression these past two years—which he attributes to the poor knowledge of the law among judges and litigants alike. Furthermore, Guzun identified a troubling paradox: “The number of complaints examined increased after the enactment of the law, but the complainants’ positions worsened considerably as a result.” In the Fall of 2012, the Supreme Court of Justice drafted a decision aimed at addressing this situation and ensuring better enforcement.

In the Gagauz region, legal illiteracy is even more substantial. “The observance of the local Broadcasting Law is hindered by the legal illiteracy of supervisory bodies, especially of the supervisory board,” a local broadcaster said.

As far as licensing and registration is concerned, newspapers and websites are not required to register, nor are bloggers required to acquire a legal identity in order to act as media institutions. The licensing procedure for radio and television stations is, however, still insufficiently transparent. “The state keeps control of issuing licenses and the idea of open tenders exists only on paper—in fact, the ‘issue’ is handled with ‘telephone justice,’” maintained Alexandru Burdeinii.

The BCC is the only authority regulating the broadcasting sector and allocating licenses. The BCC decided to withdraw NIT TV’s license in February 2012 for lack of pluralism of opinions, and the decision was enforced in April. Even though the television station challenged it in court on the same day, no ruling has been issued so far. During the next couple of months it was discussed both by civil society and by international agencies, with NIT remaining off the air during the discussions. In the immediate aftermath, media NGOs issued a common statement acknowledging the need to punish the station for repeated violations of several provisions of the Broadcasting Code (13 monitoring reports from 2009–2012 found that NIT failed to ensure balance, social and political pluralism, and to provide complete, objective and truthful information). A local NGO also accused NIT of copyright violations, for airing unlicensed movies before they even hit theaters.

The statement from media NGOs also expressed their concern and asked the BCC to use the same standards of assessment and to treat all broadcasters equally. The new television station Canal 3 started broadcasting in August amid broad popular suspicion that it was using the frequencies formerly awarded to NIT, but the administration of Canal 3 replied that they were using the frequencies granted by the BCC in 2008.

In November 2012, Parliament appointed three new members to the BCC, and the panelists agree that the appointments lacked transparency and betrayed traces of political influence, although they could not point to direct evidence to prove the claims.

Media market entry conditions, including the tax structure, are virtually the same as for any other field. However, existing incentives for media (such as tax exemptions for newspapers) are deemed clearly insufficient by print media managers. In late December, a proposal to charge VAT on imported newspapers and magazines was raised in Parliament by Chiril Lucinschi, head of the Parliamentary Media Committee, with a view to compensating local publications for their small circulations and high printing costs and thus boost their competitiveness.

Generally, journalists enjoy enough protection, and cases of assault are rare. An exception is the case mentioned earlier, involving the violence that erupted in Balti, where Victoria Ocara of Jurnal TV was hit in the head with a stone thrown by a protester. The incident was filmed, and the perpetrator was arrested the following day and held for 30 days. Police announced that a criminal case was filed two days later.

There was also a case of vandalism perpetrated in April at Rezina-based Elita TV was linked by the television's management to an offer to buy the station that they had turned down earlier. That case is still under investigation.

Otherwise, the year 2012 was relatively calm in terms of security for journalists. No persecution of media professionals was registered, except for restrictions on live reporting or verbal attacks by politicians, none of which resulted in court cases. "There were only cases of intimidation of investigative journalists," TV 7 reporter Galina Munteanu confirmed. Guzun commented that in spite of frequent reports by journalists of such intimidation, the general prosecutor's office failed to start criminal investigations or to assess their need for protection.

Nevertheless, in the Gagauz region, which is populated mainly by the minority Gagauz, news of journalists who are persecuted rarely reaches the public. Apparently, the cause is the editorial policy of the public broadcaster: "You can air or publish something like that only in private media, which are not as popular as the public broadcaster."

Currently, the legal framework does not ensure the editorial independence of state-owned media. Its funding lacks transparency, and frequently regional media outlets funded from local budgets are under political control. "Representatives of local authorities frequently prefer to release information to politically controlled media," director of Balti-based *SP* weekly Veaceslav Perunov declared with

reference to media outlets founded (and funded) by local authorities such as local mayors' offices and local councils.

As for public media, there are a number of legal provisions stipulating the editorial independence of the national public broadcaster TeleRadio Moldova (TRM), but many civil society members and politicians expressed their discontent with the broadcaster's coverage of certain political events.

In February, TV Moldova 1 director Angela Sirbu resigned, citing strong internal and external opposition to reform. The TRM Supervisory Board then made several unsuccessful attempts to elect a new director, but in late December they succeeded in electing talk-show host and producer Mircea Surdu. "The fact that the board did not vote for the best agenda, which was that presented by Ion Terguta, shows us that politics continue to dominate, albeit more subtly, at national broadcaster TRM," stated Ion Bunduchi, executive director of the Independent Press Association (API). Bunduchi believes that Surdu will not undertake deep reform, and lacks the management experience required for the job.

Currently, TRM is funded directly from the state budget, and its editorial policy accommodates the politics of the government as it avoids reporting on certain topics less favorable to it. There are no laws favoring state or public media, but traditionally public journalists and operators find easier access to information and better conditions for live recording and reporting.

The Gagauz Public Radio and Television Network (GRT) is regulated by the Law on Broadcasting and is supervised by its local supervisory board. The broadcaster is funded from the local budget, and the members of the board and the managers of the broadcaster are both appointed based on political criteria, one of the panelists from the region testified. "They usually are approved by local government parties," the panelist added.

Libel is a civil law issue and according to the Contravention Code, both parties share the burden of proof (Art. 24). Guzun noted, "Recent amendments to free speech legislation have complicated the procedure for lodging a complaint: a preliminary complaint is now mandatory, and the terms for lodging a complaint have been shortened."

Press Council chair Ludmila Andronic believes that in terms of libel, the situation improved significantly after the emergence of the Press Council as a means of self-regulation. Other panelists took the changes as a proof that the legal framework has improved and is better enforced. "Officials are less likely to file for defamation, and the most eloquent example is that of *Ziarul de Garda*. The paper was sued by a prosecutor in Falesti district, but the case was dismissed

in the court of first instance without even reaching the appellate court. This means that lower-level courts have also begun applying the law," Electronic Press Association (APEL) executive director Petru Macovei explained.

Also, Unimedia editorial manager Dumitru Ciorici mentioned the case of *Adevarul*. The newspaper recently published an investigation into a credit affair involving judge Ion Plesca, head of the Chisinau Appeals Court. In the aftermath, Victoriabank and Moldindconbank filed preliminary complaints, but soon withdrew them.

In 2012, the government made significant progress in access to information, launching the open data portal Date.gov.md. So far, most ministries and state agencies have uploaded at least some data, with the Ministries of Health and Internal Affairs and the National Bureau of Statistics leading the list with 86 to 163 data sets published. However, a considerable amount of information is not relevant, while bodies holding critical information of public interest, such as the State Procurement Agency, the Tax Service and the Agency of Medicines have failed to upload any data so far.

Regarding equal access to information for all media outlets, journalists and citizens, the panelists noted double standards in this respect. Perunov says that locally, the difference is noticeable. "In our case, the mayor's office always answers our requests for information in the same way, stating that according to the Law on Access to Information, all citizens are granted free access to information (of public interest), but not the *SP*."

Still, compared to last year, the situation improved somewhat as many journalists reported better treatment by officials. "I see it as a step toward democracy; some three or four years ago many officials could have easily denied access to information, while now they are reluctant to do so," Alexandru Burdeinii, editor-in-chief of InfoMarket news agency, said.

Most panelists explained that reluctance was due to fear, which caused civil servants to frequently seek permission from their superiors before releasing information of public interest. Generally, and not surprisingly, authorities are more open to sharing positive information that benefits their images. "It is much more difficult to obtain information that might compromise the government, and it is symptomatic that the situation persists in Moldova regardless of the government's political makeup," concluded Tudor Iascenco, journalist and manager of *Cuvantul*.

The media's access to local or international news and sources is not restricted legally or otherwise. Only insufficient funds can keep media institutions from subscribing to international press agencies such as AP, Reuters or AFP. It is still the

case, however, that certain outlets use material from the above-mentioned sources without respecting intellectual property rights.

As for the last indicator in this objective, entry into the journalism profession also received a high rating, in keeping with the general perception that area has been sustainable over the long term. "In Moldova, entry into the profession of journalism is not restricted and never has ever been," Andronic declared. Burdeinii added, "The path to the profession is open and free for anyone who has the will and the ability to become a journalist."

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Moldova Objective Score: 2.44

This year marked little progress in achieving higher professional standards in journalism. A comparison by media law expert Olivia Pirtac perfectly summarized the state of things: "Even with enough news and entertainment programming, Moldovan journalism emulates the country's state of transition. At this stage, we have quality journalism respecting all industry standards while at the same time there is poor quality journalism without adequate source checks, with significant gaps in professional ethics and above all that is plagued by a rush for sensationalism."

Some panelists pointed out that the overall level of professionalism slightly increased in 2012, especially after the closing down of NIT TV. "While as a rule any other journalist at least tries to get two or three opinions, their reporters

### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

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would not ask for any at all," Perunov mentioned. Further reasons for better-quality journalism included the approval and promotion of a number of supporting documents such as the new Ethical Code, the Journalists' Handbook of Best Practices and the Style Guide with Ethical Norms in addition to activities carried out by various media organizations.

Macovei nevertheless expressed his doubt about the level of professionalism in 2012. "Superficiality is the trend. Journalists still fail to source their stories sufficiently and generally opt for the concept of 'breaking news,' mostly because of the recent liberalization of the television market which caused an inflow of young, inexperienced journalists and editors," he added.

Ciorici argued that working against the clock is the norm for online media, as well as for television stations. "Reporters manage to avoid subjectivity, but sometimes they cannot provide enough depth in covering the subject, because of stiff competition that requires you to deliver news very quickly."

Locally, public and state-owned media have preserved their biases. "Many journalists try to cover events correctly and objectively using several sources of information. Unfortunately, this does not apply to journalists from state- or party-owned media, who mostly offer propaganda instead of reporting," said Perunov.

As in past years, Transnistrian state media continued to spread the separatist authorities' rhetoric against the central authorities; however, a number of Transnistrian journalists participated in Chisinau-based training. Along with other journalists from Chisinau, they produced joint reports of public interest for people on both sides of the Nistru River that separates the two sides.

On the subject of ethics, the unanimous feeling was that plagiarism is a serious weakness in Moldovan journalism. "This year, the Press Council received no fewer than 15 plagiarism complaints," noted Macovei, adding that currently it is one of the most important issues in the profession.

Perunov explained that some journalists observe the Ethical Code, while some do not. "A number of journalists from various [politically and otherwise] controlled media are not adhering to its provisions; in fact, many papers and almost all magazines and websites practice hidden advertising." Along with that practice, Andronic identified issues of child protection and the presumption of innocence which she dubbed as "sacrificed in the name of sensationalism."

The most flagrant example was Jurnal TV's inadequate coverage of the suicide of an 18-year-old girl from

Bic Village, in which the broadcaster aired unverified information about the victim (allegations that she was pregnant at the time of death), and failed to ensure the victim's mother's right to reply, in spite of direct and indirect accusations aired against the latter. Two weeks later, the Press Council issued a public warning to Pro TV, Jurnal TV and Prime TV in a similar case regarding the suicide of a 12-year-old from Telenesti District.

Self-censorship is still practiced by many journalists and editors regardless of their specializations or modes of dissemination, though it seems that local media are more likely to succumb to self-censorship than national outlets and that public media (Moldpres, TRM, GRT) are more likely to than private outlets are. Burdeinii cited editorial policy and preservation of their jobs as reasons while another panelist referred to business ties of media owners and threats voiced by politicians and officials.

According to a report published by Ernest Vardanyan in *Mass Media in Moldova* in the June 2012 issue, in Transnistria, self-censorship improved somewhat after the December 2011 change of government. "Now, the first republican channel is trying to dissociate itself from its former image, as its reports have become more diversified—including even some critical reporting," he observed.

In most cases, self-censorship is embedded into editorial policy and is a direct result of lack of diversity in media ownership and opinions. Dogaru believes this makes journalists accept the editorial policies and "...switch tacitly onto some sort of autopilot when it comes to self-censorship. Many journalists avoid admitting it, but their output shows that certain events are ignored while others are covered with exaggerated emphasis."

As such, it is closely linked to the next indicator, concerning the coverage of key issues and events. The panelists highlighted Publika TV's coverage of the visit of Jose Manuel Barroso. During the live broadcast of the official's welcoming ceremony at the airport, the operator framed the image so that it excluded Prime Minister Vlad Filat, focusing instead on random persons and photojournalists. That act of censorship was noticed by viewers, and was intensely commented on in blogs and on social networks.

Jurnal TV continued to produce sensational news to the detriment of key events and issues such as the summer drought, closely followed by Pro TV and Prime TV. "In this case, we try to keep producing quality news items, but lighten them once in a while with entertainment, funny videos or celebrities to strike a fragile balance between the two species," Ciorici said, to justify Unimedia's policy.

Another issue noted by Iascenco related to the perceived uniformity of news broadcasts. "You have only to read one single news site and you already know what the other outlets will feature. The problem belongs to print outlets as much as to broadcasters and new media." Yet, panelists agreed that many important issues are ignored by journalists and are effectively eclipsed by disputes in Parliament and other minor political scandals and controversies.

The average wages of journalists remain at the same level as last year, according to data provided by the National Bureau of Statistics (approximately MDL 4000, or \$330 per month from January to September 2012). Although rather modest, Ciorici stated that it is less likely to generate corruption among journalists. "If anyone in the media industry would take bribes, it would be the editors and managers."

Some media managers, including a number of our panelists, nevertheless perceived a slight trend in rising salaries that started several years ago. Ciorici believes the arrival of some major players in the market, such as Jurnal TV in 2010 and, later that year, Publika TV, led to market liberalization. His opinion is supported by the emergence of another television station in August 2012 (Canal 3), and the increasingly common trend for print and online outlets to develop video content.

According to Bunduchi and Iascenco, however, that trend still remains very modest, especially in rural areas where salaries barely cover living expenses. "The pay level of journalists and editors is rather low, which results in many media professionals, especially in rural areas, working for several outlets or finding other jobs. There are cases when journalists leave the profession altogether (examples in Balti include Pavel Dumbraveanu and Eugen Urusciuc from Deca-press)," Perunov pointed out.

This state of affairs is also valid in the Gagauz region, and affects the employees of public media to a larger extent. "During the past five years, about 30 journalists have left the local public broadcaster. Presently, the average wage of journalists working there constitutes a little more than the equivalent of \$100 per month, so they have to work during evenings, weekends and vacations to scrape up MDL 3000," another panelist confirmed.

Regarding the perceived balance of entertainment and information programming, the lack of funding and means of production restrain media institutions from delivering more entertainment to the audience. Some media outlets rely on foreign production, while other broadcasters try to compensate with "infotainment" content, placing more emphasis on a sensationalist approach to covering news. "Domestic entertainment programs are so mundane that they cannot eclipse politics in any way. However, there is

one news station with a fairly decent audience," stated Andronic, referring to Publika TV.

The information market was tapped by Jurnal TV and Publika TV in 2010, but after a while the former decided to change its profile to general television. Publika is now the only information-only channel. Since then, Jurnal TV has started to generate its own entertainment programs. Conversely, Prime TV started to build on its information offerings in 2010 while simultaneously contracting foreign shows to maintain their entertainment programs. Toward the end of 2012, it was announced that former Pro TV news presenter Natalia Cheptene would host a local show on Acasa TV, a station re-broadcasting soap operas. The newly launched Canal 3 also mostly re-broadcasts soap operas and entertainment programming.

Most radio stations in Moldova focus on entertainment and music, balancing adult contemporary with contemporary hit radio formats with hourly news bulletins. The only information radio stations are Publika FM, which broadcasts the content of Publika TV, and Radio Chisinau.

In terms of equipment and facilities, most media outlets are sufficiently outfitted to gather and produce news, except for the public broadcasters TRM and GRT, whose equipment is both outdated and insufficient. At GRT, more than half the reporters do not have dedicated computers and recorders, and the hardware and software are too outdated for journalists to truly benefit from connecting to the Internet. Despite an initial intake of modern equipment in 2010 and 2011 through a donor's program, TRM has showed no interest in reform and updating equipment has slowed down.

As a rule, private media do not encounter such issues. The only negative aspect mentioned by panelists was the absence of licensed software. "Newspapers lack resources for acquiring licensed programs and specific software for automated newspaper production (print servers)," added Perunov.

When it comes to niche reporting, the general feeling is that things have improved somewhat in the past year. "Investigations were better sourced and even reached our television screens," noted Macovei, referring to the "Reporter de garda" investigation series launched in 2010 by the weekly *Ziarul de Garda* and aired on Moldova 1, and to Jurnal TV's series "Patrula Jurnal TV" launched in October 2012. Galina Munteanu, a reporter for TV 7, believes that this shift was generated by the increased competition among media outlets; however, as Bunduchi pointed out, the authorities' reaction to such reports has been minimal.

Burdeinii enumerated a series of publications specializing in healthcare, construction and economics, but underlined the poor offerings of other types of publications such as entertainment outlets. “We do have journalists covering niche subjects and carrying out investigations. The main impediment for producing more such reports is the lack of funding and insufficient skills and experience of journalists,” Perunov added.

### OBJECTIVE 3: PLURALITY OF NEWS

Moldova Objective Score: 2.68

Although the overall state of this objective improved to a certain extent over last year, problems surrounding transparency deepened. Scores for the associated indicator dropped far below the average objective score. The number of outlets remained more or less the same as last year, with one television station closing (NIT TV) and a new one launching (Canal 3). In late December, public broadcaster TRM suspended its second channel, Moldova International.

According to the public opinion barometer (POB) published in November 2012, more than 11 percent of respondents believe they enjoy a great deal of free access to information, almost 40 percent report having some access, and about the same number of respondents report little access. The same POB revealed that television remains the most important primary source of information for over 70 percent of respondents; while 13.8 percent chose the Internet and

6.2 percent relied on radio. Newspapers dropped to a mere 1.6 percent.

This year, the indicator relating to plurality of news sources was regarded by panelists as near sustainable, at a little over 3.0 points on the MSI scale. Despite its relatively small size, the media market features a diverse range of institutions offering multiple viewpoints. However, national media are mostly interested in events in the capital city and rarely cover the local scene. There are two regional networks that broadcast programs with local and regional content: Aici TV and Canal Regional. Bunduchi believes the two networks can “compensate to a certain extent for the lack of balance between information of national and local interest.” As for other local and regional broadcasters, the panelists generally feel that they are not competitive enough, and despite all the support from international donors, still lack viability. “Several television channels in North Moldova have already been sold, and there is a risk of a (national) monopoly forming,” Iascenco warned.

For print media the situation remained almost the same, except for a decrease in advertising volume noticed by some local outlets. As Iascenco put it, “Print circulations are still modest, and independent local outlets depend for the most part on assistance from API.” API assistance includes small grants, projects, and trainings.

As for online media and Internet access, service providers offer high-speed connections at competitive prices, but many people over the age of 50 are still unable to use such media because of computer illiteracy. Blogs and online news agencies are evolving into a new source of information, as are social networks (Facebook and Odnoklassniki). “These constitute a source of information for almost a quarter of Moldovans,” Dogaru approximated.

In 2012, due to increasing Internet access, Facebook’s growth in Moldova gained momentum. Odnoklassniki tried to hold its position by launching a “Moldovan language” mobile version of its site, which was criticized by bloggers and editorialists and was later renamed “Romanian language.” [There is a debate within the country as to whether the two are distinct languages, dialects, or essentially one and the same.] Social networking tools are more and more frequently relied on as a news source, even if they are not always entirely credible. “Because of that,” Ciorici said, “media companies have developed marketing strategies for Facebook to promote their content.” Regardless of the questions raised about their political independence and credibility, blogs are developing continually, even if still at only a national level; at the local level, their impact is hardly noticeable.

### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

#### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens’ access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

In both the Gagauz and Transnistrian regions, people have started relying more on social networks as sources of alternative information, and in the Transnistrian region, forums are another popular tool. Finally, even though the mobile telephone communication penetration rate has reached 113.8 percent, media outlets have not implemented SMS news alerts, although some websites have developed mobile versions.

Citizens' access to domestic or international media is not restricted by law, but is certainly affected by income level. People living in urban areas have more access to various media outlets than those residing in rural areas. "Not everybody can afford subscriptions to newspapers, cable television or the Internet," Burdeinii noted. Munteanu agreed, adding that in rural areas the situation is worse: "People living in remote villages have access only to the public broadcasters, and there is no diversity as to topics and genres of programs."

In Gagauzia, as one of the panelists remarked, even the public broadcaster is not always accessible, and people are more inclined to rely on cable subscriptions as a source of news. In November 2012, Transnistrian authorities decided to ban two more television stations—Publika TV and public broadcaster Moldova 1—thus restricting access to already scarce news offerings for people living on the left bank of Nistru River.

Opinions were divided as to the independence of state and public media. Along with several other panelists, Andronic believes that public media are not openly biased, while Perunov argued that, "Journalists in these media do not see serving the public interest as their duty." Burdeinii went even further, stating that outlets funded from public budgets, especially print press, are divided among political parties. "Nevertheless," he conceded, "public broadcasters try to maintain their objectivity."

Citing the interests of its majority audience, which is mostly rural and elderly, TRM stopped short of implementing the promised reforms thus compromising the positive changes registered in 2010 and to some extent in 2011. While there are visible efforts by TRM to reflect all the views on the political spectrum, journalists are still cautious when covering controversial political topics. "Long administrative intrigues affect the broadcast schedule which cannot compete with those of private channels. There is a feeling that the objectives of the institution are not clear, since TRM fails to focus on topics ignored by private broadcasters and instead enters into competition with the latter, which it is unlikely to win," Dogaru pointed out.

There are eight news agencies in Moldova, including seven that are independent. In the Gagauz region, there are

still no news agencies. In some cases, agency fees are not accessible to all media, and Perunov recalled some cases when certain media outlets did not quote the news agency as a source of information. At the same time, the number of subscribers decreased for classic news agencies, since they overlap with news websites that offer similar information free of charge. Munteanu added that in most cases, radio stations use the content of news agencies.

Dogaru believes the decline of news agencies is closely linked with the indicator relating to private media outlets producing their own news. As in past years, panelists noted that private outlets prefer to rely more and more on their own production of news and rated the indicator half a point higher than the overall objective. "However, it applies mostly to broadcasters with national coverage. Local ones, lacking sufficient reporters, often cannot follow the trend and continue using online information," Dogaru added.

The single most important problem in the media market today is the transparency of media ownership, or rather the lack of it. Presently, there are no legal requirements to disclose information related to media ownership, and many outlets are owned by offshore companies. As in past years, this year too the question remained open as to the true owners of major stations such as Jurnal TV and Publika TV, but also of a number of other outlets, such as N4, Euro TV and 2 Plus. However, while in other years public opinion contended with emerging trusts, such as Jurnal Trust Media, Prime, Publika and Aquarelle trusts among others, tensions began to build as more and more outlets gathered under fewer "umbrellas."

So far, several journalistic investigations have traced the ownership of as many as five media institutions (Maestro FM, Prime FM, Prime TV, TV 2 Plus and the recently opened Canal 3), to politician and businessman Vladimir Plahotniuc, vice president of the Democratic Party (DP) and vice speaker of Parliament. Andronic admitted that the audience can guess the true owner of a media outlet based on its content and editorial policy. "You can form an objective opinion if you watch or read the publications of several media outlets and make your own deductions." Indeed, most broadcasters show a more or less open "preference" for some politicians or parties. The group of broadcasters connected to Plahotniuc is generally biased toward DP or the politician himself. Recently, Publika TV also started showing bias against the rivals of DP, which confirmed earlier findings of journalistic investigations that linked it to Plahotniuc. Conversely, Jurnal TV openly supports Plahotniuc's political opponent, Sergiu Mocanu, and is known to be partly funded by Plahotniuc's business rival, Viorel Topa.



Notwithstanding, editorial policies are not always easy to figure out, and most media consumers are still unaware of the true identity of media owners. "After two years of development, the Moldovan media market is experiencing a difficult time marked by clear tendencies toward concentration and attempts to monopolize the media by certain individuals and groups with political and economic interests. It affects diversity and mass media's capacity to offer citizens reliable, unbiased and objective news. To a certain point, public media have managed to ensure a balance of information," Macovei summarized.

In November 2012, the Independent Journalism Center (IJC) issued a study on media transparency and drafted some amendments to the Broadcasting Code to ensure it contains clear requirements for disclosing real owners. The authorities promised to address the issue, but since APEL's draft of a new broadcasting code is still being ignored by Parliament, the panelists were skeptical about the politicians' intentions. "As long as there are no sanctions, the problem will not be solved," Bunduchi stressed.

According to most Russian-language journalists, the availability of Russian-language mass media is satisfactory as far as different social interests are concerned. "Ethnic minority media outlets are available, especially Russian-language ones. Other minorities issue publications depending on the financial support they can gather," Guzun added. When the Law on Equal Opportunities was passed this spring, a number of bloggers and journalists intensely debated the topic of sexual minorities while most mainstream media, especially public media, did not offer any in-depth perspectives on the issue.

The indicator concerning the coverage of local, national and international issues was given a good rating, although Bunduchi reproached local media for not always paying enough attention to international issues. "It is a remnant of the Soviet-era practice where international issues were the prerogative of central publications." Perunov replied that they merely cater to readers' interests according to the principle of local news. Overall, Ciorici concluded that, "Media in Moldova offer options to its citizens in terms of diversity of information but has still to work a lot on objectivity and quality."

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Moldova Objective Score: 1.79

Media business management was the only objective to register no progress this year. To some extent it may be due to the media market's continuous expansion in defiance

of advertising market conditions, or to advertisers' lack of interest in circulation audits and audience survey results. Shortcomings in human resource policies and advertising revenue, particularly state-commissioned advertising, also bear responsibility for the poor rating of media outlets as businesses.

The panelists unanimously said that Moldovan media are not fully sustainable. Though most media outlets have dedicated accounting departments, human resource and marketing policies are still rudimentary. "Two television stations that called themselves independent entered the market in 2010. Both of them have more than 80 percent local content. Our media market does not allow media institutions to support more than 300 employees, which is their case. The question is, how do they survive? Of course, their editorial independence is questionable," Dumitru Ciorici reasoned. The public broadcaster TRM also failed to adopt an efficient personnel policy. Moreover, as newly elected supervisory board member Larisa Calugaru declared, her vote for a new director for TV Moldova 1 was determined by the candidates' approach to layoffs as a tool for reform, which some view as essential.

Print journalists attested to a considerable deterioration in the situation of newspapers, pointing to falling revenues. Petru Macovei remarked that managers of independent outlets had succeeded in applying the knowledge accumulated in numerous training sessions, seminars and internships in order to overcome the effects of the economic crisis. At the same time, Iascenco stressed that most media institutions in this category are supported by international donor organizations. "Without this help, many of them

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

would not survive, because print sales and advertising do not cover all the production costs.”

This leads to another sustainability issue: streams of revenue. While independent print media rely on grants, private broadcasters usually depend on two main sources: advertising and direct owner financing. As such, it cannot be said that Moldovan media benefit from a multitude of sources of revenue. Moreover, panelists agreed that direct funding is frequently more important, and has proved to have an immediate effect on editorial policies. “There still are many outlets that depend on a single source (the wallet of an obscure ‘philanthropist’). It happens partly because the majority of advertising agencies do not function based on professional criteria, but rather on client satisfaction,” Dogaru explained.

As for the advertising industry, the situation remained much the same this year. “With an insignificant market already constrained by oligarchic interests, we cannot talk about fairness,” Andronic argued. Generally, each media group chose to rely on its own agency (Prime group on Casa Media, Jurnal Trust Media on Reforma Advertising and so on). At the same time, the advertising market frequently functions based on estimates and vague measurements, so AGB Moldova has lost the trust of many important clients who resorted to audience surveys carried out by IMAS. Bunduchi enumerated several deficiencies in the advertisement market. “The legal framework on advertising is flawed; there is no legal limitation of audience shares, and the industry lacks a self-regulatory body as the Agency for Protecting Competition does not have enough capacity to manage the domain.” There are no advertising agencies in the Gagauz region; media institutions frequently market themselves directly to advertisers as do local outlets from other regions.

Most institutions depend on advertising for revenue, but it does not yield them enough income to sustain their financial independence. Print media feed on print sales and subscription fees as their principal sources of income, and the share of advertising revenue in print press falls below generally accepted standards. Perunov believes that many managers of print media outlets are not entirely aware of the importance of advertising as a source of revenue. In television, the market is still constrained by rebroadcasting programs from foreign stations together with a certain amount of foreign advertising.

The Moldovan government does not offer subsidies and tax incentives to private media. Still, public and state-owned media have always enjoyed traditional privileges capable of generating unfair competition, among which Iascenco listed “...massive support for publications edited by

authorities using public money, preferential treatment in the distribution of state advertising, easy access to information of public interest as well as unimpeded distribution.”

Currently, the government-owned news agency Moldpres is allowed to lease premises in a government building for a nominal rent, and the Fiscal Service has prohibited its employees from writing official interpretations of legal provisions for any outlet other than the *Fiscal Monitor*.

Local publications still complain about regional and local authorities, which Veaceslav Perunov claimed give preference to pliant media when placing advertising and public notices. “Thus, they can exert pressure on media outlets that are critical of them,” he said.

Market research is still uncommon because of the high costs associated with it, and it is rarely, if ever, used to formulate strategic decisions. IJC, Pro TV and several other media institutions recently started to commission audience surveys, but in numerous cases the results, as well as those of POBs, are used by broadcasters to assert their positions in the market and not to tailor their products to the needs of the audience.

As for ratings and circulation figures, opinions were divided. Print media panelists expressed disappointment over the inefficiency of the Audit Bureau of Circulations and Internet (BATI) in attracting advertisers based on a realistic audit of circulation. Additionally, Andronic shared her skepticism about the sustainability of circulation audits. The audits are funded by BATI members (media outlets, field NGOs, advertisers), and the panelists fear these donors could withdraw if BATI fails to set a durable standard to counter the traditional unfair way of advertising. On the other hand, online media are quite content with the results of the Internet traffic and audience measurements carried out by BATI and Gemius.

Regarding broadcast media, according to Olivia Pirtac audience surveys based on the People Meter method are not credible given the small number of meters used (about 320) and the questionable selection of households to host them. “This is why I cannot say that this data is helping television stations. On the contrary, they bring some good television stations down,” she affirmed. AGB uses the People Meter system, but the panelists report allegations of AGB altering data to suit a certain broadcaster (Prime TV). As stated above, some television stations and media associations have started relying more on audience surveys carried out by IMAS based on the “day-after recall” method due to AGB Moldova’s lack of credibility given its reported association with the Prime media group.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Moldova Objective Score: 2.59

Objective 5 improved slightly over its 2.35 score from the 2012 MSI, possibly due to the activities undertaken by media organizations to address critical issues in the industry. However, weaknesses persist, with some panelists questioning the existence of effective trade associations.

Trade associations of media owners and managers are virtually nonexistent, some panelists argue, and those registered with the Ministry of Justice are inactive and ineffective. Andronic expressed her doubt about the media's ability and will to team up and collaborate to protect and promote their interests.

API and APEL are two organizations that unite independent publications and, correspondingly, radio and television stations, but their activities tend to focus more on improving the legal framework and facilitating access to funding for technical equipment.

As far as professional associations are concerned, the Union of Journalists of Moldova (UJM) is still regarded as a vestige of Soviet times whose basic mission to protect journalists and promote quality media products has remained unfulfilled so far. "It reacts rather in a political manner to certain events in the field without providing tangible help to journalists," Vitalie Dogaru notes. Journalists have yet to replace it with another professional body to protect their rights and promote quality journalism.

Instead, Moldovan mass media outlets have started relying more on self-regulation. Founded in late 2009, the Press Council is a self-regulatory body that mitigates conflicts between mass media and the public, thus contributing to building responsibility in the media. For instance, in 2012, the Press Council sent a complaint to the Russian media self-regulatory body about a show aired by the Russian television station Pervyi Kanal and rebroadcast by Prime TV for violating child victims' rights in a case involving children from Moldova.

The panelists rate NGO support stronger than any other indicator. The panelists agree that media support organizations are efficient, although Olivia Pirtac suggested they need to transform themselves into bigger NGOs in order to be self-sustaining.

IJC and API participated this year in amending media legislation, while APEL proposed a new draft of the broadcasting code. Along with other media NGOs such as the Access-Info Center and the Young Journalism Center,

they provided training opportunities for journalists—including those in the Transnistrian and Gagauz regions—and they collaborated on common subjects through a dedicated project. Several of these organizations offer legal, financial and professional support to newspapers. Generally, Moldovan NGOs collaborate with media in order to protect free speech and media independence, and they are quick to react and issue joint statements to protest interferences with journalists' work. However, most NGOs rely on foreign donor funding, which does not ensure long-term activity.

Iascenco credited media NGOs with "changing journalists' mentalities and helping them sustain their businesses," while Petru Macovei added that they advocate for the media's interests in relation with the authorities and with related industries.

Journalism degree programs are largely offered at state and private universities, but media managers and journalists voiced discontent with the quality of the learning process, which remains mostly theoretical and fails to use new technologies, despite numerous efforts to offer more practical training. Dogaru has extensive teaching experience both as a university professor and as an instructor at the School of Advanced Journalism, and believes that university degree programs do not produce young media professionals who can satisfy the requirements of their employers.

The IJC-founded School of Advanced Journalism drew praise from many panelists, as it continues to compensate for this shortcoming by offering practical 10-month courses. It has produced nearly 100 graduates so far, with more than half of its alumni working in media and communication.

### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

#### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

Additional short-term training is provided by media organizations and is generally considered to be very efficient, but some panelists questioned its sustainability, and others referred to media managers' lack of interest in allowing their employees time off to attend a course. "Recently, I witnessed a discussion in which somebody asked Soros Foundation representatives if they were disappointed with their investment in training to cultivate a balance among local broadcasters, as they are still far from making any changes and each channel promotes a certain political leader," Andronic mentioned.

Sources of media equipment and printing facilities are usually apolitical, nor are they monopolies or restricted, yet one local broadcaster from the Gagauz region indicated that local printing houses, which are all private, offer their services to media outlets according to their political views.

Channels of media distribution, on the contrary, are monopolies—with some media professionals citing an "impossible relationship" between print media and its distributors. Traditionally, these are Moldpres and Posta Moldovei. "They have quite high prices that increase regularly, while the pricing policy is not transparent," added Veaceslav Perunov. Iascenco regards Posta Moldovei's inefficient and restrictive way of working as the main cause for most publications offering only weekly issues. "Even the few dailies reach their readers after considerable delay," he said. The other distribution channels were deemed satisfactory.

Information and communication technology is developed enough to satisfy the needs of the audience and of mass media outlets. Almost all media outlets have dedicated websites that offer information in text, video, audio and multimedia formats. In the summer of 2012, the Unimedia. info news website decided to upgrade and switched to a cloud server. Internet connectivity allows for live audio and video streaming, although in rural areas the Internet is less accessible and the prices are higher. Neither the state, nor the broadcasters are ready for the 2015 digital conversion, as multiplexes are still to be built and the legal framework does not contain the necessary provisions. Only one television station, Jurnal TV, is equipped for digital broadcasting, and most media consumers are not aware of the implications of the switch-over.

## List of Panel Participants

**Olivia Pirtac**, media law expert, lawyer, Ministry of Justice

**Ion Bunduchi**, executive director, Electronic Press Association, Chisinau

**Petru Macovei**, executive director, Independent Press Association, Chisinau

**Dumitru Ciorici**, editorial manager and co-founder, Unimedia news portal, Chisinau

**Alexandru Burdeinii**, editor-in-chief, InfoMarket news agency, Chisinau

**Veaceslav Perunov**, journalist and manager, *SP* newspaper, Balti

**Tudor Iascenco**, journalist and manager, *Cuvantul*, Rezina

**Vitalie Dogaru**, program host and producer, Publika TV, Chisinau

**Galina Munteanu**, reporter, TV 7, Chisinau

One additional panelist wished to remain anonymous.

*The following participants submitted a questionnaire but did not attend the panel discussion.*

**Ludmila Andronic**, chair, Press Council, Chisinau

**Ion Guzun**, lawyer and program coordinator, Legal Resource Center, Chisinau

## Moderator and Author

**Cristina Mogildea**, freelance translator and editor, Chisinau

*The Moldovan study was coordinated and conducted in partnership with the Independent Journalism Center. The panel discussion was convened on December 7, 2012.*

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*While federal television channels completely ignored the opposition before the end of 2011, in 2012 they covered all major events organized by the opposition. Opposition leaders, who used to be persona non grata on national television, became regular newsmakers.*



RUSSIA

Public protests against cases of fraud during parliamentary elections in December 2011 had a profound impact on the content of media coverage in 2012. While federal television channels completely ignored the opposition before the end of 2011, in 2012 they covered all major events organized by the opposition. Opposition leaders, who used to be *persona non grata* on national television, became regular newsmakers.

In March 2012, Vladimir Putin was elected president of Russia after a four-year hiatus from the post. The events that followed polarized Russian society and media. They included the criminal prosecution of the modern art group Pussy Riot for staging a demonstration in one of Moscow's main orthodox cathedrals, the return of a libel clause to the Criminal Code, a series of rapidly adopted new laws imposing heavier penalties for unauthorized public gatherings, tighter control over NGOs receiving foreign grants, a blacklist of websites deemed damaging for the health and development of minors, and a ban on adoption of Russian orphans by US citizens. In polls, Russians were divided on whether these moves were meant to preserve stability, stop the protests, or silence the opposition.

State-affiliated media were often used as instruments of pro-government and anti-opposition propaganda, such as the federal NTV channel's "Anatomy of Protest" programs, which purported to prove foreign sponsorship and pay for opposition protestors. The TV Press Club, an informal community of journalists who cover television, called these and similar programs on the leading channel, Channel One, notable for their "propagandist zeal, use of disinformation, facts juggling, and promoting intolerance to dissent."

At the same time, many journalists of the few independent media outlets brought their own objectivity under question by openly supporting and even organizing the opposition during 2012. Prominent journalists were laid off from major outlets throughout the year, which was widely regarded as an attempt by the state to assert control.

The overall MSI score for Russia, as well as the scores for all five objectives, fell this year. The majority of panelists felt that the overall situation in Russian media deteriorated.

One of the laws adopted in 2012 expanded the scope of treasonable offenses to include any citizen who provides information—not merely state secrets—to an international or foreign organization. This could be interpreted as state treason if Russian authorities determine that the information undermines national security, which is also vaguely defined. So to minimize the potential risk to their safety, participants in the Russia MSI study was made anonymous for the first time in 12 years. Interestingly, the moderator noted that newly-recruited MSI panelists were more eager to participate than ever. These indicators of Russia's rapidly evolving media environment may be the most telling of all.

# RUSSIA at a glance

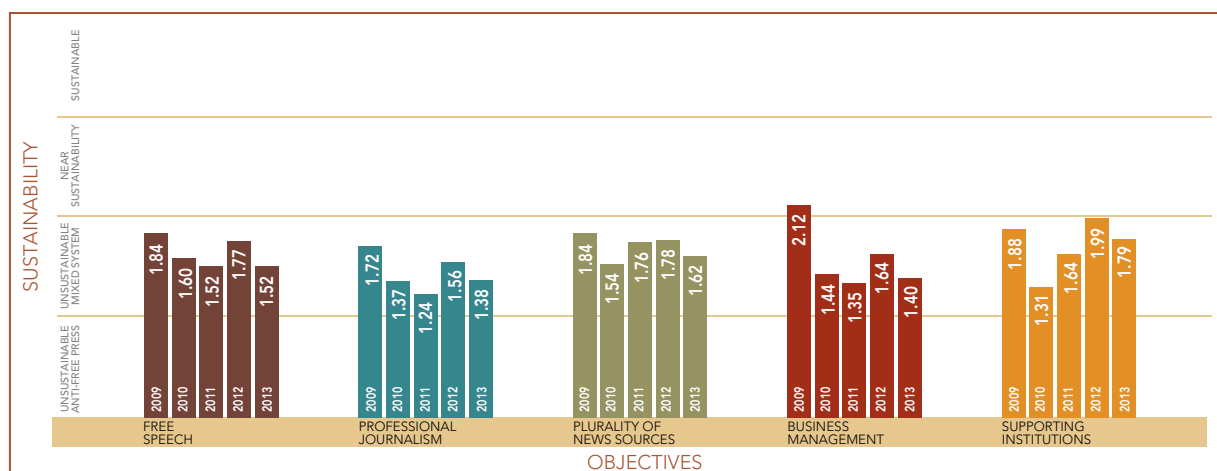
## GENERAL

- > Population: 142,517,670 (July 2012 est., *CIA World Factbook*)
- > Capital city: Moscow
- > Ethnic groups (percent of population): Russian 79.8%, Tatar 3.8%, Ukrainian 2%, Bashkir 1.2%, Chuvash 1.1%, other or unspecified 12.1% (2002 census, *CIA World Factbook*)
- > Religions (percent of population): Orthodox 86.5%, Muslim 10%, Armenian-Grygoryans 0.8%, Pagan 0.5%, Lutheran 0.3%, Buddhist 0.25%, Jewish 0.15% (2002 census, *CIA World Factbook*)
- > Languages: Russian (official), many minority languages (*CIA World Factbook*)
- > GNI (2011-Atlas): \$1.476 trillion (World Bank Development Indicators, 2012)
- > GNI per capita (2011-PPP): \$20,050 (World Bank Development Indicators, 2012)
- > Literacy rate: 99.4% (male: 99.7%, female: 99.2% (2002 census, *CIA World Factbook*)
- > President or top authority: President Vladimir Vladimirovich Putin (elected on March 4, 2012)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Newspapers: N/A; Magazines: 33.7 thousand registered, 2.5 thousand published on a regular basis; 2,669 active radio licenses; 3,366 television licenses (Federal Agency for Press and Mass Communication, 2012)
- > Newspaper circulation statistics: Top three daily newspapers by six-month audience: *Metro* 1 932.1 thousand (3.2%); *Rossiyskaya Gazeta* 1 060.3 thousand (1.8%); *Moskovskiy Komsomolets* 1 048.1 thousand (1.7%) (TNS Russia, May-October 2012)
- > Broadcast ratings: Top three television channels: NTV (14.1%), Russia 1 (13.9%), Channel One (13.8%) (TNS Russia, December 2012)
- > News agencies: National ITAR-TASS (state), RIA Novosti (state), Interfax (private)
- > Annual advertising revenue in media sector: 263 billion rubles (about US\$ 8.8 billion) (Association of Communication Agencies of Russia, 2011)
- > Internet Usage: 40.853 million (2009 est. *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: RUSSIA



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Russia Objective Score: 1.52

Freedom-of-speech rights were pulled in opposite directions during 2012. Legal protections for free-speech rights, state media independence, libel laws, and public information sharing all deteriorated markedly, dragging Russia's overall Objective 1 score to its lowest level since 2005, as the authorities attempted to reassert control over the media environment after Putin's re-ascendance to the presidency. Attempts to improve the business environment were felt in the media industry, as the panel registered some improvements in licensing and market entry. Still, these indicators remain well below sustainability.

Russia's constitution guarantees free speech. But it also vests practically unlimited power to the president as the guarantor of the constitution and the most active political actor in the country, which many believe facilitated the past several orchestrated power transfers to preselected successors.

During the 2000s, the Russian executive authorities built a strong vertical base of power in the country and took control over the majority of Russian media, especially federal television channels, turning them into instruments of state propaganda. Private media whose owners believed

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Many journalists and editors of independent media supported the protests, which noticeably undermined the balance of their coverage.

in free speech, journalism as a public service, and fair, objective, and well-sourced reporting were a minority, but a stable one. They managed to survive both the pressure of authorities and economic crises at the end of the 2000s.

Putin's decision to return to the presidency in 2012 threw this system out of balance. Thousands of citizens came out to protest the cases of fraud during parliamentary and presidential elections. On the one hand, this forced federal television to expand coverage and to start talking about opposition politicians who previously were *personas non grata* on television. On the other hand, many journalists and editors of independent media supported the protests, which noticeably undermined the balance of their coverage.

After the presidential election in March the authorities tried to curb the protests. Journalists were often arrested during events organized by the opposition. A series of laws that are widely believed to be anti-opposition were passed. This further increased the shift of independent media toward the opposition. The law prohibiting US citizens to adopt Russian orphans, enacted in December 2012 as a response to the US Magnitsky Act, outraged many journalists. Newspaper *Novaya Gazeta* collected one hundred thousand signatures against this law and submitted them to the Russian parliament. After the law was passed, *Novaya Gazeta* called upon its readers to sign another petition to dissolve parliament.

The year 2012 was marked by a series of changes in management of federal, regional, and local media outlets and ensuing layoffs of journalists and editors. Many media professionals believe this was happening because the authorities were trying to tighten control over the media. Journalist Olga Bakushinskaya made the following commentary upon her layoff from TVC channel after an appointment of a new top manager who previously worked at the Russian State TV and Radio Company: "It is not about [government] taking control over one more TV channel—it is about taking control over all mass media like it was in the Soviet times when there were no *Dozhd*, no *Echo*, no *Novaya Vremya*, and when all media were using materials from *Pravda*," she said, contrasting the current leading independent sources and the old Soviet mouthpiece. "This is very sad for journalists who want to be fair and cover things that actually happen rather than things that authorities



want to see. I think that we are going to have very hard times for these journalists.”

Social protections of free speech are very weak. The value of free speech in Russian society has diminished; free speech is perceived as part of an anti-patriotic, anti-state position, commented one of the panelists. Many people prefer to have less freedom in exchange for more social protections, noted another panelist.

Licensing is required only for broadcast television and radio stations. In 2012, licensing regulations were changed, and licensing procedures became more transparent and convenient, said one of the panelists. Other media must register with the Federal Agency for Press and Mass Communications. The registration process is simple and clear.

Control of compliance with licensing terms can be used as a means of pressuring independent media. Independent television channels are regularly accused of violating the terms of their license and must go to court to protect their right to keep the license. In March 2012, for example, overseeing authorities accused Tomsk TV channel TV-2 of broadcasting not only in Tomsk, as specified in the license, but in nearby towns and villages as well. Earlier authorities accused TV-2 of violating other terms of the license, but TV-2 was able to protect itself in court. The fact that independent broadcasters are able to protect their licenses in court indicates that the Russian legal system is actually working in this area, noted one panelist.

Media organizations are required to register as a business or institution, but requirements for media are the same as for other businesses. Media outlets often believe that they deserve special benefits, such as grants and state subsidies, on the grounds that they provide a valuable social service. And when these benefits are provided, this distorts the market, noted one panelist. The market is also distorted by the heavy presence of state-owned media that receive funding from the state but still compete with independent media for advertising revenue. In 2012, Channel One, a federal television channel with 49 percent of its shares owned by the state, published its financial reports for 2008-2010. According to these reports, for example, in 2010 Channel One generated 24.4 billion rubles of revenue, mostly from advertising, while its expenses amounted to 25.8 billion rubles. Channel One received 3.4 billion rubles of state subsidies. State subsidies enable Channel One to provide content that no private television channel can afford.<sup>1</sup>

<sup>1</sup> “Первый канал” показал господдержку. March 26, 2012. Available at <http://kommersant.ru/doc/1901056>.

One panelist voiced concern that the authorities used inspections by oversight agencies to pressure independent media. In February 2012, for example, the prosecutor’s office sent a request to independent television channel *Dozhd* asking it to provide information on who was funding the broadcast of protest meetings in December 2012. The request was instigated by a letter from a member of the Russian parliament. Also in February 2012, Russian businessman Alexander Lebedev, an owner of *Novaya Gazeta*, had to stop funding this newspaper. Lebedev supports the newspaper’s using the profit from his main business, the National Reserve Bank, which itself was hampered by investigations from the Russian Central Bank.

The panelists thought that crimes against media professionals were not rare and were not prosecuted vigorously. Even violent cases that attracted a lot of public attention, such as the murder of Anna Politkovskaya from *Novaya Gazeta* newspaper and the violent attack on Oleg Kashin from *Kommersant* newspaper, take years to be investigated, and the quality of investigators’ work raises many concerns.

Crimes against journalists don’t cause public outcry. Law-enforcement agencies are not eager to protect journalists. Article 144 of the Criminal Code, which calls for the prosecution of people who impede the professional activities of journalists, is hardly ever used. Law-enforcement authorities regularly ignore journalists’ reports of being threatened, though threats often precede violent crimes, noted one of the panelists. In 2012, journalists covering public protests were often arrested, and even bitten, by police.

Until 2012, it seemed that only investigative reporters and journalists of stridently independent media were the targets of violent crimes. However, the murder of Kazbek Gekkiev, the reporter and news anchor of the Russian State TV and Radio Company branch in Kabardino-Balkaria, one of the regions in the Northern Caucasus, changed that, which is very worrisome, noted one of the panelists. Now even state journalists are not safe.

The existing media laws don’t differentiate between state and private media and protect the editorial independence of all media. In reality, state media often serve as an instrument for propaganda of the interests of the authorities. When at the end of 2011 President Dmitry Medvedev called to establish public television in Russia, it meant that the authorities officially recognized that the existing state television channels were not serving the public interest, noted one of the panelists. (Russian public television is expected to start broadcasting in 2013.)

While in December 2011 libel and defamation clauses were dropped from the Criminal Code, in August 2012 libel again was made a Criminal Code case. The new version of the libel clause does not provide for jail sentences, but the amount of the minimum fine was increased from 200,000 RUB (about US\$6,700) to 500,000 RUB (about US\$16,700). People found guilty of libel against judges, state investigators, and criminal prosecutors can be fined from one to five million rubles (about US\$33,000 to US\$167,000). As of publication, the new libel clause has not yet been applied.

The law grants access to public information to all journalists, as well as regular citizens. "In reality, we have easy access only when the authorities want us to know something," noted one of the panelists. In some cities, even a head of a local state daycare facility would not talk to a journalist without permission of the press office of the city administration, commented another panelist.

The law does not limit access to and use of local and international news and news sources. But local media outlets often have limited access to foreign news because they don't have staff who know foreign languages and cannot afford to pay for translations, commented one of the panelists.

Entry into the journalism profession is free, and a journalism degree is not a prerequisite. Accreditation to events is a common practice, and sometimes the authorities use it to limit access of independent media to official press conferences and other events.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Russia Objective Score: 1.38

Professionalism suffered as journalists took sides in the general power struggle in Russia. Objectivity was brought under question at the country's independent media institutions, as leaders openly joined the opposition. Self-censorship became more pervasive, as dismissals at state media outlets and restrictive laws in society signaled to journalists that anti-government positions are again intolerable to the authorities. A minor improvement was observed in the coverage of key issues, as state television began to broadcast opposition rallies, albeit with a strict bias.

The majority of Russian media serve the interests of federal, regional, or municipal authorities rather than the interests of the public, and their reporting is often partisan and unbalanced. These media are often used as instruments of state propaganda. For example, in 2012 online tabloids were used to leak negative information about political opposition,

"Self-censorship is the main problem of Russian media. I believe that it happens because there are few young people among heads of media companies. Most often they are people who remember Soviet times and bear a Soviet imprint of living in a constant fear of superiors," commented one of the younger panelists.

noted one of the panelists. NTV produced a number of supposedly investigative documentaries under the title "Anatomy of Protest" that promoted the idea that people participated in protest activities because they were paid and that opposition leaders were receiving funding from abroad. These documentaries were heavily critiqued by independent media for the use of forged footage and distortion of facts. The authorities were using NTV as an ideological weapon against the opposition, noted a panelist.

Fair and objective reporting existed only in a small number of independent media. Russian authorities have always regarded these media as oppositional ones. In 2012, many of these media supported the political opposition, which resulted in the loss of editorial balance. Journalists took the side of civil society and lost their objectivity, said one panelist.

## JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

### PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well-sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

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Journalists and editors were using their blogs and social-network accounts as well as editorial materials to voice their opinion on various events and public issues, and often their commentaries were quite emotional and harsh. A number of journalists—for example, Oleg Kashin, then special correspondent of *Kommersant* newspaper, and Filipp Dzyadko, chief editor of *Bolshoi Gorod* magazine and a program anchor at Dozhd TV channel—ran for and were elected to the Opposition Coordination Council. This shift of independent journalists toward civic and political activism can be attributed, to some extent, to the fact that the interests of an active intellectual part of the Russian population—which in 2012 was labeled “creative class” and “angered city dwellers”—are not properly reflected in the political spectrum and in media, and journalists tried to fill this gap.

The Russian Union of Journalists has a Code of Professional Ethics for Russian Journalists, which is in line with international standards. But this code is hardly ever used, and the majority of practicing journalists are likely not aware of its existence, and follow their personal ethical standards, noted one of the panelists. Refreshments and presents for journalists at press conferences and trips for journalists paid by companies seeking coverage are common practices in Russia. Many state agencies run competitions for journalists, giving awards for the “best” coverage of their operations. At the same time, there is a small number of independent media outlets that have adopted their own ethical codes and rigorously enforce them.

Journalists and editors of state-affiliated media often practice self-censorship. “Self-censorship is the main problem of Russian media. I believe that it happens because there are few young people among heads of media companies. Most often they are people who remember Soviet times and bear a Soviet imprint of living in a constant fear of superiors,” commented one of the younger panelists. This fear makes older editors and journalists exercise a lot of caution and limit the scope of issues covered by their media.

Independent media cover a broader range of events and issues than state media. In 2012, the situation improved somewhat. Opposition leaders started to appear on federal television channels, where they had previously been *personas non grata*. State television channels started to cover protest events, even though their coverage was partisan, noted one of the panelists. While all other aspects of professionalism in the media worsened in 2012, expanded coverage of opposition events on state television constituted the only improvement in this objective—and one of the only improvements Russia made on any indicator.

In general, the pay levels for journalists and other media professionals are rather low. As a result, journalism has become a women’s profession, especially in the regions, noted one of the panelists. There is a considerable disparity in levels of pay between media outlets in major and smaller cities and between state-affiliated and independent media. When journalists get some professional experience in local media, they often try to move to a bigger city or take a job in the PR sector, where salaries are higher than in the media sector. But there are also examples of journalists consciously choosing to work in independent media despite lower salaries because this better fits their personal values and interests, noted one of the panelists, an editor of an independent newspaper.

Entertainment programming has eclipsed news and information programming on most television channels and radio stations. The remaining information programs are often moved to later hours, when fewer people watch television. One panelist expressed concern that some programs that position themselves as informative are, in fact, shameless propaganda.

Data on the 20 channels owned by the federal government showed that dramas, entertainment, and movies constituted 19 percent, 14 percent, and 20 percent, respectively, of airtime and commanded 28 percent, 20 percent, and 18 percent, respectively, of ratings. Behind them was news at 15 percent of airtime and 12 percent of ratings. Public-interest, documentary, and educational programs made up 15 percent of airtime and 14 percent of ratings.

These data confirm the opinion of panelists that entertainment content prevails on television. They also indicate that actual consumption of television programming is further skewed toward entertainment content: people choose drama series and entertainment programs over news.

The panelists believed that existing facilities and equipment are sufficient for gathering, producing, and distributing news. Still, there is a serious disparity between Moscow and the rest of the country. The situation in the television sector, which is more dependent on equipment, is most critical. In terms of technical capacity, regional television stations are five to 10 years behind Moscow, and the situation is only getting worse because there are no new investments, commented one of the panelists.

Russia has a sufficiently well-developed segment of business media. There is a federal business television channel, RBC-TV. There are a number of business radio stations, including Business FM and Finam FM. In many regional capitals, there are local business newspapers, such as *Delovoy St. Petersburg*, *Gorod N* in Rostov-on-Don, and *Delovaya Gazeta Yug* in Krasnodar.

Very few major general news media have journalists who specialize in covering specific beats; media outlets in the regions have small staff and cannot have niche reporters. The panelists thought that true investigative reporting is practically non-existent. Quality niche reporting exists, but it is very rare, and people don't have much access to it, commented one panelist.

### OBJECTIVE 3: PLURALITY OF NEWS

Russia Objective Score: 1.62

While the plurality of news fell, as did other objectives, its fall was the slightest of the five. Only open access to media sources and the preponderance of private media who produce their own content approached sustainability, while all other indicators scored poorly.

Russian citizens have access to numerous news sources. For example, in 2011 a Russian household had access to an average of 35 television channels, according to government data. In 2012, 52 percent of the population had access to the Internet, and 40 percent of people used it on a daily basis, according to the Public Opinion Foundation (in Russian, FOM), a public-opinion research company. There are thousands of newspapers, magazines, and radio stations.

FOM also found that television remains the most popular source of information: 91 percent of Russian adults regularly watch the news on television. The second most common source of news is print media, a source for 40 percent of

### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

#### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

citizens, with 30 percent turning to news websites and 10 percent to forums, blogs, and social networks. About 28 percent listen to the news on the radio.

But the large number of news media does not mean that citizens have access to multiple viewpoints. Most television channels present the same viewpoint—that of the government; only REN TV and Dozhd offer different opinions, but they are available to very few citizens, noted one of the panelists. REN TV is broadcast only in major cities through a network of partner stations, and its daily average audience is 4.5% of the population, according to TNS Gallup Media. As a comparison, pro-government Channel One and Russia 1 are closer to 15%. Dozhd, the only network to air debates between avowedly opposition candidates during the presidential campaign, is only available online, through a few cable providers, and on mobile devices.

Independent talk radio station Echo of Moscow has an audience of about 4.8% of adults, while state-run competitors Radio of Russia and Mayak receive about 15% combined.

Not every city has an independent newspaper that offers different points of view on local events. Municipal newspapers that are available in most cities present only the point of view of local authorities. Real variety of viewpoints exists only on the Internet, especially in blogs and social networks. Still, television is the most trusted source of information; 57 percent of Russian citizens trust television news, compared with 11 percent who trust news published online and 5 percent who trust print media, according to the FOM study.

Gazprom-Media's majority stake in Echo of Moscow shows that ownership does not always dictate editorial policy.

The government does not impose any direct restrictions on media consumers. People are not required to register with the government to access the Internet, own a satellite dish, or use any other type of media. Russian Post offers subscription to more than three thousand print publications. There are companies that offer subscriptions to foreign press.

At the same time, citizens' access to media is somewhat restricted economically, with 13 percent of Russian citizens living below the poverty line (in 2012, the line was US\$193.40/month), and the financial situation of about half of the population is very tight, according to a statement by Putin in mid-2012. Economic disparity leads to a disparity in terms of access to media. For example, an average urban household that has paid subscriptions to cable television has access to 59 channels, while an average household that

But the large number of news media does not mean that citizens have access to multiple viewpoints. Most television channels present the same viewpoint—that of the government; only REN TV and Dozhd offer different opinions, but they are available to very few citizens.

doesn't have such a subscription can access only 18 channels, according to FOM.

People in bigger cities have more access to news sources than people in smaller cities and in rural areas. This happens mostly for economic reasons. Small local markets cannot support local media. Salaries in smaller cities are lower than in bigger ones, so people are less likely to be able to afford subscriptions to print publications, cable television, or Internet access. For example, in Moscow and St. Petersburg, two major Russian cities, 70-71 percent of citizens have Internet access, according to FOM. In the rest of the country, Internet use is much lower: 52-59 percent in urban areas and 37 percent in rural areas.

Russia has three major national social networks: VKontakte, Odnoklassniki.ru, and Mail.ru (My World). A growing number of people are using Facebook (about 25 percent of those who use social networks) and Twitter. According to eMarketer, in 2012 37.5 percent of the Russian population was using social networks. The government does not impose any restrictions on the use of social networks and even encourages government officials to use social media to communicate with citizens.

At the end of 2011, President Medvedev suggested the launching of a public television channel in Russia, and the concept was developed in 2012. In November 2012, OTR launched its pilot website ([otr-online.ru](http://otr-online.ru)). Broadcasting is scheduled to start in 2013.

In 2012, two state television channels, Channel One and Russia 1, remained the main free sources of news for Russian citizens: they are available for 99 percent of the population. But, in the opinion of panelists, these two channels serve to promote government interests. Similar concerns are voiced by journalists who believe that media should serve the public interest. On November 12, 2012, during a meeting of the Presidential Council for Human Rights, several journalists, who are members of this council, raised concern about the high level of violence and low

morale of news coverage, as well as information and entertainment content on the federal and state television channels. Popular television journalist Leonid Parfenov noted that this was the result of the government's complete control over federal television channels: "Everybody knows that discussions about the children of Christina Orbakaite [a pop singer] are allowed on air, while discussions about political and public-interest issues are not allowed. TV is pro-government, and it does not care about people who don't vote. Over the last 10 years, real public-interest and political journalism were absent from the air. Top authorities are treated like the dead—you can say only good things about them or nothing." In response, President Putin said that state influence over state-owned television channels was inevitable.

State-owned channel Russia K (formerly Culture) provides educational and cultural programming that is not provided by other television channels—both state-owned and private. News programs produced by Russia K, which is available for 90 percent of Russian citizens, according to FOM, cover only culture and science events. But from 6:30 to 10:00 am, Russia K broadcasts the Russian feed of Euronews, a more respected source based in the EU.

Two main news agencies—RIA Novosti and ITAR-TASS—are state-owned and receive subsidies from the federal budget. Bigger media outlets use the news produced by these agencies on a regular basis, while smaller outlets use it only occasionally. At the same time, both agencies run their own online news portals, which are open to all Internet users.

There are a number of regional independent news agencies, such as Rosbalt, Ura.ru, and Omskinform, which gather news and make it available through their websites for free. These agencies generate revenue through the so-called contracts for information support services with businesses and government agencies. Ura.ru, based in Ekaterinburg, seems to have proven the possibility of maintaining editorial independence, but it is still vulnerable to pressure from the authorities. In the fall of 2012, Russian investigative authorities launched several criminal cases against Ura.ru's chief editor and co-owner, Aksana Panova. One case was launched after a tax review, the first in the history of the agency since it was launched in 2006. Four other cases were launched based on complaints from people who said that Panova was extorting money from them by forcing them to sign contracts for information support services on threats of releasing some negative information. In one case, the alleged extortion took place two years ago; in another, six years ago. (Details of the two other cases were unavailable when this chapter was written.) Panova attributes this sudden scrutiny from the investigative authorities to Ura.ru coverage of the new governor of the Ekaterinburg region,

appointed in May 2012. At the end of November 2012, Panova and the majority of her team resigned from Ura.ru and started a new online project.

Private media produce their own news. There are a small number of national and local media outlets, mostly in print, whose owners believe that journalism should be fair, objective, and well-sourced and should serve the public interest. The content of these media is considerably different from the content of the state and state-affiliated private media. In smaller cities, these independent private media are often the only source of balanced coverage of local news.

The institution of community media does not exist in Russia. Their niche is filled by municipal newspapers that are funded by municipal authorities. But these newspapers usually don't reflect the full spectrum of community social interests and focus mostly on promoting the point of view of the local authorities.

Many online media and bloggers produce their own content. The news stories often appear first in blogs and on social-media sites, and then the regular media outlets disseminate them to broader audiences.

Media ownership is not transparent. Large media holdings often belong to offshore companies. But, according to the panelists, regular media consumers usually are not interested in who owns the media they use.

The degree of monopolization in the media sector is quite high. For example, most of the 20 federal television channels are controlled by six companies. And major television channels that produce news are controlled by three actors: the state, Gazprom-Media, which itself is a state-owned company, and the nominally private National Media Group (NMG). State-owned Russian State TV and Radio Company runs the television channels Russia 1, Russia 2, Russia K, and Russia 24, as well as RIA Novosti and several radio stations. The state also owns 49 percent of the shares of Channel One. Gazprom-Media controls NTV and TNT. The private Bank of Russia, whose chairman is a close acquaintance of President Putin, holds the majority of shares in NMG, which itself owns 25 percent of Channel One shares, as well as REN TV, Channel Five, and the entertainment channels Perets, STS, and Domashny. Only Channel One, Russia 1, and NTV are broadcast nationally, the others depend on cable providers and satellite owners. Thus, the television media scene remains dominated by Putin and his allies.

The press market in Russia is swamped by 50 national and 100 regional publishing houses.<sup>2</sup> Most newspapers are

<sup>2</sup> Russian Press: Current Situation, Trends and Prospects. Federal Agency for Press and Mass Communications. 2012. Available at <http://www.fapmc.ru/rospechat/activities/reports/2012/item3.html>.

Panova attributes this sudden scrutiny from the investigative authorities to Ura.ru coverage of the new governor of the Ekaterinburg region, appointed in May 2012.

distributed through city newsstand networks, though these outlets increasingly rely on their websites to reach their audience.

There are minority-language media, including press, radio, and television, and often they are supported by federal and regional authorities. For example, in 2012 the Federal Agency for Press and Mass Communications supported a series of trainings for regional television and radio companies broadcasting in languages of local ethnic groups. Private media outlets also make supplements in languages of local ethnic groups.

One panelist expressed concern that minority media had little impact on public discourse and on the preservation and advancement of minority cultures. There is hardly any online content in minority languages, so young people from non-Russian ethnic groups who consume media online are disconnected from their ethnic heritage.

The majority of reporters and editors, especially in the regions, are female. The panel attributed this to the low salaries offered in the sector, combined with the fact that men dominate in decision-making roles at all organizations, and they prefer men over women in their hiring decisions. As a result, women are left to the lower-paying, less desirable fields, such as journalism. Despite this, in the majority of the media, coverage is very patriarchal, supporting patriarchal institutions like the current authorities and the Orthodox Church. Blogs and social media remain the main venue for voicing the broad spectrum of social interests and concerns.

Due to its huge size, Russia has a three-layered media system: there are federal (national), regional, and local media outlets. Federal media cover mostly national and international issues. Regional media cover regional news, and coverage of local news is left to local media outlets. Local and regional news that makes it to the national media is often initially produced by regional and local media. In some cases, private newspapers in the regions, such as *Svobodny Kurs* in Barnaul, *Altaysky Kray*, cover local, regional, national, and international issues. But the majority of people get information about national and international issues from the federal television channels; information about local news comes from local media.

This system results in a serious imbalance of coverage, noted one of the panelists: coverage of federal media is focused on activities of federal authorities and events that “take place in downtown Moscow.” The coverage of international news is patchy. The news is dominated by information about Europe and the United States, while news from Africa, Asia, and Latin America is very rare and usually sensationalist in nature. The situation with local news is also problematic. In smaller cities, local news is covered only by newspapers that belong to the municipal authorities. These newspapers provide a lot of official information and very little news from other walks of life in a small city.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Russia Objective Score: 1.40

Scores for Objective 4 were largely down from the previous year, with extensive government manipulation of the media through subsidies and advertising distribution the main culprit of the modest fall in this objective’s average score. Advertising clients and agencies, while numerous and healthy, remain focused on Moscow and the largest population concentrations, leaving local outlets with little attention and vulnerable to pressure from local governments to alter their coverage.

Many Russian media outlets are not efficient and self-sustaining enterprises and survive only due to direct funding from owners—state authorities or private businesses. There are expert estimates that only about 10

percent of Russian media are profitable, commented one panelist. At the same time, there is a small group of private independent media that are efficient and well-managed enterprises. In the past, many of these private media outlets actively used training opportunities provided by international media-support programs to train their staff in business management, marketing, and sales. Some of them have established in-house training and coaching facilities for media managers.

Media research data, as well as commentary by the panelists, indicate that advertising sales revenue is the main source of income for Russian media outlets. For example, according to research commissioned by the Federal Agency for Press and Mass Communications, the typical sources of revenue for a municipal newspaper are sales of copies, subscription (10-30 percent of revenue), and advertising sales (30-60 percent of revenue). Other sources of revenue are subsidies and grants. The main sources of revenue for radio stations are sales of advertising time, sponsorship for programs, and special projects, as well as subsidies from state or private owners.<sup>3</sup>

According to one panelist, some private independent media limit the share of advertising revenue per advertiser so that no single advertiser can have a considerable impact over a media outlet. A common strategy used by owners of independent media companies in the regions is to have several media and to use the revenue generated by entertainment, advertisements, and public announcements in print and radio to support their flagship general-news newspaper.

In 2011, the advertising market in Russia was 263 billion RUB (about US\$8.8 billion); in the first nine months of 2012, it was 205 billion RUB (about US\$6.8 billion). The majority of this money goes to television channels: 131 billion RUB (US\$4.27 billion) in 2011 and 97 billion (US\$3.16 billion) in January-September 2012. Radio stations and newspapers get a small share of the advertising pie: 11.8 billion RUB (US\$380 million) and 8.8 billion RUB (US\$290 million) in 2011, respectively.

The biggest advertisers in Russia are consumer-goods companies, such as Procter & Gamble, L’Oréal, and Mars-Russia, according to Adindex. The major advertisers place advertisements based on market principles. But they are interested only in the bigger markets of national and regional capitals. As a result, advertising agencies also prefer to work with media outlets in the bigger markets. This limits the development of media markets in the smaller cities. Local media outlets rely mostly on local advertisers and work

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

<sup>3</sup> *Radio in Russia: Current Situation, Trends and Prospects*. Federal Agency for Press and Mass Communications. 2012. Available at <http://www.fapmc.ru/rospechat/activities/reports/2012/item5.html>.

with them directly. Several panelists noted that the local authorities sometimes try to influence local advertisers so that they don't advertise with independent media outlets.

The Russian Law on Advertising limits the amount of advertising to 15 minutes per hour on television, 20 percent of airtime per day on the radio, and 40 percent of space in non-advertising print publications. Advertising publications can use up to 100 percent of their space for ads. Independent general-interest newspapers usually have no problem meeting 40 percent of their advertising limit, noted one of the panelists.

The Federal Agency for Press and Mass Communications has a grant program to support production of public-interest materials in Russian media. Every year about two thousand grants are awarded on a competitive basis and regardless of the size of the audience reached by applicants. For example, in April 2012 the agency awarded grants to 58 out of 62 grant applications submitted by print media; the total amount of allocated funds was 32 million rubles (about US\$1 million). The agency also supported 52 out of 136 grant applications for television, radio, and Internet projects, with a total amount of about 134 million rubles (about US\$4.5 million). The panelists believed that these grants were distributed fairly and that independent media outlets also benefited from the grant program.

Problems are created by direct subsidies to state-owned media outlets, enabling them to sell advertising at prices that amount to dumping, in the panel's opinion. This heavily distorts the advertising market, especially in the regions. Another concern voiced by the panelists was related to the so-called contracts for provision of information support services to local authorities. In many regions, these contracts are distributed fairly, on a competitive basis. In some cases, the authorities even prefer to place official information in independent media because citizens trust them more, and independent media outlets are able to maintain editorial independence. Still, there are cases when the authorities try to use these contracts as means to ensure positive coverage and to favor loyal media.

Major media companies, especially television channels, regularly use market research to tailor programming to the needs and interests of the audience. This does not necessarily lead to better-quality news coverage. For example, in 2012 NTV reached top ratings in Russia by increasing its coverage of criminal news and the number of criminal drama series.<sup>4</sup> Smaller media outlets also sometimes use market research. But while major media outlets usually

<sup>4</sup> Article on the trend available in Russian at <http://izvestia.ru/news/542320>.

Many Russian media outlets are not efficient and self-sustaining enterprises and survive only due to direct funding from owners—state authorities or private businesses. There are expert estimates that only about 10 percent of Russian media are profitable, commented one panelist.

hire the services of research companies, smaller ones do the research by themselves.

Broadcast ratings are measured by TNS Russia, part of the international TNS Group. Still, TNS Russia results are not recognized by some television channels. Channel One even established its own ratings measurement system and has opened its data to the public since November 2012. In 2012, the National Association of TV and Radio Broadcasters, Association of Communication Agencies of Russia, and not-for-profit partnership RusBrand jointly hired a group of international experts to review the quality of TNS Russia's ratings-measurement methodology. Experts concluded that the methodology was in line with international standards.<sup>5</sup>

Unfortunately, professional media measurements cover only major cities. There is no information on television and radio ratings and press readership in smaller cities and rural areas, which makes the measurements practically invisible to major advertisers and advertising agencies, commented several panelists.

The situation with circulation figures also remains problematic. According to the panelists, many media outlets overstate their print runs, but there is no other research on circulation or readership numbers that is readily available on the market.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Russia Objective Score: 1.79

Supporting institutions deteriorated as part of a general offensive against civil society in the country, exemplified by the legal act that categorizes recipients of foreign funding as "foreign agents," the closure of USAID, and the continued dormancy of journalist unions. Civil society continues to fight for the rights of journalists to report freely; however, such support is carried out by a further limited number of

<sup>5</sup> TNS press release. December 21, 2012. Available at [www.tns-global.ru](http://www.tns-global.ru).



The termination of USAID in Russia in 2012, on the request of the Russian government, considerably limited the amount of grant support available to media trade associations, noted several panelists.

organizations and is increasingly political in tone, as civil society takes sides in the political battles throughout society.

There are several organizations that represent the interests of media owners and managers, including the National Association of TV and Radio Broadcasters, Media Union, Guild of Public Press Publishers, Alliance of Managers of Russian Regional Media, and Alliance of Independent Regional Publishers.

These associations make efforts to protect and support the business interests of their members. For example, many broadcasters are concerned about the quality of broadcast rating measurements. To address this, in 2012 the National Association of TV and Radio Broadcasters (NAT) partnered with trade associations representing advertising agencies and advertisers to hire a group of international experts to review the methodology used by TNS Russia, the principal broadcast ratings-measurement company in Russia. Upon the requests of its members, in 2012 NAT started to work with TNS Russia to develop a system of rating measurements that would cover all 83 regions in Russia. All NAT members were

invited to participate in the development of the conceptual framework for this system.

Trade associations provide a number of services to their members: conferences, trade publications, seminars, workshops, and training, including webinars, consultations, professional competitions, and awards. They work in cooperation with major international trade associations and regularly organize joint international events in Russia. For example, NAT annually conducts the International Congress and Fair of professional equipment for television, radio, and online broadcasting. The Guild of Public Press Publishers cooperates with the World Association of Newspapers and News Publishers, and one of their partnership projects is a Russian-language magazine on the publishing business.

At the same time, the ability of trade associations to lobby for the interests of media owners and managers is limited. The Guild of Public Press Publishers is the only successful trade association, noted one of the panelists. It is recognized by major publishing houses, and they use it as a platform for discussion and lobbying, such as to lobby for a reduction of import taxes on paper. The National Association of TV and Radio Broadcasters is not recognized by the major federal broadcasters, which have direct access to the authorities and do not need it to advocate for their interests. This considerably undermines the ability of the organization to fulfill its mandate.

Membership dues are not sufficient to support the events and projects run by media trade associations, so they must seek grant support both from Russian sources, including the grant program of the Federal Agency for Press and Mass Communications, and from international media-support programs. The termination of USAID in Russia in 2012, on the request of the Russian government, considerably limited the amount of grant support available to media trade associations, noted several panelists. For example, the Alliance of Independent Regional Publishers, membership in which is open only to regional print media that pursue nonpartisan independent editorial policy, had to reduce the amount of services it provided to its members.

The Russian Union of Journalists (RUJ) is the principal organization that represents the interests of Russian journalists. Most panelists said that they were unaware of RUJ activities. Young journalists are not joining RUJ because they don't see any benefits in being members. There are several active RUJ chapters in the regions, but this is due to the individual position of their heads rather than to the RUJ national leadership, noted the panelists.

There are very few NGOs that support free speech and independent media. For example, the Glasnost

#### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

##### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

Defense Foundation monitors and makes public the instances of violation of the rights of journalists. The Center for Protection of the Rights of Media provides legal consultations and court support to independent media. A number of NGOs, including the Foundation for Independent Radio Broadcasting and the Institute for Press Development of Siberia, provide training for journalists and media managers.

The operation of these NGOs is supported mostly by grants from international sources. In 2012, the Russian government continued to limit the availability of international funding to Russian NGOs. USAID was ordered to close its operations in Russia, which led to the closure of a number of media-support and human-rights programs. In December, Russian authorities passed the law that requires Russian NGOs receiving funding from foreign sources to register as “foreign agents,” with ominous implications, and threats any NGO receiving US funding with liquidation if it is found acting in conflict with Russian interests, broadly defined.

Most panelists were skeptical about the quality of journalism degree programs in Russia: they are outdated and don’t provide sufficient practice-oriented training. Several panelists were concerned that journalism departments offered training both to journalists and PR specialists, thus destroying the border between these two professions. One of the panelists noted that in the regions the majority of journalism graduates were taking jobs in PR, where salaries were higher.

Short-term training programs for journalists and other media professionals are few. Some panelists were concerned that media outlets were ready to pay to train only sales and management staff but not journalists. At the same time, there are few cases when independent private media outlets establish their own in-house training facilities for journalists and other media professionals.

Companies that supply media equipment are apolitical and not monopolized. The printing market has become competitive enough so that media that criticize the authorities do not have problems finding printing facilities.

In 2012, the press distribution system continued to be a serious challenge, especially for independent media outlets. One of the panelists, an editor of a weekly independent newspaper, said that the local newsstand network was selling his paper, but was ordering only enough copies to last a single day. The panelist believed the distributor did this under pressure from local authorities.

To overcome the distribution bottleneck, some independent media companies have established their own kiosk networks. In 2012, there were cases when authorities tried to destroy

these networks. For example, independent publishing house Altapress, based in the city of Barnaul, owns a share of Rospechat-Altai, which has 106 newsprint kiosks around the city. In April 2012, the administration of the city of Barnaul adopted a new kiosk location plan that called for removal of 102 of these kiosks. The authorities justified this plan by the need to reduce the amount of kiosks’ sales area from 700 square meters per one thousand citizens to 597, as required by local legislation. But, the same plan did not call for removal of any of the 68 newsprint kiosks owned by Rospechat-Altai’s competitor, Liga-Press. Rospechat-Altai appealed the decision of city authorities in court. The Federal Agency for Press and Mass Communications denounced this situation but said that it had no authority to reverse the decision of the city administration.

ICT infrastructure is rapidly growing. For example, in 2012 several mobile providers launched 4G networks. More than 22 percent of Russian citizens are using mobile Internet; 51% of them access the Internet with regular cellular phones, 43% with smartphones, and 6 percent with tablet computers, according to leading Internet firm Yandex. Still, there is a digital divide between major and smaller cities and rural areas, but it has to do more with economic reasons.

The Internet presence of media is also growing. Major television channels and many radio stations are available online. Even small media outlets are able to have some online presence. For example, 43 percent of municipal newspapers have their own websites or separate pages at municipal websites.<sup>6</sup> A number of independent regional newspapers and radio stations have established truly convergent newsrooms.

Each year, the panel eventually comes around to discussing Russian culture and its failure to nurture a free media. The panel agreed that the existing practices in the media are driven by values and context of Russia’s history. One participant noted that a media based on principles of free speech can only be sustainable in societies that believe that power is derived from the people—from the consent of the governed.

## List of Panel Participants

*Due to the newly-passed laws restricting NGO activity and contacts with US-based NGOs, the participants in the 2013 MSI Russia study will remain anonymous. This chapter was developed by a Russian journalist in December 2012 after a series of structured interviews with colleagues in the media sector.*

<sup>6</sup> *Russian Press: Current Situation, Trends and Prospects. Federal Agency for Press and Mass Communications. 2012. Available at <http://www.fapmc.ru/rospechat/activities/reports/2012/item3.html>.*

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*Media monitoring conducted by four media organizations documented a startling increase in the instances of paid content, including news, opinions, and consumer stories. During the campaign, such content more than doubled in print and Internet media, compared with the beginning of 2012, and amounted to 50-60 percent of regional television news.*



## UKRAINE

Key events in Ukraine during 2012 included the European Soccer Championship in June and the parliamentary elections in October. OSCE observers concluded that the elections were characterized by the lack of a level playing field, the abuse of state resources, the lack of transparency of campaign and party financing, and the lack of balanced media coverage. Freedom House noted the continued and selective persecution of political opponents (opposition leaders Yulia Tymoshenko and Yuriy Lutsenko are still jailed with no signs of release) and named growing corruption as Ukraine's biggest challenge. Ukraine discussed further economic integration and vacillated between association and free trade with the EU.

"This year was determined by the elections, in them, the Ukrainian media failed from a professional point of view," said Oleg Khomenok, panelist and senior media adviser for the Internews Network. "They failed the test of money, prioritizing at the expense of professional standards and public service. In addition, this was probably an experiment in preparation for the 2015 presidential elections."

The Ukrainian economy was marked by recession, controversy about the national currency exchange rate peg, continued lack of transparency in the energy sector, and inaction on much-needed reforms. Despite Ukraine's ranking of 137th place in the World Bank's Doing Business ratings (up 15 places from the previous year), the Bank rates the general investment climate as "stably unfavorable" due to fiscal pressures and weak rule of law.

At the end of 2012, media-support organizations emphasized a threefold increase in the number of attacks on journalists, growing sums demanded for compensation by those suing for libel, instances of direct political censorship, and various other pressures in national and regional media. Despite this, some journalists and public-awareness campaigns to decriminalize libel have been hailed as positive achievements. Media monitoring conducted by four media organizations documented a startling increase in the instances of paid content, including news, opinions, and consumer stories. During the campaign, such content more than doubled in print and Internet media, compared with the beginning of 2012, and amounted to 50-60 percent of regional television news. All political parties (the ruling party, Communists, Ukraina—Vpered, the United Opposition, and independent candidates) contributed by placing paid content, locally called *jeansa*. While elections' compliance with international standards has improved, the balance and transparency of the information presented remains problematic.

The panelists downgraded several objectives in 2012, compared with the previous year, due to a number of factors. These included the record-setting number of attacks on journalists and the absence of subsequent prosecution, attempts to criminalize libel, marginalization of some regional channels from airing on certain cable networks, media censorship in certain parts of the country, and widespread bribery in the media during the election cycle.

# UKRAINE at a glance

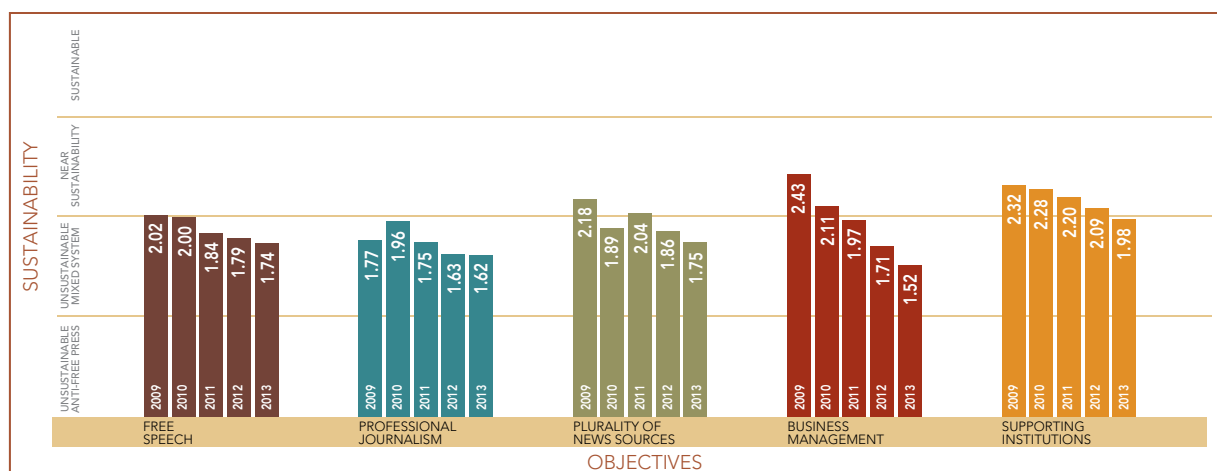
## GENERAL

- > Population: 44,854,065 (July 2012 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% (*CIA World Factbook*)
- > GNI (2011-Atlas): \$142.812 billion (World Bank Development Indicators, 2012)
- > GNI per capita (2011-PPP): \$7,080 (World Bank Development Indicators, 2012)
- > Literacy rate: 99.4% (male 99.7%, female 99.2%) (2001 census)
- > President or top authority: President Viktor Yanukovich (since February 25, 2010)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: over 29,000 registered publications, about 2,067 regularly published newspapers with total average monthly circulation at 46.7 million, 669 municipal newspapers (State Committee on Television and Radio, 2011); Television: 30 national, 63 regional, and 194 local channels; Radio: 15 national, 50 regional, and 212 local stations (Natstrada, 2011)
- > Newspaper circulation statistics: The top three dailies (all private): *Sogodnya*, *Fakty i Kommentarii*, and *Komsomolskaya Pravda v Ukraine* (TNS est., April 2011. State Committee lists 46.7 million avg. monthly circulation, reliable data N/A).
- > Broadcast ratings: Top television stations (all private): *Inter*, *Studio 1+1*, *STB*, *TRK Ukraina*, *ICTV*, *Novyi Kanal* (GfK Ukraine); Top radio networks (all private): Hit FM, Russkoe radio, Retro FM, Lux FM (GfK Ukraine)
- > News agencies: Interfax (private), UNIAN (private), Ukrainski Novyny (private), Ligabiznesinform (private), RBC-Ukraine (private), UNIA Ukrinform (state-owned)
- > Annual advertising revenue in media sector: Television: \$483 million; Print: \$330 million; Radio: \$39 million; Internet: \$85 million (All-Ukrainian Advertising Coalition, 2012 est.)
- > Internet usage: 7.77 million (2009 est. *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: UKRAINE



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Ukraine Objective Score: 1.74

Each year the panelists state that Ukrainian media legislation is among the best in Europe; however, the laws are poorly implemented. Kostyantyn Kvurt, board chair of Internews Ukraine, stressed, “[The] general policy of the regime toward building a police state has increased. They have systematically worked at various levels—legislation, law enforcement, and business climate. [One] positive sign has been a certain activation of the journalistic community to stand [up] for their rights, but society remains generally [complacent].” Oleksiy Pogorelov, general director of the Ukrainian Association of Press Publishers (UAPP), added that over the past few years, cynicism and pragmatism in using current laws have substantially increased. “The laws are not violated but are applied in a way that is mostly favorable to those who interpret them,” he said.

Among the issues that are not well regulated by Ukrainian law are those pertaining to the status of both Internet media and journalists, as well as prosecution of censorship. This was noted by Oksana Romanyuk, of Reporters Without Borders, in an interview with Telekritika.

Enacted on November 20, 2012, the new Criminal Procedure Code provides procedures for protecting a journalist’s source, which can be disclosed only by a court decision.

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Prior to this, the right to protect a journalist’s source was provided by Article 25 of the Law on Information. This law, however, provided no protection against the interrogation of journalists or searches of their property by law enforcement.

Andriy Marusov, a freelancer, emphasized that every year, opinion polls show that the value of free speech is not seen as a priority by the majority of the population and that this, rather than imperfect laws, is the greatest danger. “Under these conditions, even the existing level of free speech has always remained fragile and unsustainable,” he said.

“Post-Orange [Revolution] disappointment in society caused total apathy of citizens, who would not go out to defend either a favored television channel (such as TVi) or a journalist who is being threatened due to professional activities,” noted Olga Simanovich, correspondent and script writer at STB. “STB journalist Iryna Fedoriv, who covered the issue of illegal construction in Kotsubynskoe, was threatened in September 2012. To support her, there were some 50 people, mostly friends. Journalists do not support each other much and have not explained to society that freedom of speech affects everyone.”

International organizations and monitors have often expressed their concerns about freedom of expression and media independence in Ukraine. In April 2012, a delegation of media representatives met with members of the president’s administration to express their concerns. These included representatives from the World Association of Newspapers and News Publishers (WAN-IFRA), Freedom House, Article 19, Open Society Foundation, and the UAPP. The concerns discussed included the high level of corruption and lack of transparency that influences the media and the judicial system. The delegation also discussed other concerns, such as the lack of independence and pluralism in television, the politicization of news coverage, and the lack of punishment for those who exert pressure on the media with impunity. At the 64th World Newspaper Congress in September 2012 in Kyiv, while President Yanyukovich was speaking on his government’s commitment to freedom of speech, 14 activists from the Stop Censorship movement stood up and raised posters protesting censorship. One of the posters said, “Eight of nine major television channels are controlled by the government.” Some guards made attempts to suppress the activists but later denied that they worked for the government. The board of WAN-IFRA expressed their concerns in a written statement.

The panelists agreed that registration of print media and news agencies is unimpeded. In practice, however, online outlets and their reporters frequently fail to achieve recognition, and serious barriers remain in the licensing of

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television outlets. Simanovich added that Internet media outlets do not experience problems with registration, but Internet journalists from unregistered websites do face problems with access to events and accreditation. Each year various officials raise the issue that control over the Internet should be introduced, and the panelists also noted that the threat of introducing a new regulatory mechanism over the Internet remains.

The panelists decried the National Television and Radio Broadcasting Council because of its loyalty to the government, and the opaque bidding competition for Ukraine's digital frequencies. The current law does not guarantee the competition's independence nor transparency of decision making in assigning frequencies. According to Dmytro Dobrodomov, general director of Lviv TV channel ZIK, the competition for digital frequencies significantly undermined the principle of competitiveness. "The decision on providing frequencies has depended exclusively on political [connections], and this has become monopolization of the air by the ruling party," he said. "It is absurd and extremely cynical that newly registered companies were able to obtain licenses while television companies who have been operating in the marketplace for decades were not." Dobrodomov also explained that after the 2011 digital competition, those companies that went to court lost, because it was an unwritten rule from the government to the contestants that if you sit quietly you may have a hope to get licensed next year. Moreover, if one did not do so, you would risk getting a warning and your current license cancelled. A number of television companies (Malyatko TV, TVi, Era, Chornomorska TRK, MTRK Chernivtsy, and SAT-plus from Slovyansk) have filed lawsuits against the results of the first digital competition; they lost in January 2012 and in subsequent courts of appeal in April 2012. Proceedings continue today in higher courts.

Unprecedented pressure on opposition channel TVi is the primary example of government bias toward certain registrations. Following a tax inspection in April 2012, a criminal case was opened against TVi President Mykola Knyzhitskiy. In September, TVi lost its lawsuit, and the court ordered TVi to pay 4 million UAH (about US\$492,000) in taxes and fines. TVi raised these funds from public supporters and paid the fine and taxes, yet it did not acknowledge the legality of the case. For some time, currency accounts of TVi were arrested. Starting in July, TVi was removed from 80 cable networks all over Ukraine, and opposition MP Mykola Tomenko claimed that instructions for Natsrada to shut down TVi before the elections had come from the office of President Yanyukovich. Natsrada eventually allowed cable operators to include TVi in the so-called universal program service, but TVi remained

unavailable on many basic cable packages in the country through spring 2013.

According to Pogorelov of UAPP, business conditions for media outlets are essentially the same as for other businesses. So far, print media enjoy VAT (value-added tax) exemption on print-run sales or subscriptions, but newspapers are not exempt from VAT. Moreover, the old law on state support for media restricts firms from increasing distribution prices above a certain percentage of print costs. This privilege is used only by a few large-circulation newspapers.

At the end of December 2012, the Stop Censorship movement and a number of other media-support organizations published a statement noting that in 2012 there were 80 cases of aggressive behavior toward journalists, 18 cases of threats, and almost three hundred cases of violations and pressure put on journalists. In 2012, the number of physical violence cases tripled, compared with 2011, and exceeded the previous "record" of two hundred total cases in 2004. They emphasized that a record low number of cases were filed by prosecutors to protect journalists, and that only one in 20 perpetrators was convicted. Prosecutors are reluctant to classify crimes against journalists as such, nor to prosecute the perpetrators as felony assailants who violate free speech.

A dozen media organizations also submitted a petition to the president's office, the general prosecutor's office, and the Ministry of Internal Affairs on November 23, 2012 (International Day of Impunity), where they listed 29 criminal cases committed against journalists, all of which media experts verified. Romanyuk said in her interview with Telekritika that impunity is the most important problem for Ukraine. "If last year journalists were attacked primarily by [government] officials, this year they were attacked by businessmen, private guards, or when they covered car accidents," she said. "Society has received the signal that a journalist can be beaten with impunity." Telekritika has launched an interactive map exposing crimes against journalists at [pravo.mediasapiens.ua](http://pravo.mediasapiens.ua), which shows a high number in Kyiv as well as many such incidents across the regions.

Telekritika also logged an increase during the election campaign. *Kyiv Post* journalist Vladyslav Lavrov observed the same phenomenon. "I personally faced threats and pressure, and it was made rather openly via my colleagues and contacts," he said. "The proposition of a bribe [to stop my reporting] was made to me openly by an official handing over a business card with their name and position." Simanovich added that due to telephone threats, Iryna Fedoriv was provided with private bodyguards hired by

STB, while the police neither protected her nor found any real perpetrators. Dobrodomov confirmed that the need for private bodyguards for editors and journalists is more frequent in private media.

Lyudmyla Pankratova, media lawyer for the Regional Press Development Institute, commented that with the new Criminal Procedure Code, crimes against journalists must now be investigated by local police before they are investigated by the prosecutor's office. This at least lends some credibility in identifying crimes against the media. "I believe it is positive that the journalistic community has raised these issues and publicly discusses possible solutions at various public forums, including the Interagency working group," she said. "Unfortunately, almost all such crimes have been defined as hooliganism, and the fines might be as low as 51 UAH (about US\$6.50) even under a criminal case."

The panelists were skeptical about the effectiveness of the Interagency working group's work on compliance with the free-speech laws and protection of journalists' rights established by President Yanyukovich in mid-2011. The group consists of relevant government officials and representatives of media-support NGOs.

Khomenok added that the Interagency working group propagates the so-called telephone rule, where officials can influence the courts outside the legal limits of their authority. The case against Olena Garaguts, against whom Dnipropetrovsk prosecutors brought charges for not disclosing sources of information, was stopped because of a telephone call from the Kyiv prosecutor. However, this incident was a crime that should have been investigated and taken to court.

In the high-profile case of Georgiy Gongadze, murdered in 2000, the court hearings on the hitman, Oleksiy Pukach, who was detained in 2009, continued for almost two years behind closed doors before the accused was sentenced to life in prison in January 2013. It is reported that he named top Ukrainian officials as those who ordered the murder, but it is unlikely that their role will be further investigated.

There is still no political will to privatize state and municipal media, and appointments as well as editorial policies of the majority of them, with a few rare exceptions, are fully dependent on local governments. The chief editor of the Rivne Investigative Reporting Agency, Volodymyr Torbich, noted that municipal media are absolutely dependent on those currently in power. In 2012, the court of appeals confirmed that the municipal newspapers of the Rivne region are not obliged to disclose their budgets or spending to the local community.

Dobrodomov mentioned a recent case during recent local elections in Lviv when the local government, under control of the majority Svoboda party, drastically increased the financing of municipal television. This essentially meant that the party was able to use taxpayer money for the party's election campaign. "Lviv newspaper *Ratusha* is almost the only exception to the rule. Municipal and state media that received budget subsidies have no incentives to use market mechanisms to try to increase their circulation," he said.

Libel has been a civil-law issue since September 2001. At that time, the ruling party attempted to criminalize libel with provisions for up to three years of imprisonment. Pankratova said that the suggested draft libel law provided for criminal responsibility, high fines starting at US\$1,000, additional moral damages, a three-year ban on practicing journalism, and imprisonment. "This would destroy such things as investigative journalism, reduce possibilities to defend or substantiate factual [evidence], and increase self-censorship," she added.

Its adoption caused a storm of criticism among media and media-support organizations in Ukraine and internationally. Many influential print media outlets followed the example of newspaper *Korrespondent* by publishing blank front pages, and many journalists protested near parliament on the eve of the vote. The law was not adopted as a result. The panelists agreed that this small victory was even more important, as it was the start of journalists actively uniting against a common threat. "Its adoption was prevented not only by the protest of journalists but also by political processes. Those in power understood that its adoption would unveil the true attitude of the government toward free speech," Pankratova added. On the other hand, Ukrainian society in general does not have a clear idea why this law is dangerous for the freedom of expression. Pankratova noted that 2012 was marked by substantial increases in court cases concerning defamation. Courts often do not even try to distinguish between facts and opinions, and they reduce damage claim amounts from some 1,500 to 200,000 UAH (US\$187 to US\$25,000) in order to ensure that both sides are happy and will not appeal.

The law on access to public information was enacted in May 2011 and has become a significant step forward or, according to Marusov, "a crack in granite." He stated, "Its [interpretation] and implementation is contradictory," adding, "On one hand, journalists and officials have not been fully ready to use it; on the other hand, monitoring its implementation brings contradictory results. Some bodies ignore it and reply with runarounds; others comply with it." Kvurt added that the law on access to information does not supersede the general trend to retreat from democracy and European standards. "This law was unfortunately a



cosmetic repair, and from a cultural viewpoint we could not expect that overnight everything would become open and transparent," he said.

Pankratova commented, "We have faced many instances when information stewards have established the status 'for official use only' to huge arrays of information that go beyond the provisions of the law. Due to the law on protecting personal data, access is denied to information connected with individuals, such as apartments, land pieces, salaries, etc. We have to stand for this in court, but I am not sure that it will be solved in Ukraine." Lavrov also noticed increased incidents of withholding information because of confidentiality. Tetyana Rikhtun, investigative reporter and director of the Sevastopol Information and Press Center, complained that there are no standards of practice that government officials must adhere to in terms of applying the law of public disclosure of information.

The panelists also admitted that journalists are not often able to formulate proper information requests and tend to rarely request information from governmental bodies. Khomenok noticed a number of online databases and registries that have appeared during the past year. Many journalists are probably unaware of them, but they are unable to use them if they are aware. However, some positive developments have occurred. "In Chernivtsy oblast, we have found that all village councils maintain websites where they publish their decisions," he said.

Access to, and use of, local and international news sources is not restricted by law, but they are likely to be limited because of economic reasons or language barriers. As previously stated, Ukrainian media often do violate the intellectual property rights of one another. One panelist noted that there are no branding or marketing standards on the Internet that one could use to prove that copyright issues or fair-use standards were violated.

Moreover, there have been instances where some websites posted false news content with the aim of legitimizing the source so that other media outlets could easily refer to them. "Trust in online sources of information has been increasing, but one often finds fake information online, and no one bears responsibility for this," said Dobrodomov. "Moreover, there have been instances where respected media outlets have reprinted this fake information."

In December 2012, some Ukrainian media, starting with the state news agency Ukrinform, published stories quoting German newspaper *Berliner Tageszeitung*, which ostensibly reported that the German chancellor's office was considering whether it should release imprisoned opposition leader Yulia Tymoshenko. An investigation by *Deutsche Welle* discovered that the supposed source, the

website *Berlinertageszeitung.de*, was likely paid to generate the falsified content. It further found that in the previous six months, Ukrinform referred to this "source" 11 times. In January 2013, the publisher of *Berliner Tageszeitung* sued *Deutsche Welle* to remove the investigative piece that exposed it.

Entry into the field of professional journalism is absolutely free. As in previous years, the panelists again discussed that this reality, at times, even damages the profession and undermines the sense of trust and responsibility the media should have in society. Victoria Syumar, executive director of the Institute of Mass Information, emphasized, "The problem and the need for self-regulation in the industry has been obvious. The challenge is in journalists' accountability, especially *jeansa*, [where we have seen the] manipulation of information or the spread of unreliable information become more and more frequent." Dobrodomov mentioned that during the elections there were again numerous cases where non-journalists obtained press cards from some media outlets; they were able to attend polling stations and election commissions and to follow other electoral processes.

A number of NGOs, including the National Union of Journalists of Ukraine and other media trade unions and associations, have started the process of introducing a single national press card for journalists. There is hope that this will foster self-regulation and compliance with ethical standards, as well as identify true journalists. There is also a need to similarly identify photographers, cameramen, and Internet media journalists.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ukraine Objective Score: 1.62

Parliamentary elections in 2012 influenced media coverage and displayed the problems that exist in the country between the media and the electoral process. Kvurt stressed that political campaigning started long before the formal beginning of election processes and negatively influenced compliance with journalism standards. "Lack of professionalism and expertise makes Ukrainian journalism easy prey for political operatives," he said. "Pressure on editors continues, and as of now there are only three people who are to be covered positively on TV screens. They are President Yanyukovich, Prime Minister Azarov, and the head of the State Tax Service, Klimenko."

Dobrodomov added, "Unfortunately, balance and objectivity in journalism are sliding due to lower standards of professionalism, direct censorship, and self-censorship of journalists. Journalism is being further monopolized by

those with economic or political power. *Jeansa* is flourishing and is not seen as a negative phenomenon anymore; it's becoming an element of routine work, as if it's impossible to live without it in modern economic conditions. Journalism is generally losing its acuteness and instead easily agrees to participate in the manipulation of information. The reasons for this are low professionalism and complicated economic conditions for the media market in general." Riktun characterized Ukrainian journalism as journalism of opinions rather than facts.

Simanovich noted that the number of stories that are paid for have increased in the news. However, a positive sign is that the party of Natalia Korolevska (Ukraine Vpered), which spent the largest *jeansa* sums for her campaign, had not done well. Even with extensive *jeansa*, this party trailed the Communists, the ruling party, and the United Opposition.

In her story for Telekritika, Diana Dutsyk noted that the amount of funding spent on advertising (and *jeansa*) for the 2012 campaigns totaled 600 million UAH (US\$75 million). This was nearly the largest amount of all previous elections. Dutsyk also mentioned one example of gross negligence in which a journalist interviewed a human-rights defender and, in publishing the interview, publicly named him and another prominent human-rights figure, by mistake.

Petro Burkovskiy, in an interview with Telekritika, said that yellow journalism is dominating print media and attracting more readers, although the information is usually one-sided, sensational, and often unchecked. Internet media are taking a leadership role with respect to compliance with some standards, though one must check multiple sources to get an objective picture of the day. He mentioned TVi as one

channel that was trying to comply with standards; however, it excessively criticizes the government. In terms of standards compliance, Burkovskiy listed the channels from bad to worse: 5 Kanal, Ukraina, Inter, Victor Pinchuk's channels (ICTV, STB, Novyi), and last, the state-owned television channel itself.

In September 2012, several media-support organizations and the International Renaissance Foundation (IRF) initiated the signing of a memorandum with the leading television channels to agree to an independent monitoring exercise of their news content and advertising. The channels that signed the memorandum (Inter, 5 kanal, ICTV, Novyi, STB, Ukraina, and the state-owned Pershyi Nacionalnyi) did so with the aim of seeking a better balance of news programming. Syumar noted that "some of the channels substantially changed their policy toward more objectivity and criticism, while others (such as Pershyi Nacionalnyi) did not. However, experts were able to openly point out which ones fulfilled the law's requirement of providing equal coverage of all political factions on television." But in an interview with Telekritika, Oleksandr Chekmyshev, head of the Equal Opportunities committee, expressed his belief that this was a promotional stunt for foreign observers and the international community to demonstrate that Ukrainian channels are able to change their content and context according to European standards. In fact, he felt that the memorandum did not result in any real improvement, except for during the few weeks before elections.

Lavrov noted frustration with professional standards compliance primarily because of the dominance of *jeansa* in broadcast and print media. According to him, ethical standards compliance does not improve precisely because of the practice of various press tours and gifts to journalists from private and state institutions. For instance, every year oligarch Pinchuk sponsors journalists to participate in the Yalta European Strategy meeting, and the fund of Rinat Akhmetov presented tickets to the press to attend a Madonna concert on International Journalists' Day.

Torbich added that ethical standards are poor in regional and local media, especially noting the number of "bought" stories that were covered on the eve of the election. He noted, "Self-censorship in media has increased since 2010 and continues to grow. The number of critical stories in the Rivne and Volyn regional media has decreased. Local media do not want to publish investigations if they expose [wrongdoing] by local and national government officials."

The panelists agreed that the majority of journalists would not even try to produce stories that contradict editorial policy since all are well informed by media managers about who the owners are. Pressure on media owners is often

## 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

exerted via threats to their other businesses or family members. Rybka emphasized that self-censorship will only continue to grow, most alarmingly for the media managers of successful, private media outlets. The panelists felt there was growing evidence that media managers were being targeted by law-enforcement or tax authorities through what is commonly known as a “mask show” (raids by masked individuals). The media managers do not want to leave their owners financially at risk for their editorial decisions and content.

“Self-censorship at STB would look like this: an experienced journalist who is able to objectively and professionally dig up a story would not take it, if they presumed that editors would force them to taking something off and soften the story,” Simanovich said. “And newly hired journalists treat the editor’s advice as the ultimate truth.”

Rikhtun noted that self-censorship becomes pervasive in the journalistic community. Furthermore, if journalists do not follow the unwritten rule of self-censorship, they face being censured by their colleagues.

Torbich commented that journalists often ignore socially important issues, especially when they require investigation. “Most information in media is generated by governmental bodies via press releases and press conferences. Topics that are largely ignored include corruption, use of public money, energy efficiency, or environmental issues,” he said. “[Take, for example,] the Rivne nuclear power plant and the other nearby in Khmelnytska oblast. Only two media outlets covered the potential problems of constructing new blocs at the Khmelnyts NPP or the continued operation of the old blocs at the Rivne NPP.” Lavrov added that mainstream media ignore the subject of the international isolation of state leaders or the negative positions of Ukraine in various international rankings. On this point, Kvurt cited the media’s informational campaign that aims to gain membership for Ukraine in the Customs Union.

Dobrodomov highlighted that it is easy to mislead Ukrainian journalists and force them to cover unimportant issues when other important things take place. The Ukrainian media, he contends, cover trivial things, such as provocative language in certain laws or the introduction of currency-exchange taxes. Pogorelov explained that this situation occurred because of the lack of professionalism of editors and journalists, their difficult economic circumstances, and pressure from government forces. “Editors and journalists must be an expert on the issues, with their own agenda as to what is important and what matters, rather than follow their sources or instructions from state bodies,” he said.

As in previous years, the panelists stressed that high pay levels do not always prevent corruption. Torbich

remarked that the majority of Rivne journalists worked as public-relations managers during election campaigns to earn additional money. Those who gained experience and started to value their worth more left for the capital, went to press offices, or exited journalism altogether. Khomenok stressed that the unethical combination of journalism and public relations and/or politics happens too often among Ukrainian journalists.

In her Telekritika interview, Romanyuk explained that the problem was due to the lack of a true media market, the difficulty for journalists in finding good-paying jobs and large sums of salaries being paid by employers under-the-table to evade paying taxes. She also explained that 70 percent of women journalists receive salaries that are 30 percent lower than their male counterparts. “Therefore, journalists try to retain the jobs that they have. These have been the primary social and economic reasons for *jeansa* and censorship. Often journalists are afraid to become unemployed and have to accept the pressure of owners,” she said.

The panelists agreed that entertainment programming eclipses news and analytical information. Pankratova noted that news has become more like entertainment. The numbers of informational and analytical programs have decreased, and numerous new entertainment programs overwhelm the airwaves. Simanovich added that television news is often turned into more of a production with music-aided episodes and staged footage. Torbich remarked that television has become more and more entertainment oriented, but that local news is not totally neglected. Rikhtun agreed that daily television news in Sebastopol has become less informative about acute, everyday issues.

The panelists said that facilities and equipment for news production are adequate, available, and affordable. For the most part, these do not serve as a barrier to the quality of news and programming. Dobrodomov stressed that in order to transfer to digital broadcasting, television companies have had to re-equip themselves with adequate modern equipment; otherwise, they will not be competitive in the market. Torbich added that every media outlet has digital cameras, recorders, and Internet connectivity, and most journalists have their own cameras as well. However, there is often not enough equipment for everyone.

In his interview with Telekritika, Kostyantyn Grubich, ex-anchorman for Inter’s program “Znak Yakosti,” said, “Ukrainian producers of television content work better and more efficiently. Formats adapted by us have often been developed better than the original. But if we [take our fluff], its essence is in a deplorable condition. Today,

everyone wants lightning-fast ratings by satisfying the most primitive intellectual needs.”

The panelists noted the gradual development of investigative journalism and the niche of business publications as being among some of the most developed over the past several years. Rybka noted the number of growing investigative reporting bureaus in the capital and some regions that frequently conduct investigative journalism. The panelists especially singled out investigative programs at TVi and websites, such as Nashi Groshi (Our Money), that monitor public procurement bids and publish the information on the most controversial examples. On the other hand, many experts complain that usually there is no real accountability that results from investigative reporting. However, they did point to the notable example of accountability and appropriate public reaction in Kostyantyn Usov’s investigation “Lukyanivka: Prison No. 1.” In this, he revealed the inner workings of the capital’s central jail, and as the most significant investigative report of the year, it rightly provoked the largest public reaction.

### OBJECTIVE 3: PLURALITY OF NEWS

Ukraine Objective Score 1.75

Syumar believes that generally, plurality of the news can still be found in various media outlets, but the worst situation is with major television channels, most of which are politically dependent. Kvurt emphasized that although

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens’ access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

some citizens may use a plurality of sources, many Ukrainians obtain distorted news, and the mainstream media are being controlled more and more. “Formally, everything seems to be in place, but only a very small segment of the Ukrainian media has been protecting the interests of society. Even fewer media outlets are able to do this professionally,” he said. “The quality of local and international news is failing.”

Rybka noted that while 70-80 percent of Ukrainians call television their primary news source, the biggest threat is that key national television channels are concentrated in the hands of a few conglomerates, all of which are pro-government. Lavrov added that the phrase “a news story hurts the interests of its shareholder” has become a very frequent reason for not broadcasting stories. This also caused the tremendous bias of broadcast media seen during the election campaigns.

“Although the number of Internet media outlets has increased, it does not necessarily mean an increase of objective news,” said Torbich. “The Internet in villages and small towns is not yet widespread, but no one restricts using it.” Rikhtun agreed that multiplicity of sources on the Internet has not influenced diversity of news. Pankratova added that although there are a lot of opportunities to receive information from various sources and Internet access increases, the quality of news in the regions remains low.

In 2012, a Freedom House report on the Internet and digital media showed that Ukraine received the highest scores for freedom of the Internet and online media among post-Soviet countries. However, Ukraine was included in a group of countries (along with Russia and Belarus) in which pro-government, paid commentators (or “trolls”) manipulate and channel the discussions on the Internet.

According to an InMind survey, regular Internet users in Ukraine totaled 19.7 million, which is half the population of those 15 years and older. The share of Internet users aged 21-45 accounts for 75 percent of the population. The survey also noted a 90 percent increase in users older than 55 and a 56 percent increase in rural users. Access to the Internet is available for 22.3 million users in the country. According to GfK Ukraine, a branch of the Austrian research giant, regular Internet users amount to 15.09 million people, and 80 percent of available computers in the country are connected to the Internet. Ten percent of users access the Internet through mobile connectivity, and the highest number of Internet users is those between the ages of 16 and 29.

According to TNS Ukraine, the average weekly use of television was 95 percent; for newspapers, 63 percent; for radio, 57 percent; for the Internet, 49 percent; and for magazines, 44 percent. Over the past five years, newspapers lost 13 percent of their readers, while Internet users have

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increased by 5.5 times. However, the daily reach of media websites is only about 7 percent. So far, readers of print media still exceed Internet readers. For instance, readership of print versions of *Segodnya* total 1.27 million, while 81,000 people read only its website and 29,000 people read both. The similar situation holds true for *Fakty i Komentarii*, whose readership totals 1.3 million for the print version, 781,000 for its website, and 14,000 for both versions.

The Ukrainian Association of Independent Regional Publishers announced that, according to TNS Ukraine, the regional press had the largest audiences per issue in the regions of Vinnica, Zhytomyr, Luhansk, Lutsk, Mykolaiv, Rivne, Sumy, Ternopil, Kherson, Khmelnytskyi, Cherkasy, and Chernivtsi. The national press maintained a larger audience in Ivano-Frankivsk, Kirovohrad, and Poltava. The largest Ukrainian television channel, Inter, kept its leadership in 2012 but, to some extent, lost ground near the end of 2012 to competitors such as Studio 1+1 and STB, followed by Ukraina, ICTV, and Novyi.

“On one hand, access to domestic or international news is not restricted. On the other hand, we have seen examples of ‘kept-at-a-distance’ exclusion of TVi and ZIK from the most affordable packages of cable operators. [This practice], as well as the inclusion of the winners of non-transparent digital competition to this package, have all resulted in limiting the audiences of TVi and ZIK,” said Dobrodomov.

There is no state or municipal media outlet in Ukraine that reflect the views of the political spectrum, are nonpartisan, or serve the public interest. “In state and municipal media, the priority has been given to pro-government news,” said Torbich. “Activities of the opposition have often been silenced. This has been seen in the monitoring of Rivne media, in particular.”

Kostyantyn Grygorenko, president of the All-Ukrainian Association of Municipal Press, mentioned in an interview with *Telekritika* that during elections, local officials started to overtly put pressure on municipal newspapers in Kharkiv. Municipal editors are forced to coordinate their publications with district administrations before printing, and officials ban publishing opposition ads or any compliments to the opposition or any criticisms of the government. “There were no such shameful practices of pre-publication approvals one and a half to two years ago. On the eve of elections, the situation has changed. Now editors are called to district administrations and receive instructions or ‘recommendations’ on coverage. This has happened not only in the Kharkiv region, but colleagues from Luhansk and Cherkassy have reported that they are in similar situations as well,” he said.

Zurab Alasania, who managed state-owned Kharkiv television in 2005-2010, left this position with disappointment. In his *Telekritika* interview, he commented that the regional television company in Kharkiv is part of the system that consists of 27 other state-owned regional television channels subordinated to the State Committee for Television and Radio Broadcasting. “At the moment, true public television does not have a true chance in our country,” he said.

The major Ukrainian news agencies include UNIAN, Interfax, Ukrainski Novyny, LigaBiznesInform, RBC-Ukraine (the Ukrainian affiliate of the Russian RosBiznesKonsulting Group), and the state-owned Ukrinform. The panelists admitted that the business model of subscriptions to such news agencies is gradually dying because much of the information is available for free on the Internet and the “copy-paste” editorial model of news reporting and other “quiet stealing” methods of providing news content seem sufficient for the major Ukrainian news agencies. Alasania commented in his interview with *Telekritika* that people are bored with information as it is and suggested that 80 percent of news is “copy-pasted.” “If one wants to see a picture of the day, one does not need to visit a certain website. One would find it anywhere. The other thing is that I do not often believe what I see, because journalistic compliance with standards [has been] almost absent,” he said.

Otar Dovzhenko, in his annual *Telekritika* media review, stated, “There are less and less Ukrainians in Ukrainian media. Our media sector that was started 15 years ago to overcome colonial dependence on the Russian market now reflects a microcosm of it,” he said. He noted that more and more Russian media franchises for both information and entertainment have been replicated in Ukraine.

According to media reports, the largest television channels belong to a few Ukrainian oligarchs—Dmytro Firtash, Valriy Khoroshkovskiy, Viktor Pinchuk, Ihor Kolomoiskiy, and Rinat Akhmetov. People may know by rumor or declaration in the mainstream media who owns what outlet, but there will be absolutely no possibility to prove this. It is also not known who stands behind numerous Internet media outlets. “With the introduction of the law protecting personal data, the situation with transparency of ownership has been even more aggravated,” Pankratova said.

The news site *Tyzhden.ua* characterized the Ukrainian media market as noticeably monopolized, noting the excessive numbers of business-segment publications, such as *Kontrakty*, *Biznes*, *Kommersant*, *Delovaya Stolitsa*, *Vlast i Deneg*, *Forbes*, and a dozen more. It also pointed to the underdevelopment of tabloids and nearly obscure presence

of an influential daily press in the marketplace. It went on to say that there is a noticeable discrimination of the media, an unreasonable number of franchises and affiliated foreign media outlets (such as *Komsomolska Pravda v Ukraine*, *Argumenty I Fakty v Ukraine*, *Kommersant*, *Izvestiya v Ukraine*, etc.), and an abnormally low number of analytical publications.

The primary example of one media outlet that inflates itself to suggest that it monopolizes the print media market in the country is the Ukrainian Media Holding Group (listed on the Frankfurt Stock Exchange as Ukrainian Media Holding). It has operated in the market for 12 years with a self-declared cumulative circulation of publications of two hundred million copies. It positions itself as the leading publishing house for the past decade in the country. In addition to dozens of publications, it manages a number of online products that reach nearly half of the Ukrainian Internet audience.

In the radio segment, there is also a trend of national networks merging with local radio stations. According to Tyzhden.ua, the majority of radio stations work in the entertainment format. The only talk-radio station, Radio Era, has essentially turned into an affiliate of Radio Russia. With the change of government two and a half years ago, the limited television market (US\$400-425 million) has seen 5 Kanal and TVi being pushed off the air. Subsequently, TVi experienced problems with cable operators and estimated the loss of two thirds of its audience due to this event. The majority of Ukrainians still use analog television, while cable networks are available only in large cities.

Torbich noted that media in foreign languages and for minorities are not restricted, but they are not widespread at the same time. Dobrodomov expressed the point that broad spectrums of political and social events are not reflected, and with the new law on regional languages there might be improvement for media in other languages. The law expanding the use of regional languages, especially Russian, was adopted in July 2012 and caused numerous protests. It is believed that it aimed to placate Eastern Ukrainian voters on the eve of elections. Rikhtun added that there is a lack of quality news in nearly all available languages. He noted that Ukrainian speakers in Crimea would want to watch or listen to news in Ukrainian, but there are no quality offerings available.

"Television news has become more yellow, [only showing] blood, car crashes, tears, and the bedrooms of celebrities. Television news has been lacking socially important information and has been substituted by human-interest stories," said Simanovich. "At *Vikna-Novyny*, for example, they ask to find a hero whom viewers would sympathize with. A person overcomes some hardships for a good

purpose and finally must change something in his/her life. As a result, a number of stories about disabled people who did not lose hope and helped themselves or others has increased. [Alternately,] social issues where the government does not fulfill its duties are not encouraged because it looks like a deadlock [between competing ideas] and the viewer will not experience a catharsis."

According to Tyzhden.ua, Ukrainian-language segments are gradually disappearing in the printed-press marketplace. It refers to the Book Chamber, which cited that the annual circulation of Ukrainian-language newspapers has decreased more than double over the past 20 years, while Russian-language press has increased by one and a half times. This is one of the consequences of the myth thrust on advertisers, which is that Ukrainian-language readers are poor and advertising will not work. Banks may even be hesitant to offer loans to Ukrainian-language outlets. This is evidenced by the perception that there is a preference for Russian-language content, which has serious implications for the further development of Ukrainian-language news.

Kvurt expressed his view that the quality of international news is exaggerated. "Negative stories about the West have been encouraged in the media controlled by the ruling party. This trend toward international isolation has become more noticeable," he said. Dobrodomov noticed that local coverage on national television channels has decreased as a result of the downsizing of their regional reporting staff. He felt that this was being done so that inhabitants of the Lviv region would not be able to watch local news content as often as they have.

"International news has usually been reprinted by local media from the Internet," said Torbich. "The network of municipal district newspapers does cover local news, but their quality is questionable. In rural areas, there might be only one single source of local news. In district centers, one may find local websites." Marusov did point out that there are, in fact, local websites in smaller cities and towns that cover local news. It is especially so in urban areas of eastern Ukraine. For instance, he was satisfied by coverage of the environmental demonstration in Mariupol that was displayed within the local website network. Rikhtun, however, was upset that, by and large, communication on such forums and social networks has not become true civic journalism in the full sense of the idea but is rather just an exchange of brief pieces of data.

## OBJECTIVE 4: BUSINESS MANAGEMENT

Ukraine Objective Score: 1.52

Kvurt stressed that there is a difference among mainstream media, state and municipal media, and regional commercial media. "State and municipal media have worked well outside of market forces. Mainstream media perfectly understand what things should look like, but they have been constrained by the general policies of the owners that media should cater to their primary client (metallurgy, aviation, etc.)," he said. "The market has also been ruined by the availability of political money and political advertising, especially in 2012. Therefore, without systematic changes, reforms of the current marketing conditions will not be improving." Khomenok added that a lot of media made good money this year on *jeansa* and elections.

Syumar believes that most major television channels are subsidized by their owners without the intention of ever turning them into profitable businesses because the most important thing to most owners is to have them as a political tool rather than a well-run media business. Other sources also mentioned that the expenses of some television channels might be twice as much as their revenues. "A few years ago, we [STB] had a bright example of a manager who would attend BBC training workshops and participate in producing newscasts," Simanovich said. "Now he is disappointed and says that there are no political forces to trust and therefore no one to collaborate with."

Pogorelov noted that the situation in media management is similar to the rest of Europe. With reductions in the

advertising market, media outlets have had to look for other revenue sources and opportunities to reduce costs. "There has been a lack of professional training, and therefore the pace and quality of changes and attempts to find effective solutions has been lower in Ukraine than in Europe," he said.

"There are no specialized education options for media management, but there are talented managers who want to learn but who act primarily on instinct. STB channel started to earn profits and then stopped to use a mediator in advertising sales and launched its own agency called StarLightMedia," said Simanovich. "Then the channel started to produce its own programs, but ratings were raised primarily from [entertainment shows]; therefore, serious analytical programs and even news were reduced," he said. Political news, especially during election campaigns, turned to exclusively paid content, followed by the absence of criticism of pro-government figures in order to not risk losing their business interests.

"Very few regional media outlets are self-sustainable or profitable, and many are subsidized. There are no social and political bloggers who earn money on their blogs," Torbich said. "The main source of revenue for most local municipal media is the local government budget. The main sources of income of private media are either the private funds of the owners or advertising. The main income sources for civil-society media come from grants. The majority of media outlets do not operate on funding from advertising. Only a few regional media outlets have a sufficient share of advertising to factor it into their revenue structure." Torbich believes that around 30 percent of the Rivne media operates on revenue from advertising.

Dobrodomov added that conflicts between advertising and journalism favor advertising. "Recently we had an advertising contract with the Lviv Polytechnical University, and after we published a story critical of violations at one of their construction sites, they broke the contract," he said. Kvurt added that disproportionately large sums of advertising money are in the form of *jeansa* or political advertising.

Online media are in search of various ways of monetizing their content. According to Borys Lozhkin, author of the aforementioned article on the WAN-IFRA congress in *Kommersant*, there are no commercially successful publications in Ukraine that did away with paper copy in favor of online content. The model of paid online subscriptions has not proven to be successful. *Delovaya Stolitsa* attempted to introduce it but stopped after several months. "First of all, Ukrainians [do not have significant discretionary] resources that they will use to pay for content over the Internet. Second, the number of consumers with

### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

#### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

such resources is too few," he said. According to Yulia Stephanishyna, general director of Sanoma Media Ukraine, most of the Ukrainian paid content can be found for free.

Ownership of the leading advertising agencies is very murky. "About 80 percent of the advertising market has been managed by three large agencies. Any agency would be attracted by the large fees to be earned, and television [commands] the highest in absolute figures. Major television advertising has been managed [essentially] by one agency," Pogorelov said. "This has been the main reason for advertising wars between television and print media. The battle is not over, and therefore print media have been intensifying the fight. In 2012, we observed that advertisers have aimed at attracting customers, such as banks and insurance companies, which have tended to place advertising directly into regional media outlets. It has been less expensive for them, but on the other hand, they have faced a number of problems with professional services, especially in municipal media outlets, which in half of the regions have the largest audiences. So advertising in regional media has increased due to such advertisers, and forecasts for the next year are optimistic as well."

At the end of 2012, three of the four largest television groups established a historic advertising alliance that has been the largest in Ukraine's history. The merger of StarLightMedia, Inter Group, and Ukraina now controls 70 percent of the television viewing audience and has increased advertising prices by 20-40 percent, dictating rather strict conditions in the advertising market. 1+1, the media group of Ihor Kolomoiskyi, controls 13 percent of television audiences, which is still a significant part of the remaining market.

In February 2012, media groups UMH (Borys Lozhkin), KP Media (Petro Poroshenko), and Media Group Ukraina (Rinat Akhmetov) united their portals (i.ua, bigmir.net, and tochka.net, respectively) into a single, joint advertising company called United Online Ventures. Lozhkin commented on this decision in an interview with Telekritika, saying that none of the East European countries have as many Web portals or television channels as Ukraine, and therefore no one could make money in such a market.

According to the NGO All-Ukrainian Advertising Coalition, the 2012 media advertising market (television, radio, print, and the Internet) totaled 8.556 billion UAH (close to US\$1.07 billion). This was an increase of approximately 25 percent for these segments from 2011, and projections are that this may increase by 11 percent in 2013.

The 2012 television advertising market reached 3,867 billion UAH (about US\$483 million), up 9.8 percent from 2011; the share of the national television market was 3,740 billion UAH

(about US\$467.5 million), up 10 percent from 2011. The share of the regional television market was just 127 million (US\$16 million) UAH, up 5 percent from 2011. These estimates do not include official political advertising during the campaign period. In 2013, estimates predict that national television stations might add 10 percent to their advertising revenues, while regional television might gain 5 percent. Sponsorship of television programs is estimated separately at 400 million UAH (US\$50 million), up 8 percent from the previous year.

Print outlets increased their advertising revenue by 8.6 percent to 2,647 billion UAH (US\$330 million) in 2012. Of the 2012 figure, 755.3 million UAH (US\$94 million) went to newspapers (up 9.6 percent), 924 million UAH (US\$115 million) to magazines (up 5.7 percent), 62.5 million UAH (US\$9 million) to inserts and supplements (up 9.6 percent), 273 million UAH (US\$34 million) to classifieds (up 9.5 percent), and 632 million UAH (US\$79 million) to non-standard placements, such as special projects and sponsorships (up 11.7 percent). It is expected that in 2013 advertising flows will be distributed in favor of larger publishing houses and that the share of non-standard advertising and multimedia projects will grow.

In 2012, radio advertising increased by 15 percent to 312 million UAH (US\$39 million) and is projected to increase by 15 percent in 2013. The demand for radio advertising is driven by the growth of television ratings.

According to the All-Ukrainian Advertising Coalition, Internet advertising grew to 680 million UAH (US\$85 million), including banners, agency content advertising, and digital services. Direct client advertising content counted separately for an additional 650 million UAH (US\$81 million). Due to different classifications in 2011, percentile changes are unavailable. According to Gemius, in 2011 Ukraine was a leader in Internet advertising growth (59 percent) in Central and Eastern Europe. Large print-media owners estimated that Ukraine lags behind Europe and the United States by three to seven years in print media and Internet advertising spending.

The government uses two ways to fund the media. It may give direct subsidies to a state-owned or municipal media outlet or execute agreements to cover its activities through state and private media. Usually the priority in the latter spending scenario is given to loyal state and municipal media outlets even without any real competition. The Kyiv regional administration and council stopped financing its newspaper *Kyivska Pravda* because of critical articles published about local government. Its chief editor made an attempt to withdraw governmental bodies from its ownership through the court system, but instead the government managed



to remove employees from their shareholder status and launched a new municipal newspaper.

Torbich noted that government subsidies to state and municipal media undermine the competitive market in the regions. Moreover, he personally lost a lawsuit to gain access to information on funding and spending for municipal media in the appeals court.

Pogorelov commented that professional management in media is low and that only a handful of media outlets really make use of available market research. Even if they do not have access to comprehensive research, free data are often available. Torbich admitted that market research is conducted, but most regional media outlets cannot afford it or conduct it themselves. Dobrodomov added that GfK research became more expensive and that his channel could afford to buy their services only once a quarter. "It helped us a lot and influenced our success with advertisers. But in regional markets it has not been a widespread tool for working with advertisers or adapting programming for our audiences," he said.

There were a couple of public scandals connected with the recent TNS Ukraine nationwide audience research effort. In May, *Ukrainiskyi Tyzhden* discontinued its participation in the research, accusing TNS of manipulating the methodology. Two months later, a group of "old" business media (*Biznes, Delovaya Stolitsa, Vlast i Deneg, and Kontrakty*) also refused to participate in the nationwide research, and relative newcomers MMI Ukraine and PMI refused to participate in the regional-level market research. All media outlets felt that market manipulation was occurring when certain social and political publications (*Korrespondent, Focus, and Kommentarii*) declared themselves as private businesses and squeezed out traditional businesses in this segment. Thus, these firms decided to remove themselves from this TNS research survey. However, Pogorelov tried to persuade other panelists that this was all just a purely methodological correction that occurs once every few years. The TNS methodology is the same in many countries, and international audits have confirmed this as well. Media have the right to position and classify themselves as they deem necessary and as a way to regulate themselves. The scandal concluded by TNS's not changing the classification system.

Syumar noted that the situation with television, print, and Internet outlet ratings is not improving. "Transparency and competitiveness should have been ensured in these issues, and these instruments must be objective for media to become true businesses," she said.

The Industrial Radio Committee ordered research to be conducted by GfK Ukraine using a "day-after-recall,"

computer-assisted telephone interview method. Radio companies obtained this tool only in 2012 and have already noticed its efficiency with advertisers and listeners alike.

The Industrial Television Committee, a trade association of the largest stations, ordered television panel research from GfK Ukraine that measured audiences of 44 national and other channels with the aid of 2,540 people-meters that were placed in the households of cities and rural areas. In June 2012, the director of Ru Music complained that 5-8 percent of the panel measurements were corrupt due to information leaked on the metered households and attempts to provide them with instructions on what to watch. GfK had to revise its research by selecting different households.

Dobrodomov commented that the scandal with GfK again casts a shadow on the reliability of television ratings. There are also questions on the measurements of Internet ratings as well. "Declaring circulation figures of print publications has become a daily routine," he said. Pogorelov agreed that in print media, even attempts to certify circulations are forgotten because the status quo is convenient for everyone.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ukraine Objective Score: 1.98

Kvurt noted that media-support institutions, trade associations, and professional associations displayed a high level of self-organization during the fight against

### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

#### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

criminalization of libel. This was especially evident at the World Newspaper Congress. “However, neither associations nor regional TV channels managed to counteract the Natsrada in its 2012 decisions,” he said. Torbich added that trade associations operate more or less adequately in the area of print and television, but while he acknowledged that trade associations exist for Internet media outlets, he could not think of anything they had tried to accomplish.

Trade associations of broadcast media include the Industrial Television Committee, uniting the largest television stations, and the Independent Association of Broadcasters, uniting 67 regional and national companies, which operate about one hundred television and radio channels. The Industrial Radio Committee has been established by the three largest radio networks, three advertising agencies, and the Independent Association of Broadcasters. The UAPP unites about one hundred publishing houses all over Ukraine (about four hundred publications and one hundred websites with a general circulation of more than 14 million copies). Regional publishers are united through the Ukrainian Association of Independent Regional Publishers. Concerning representation of Internet media outlets, trade associations include the Ukrainian Internet Association and Ukrainian Association of Internet Advertising. The All-Ukrainian Advertising Coalition measures the media and non-media advertising market.

Pogorelov, of UAPP, said that during the past year the quality of rendered services of trade associations has increased. They have combined efforts and substantially enhanced the interaction between each other in representing members’ interests. Their activities have achieved results on a few serious issues, such as counteracting the National Expert Commission for Public Morale, libel legislation, banning certain types of advertising (medicines, medical services), and removing VAT circulation privileges from print media.

Khomenok praised the two press publishers’ associations for supporting their members and conducting the aforementioned WAN-IFRA World Newspaper Congress and World Editors Forum in Kyiv in September 2012, which hosted nearly one thousand media professionals from all over the world. WAN-IFRA conducted important surveys and issued a report about freedom of speech in Ukraine.

Lavrov emphasized that large businesses, NGOs, and public figures are all scrambling to burnish their reputations and assail their opponents through the media. Rather indicative of this was the sponsorship by Dmytro Firtash’s company, Group DF, of the WAN-IFRA events in Kyiv. Firtash is well known as a libel tourist—he lost a suit in the United Kingdom against the English-language and Ukraine-based *Kyiv Post* in 2011—and is one of the most closed and

hostile media personalities in Ukraine. Pogorelov replied that the Ukrainian hosts had little choice but to accept the sponsorship deal, noting the whole opportunity of hosting the WAN-IFRA Congress in Ukraine was at stake.

With the death of the previous head of the National Union of Journalists of Ukraine (commonly known by its acronym, NUJU), Ihor Lubchenko, in May 2012, a new head of the union, Oleg Nalyvayko, was elected and instituted certain reforms for the union. The panelists agreed that it is too early for the results to be judged. There are twenty thousand members of the NUJU; the majority are from state and municipal media. Khomenok stressed that no reforms at the NUJU are feasible until they develop a mechanism for excluding who cannot become a member. Many members are no longer journalists but have long since become public-relations managers and are still members. Membership also includes government officials or law-enforcement officers who keep their membership cards with the NUJU and discredit the entire spirit of such organizations.

Dobrodomov said that the only tangible action seen from journalists’ organizations has been their initiatives to establish a single, universal press card. “At the moment there have been more declarations on this rather than real mechanisms to protect the interests of journalists. In recent years, the NUJU was also used by journalists to obtain free Shengen visas,” he said.

The panelists agreed that the activity level of a few media trade unions is low because of the lack of solidarity that journalists have with one another. Torbich stated, “The activities of professional media unions have been nearly unnoticeable and not surprising, as I was told that only two people in Rivne have paid their membership fees.” Pankratova mentioned that media trade unions have legal services and make important statements when journalists’ rights are violated.

Simanovich, a member of the Media Front Union, added that she has noticed only one explicit action—a victory of the union’s head, Osman Pashaev, in court, concerning the eighth instance of his dismissal, which was deemed illegal because it was not coordinated with the union. “This has been an important precedent, but just a single one. Other dismissals at ‘Vikna Novyny’ [news program] took place ‘voluntarily,’ meaning under pressure,” she said.

Major media-support NGOs include the Academy of Ukrainian Press, Institute of Mass Information, Internews, Media Law Institute, Regional Press Development Institute, Telekritika, and regional organizations such as Information and Press Centers in Simferopol and Sebastopol. Dobrodomov noted that NGOs have become more active

and have achieved results. Their systematic activities give impetus to the development of professional journalism. Legal services, training workshops, and conferences conducted by such organizations reinforce the journalistic community. Torbich said, "I could not imagine how we would have done investigative reporting without the legal support of media lawyers or how the professional level of our journalists would have increased without training workshops." Simanovich agreed that increased legal support helps considerably so that journalists do not give in to despair.

According to Simanovich, the *Chesno (Honestly)* and *Stop Cenzuri (Stop Censorship)* movements have been noticeably active in 2012; however, these are unions of journalists who were forced out of the profession due to pressure, and their activities have been barely noticeable. They try to communicate ideas via Facebook or blogs but are not known to the wider public.

Good examples of practice-oriented journalism schools that the panelists mentioned were those of the Kyiv Mohyla Academy and the Ukrainian Catholic University in Lviv, both of which offer masters-level programs in journalism. For the second consecutive year, the Ministry of Education did not finance scholarships for the Academy's master's program in journalism. For several years, Akhmetov has been supporting the innovative Digital Future Journalism course at the Academy. Simanovich commented: "Having taken this course, I know that [the Academy] had an amazing foundation and professors, and therefore the reduction of the budget for its journalism school is an aggravation." The master's program in journalism at the Ukrainian Catholic University was launched in 2011 to matriculate 17 students per year. The program plans to add an additional 13 students annually through media communications, analytics, research, and other related courses.

The panelists agreed with Torbich's opinion that, other than these examples, the quality of journalism education throughout the country is awful. "I have based my opinion on four universities in the Rivne and Lutsk regions. Radio journalists are prepared without any relevant equipment, and investigative journalism is taught by a graduate student who has never worked in any media outlet. I have seen third-year students who cannot write news articles," he said.

Khomenok mentioned that 60 percent of journalists employed by Ukrainian media do not have journalism degrees. "Due to administrative barriers, the education system in state universities has not been able to react to the demands of the industry. They cannot practically change the curriculum without permission from above, while private universities can do this," he added.

Dobrodomov estimated that five or six universities in Lviv produced 1,400 media-related graduates each year. Recently, various open sources mentioned about 50-80 journalism departments throughout the country and up to ten thousand graduates per year. In an interview with *Telekritika*, Volodymyr Rizun, director of the Journalism Institute of the Kyiv Shevchenko University, officially estimated that only 39 universities graduate journalism students despite higher numbers being mentioned.

Short-term training programs offered by NGOs and trade associations, as well as in-house workshops at a limited number of media-support organizations, remain the only alternatives to an academic education. Pankratova said that she decreased the score for this indicator because media outlets, by and large, lack in-house training programs and sometimes media outlets do not allow journalists to participate. She did note, however, that some NGOs were using new technologies, such as webinars, to allow media professionals to be trained.

Khomenok mentioned that during the elections there were attempts to control print media. "On October 25 at the Melitopol printing house, police detained its truck, driver, and general director, Mykhaylo Kumok, and attempted to confiscate newspapers for the Crimea. Incidentally, these publications were those that were in alignment with the ruling party. There was a risk that during the search, falsified prints would be planted, and this could paralyze the printing house," he said. Kumok filed complaints with the regional prosecutor's office and law-enforcement department.

Digital television provider Zeonbud, which won the contract to provide digital television technology, is a monopoly. State-owned Concern RRT is as well and is the largest broadcasting network in the country, owning some 560 transmitting towers and 80 television stations all over Ukraine. In 2013, Concern RRT increased prices by 7.9 percent, while its growth was 8.9 percent in 2012, 9.6 percent in 2011, 15.5 percent in 2010, and 23 percent in 2009.

Pogorelov reminded the panelists that the press distribution system remains problematic. Ukraine still has a rather low number of newsstands per capita (eight times less than in Poland and 15 times less than in France or Germany). Establishing kiosks is possible only with the permission of a dozen local authorities, and land issues are not regulated. Kiosks are often dismantled by local authorities despite the governmental moratorium of 2009 on dismantling press kiosks. UAPP, in particular, lobbies for relevant and clear legal regulations to foster press distribution.

For example, the company Presa-M (a subsidiary of Kartel publishing house) has been operating in the city of

Kryvyi Rig for 15 years. It received a notice from the local administration in December 2012 to dismantle its kiosks in January 2013 (at a time when the whole country is off for the New Year holiday). The decision did not have sufficient legal standing, and the notice was canceled.

Many technical innovations are available in the country and for the industry. Gaps in technology and their economic affordability between large cities and rural areas remains a problem. Broadband Internet is less available in small towns and rural areas. The panelists agreed that there is a problem with digital broadcasting, as its technical provider is an artificial monopoly. "Information and communications technology infrastructure has been transferred more and more into the hands of oligarchs, and this has not led to increased [infrastructure] investments, transparency, and/or increased quality of services," Kvurt said.

In his interview with *Korrespondent*, Pierre Danon, executive chairman of the largest cable operator in Ukraine and the third-largest Internet provider, *Volya*, said that there are only two areas in which Ukraine lags behind: the lack of HD television and interactive television services, such as "on-demand" television.

According to summaries at Budde.com.au, a telecommunications research consultancy, despite the hard economic crisis of 2009, Ukraine's telecommunication sector has shown considerable resilience. He said that it has been growing steadily during the past few years, with the broadcasting and mobile sectors offsetting the faltering fixed-line telephony sector. In 2012, market penetration of fixed broadband services was 12 percent, mobile was 119 percent, and fixed-line was 25 percent. Important developments are expected in 2013 following the decision to set up a universal service fund to expand and improve broadband delivery in rural areas. Developments should also occur because of the decision by the main provider, Ukrtelecom, to invest in a national "Fiber-to-Home" network. Ukraine possesses a sizeable broadband market, with effective cross-platform competition. DSL dominates the Internet access market, although cable is available and there have been considerable investments in "Fiber-to-Business" in recent quarters. LAN and wireless platforms, such as WiFi and WiMAX, exist on a smaller scale. Digital television is accessible from cable and satellite platforms, and while the digital terrestrial television platform has progressed, it has not been without controversy in terms of who will be selected as the broadcasters.

## List of Panel Participants

**Dmytro Dobrodomov**, general director, ZIK TV channel, Lviv

**Oleg Khomenok**, independent journalism trainer, senior media advisor, Internews Network U-Media project, Kyiv

**Kostyantyn Kvurt**, chairman of the board, Internews-Ukraine, Kyiv

**Vladyslav Lavrov**, journalist, *Kyiv Post*, Kyiv

**Andriy Marusov**, freelancer, Kyiv

**Lyudmyla Pankratova**, media lawyer, Regional Press Development Institute, Kyiv

**Oleksiy Pogorelov**, general director, Ukrainian Association of Press Publishers, Kyiv

**Tetyana Rikhtun**, director, Media Information and Press Center, Sebastopol; investigative journalist, Sebastopol

**Yevgen Rybka**, chief editor, Liga News and Liga Dossier projects, *LigaBiznesInform* (information agency), Kyiv

**Olga Simanovich**, correspondent, script writer, International Media Center STB, Kyiv

**Viktoria Syumar**, executive director, Institute of Mass Information, Kyiv

**Volodymyr Torbich**, chief editor, Rivne Agency for Investigative Reporting (information agency), Rivne

*The following participants submitted a questionnaire but did not attend the panel discussion.*

**Sergiy Guz**, chief editor, *Nash Reporter* weekly, Dneprodzerzhynsk

**Iлона Fanta**, chief editor, *Kolo* publications group, Zhyttya i Dilo media company, Poltava

## Moderator and Author

**Kateryna Laba**, executive director, Regional Press Development Institute, Kyiv

*The panel discussion was convened on December 10, 2012.*





**CENTRAL ASIA**

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*By tying the outlets to the convicted and wanted opposition, the government effectively criminalized the leading non-state press. A panelist from Respublica cancelled his participation after being called to court on the day of the discussion.*



# KAZAKHSTAN

The beginning of 2012 was marked by snap parliamentary elections following the self-dissolution of the Majlis, the lower chamber of parliament. The newly-elected Majlis was multi-party, fulfilling the stated desire of Kazakhstan's first and only president, Nursultan Nazarbayev.

Political analysts believe that the early election was motivated by the growing dissatisfaction of the population, as well as the social protest movement that culminated in violent clashes between oil industry workers and police forces in Zhanaozen, in the country's far southwest, in December 2011. The subsequent changes in the some political appointments, a new development program, replacing Kazakhstan 2030 with Kazakhstan 2050, as well as a series of legal actions against opposition figures and select corrupt officials, were all aimed at stabilizing the regime and preventing a "revolutionary spring" in Kazakhstan.

Mass media were in the epicenter of this social and political turbulence. The expansive conviction of three domestic opposition figures also described a number of non-state mass media outlets as "radicalized media projects controlled by and affiliated with [Mukhtar] Ablyazov," a former minister and prominent opponent of the regime wanted on embezzlement charges, making the media one of the key subjects of the political lawsuit. Several media outlets were banned by prosecutors on the eve of the first anniversary of the Zhanaozen events, including satellite TV channel K+, the Stan TV Internet video news site, *Respublica* (Republic) and *Vzglyad* (Viewpoint) newspapers and *Respublica's* website, *Respublika-kz.info*. A total of 8 newspapers and 23 internet media sites, essentially all independent media in the country. By tying the outlets to the convicted and wanted opposition, the government effectively criminalized the leading non-state press. A panelist from *Respublica* cancelled his participation after being called to court on the day of the discussion. As such, many of these events occurred at the end of 2012 and were only partially considered by the panel.

According to data provided to the panel by Sofia Lapina of the free speech NGO Adil Soz (A Just Word), 68 legislative acts that regulate certain aspects of media activities were passed by Parliament in 2012, and several new draft laws important for mass media were put forward for parliamentary discussion. The transition to digital broadcasting alone required the adoption of several new legal regulations, including a new broadcasting law and 21 other statutes adopted in 2012. In general, active lawmaking is often associated with these or other aspects of media activities.



# KAZAKHSTAN at a glance

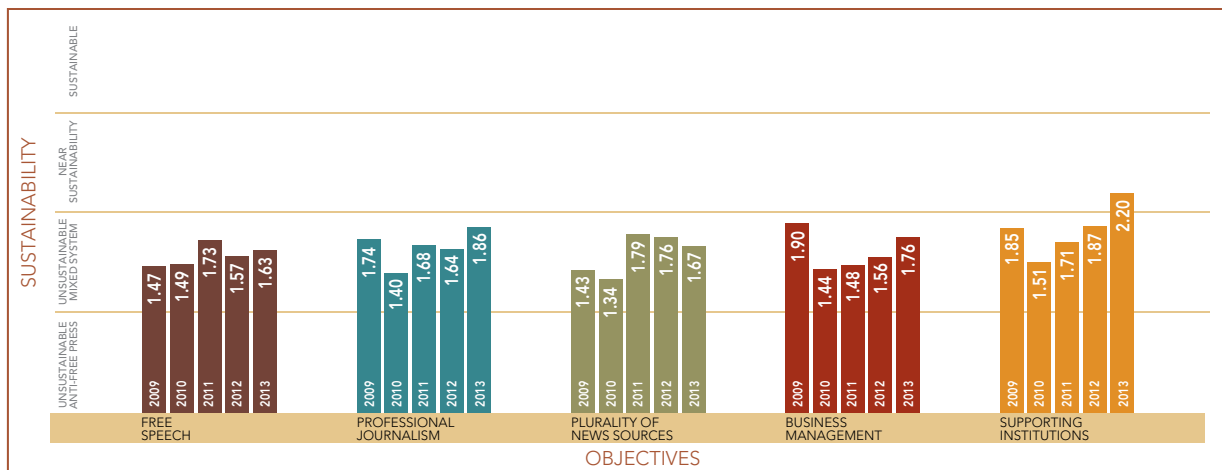
## GENERAL

- > Population: 17,736,896 (July 2013 est., *CIA World Factbook*)
- > Capital City: Astana
- > Ethnic Groups (% of population): Kazakh 63.1%, Russian 23.7%, Uzbek 2.8%, Ukrainian 2.1%, Uighur 1.4%, Tatar 1.3%, German 1.1%, other 4.5% (2009 census, *CIA World Factbook*)
- > Religions (% of population): Muslim 47%, Russian Orthodox 44%, Protestant 2%, other 7% (*CIA World Factbook*)
- > Languages (% of population): Kazakh (state) 64.4%, Russian (official) 95% (2001 est., *CIA World Factbook*)
- > GNI (2011-Atlas): \$136.72 billion (World Bank Development Indicators)
- > GNI per capita (2011-PPP): \$11,250 (World Bank Development Indicators)
- > 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)

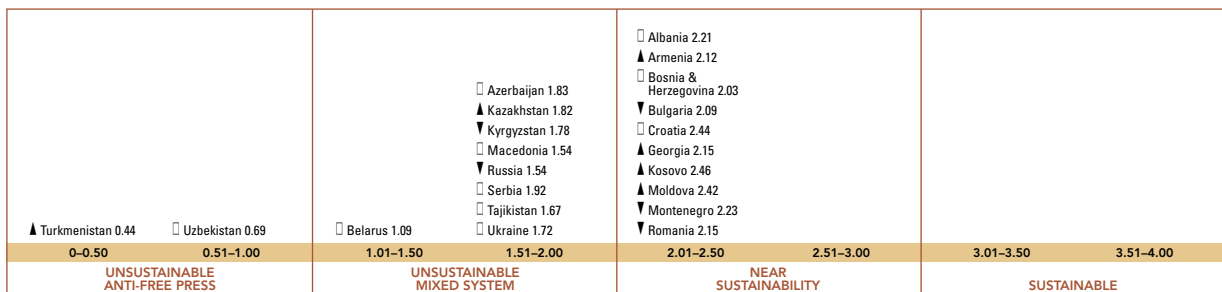
## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, internet news portals: According to state registration, 2765 outlets, including 439 state and 2326 private; 1666 print media, including 20 dailies; 51 TV firms, 48 radio firms, 133 cable TV operators, 6 satellite TV operators
- > Newspaper circulation statistics: top four, by circulation, are *Karavan* and *Karavan-Class*—private, weekly, circulation 320,000 combined; *Yegemen Qazaqstan*—state, in Kazakh, five times weekly, 175,000; *Kazakhstanskaya Pravda*—state, in Russian, five times weekly, 100,000; *Ekspress-K*—private, in Russian, five times weekly, 100,000.
- > Broadcast ratings: top 8: Kazakh TV—state, in Kazakh and Russian; Khabar TV—state cable/satellite news channel; El-Arna—state; Kazakh Commercial TV (KTK)—private, in Kazakh and Russian; Eurasia 1—private; Channel 31—private; Channel 7—private; Caspionet—external satellite unit of Khabar TV, in Russian, Kazakh and English
- > News agencies: 13 news agencies, top four: Interfax-Kazakhstan, KazakhstanNews.com, Kazakh Information Agency (Kazinform), Kazakhstan Political News Agency
- > Annual advertising revenue in media sector: Advertising agency statements vary widely. National plus Almaty television—\$131 million in 2011 ([vik.kz/news/125/](http://vik.kz/news/125/)). All advertising—\$984.2 million in 2011 (49% television) ([brif.kz/blog/?p=2255](http://brif.kz/blog/?p=2255))

## MEDIA SUSTAINABILITY INDEX: LEBANON



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Kazakhstan Objective Score: 1.63

Panelist Diana Okremova-Medvednikova defined this year as a “real a leap year” in terms of consequences for the mass media. In January, the government adopted the law “On TV and Radio Broadcasting,” which contained terminology frequently criticized by media experts and media organizations. According to Sholpan Zhaxybayeva, Executive Director of the National Association of TV and Radio Broadcasters of Kazakhstan, “the law is imperfect, it is at odds with international laws and, most important, it is not a direct law but requires quite a few statutory instruments.” Attempts are currently being made to introduce a so-called “conditional access” to broadcasting, which will result in paid television being inaccessible to a large portion of the country’s population. The new TV legislation may also significantly restrict the presence of foreign TV companies in Kazakhstan. Specifically, the statute on foreign media registration adopted in October 2012 demands that all foreign television channels carried by Kazakhstan’s cable providers be registered with the Ministry of Culture and Information by March 2, 2013. Zhaxybayeva predicted that major international channels such as Eurosport, Discovery, Nickelodeon, BBC, and others will likely forgo the trouble of registration to stay in the rather small market. As such,

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

“Criminal liability for any infringement of the good reputation of state officials at all levels is expected to be preserved and even increased,” said Lapina.

the laws will serve to strengthen the government’s effective control over the television market.

In addition to the new TV broadcasting law, changes to national security law identified such threats as “the impact of information on public and individual consciousness related to deliberate distortion and spreading of unreliable information to the detriment of national security,” suggesting ominous consequences for reporters. Amendments to the mass media law ended the prohibition of monopolization in the sector, and introduced the possibility of suspension for outlets found have violated copyright.

New versions of the criminal code and criminal procedure code drafted by the Prosecutor-General’s Office to simplify criminal cases were widely discussed throughout the year. Opinions on these moves varied widely among media professionals. Lapina, for instance, claimed that “Although Kazakhstan had accepted recommendations of the United Nations Human Rights Committee in 2010 and expressed its commitment to decriminalize libel and insult by 2014, the new version of the Criminal Code just transferred defamation from the category of criminal offense to the category of transgression, without decriminalizing it, because criminal prosecution for defamation is considered to be ‘a strong deterrent’. Moreover, criminal liability for any infringement of the good reputation of state officials at all levels is expected to be preserved and even increased.” Her sentiments were seconded by Olga Groznaya. “The draft of the new Criminal Code threatens journalists with imprisonment and will demand that they reveal their sources,” she said.

Unlike her colleagues, who view the changes in a negative light, Diana Okremova-Medvednikova considers the new version of the Code to be “The most liberal of all versions that have ever existed, since it eliminates probation and replaces it with detention for libel and slander. Moreover, libel will now be considered an administrative transgression and not a crime.”

Lawyers from Internews in Kazakhstan summarized the nature of changes proposed in the draft of the Criminal Procedure Code. “The radical change concerns

According to Adil Soz monitoring, 190 cases of refusal and restriction of access to socially significant information were recorded in Kazakhstan from January to September 2012.

the initial stage of the criminal procedure wherein the pre-investigation stage and institution of a criminal case are to be omitted; the investigator shall not indict the suspect in the process of investigation; pre-trial procedure will be radically simplified; the concept of 'prejudicial inquiry' is being introduced. All inquiry activities affecting constitutional or other human rights and freedoms can be conducted only upon the prosecutor's approval; courts shall not send cases for re-investigation; the number of investigative actions that involve attesting witnesses is considerably reduced; the concept of the 'plea bargain' is introduced; the investigating magistrate is established, i.e. a judge shall approve preventive detention, its extension, or the compulsory transfer of a non-detained person to a medical institution for forensic psychiatric examination."

In general, as Sofia Lapina described it, "Recent changes in legislation result in a priority of privacy protection over other human rights, including the freedom of speech. For example, an article addressing the non-disclosure of private information stipulates up to 5 years in jail for infringement while Kazakh law does not make any distinction whatsoever between a private citizen and public official."

Until the Criminal Code and Criminal Procedure Code articles concerning libel are changed, lawsuits in which journalists receive real penal terms for libel will be far from rare. For example, Sergey Bukatov, editor of Kazakh-Zerno (Kazakh Grain) news agency, was charged with libel by the Petropavlovsk City Court and was sentenced to one year of imprisonment. Valery Surganov of Guljan.org was convicted and sentenced to probation for 18 months. That site was one of the many closed in December.

Even former Minister of Information Ertysbaev, now an advisor to Nazarbaev on political issues, admits the absence of positive legal changes concerning the freedom of speech. In an interview with RFE/RL's Kazakhstan service, he said that he believes that there have always been, and there always will be, people eager to restrict freedom of speech in every possible way.

In general, parliament's legislative activities have increased the number of "risk zones" for mass media producers and consumers. Even the most benevolent intentions end up

in attempts to censor mass media. The panelists illustrated this trend by naming several draft laws accepted for parliamentary discussion or those already passed, including the draft law On Informatization, which will enhance the role of the National Security Committee in classifying information, the draft law On Protecting Children from Information Harmful to their Health, which may label any content on television as such and ban its broadcast. The anti-terrorism law defines terrorism as an ideology has, in fact, limited people's access to the Internet by compelling users to register to obtain access, and requires Internet clubs to register their users and the websites they have visited. Anonymizers and other tools for indirect access to websites have been banned.

Since media registration in Kazakhstan is the only way of receiving a license for publication, registering an independent media outlet is quite problematic. Adil Soz monitoring recorded a number of red-tape cases concerning the registration of print media. For instance, registration problems were faced by the *Zdravstvuite* (Hello) newsletter in Pavlodar, *Agrorynok.KZ* (Agricultural Market) newspaper in Kostanay, *Ardager-Veteran* (Veteran) newspaper in Pavlodar and many others.

Registration for broadcast media is even more troublesome. In her speech at the Majlis committee for social and cultural development, Zhaxybayeva reported that in contrast to numerous state-owned or state-affiliated channels, no independent private TV channel had been launched in the past six years. Although the TV Development Committee includes seven civil society representatives out of 23 members, all the decisions concerning TV and radio broadcasting are made behind the scenes, without being discussed by the Committee and without open access by the general public to information.

The 2012 changes in regulations concerning TV and radio broadcasting have only begun affecting the government's interaction with media. For instance, private TV and radio broadcasters, who had received permanent licenses or purchased long-term (often up to 49 years) rights to their frequencies, are now on tenterhooks. Companies that paid millions of dollars to the state for their frequencies and licenses now depend exclusively on the decisions of the TV Development Committee under Ministry of Transportation and Communications. There are some precedents already: the only Kazakh music channel Hit-TV was not included in the cable TV package, which means that millions paid for its broadcasting have been lost. The state does not compensate losses incurred by private companies. Hit-TV's case demonstrated the arbitrariness of decisions by the state monopoly, and the damage it can create.

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At the same time, huge sums from the state budget are being invested into uploading the signal of state TV channels to satellite, which makes competition unfair from the very beginning. This is in addition to funds allocated to the leading national channels. According to Okremova, more than 20 billion tenge (\$133 million) were invested into three national channels—Khabar, Kazakhstan, and Mir—while the total amount of funds allocated to media by the government, including city and regional *akimats* (local authorities), is about 25 billion tenge (\$166 million).

Increasing diversion of state contracts to state-owned media led MP and daughter of the president Dariga Nazarbaeva criticize these results at a Majilis hearing. “The mass media and communications market is being more and more dominated and monopolized by the state. It would not have been so evident had this monopoly resulted in a higher quality of services. But when a huge monopoly spends unlimited funds with minimal outcome... We see the same in the broadcast media today when the public is forced to watch so many channels, including regional ones. We should try to find some compromise in this issue so that both state-owned and independent media outlets have a chance to develop, plan their businesses and not to shiver each time they come to the Ministry expecting to be deprived of their frequency, license and so on.”

The government’s method of regulating the media is still based on both direct and subtle interference in the editorial policy of media outlets and pressure on journalists. One of the most vivid examples illustrating such practices was the situation with the Almaty TV channel, whose personnel came out with a declaration that the mayor’s press secretary has dictated the channel’s policy, censored news and communicated with the channel’s staff in a humiliating way. This ‘escalation’ caused a whole group of journalists (from 26 to 50 according to different sources) and two deputy general managers to quit the channel. Answering journalists’ questions about the case, the press secretary bluntly responded, “Let me remind you that 100% of Almaty TV shares belong to the city Akim’s [Mayor’s] office, and all state procurement contracts with the channel are issued here. Therefore, I consider ourselves to be authorized to control the information policy of this media outlet.”

The government has “leverage mechanisms” for each journalist, including the ones who work in private media outlets and do not receive state funds for coverage of certain topics. For example, journalists for the Astana *Megapolis* newspaper were not allowed to enter the Parliament with voice recorders and other recording equipment; a judge forbade a journalist for *Uralskaya Nedelya* (Uralsk Weekly), to use recording devices during court hearings. Journalists working for non-governmental

media outlets are often banned entrance to socially important events; for example, the Zyryanovsk town Akim saw Alve TV journalists off the premises during public hearings on the ecological impact of a mining project; there was allegedly “not enough room in the court hall” for journalists providing coverage on high-profile case of Vladislav Chelakh, a border guard accused of killing 14 comrades-in-arms and a ranger, because the room allocated for the process in Taldykorgan City Court was too small. According to Adil Soz monitoring, 190 cases of refusal and restriction of access to socially significant information were recorded in Kazakhstan from January to September 2012.

Access to information remains constrained by both law and practice. According to the lawyer Birzhanova, “The law On Access to Information, which was drafted several years ago, is still on paper. There are problems with de facto law enforcement of the issues that have been defined de jure. Take, for instance, access to information: the procedure and instruments are described in the Law in detail but, in fact, journalists face multiple problems, from unjustified refusals to rejected accreditation and selective attitudes towards certain media outlets. There is a lot of confusion concerning open-access and limited-access information, so officials often arbitrarily determine which information to reveal.”

Most court decisions are geared towards ruining media outlets and journalists economically. Courts suffer millions in financial claims against journalists initiated by government offices and officials, even when the revealed information about them or their deeds is correct. Just as last year, libel claims involved familiar names of such journalists and their media outlets such as Lukpan Akhmedyarov from *Uralskaya Nedelya* (Uralsk Weekly), Guljan Ergalieva from *Guljan.org*, Victor Miroshnichenko from *Kvartal* (Quarter) newspaper, and others. Akhmedyarov pointed out in an interview with Reporters Without Borders that damages awarded for libel convictions involving the government can exceed damages for murder convictions.

The possibility of protecting media outlets and individual journalists is limited by arbitrary behavior and the subjectivity of law enforcement authorities. This can be illustrated by series of cases brought by Almaty city prosecutors against newspapers and websites based only on the narrative of the court decision of Vladimir Kozlov. In it, experts noted that articles published in these outlets were evidence of stirring up social tension, tantamount to inciting civil unrest. The Prosecutor’s Office considered these claims as proven facts. As Lapina states, “All court investigations are full of procedural violations and mismatches. For instance, claims are not addressed to the owners of media outlets but to the outlets themselves, though the latter are not considered legal entities and cannot, therefore,

“It was torture for us and our readers. We had to write nothing but panegyrics. Moreover, editors demanded that almost every paragraph begin with phrases like ‘thanks to the wise domestic policy of *Elbasy*,’” referring to the president.

act as defendants. Legal concepts are often replaced with arbitrary, judgment-based ones. Although this is done under the pretext of fighting against extremism in the country, it is, in fact, nothing more than an attempt to do away with plurality of opinions, the freedom of speech and political diversity enshrined in the Constitution.”

Although there are no prerequisites for engaging in professional journalism, and the journalistic career is open to anyone willing to pursue it, this occupation has not yet become popular. Journalists constantly risk being sued for libel and defamation; they may be victims of violent criminal attacks, and are not guaranteed any protection in the courts. The Adil Soz foundation recorded 15 attacks against media professionals and arson of the *Zerkalo* (Mirror) editorial office in Temirtau this year, but no one responsible for these crimes was apprehended or punished. The only exception to this rule was the handling of the crime against Lukpan Akhmedyarov, the journalist for *Uralskaya Nedelya* (Uralsk Weekly), who was attacked in April 2012. As a result of the attack, he was hospitalized with multiple stab wounds and bullet injuries. In an interview with RFE/RL, Akhmedyarov associated the assault with the absence of political freedom in the country as well as his professional activities and his position as a civil rights activist. One of the possible explanations provided by Akhmedyarov, was that the attack had been a contract hit for his article “Brother, Father-in-Law, and Nepotism” on a local official, who had been awarded 5 million tenge (US\$ 33,500) for libel from the journalist and his newspaper. Investigators had initially attributed the attack to accidental hooliganism and detained some innocent “suspects” within a month. It was only in December 2012 that news agencies reported on the detention of real suspects, whom Akhmedyarov recognized as the assailants. However, the person ultimately responsible for the hit remains unknown. Akhmedyarov was awarded the Peter Mackler Award for Courageous and Ethical Journalism from Reporters Without Borders in October, 2012.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.86

According to the panelists, the reliability of reports and compliance with international standards of journalism are still the weakest links of Kazakh journalism. “Irresponsible journalists, who do not verify information before publishing it face problems that lead not only to hundreds of court hearings on unconscionable coverage, but also to dozens of lawsuits that do not reach the courtrooms since many applicants’ claims are settled during pre-court hearings,” according to Olga Groznaya-Kaplina.

Some media experts claim that bloggers are often extremely irresponsible in presenting information. For example, during a bloggers’ tour in Zhanaozen, which was organized by the government after the violence there, the bloggers prepared their materials only on the basis of information they were provided with, without applying any balance to their reports. Bloggers, in turn, believe that journalists working for the broadcast media are the most biased and unreliable. Journalist Esengul Kapkyzy, who had worked both for traditional (newspaper) and new media, claims that according to her experience the blogosphere is a much more liberal zone, which allows open and honest reporting on topics that the editorial board of her newspaper would have either directly or indirectly forbidden her to write about.

The coverage of Chelakh’s criminal case was another illustration of prejudice and inaccuracy of published materials. Only a few media outlets did a decent job,

### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

according to the panelists, citing *Lada* of Aktau and *Novy Vestnik* of Karaganda.

Inaccuracy of materials produced by journalists can often be explained by political bias and sometimes by the very nature of the commissioned materials. The biggest trouble is the lack of experts. As one of the panelists described the problem, "We have always had one and a half economists and one political analyst; that is why Satpaev and Poletaev are our 'everything.'" Sometimes the problem is not the absence of an expert capable of providing a competent comment on a situation, but the fact that this expert cannot be quoted because he or she is unofficially listed as a political liability. Reliability problems may often arise since government officials do not provide journalists with timely information and because sources in governmental offices limit access to socially significant information.

A high level of censorship, persecution, and fear for life, has led to a decrease in the number of high-quality critical materials and journalistic investigations. The arrest, conviction, and pardon of Igor Vinyavsky, an editor of *Vzglyad* (Look) newspaper, may serve as a vivid appalling example of how an independently thinking journalist may be convicted for the gravest of crimes without committing any crime whatsoever. Although pressure exerted by media groups in the country and abroad helped Vinyavsky get out of jail, his detention, conviction and emigration did not spur his colleagues to conduct journalistic investigations.

Each year, more and more issues are added to the unspoken list of "taboo" topics. For instance, the traditionally restricted topic of inter-ethnic relations was joined by the economic consequences of joining the Russia-led Customs Union, the Zhanaozen situation, high profile criminal cases, religious issues, and political party formation and property.

The scope and level of information sensitivity hinges on the legal status of the media outlet. State-owned, especially regional media outlets continue to believe that mass media should only report on positive news, no matter what the topic is. One of the panelists, Esalieva Aynash, a journalist for *Egemen Kazakhstan* newspaper, illustrated it with her personal example: she was working on a critique entitled "Poor Relative's Wedding" concerning a recent theater festival, because she had evidence that the festival preparation was used for money laundering. She even had the support of theater critics and professionals as well as their request to write such an article. However, the editor did not allow the material to be published.

No wonder, as Saule Barlybaeva says, "There is a new problem in the capital city. Journalism there is called 'parquet' style, meaning that journalists run from one official event to another, often rewriting press releases

Each year, more and more issues are added to the unspoken list of "taboo" topics. For instance, the traditionally restricted topic of inter-ethnic relations was joined by the economic consequences of joining the Russia-led Customs Union, the Zhanaozen situation, high profile criminal cases, religious issues, and political party formation and property.

without even making an effort to collect any material. Such articles lack any political analysis whatsoever."

One can also escape professional risks by engaging in entertainment journalism. In her presentation at the Alma-Ata +20 International Conference organized by UNESCO and devoted to the 20th anniversary of the Alma-Ata Declaration on Promoting Independent and Pluralistic Media in Asia, Internews Kazakhstan's executive director Elshibaeva showed diagrams illustrating the dynamics of social, political and entertainment programs. According to her data, in the 1990s, state-owned TV channels showed more social and political programs than entertaining ones, whereas private channels, especially regional ones, were dominated by entertainment content. Now the situation has reversed: entertainment content dominates national, state-owned channels, while private regional channels tend to show more political and social programs. According to the panelists, the trend towards more entertaining content in the national broadcast media is growing. Zhaxybayeva called it "A process of dumbing-down the audience by broadcasting lots of Kazakh-language comedy shows like "Nasha Kazasha" and "KZ Landia," with their low-brow humor and absolutely stupid scenarios."

Turkish, Chinese and Korean TV series have become extremely popular with the public, such that Dariga Nazarbaeva pessimistically assessed the low quality of local TV content and added, "We are learning Chinese and Korean."

Apparently, there is little correlation between the quality of media products in Kazakhstan and the amount of funding allocated to media production. The panelists as well as delegates of the 10th Media Forum in Astana repeatedly mentioned enormous sums of money that media outlets "do not benefit from." In addition to corruption that

“flourishes” on government contracts, these contracts lower the degree of freedom of expression and media independence while contributing to intensification of propaganda of the ruling regime instead of high-quality coverage of socially significant topics. Esengul Kapkyzy summarized her newspaper’s experience fulfilling government-issued social service contracts, which is essentially paid PR work. “It was torture for us and our readers. We had to write nothing but panegyrics. Moreover, editors demanded that almost every paragraph begin with phrases like ‘thanks to the wise domestic policy of *Elbasy*,’” referring to the president. Due to the government contract, the amount of work per journalist increased, and the volume of the newspaper grew from its usual 12 pages to 20-24 pages, though without any increase in salaries.”

At the same time, state procurement contracts create new opportunities for production studios and TV channels. Oleg Khe shared his experience in cooperating with Khabar, Kazakhstan, and other television channels. “The quality of TV is improving. The channel entrusts production to outsourcing. This enables it to reduce the staff and cut down on resources. The TV channel now has a choice of what to buy and who to buy from, which encourages competition among studios,” he argued. Cooperation between TV channels and production studios resulted in the proliferation of Kazakh-language programs, especially on national channels: NTK launched a franchise reality show, Channel 7 launched several projects such as “Escape from Aul,” “Dancing with the Stars,” and “The Bazarbaevs.” Despite the initial shortcomings of outsourcing TV production, Ruslan Nikonovich defined the resulting changes as positive for media business.

Many media outlets were also unable to upgrade their equipment without government support. The government allocated considerable budget funds to equip Astana State Media Center (*Media Ortalygy*) with state-of-the-art equipment. Many media outlets purchased universal backpacks with voice recorders, netbooks and photo cameras for their reporters; newspaper reporters were taught how to shoot video and take pictures properly, while TV reporters were trained to use voice recorders. According to the panelist Karlyga Musaeva, the state also funded technical equipment of the training studio of the journalism department of Al-Farabi Kazakh National University. The technical characteristics of its digital equipment are now even higher than those of some leading media outlets. Students and their instructors use this modern equipment for producing educational materials and broadcasting University TV programs.

In general, this year was marked by considerable technical development of the media, and the advance of multimedia

techniques became especially trendy in 2012. Some independent media outlets, such as *Lada*, *Novy Vestnik*, *Otyrar* in Shymkent, *Uralskaya Nedelya*, *Nasha Gazeta* in Kostanay, which continued their participation in the Internews project geared towards promoting regional print media on the Internet, purchased new equipment, and were able to get multimedia editorial desks up and running. New technologies have led to the success of the *Tengrinews* portal, *Forbes*, and some other independent media outlets that purchased new equipment at their own expense.

Interesting technological ‘shifts’ have taken place in business journalism which are, according to experts, the only growing specialized niche. Khe, of *Business Resource* magazine, considers this growth and development logical: “The financial sector in Kazakhstan is quite dynamic. There are serious motives for analysis and prediction, including prospects of Kazakhstan’s entry to the WTO and the Customs Union, and the People’s IPO program, in which more than ten thousand Kazakhstanis are engaged in purchasing shares of the country’s major enterprises. All these processes promote the development of business journalism, since the public needs specialized information. The quality of service and technologies in business journalism are improving fast because business-oriented media outlets are closer to business, marketing and management. For example, our media enterprise is actively published online, paper copies are being replaced with electronic versions. We are expanding pdf-based circulation, introducing hyperlinks. We have also ordered a special software application for the *Pro Finance* website and the newspaper’s adaptation for smart phones.”

In view of the growing technical possibilities for journalists, their incomes are far from a winning situation. According to the data presented at the panel discussion, it turns out that a complete or partial relocation of state-run media offices, especially television, to the capital Astana created a surplus of professional journalists in Almaty, the financial hub and largest city. This led to a reduction in salaries and massive outflow from the profession. The panelists have estimated salaries as follows: An average experienced journalist working for a national TV channel in Almaty or Astana earns about 150-180 thousand tenge (\$1000-1200). Regional journalists earn up to \$700, and sometimes just \$400. This explains why there are so many young, inexperienced journalists in the field while high-ranking professionals cannot find work, as employers consider them overqualified and expect them to demand high salaries.

Aigul Aliyasova believes that, “There are no ‘stars’ with a high rating among journalists anymore. There are media practitioners receiving ‘special’ salaries once set in Dariga Nazarbaeva’s former media corporation but, both

then and now, such payment is based not on ratings and professionalism but rather on friendship, attitude and degree of ‘loyalty.’”

Migration of journalists to other professions, especially PR and press offices of government bodies, is the most widespread ‘career’ move for experienced journalists. Groznaya-Kaplina illustrated it with a vivid example: Why did KTK TV channel produce such wonderful coverage on the Chelakh case? Because one of the best KTK reporters, Evgeny Drobyazko, is now the head of the Supreme Court press service, which explains the fact as to how KTK managed to acquire all that data on Chelakh, even information which was unavailable to his attorney.”

The issue of professional ethics received an unexpected surge in 2012. Although a somewhat anemic discussion between the representatives of donor organizations, the journalist community, and media organizations on the necessity of drafting and adopting the Code of Ethics for Journalists lasted for several years, there were no specific achievements. Most media professionals were biased against it, as they suspected it would become just another tool restricting media freedom. However, once Nazarbayev mentioned that Kazakhstani journalists need a code of ethics, the Ministry of Information and Culture rushed to draft it. Birjanova believes that this legal code was drafted by pro-government media organizations and NGOs, and that its hurried adoption reflects a box-tick approach to the issue. Modern practice demonstrates an absolute willingness of most editors and journalists to serve the interests of any group. Groznaya-Kaplina illustrated it with her own experience as a manager for Internews in Kazakhstan. One of the regional companies produced an extremely optimistic, praising coverage of nuclear physicists for the TV-Exchange project. When she remarked that coverage on another topic had been requested as well, the journalists’ reaction was fast—the next day she received the coverage criticizing nuclear physicists!

### OBJECTIVE 3: PLURALITY OF NEWS

Kazakhstan Objective Score: 1.67

The Ministry of Culture and Information blog contains data on the number of media outlets registered in Kazakhstan, which purport to show thousands of media outlets, most of which are ostensibly private. While some of these outlets exist only on paper, the raw data, as presented at in the “At a Glance” section, is impressive, but it belies weaknesses. Most private outlets are controlled by allies of the government, or are strictly loyal. There are no community media outlets *per se* in Kazakhstan.

Okremova-Medvednikova reported, “Some regional media outlets have been forced to reduce the number of their own programs. For example, Alve TV in Zyryanovsk had to close all local programs except for news coverage.”

Despite the quantitative variety of sources, the access by the public to alternative information has been reduced. The panelists were unanimous in their opinion that the suppression of opposition media, along with prosecutor’s orders concerning 40 media outlets, detentions and arrests of journalists and public figures in 2012, were all crushing blows against plurality of media sources. The transition to digital broadcasting has made non-government media outlets even more vulnerable. According to Zhaxybayeva, the multiplex satellite package *Otau* adopted by a decree of the Ministry of Communications has led to the widespread predominance of state-run channels, with 13 of its 43 channels being affiliates of the national state channel Kazakhstan. It should be noted that such newly emerged state-run channels such as Bilim, Medemiet, Balapan, 24 KZ were included into the free access package right after their creation, whereas other channels, which had been struggling for their place for decades, fought their way into the package with great difficulty. In September 2012, media organizations, especially the National Association

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens’ access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.



According to Khe, “Media outlets are not transparent, even journalists themselves do not always know who stands behind them.”

of Television and Radio Broadcasters (NAT) of Kazakhstan, made an enormous effort to push two regional channels—TDK-42 (Uralsk) and ALAU-TV (Kostanay)—onto the Otau package. So, the whole palette of regional TV channels will be at least represented by two non-governmental ones.” At the same time, digital TV has expanded public access to local television. The residents of far-away villages could not receive Kazakhstani channels for an entire decade, and now these population groups are ‘rediscovering’ TV, that describes their own world in their native language. Since the digital project has not reached all the regions yet, there is a huge gap between the access to information in rural and urban areas.

Despite the proliferation of mobile telephony, the rate of access to the Internet is still relatively low. According to the *Global Competitiveness Report* on the World Economic Forum countries, just one-third of Kazakhstan’s population uses the Internet, placing 77th out of 142 countries. Most internet users are city-dwellers, since a low economic level of rural residents restricts their opportunity to connect to the internet. Furthermore, hardships with the delivery of non-government print media and absence of cable TV networks in most villages decrease the number of alternative sources of information available to rural residents. On top of that, the economic crisis had its impact on a variety of media sources, especially local ones. According to Diana Okremova-Medvednikova, “Some regional media outlets have been forced to reduce the number of their own programs. For example, Alve TV in Zyryanovsk had to close all local programs except for news coverage.”

Media organizations and the general public fear that the introduction of the so-called “conditional access system” will seriously threaten the free and equal access of the population to information. NAT Kazakhstan, Internews, and Adil Soz petitioned the president, prime minister, and speaker of parliament to cancel the competitive bidding for state contracts of the conditional access system for encoding TV programs, which is conducted by the state monopoly Kazteleradio. They also requested to put the activities of governmental bodies and business enterprises involved in transition to digital broadcasting under the parliament’s control, and to involve the business sector and civil society in systematic examination of the new broadcasting law.

Nikonovich said that the conditional access system had been launched in Karaganda in early December. “Until then, two or three types of receivers certified by the state had been offered in the city. One of those receivers, “Strong”, had been publicized by Kazteleradio, but people used to buy different receivers out of ignorance. And then comes December 4th, the TV screen turns blue and reads ‘The signal is scrambled’. People turn to Kazteleradio to have the signal decoded, but receive an answer that only ‘Strong’ receivers affiliated with Kazteleradio should be used. This is nothing but a monopoly.”

The panelists also described some positive trends in the media development, including a considerable increase in the amount of educational and cultural programs that reflect public interest, especially in state-run TV channels, which is due to state contract funds. One of the most interesting and successful projects is the initiative of the *Bilim* channel in cooperation with Wiki Bilim Kazakhstan foundation to show the TedX series on various topics—culture, economics, finance, education—dubbed in Kazakh. Another was the *Saigez* program, one of whose series was devoted to the elections and gave a floor to a range of political parties to discussing the development of electoral democracy. The project was sponsored by the EU.

Information agencies keep working according to the traditional model. Groznaya-Kaplina believes that they are not increasing video format, are oriented towards text, and face increasing competition. Since many media outlets have an online component, the demand for video content has grown considerably. In 2012, several new information agencies were launched, including DTK, Zhurik.kz, the new blog platform Gonzo.kz, and others, affording new outlets for information and expression.

Practically all media outlets in Kazakhstan prefer to produce their own news, irrespective of the outlet’s genre. The only exception is the radio, where brief news broadcasts are just a copy of news provided by information agencies. News content in various media is almost all the same in terms of topics and sources of information, and this ‘sameness’ has especially increased after the suspension of opposition media outlets in December 2012, a commonality among dictatorship.

Common citizens who receive information from different sources do not understand who this or that media outlet belongs to. According to Khe, “Media outlets are not transparent, even journalists themselves do not always know who stands behind them.” For example, in November, one journalist, Nazira Darimbet of RFE/RL’s Kazakhstan bureau, Azattyk radio, went public with allegations of wrongful dismissal and tribal attitudes at the organization.

The subsequent discussion gave birth to a hypothesis that Azattyk is backed by a leading politician, current Astana mayor Imangali Tasmagambetov. Azattyk makes no attempt to conceal the fact that RFE/RL and its affiliates are funded by the US government. However, the fact that this possibility was raised in a serious forum illustrates how little information is available on media ownership. No official data on media ownership, their affiliation with certain structures and their funds are available to the general public.

Mass media in national minority languages are mainly print media based at national cultural centers under the auspices of the Assembly of the Peoples of Kazakhstan. They are not sold at retail. According to Lapina, a self-financed newspaper in Ukrainian is barely surviving. Media outlets of other minorities, including visually impaired people, also face financial distress.

The share of international news in the overall news flow is still insignificant. For example, Kazakh media provided almost no coverage of the meeting in Bolotnaya Square in Moscow to protest fraudulent elections there. The Kazakhstani public could only receive this information from the Russian media or the Internet. As Karlyga Musaeva noted, "If we are cut off from the Russian media sources, we will not even know what our nearest neighbor is doing." On the other hand, news from Arab countries showing destruction and death of war and civil unrest are broadcast intensively. One of the panel participants noted that the state-run media were especially active in that, as if warning the public, "Do you see what revolution has produced there?"

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.76

The issue of the efficiency of state-owned media enterprises is not yet on the agenda. As Nikonovich reports, the impact of government is of huge concern. "No one evaluates the impact of this spending, whether they solve the problems, improve the state of being. Virtually no one cares about it. They just that the contract was fulfilled, the newspaper reports on the number of articles published, the TV channel reports on the time devoted to, say, the President's Address to the Nation, and so on. These are not market relationships, the goal here is to spend the funds, not to earn profits, so efficiency is not monitored."

Commercial media and publishing houses, on the other hand, are barely surviving in the difficult post-crisis situation as their main source of income, i.e. the advertising market,

"No one evaluates the impact of this spending, whether they solve the problems, improve the state of being. Virtually no one cares about it," Nikonovich reported.

has not yet recovered after its sharp fall in 2008, and the share of print media is not growing either.

Kraus described the success story of her media outlet, the *Novyi Vestnik* newspaper in Karaganda. "The enterprise has been in the market for 16 years already, and we have been #1 in the city in terms of circulation for the past 12 years—about 20,000 copies, more than [state-owned] *Industrial*. But we were and still are an exception in terms of cost recovery and management efficiency despite unequal conditions: unlike state-owned newspapers, we cannot force subscriptions and do not receive social service contracts." Some state institutions continue the Soviet-era practice of forcing their employees to subscribe to state newspapers. Non-state newspapers are often affiliated with some commercial media group, which includes TV, radio and perhaps its own printing house. For example, *Atyrau* in Shymkent is both a TV station and a newspaper, *Diapazon* in Aktubinsk combines a newspaper with business, and there is a combination of a newspaper with a printing house in Kostanay.

Another example of efficiency mentioned by the panelists is the *New Television* from Karaganda—the only regional TV

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

Kraus reported, “We were and still are an exception in terms of cost recovery and management efficiency despite unequal conditions: unlike state-owned newspapers, we cannot force subscriptions and do not receive social service contracts.”

station that managed to get to the national level, and was included in the free package not only in Karaganda, but also in Almaty and Shymkent. This TV channel entered the cable network of the IDTV national operator.

The discussion that followed concluded that a real picture of the outlets’ cost recovery is unavailable since private entrepreneurs often resort to a double-entry bookkeeping system in order to hide their real profits and expenses due to the ill-conditioned tax system. According to most experts, the low financial efficiency of print media can be explained by the absence of skilled media managers, which leads to unprofessional management. Groznaya-Kaplina illustrated this with the example of *Panorama* newspaper, which had to suspend its work and change owners as it was absolutely inefficient. She believes that media managers focus too much on content management and journalists’ work rather than commerce. They lack marketing skills, which is unforgivable in the modern market economy. Saule Barlyvaeva argued that the situation will change when media managers begin entering the market from the new program at the English-language Kazakh Institute of Management, Economics, and Strategic Research (KIMEP).

Khe shared his experience of efficient media management. “Rather than doing everything ourselves, we have taken an opposite approach. We optimized everything, removed undue departments and started to outsource a lot of things. For example, the design was transferred to the *Illustrated* in Karaganda, which employs a whole team of layout designers, and we get a better product and higher quality than from one in-house designer. Financial management was entrusted to a consulting company, also an outsourced. Thus, our company shrank but the quality of its service improved.”

New legal regulations enable TV channels and Internet media outlets to outsource work to production studios even if the latter are far away or even abroad. Such a freedom of choice will obviously lead to positive changes in the Almaty and Astana market, where service providers used to charge higher rates for lower quality. Khe and Nikonovich said that

the production studios from Karaganda turned out to be the most flexible and creative, so that they are already working for Astana, Channel 7 and other TV channels.

The economics of internet media are not transparent and apparently not cost-efficient yet. Some websites charge to post materials on the main page, such as Y-vision. The .kz domain is rapidly developing. According to the Kazakhstan Franchise Association, there were 81,175 registered .kz domain names as of October 2012, and the turnover in this segment was about one million dollars, with an average growth rate of 12 percent.

However, real revenues from the Internet remain in the future. Here is how advertising market experts estimate the distribution of the advertising in Kazakhstan: “Advertisers’ expenditures for internet advertising constitute no more than 3–4% of the media market. Even the most optimistic forecasts promise its share to become equal to that of the printed media only in 2016. TV is still a definite leader—its share of the advertising budget is 56%. Outdoor advertising comes second with 22% of the advertisers’ budget. Printed media and radio are gradually losing their former positions retaining 13% and 6% of promotional costs respectively.”<sup>1</sup>

According to Ruslan Nikonovich, the times of ‘parochial’ advertising distribution are coming to an end. Those media outlets that are still employing an advertising agent and are trying to work only with local advertisers would have already starved to death had they not been subsidized by state contracts. Such a narrow-minded local approach cannot compete with the possibilities of such huge complex service companies as Video International, Alma Media and Orange Point, which sell media services from Almaty.

Just as in the past, there is no standard distribution of the sources of media income. Newspapers are receiving less and less from sales and subscriptions since the amount of free Internet content discourages people from buying printed media. Nikonovich estimates the share from sales of regional printed media to constitute no more than 5–10%, but print media sales in densely populated cities may still be profitable. In fact, it has already become quite difficult to attract national advertisers, let alone foreign ones. Under these circumstances, state contracts have become the only way out of a difficult economic situation for both state-owned and private media outlets.

However, competitive bidding for state contracts is a matter of politics rather than economic efficiency, especially in the regions. The winners are not necessarily the most popular media outlets or the ones with the highest ratings,

<sup>1</sup> Interview available in Russian at <http://www.kursiv.kz/weekly/tendencii-weekly/1195234261-reklama-ne-vlipla-vo-vsemirnuyu-pautinu.html>

but rather the most politically engaged and loyal ones. In most cases, local authorities and government bodies know the winners in advance. The panelists illustrated it with the example of the *Kostanayskie Novsti* (Kostanay News) newspaper, which belongs to a business tycoon. This newspaper always receives the most handsome grants from the state budget. State contract funds allow the newspaper to lower its advertising fees, equivalent to offering dumping prices. According to Zhaxybayeva, the unfair distribution of the state financial support artificially makes the market noncompetitive and prevents the establishment of new media outlets and more efficient media firms.

Market research is becoming more widespread even in regional media outlets. Several prominent companies specialize in media market research, including TNS-Gallup, Brief, and others. Less affluent media outlets fall back on local sociologists and market analyzers. No matter who conducts the market research, each time the results look questionable, and do not satisfy media managers or editors. As for TNS-Gallup research, regional media outlets consider their data to be quite unreliable and not representative of their particular regions, as they argue that too few meters were allocated to their region. No panelist could recall any story illustrating the efficiency of research results and their impact on the subsequent activity of the media outlet. Groznaya-Kaplina said, "Constant questions on the reliability of such ratings arise because of the alleged (though unjustified) association of marketing companies with some media corporations."

No violations concerning circulation figures were detected in 2012, because in previous years several print media outlets had been suspended due to incorrect or unspecified circulation figures. Therefore, advertising agencies can safely rely on circulation figures. In contrast, Internet ratings are far from being honest. Extra traffic is often produced by manipulations of hyperlinks, when website visitors are promised some sensational material or pornography, the pursuit of which sends them on endless clicking circles. Each click on such a false link automatically adds visitors to the other websites as well. Media experts call such ratings 'shit traffic'. Nikonovich noted that many Kazakh websites have 'traffic bursts.' "50 visitors suddenly become five thousand a day, due to this 'shit traffic'," he said.

Business-oriented internet media outlets are usually interested in finding out who visits their websites and why, so they use local as well as international web counters, among which Google counter is considered to be the most reliable.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Kazakhstan Objective Score: 2.20

The year 2012 was significant for media associations and media NGOs as key organizations, such as Adil SOZ, NAT Kazakhstan, and Internews Kazakhstan managed to join their efforts in lobbying state authorities concerning the digital reform and development of television legislation.

As a membership-based organization, NAT worked to defend the interests of private regional television channels and cable operators. The whole year was devoted to multiple meetings with key politicians at various levels of authority, explaining the interests of TV channels and communications operators, examining laws, and promoting proposals concerning changes in draft laws. Ruslan Nikonovich, who represents one of the NAT member organizations, said, "Thanks to this association, two regional channels have been included in the satellite package, and thanks to that we are in the multiplex. It is just incredible how much the Association has managed to do."

These achievements became possible due to NAT's international cooperation with other business associations related to television and radio broadcasting. For instance, it was useful to study the experience of Russian colleagues, who had gone through the same process earlier. For example, NAT is now working on compensation for the loss of frequencies. In Russia, President Putin supported this approach, so NAT is lobbying to do the same in Kazakhstan. According to Nikonovich, "Ministers are still against such

#### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

##### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

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a law, so we tell them: we are in the Customs Union and Single Economic Space; therefore, if compensations are paid in Russia, what about us? The Ministry replies: No funds. And we respond: You have 52 billion tenge (\$345 million) to upload the signal to the satellite but do not have the money to reimburse us for having maintained those frequencies? Either give us our money back or let us retain the frequencies.”

Sholpan Zhaxybayeva, executive director of NAT, sadly added, “Much more could have probably been attained with the journalists’ solidarity. When NAT, Adil Soz, and Internews Kazakhstan petitioned the president, prime minister and speaker of the Majlis, we asked the journalists’ organizations and individual journalists to back us, but did not receive any support. The journalist community seems not to care whether the citizens will have access to free television and alternatives to the state-run media. Our actions were met with silence, the country’s media outlets preferred not to inform the general public about these problems.”

The Pirate Party of Kazakhstan, which unites the most prominent Kazakh pirate websites, has become especially active after the adoption of a new law intellectual property rights. The association and the party representatives rightfully claim that most traffic in the .kz domain is generated by illegal content. As long as the Kazakh Internet is unable to produce legal content of sufficient quantity and quality, and the vulnerable population cannot access media products due to poverty and other limitations, the Pirate Party argued it would to close all pirate resources radically. The members of the association addressed the authorities with a letter signed by many users who want to download free songs, music and films because they just cannot afford to use paid sources.

Although media organizations do not always succeed in achieving their aims and converting public interests into real reforms, the state still relates to them as a serious force and even as a threat. In any case, the state authorities continued founding pro-governmental organizations, referred to by the Kafkaesque phrase government-organized non-governmental organizations (GONGOs). The panelists mentioned quite a few GONGOs that were established under the auspices of Ministries and Departments, such as the Guild of Court Reporters, the Association of Sports Journalists, and others. Having been initiated by the Ministry, and being 100% funded through the Ministry, such organizations fully support their founders’ policies. They become active on demand, support proposals voiced by officials, and create a silent ballast in discussions conducted by media organizations that try to protect the rights of the non-governmental media.

There are few media organizations that do work, especially in the regions. Most organizations are concentrated in Astana and Almaty. They provide media outlets with legal support, take part in drafting new laws, conduct actions and advocacy campaigns, conduct training sessions, and examine new laws. They mostly subsist on grants from international organizations. They would likely face closure, due to pressure or lack of funds, without significant foreign backing.

There is no single trade union in Kazakhstan, though the media community has lately raised the issue of its necessity because journalists need an organization that can consolidate them and provide them with real financial, legal and moral support. There are separate trade unions in media outlets, such as at *Vecherny Taldykorgan* and *Kostanayskie Novosti*.

A new trend noted by the panelists is an increased variety of training programs for journalists. According to Groznaya-Kaplina, “there were more training sessions devoted to launching Internet media, but it should be mentioned that many training sessions were taught by unskilled people who are not experts in the field.” She illustrated this with the example of an organization that came to teach journalists on how to write blog posts but failed to provide the participants with computers and Internet access, as such, they taught theory, not practice. Such an abundance of training programs is often explained by the trends set by donors rather than by real needs and opportunities facing the media.

The system of higher professional education of journalists is still lagging behind media market demands. The availability of new specializations and adequately-equipped classrooms did not affect the cadres of journalists. It is nice to see that the institutions of higher education, including state-run universities, understand the demand reforms and are ready to experiment and provide their students with the opportunity to compete in academic mobility programs, introduce new subjects, invite the most successful practitioners to teach specialty classes, and other initiatives. However, media experts are still quite skeptical about the higher education of journalists. For example, Aynash Esalieva from *Egemen Kazakhstan* claimed that their media outlet is trying not to employ graduates from the Faculty of Journalism at Al-Farabi University because they do not have mentors to train the graduates who are hired. Groznaya added, “Although KIMEP offers a lot of courses devoted to online journalism and applies it everywhere, each student has to register on Twitter and Facebook and do online assignments only on those social networks. On the one hand, the graduates are not afraid of technology anymore. On the other hand, these graduates lack professional skills:

they are unable to write properly, their Kazakh is not improving, and they cannot even speak properly. Young people have stopped reading books, even though books are the best way of learning how to write well. Media technologies are introduced at a rapid pace: a new service that is invented today will already be demanded in the media outlet tomorrow.”

Related businesses sometimes also experience serious pressure from the government. For example, there have been several attempts to initiate licensing for printing houses, though the printing houses are subject to political influence even without licensing. For example, state-run printing houses do not print opposition newspapers. *Respublica* first had to be printed on a risograph, and then in Russia, because local printing houses refused to print it out of fear for their own businesses.

Besides, the printing business itself is economically quite risky. Expendable materials for printing newspapers are becoming more expensive, especially due to high customs duties for the newsprint. The prices of energy and fuel are also growing. One of the key partners for print media, the postal service Kazpochta, is also becoming politically engaged and often refuses to distribute opposition newspapers. Also, the number of Kazpochta outlets shrinks from year to year. For example, it was announced that an additional 100 Kazpochta rural branches would be closed by the end of 2012 due to their unprofitability. There are no newsstands in villages, and retail distribution in the rural areas can only be provided by individual entrepreneurs on a private basis. That is, the situation in this aspect is not improving, and the trend toward the infrastructure degradation in the regions is only increasing.

In contrast, the infrastructure of information and communication technology significantly improved in 2012. According to the panelists, the fact that TV and radio broadcasting was under the auspices of the Ministry of Transportation and Communications has unexpectedly played a positive role. Today, according to Ruslan Nikonovich, and other panelists, the infrastructure is capable of satisfying the needs of media outlets and the public. The ministry’s Digital Inequality and Digital Divide Program improved Wi-Fi and 3G accessibility, audio and video streaming quality, improved information transfer via mobile networks, less expensive gadgetry and equipment, and a lower price for internet traffic. All these achievements facilitated development in the media sphere.

## List of Panel Participants

**Diana Okremova-Medvednikova**, director, North Kazakhstan Legal Media Center, Astana

**Olga Kraus**, chief editor, *New Herald* newspaper, Karaganda

**Sholpan Zhaxybayeva**, executive director, National Association of TV and Radio Broadcasters of Kazakhstan (NAT), Almaty

**Olga Groznaya-Kaplina**, *TV-Exchange* Project Manager, Internews Kazakhstan, Almaty

**Esengul Kapkyzy**, director, *Minber* media NGO, journalist, Almaty

**Sofia Lapina**, web editor, journalist, Adil Soz, Almaty

**Ruslan Nikonovich**, director, *New TV*, Karaganda

**Aynash Esalieva**, journalist, *Egemen Kazakhstan* newspaper, Almaty

**Saule Barlybaeva**, professor, Kazakh National University; member of Kazakhstan Communication Association, Almaty

**Karlyga Musaeva**, associate dean for science and international relations, journalism department, Kazakh National University, Almaty

**Vladimir Pavlenko**, editor, *Sovetnik.ru* Kazakhstan PR portal, Imaty

**Aigul Aliyasova**, blogger, journalist, former manager of *TV KTK*

**Oleg Khe**, director, *Business Resource* media corporation, Almaty

*The following participant submitted a questionnaire, but did not participate in the panel discussion:*

**Gulmira Birzhanova**, lawyer, North Kazakhstan Legal Media Center, Astana

## Moderator & Author

**Gulnara Ibraeva**, media expert; associate professor, sociology department, American University of Central Asia, Bishkek, Kyrgyzstan

*The panel discussion was convened on December 14, 2012.*

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*Kyrgyzstan's competitive and diffuse politics meant that the government could not rudely control the media, but opaque ownership, poor professionalism standards, and a weak economy allowed most outlets to be used as tools for politicians to further their agendas.*



# KYRGYZSTAN

Despite the absence of any obvious regulatory or structural changes, turf wars for political power both in the public forum and behind-the-scenes set the stage for further turbulence in the media industry and the journalistic community.

The year 2012 began with a series of protests that rapidly spiraled into conflict. First, there were confrontations between prisoners and the management of the State Prison Service. This was followed by a series of clashes between groups of Kyrgyz youth with minority Tajik communities in the southwestern towns of Andarak and Aydarken, Caucasus youth in Jany Jer, and Uzbeks in Aravan. Domestic media outlets covered these events extensively, though not necessarily deeply.

The five squabbling, personality-driven parties in parliament continued competing relentlessly for political power, accomplishing little. In early August, a serious conflict broke out between the leader of the Ata-Meken party, Omurbek Tekebaev, and Prime Minister Omurbek Babanov, which ended in the collapse of the coalition government and the de facto assumption of control of the government by President Almazbek Atambayev, with his Social Democratic Party of Kyrgyzstan taking the prime minister's office. There were various moves throughout the year by the other parties in parliament to try and wrest back control from the president, but the dispute has yet to be resolved.

The Kyrgyz media has been at the epicenter of these turbulent events, as a willing participant, as collateral damage, and as the subject of political machinations. Repeated calls to "pull the plug" on various media outlets from political figures and "AstroTurf" social movements resulted. Kyrgyzstan's competitive and diffuse politics meant that the government could not rudely control the media, but opaque ownership, poor professionalism standards, and a weak economy allowed most outlets to be used as tools for politicians to further their agendas. A vicious circle has been created, whereby this influence led to further deterioration in professionalism and pluralism.



# KYRGYZSTAN at a glance

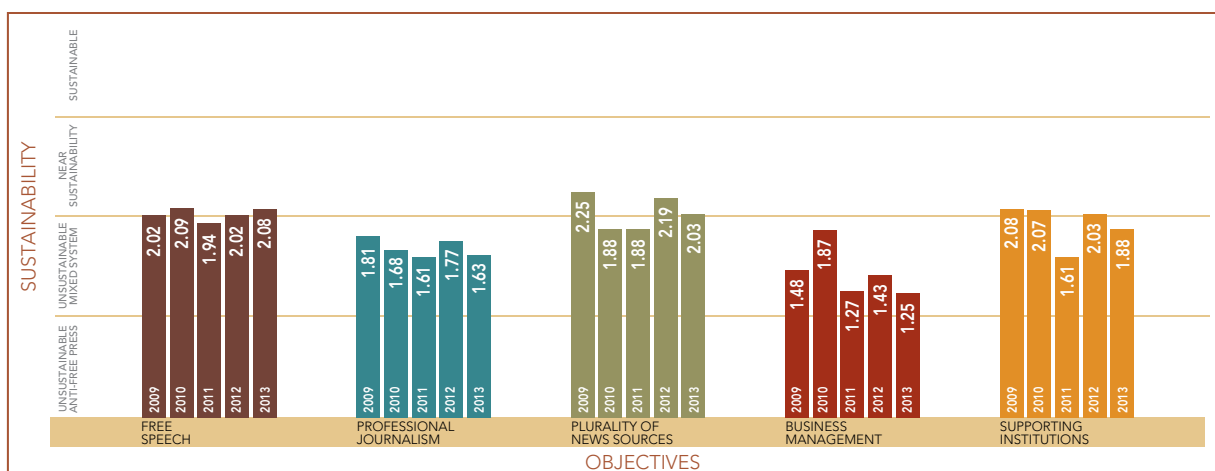
## GENERAL

- > Population: 5,548,042 (July 2013 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%, Uyghur 1%, other 5.7% (1999 census)
- > Religions (% of population): Muslim 75%, Russian Orthodox 20%, other 5%
- > Languages (% of population): Kyrgyz 64.7% (official), Uzbek 13.6%, Russian 12.5% (official), Dungan 1%, other 8.2% (1999 census)
- > GNI (2011-Atlas): \$ 4.865 billion (World Bank Development Indicators)
- > GNI per capita (2011-PPP): \$2,180 (World Bank Development Indicators)
- > Literacy rate: 98.7% (male 99.3%, female 98.1%) (1999 est., *CIA World Factbook*)
- > President or top authority: President Almazbek Atambaev (since December 1, 2011)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: 250 including 4 main dailies and 4 other major papers; Radio Stations: 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), *Vechnij Bishkek* (circulation 50,000, private, Russian language), *Pyramid* (circulation 40,000, private, Russian language), *Delo No.* (22,000, private, Russian language)
- > Broadcast ratings: Top two: National TV and Radio Broadcasting Corporation (state-owned, both languages), 5th Channel (private, Russian and Kyrgyz)
- > News agencies: Kabar (state-owned), AKIpress (private), 24.kg (private), K-News (private)
- > Annual advertising revenue in media sector: Estimated \$5 million in 2008
- > Internet usage: 2.195 million (2009 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: KYRGYZSTAN



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Kyrgyzstan Objective Score: 2.08

The panelists agreed that media legislation in Kyrgyzstan is liberal. The right to freedom of expression, speech, press and information is all guaranteed and protected by the Constitution of 2010. Various methods of obtaining information, whether by written requests, access through government databases, or through legal proceedings, is provided for through legislation.<sup>1</sup>

Any violation of free speech or access to information could be the subject of legal proceedings, established by law, to include: complaints to senior officials, appeals to the Ombudsman of the Kyrgyz Republic, or court appeals. Libel remains a civil matter. As a result of the specific characteristics of those civil proceedings, it is up to the accused to prove his or her innocence. Officials who have hindered free speech and access to information bear administrative and criminal liability for so doing.

The year 2012 was full of policy initiatives by high-ranking politicians and public debate on the need to change media legislation. Among the politicians who demanding greater consequences for journalists guilty of libel or defamation were Prime Minister Babanov and President Atambayev. Also, as reported by 24.kg News Agency, State Prosecutor

<sup>1</sup> The Guarantees on Access and Freedom of Access to Information Act (1997) and the Access to Information Held by Departments of State and Local Government Bodies Act (2006).

### 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.

Salyanova twice made official statements decrying “the veritable storm of unfounded and unverified information coming out of both the media and politicians themselves,” and transparently hinted that her office intended to bring criminal charges for such cases under “false accusation.”

Debate continued in Parliament about the Media Act, which was described as hopelessly outdated and failing to regulate the rights of journalists and the public to be able to access socially significant information. In attempting to reform the media legislation, Member of Parliament Ravshan Zheenbekov moved for amendments to the Criminal Code related to abuse of free speech and freedom of the media. Under his proposal, journalists and chief editors would be held criminally liable for publishing false information, not the outlet’s owners, as is now the case.

According to panelist Igor Shestakov, there is already a working group formulating a new Media Act that also includes representatives of the media community. However, Shestakov himself, speaking as a member of the group, expressed serious doubts about whether the political interests of the parliament members of the group would allow the draft Act to progress. Shestakov argued, “Given how they have been going about adopting the new law, the 1992 version would have been the more democratic of the two. Right now, even if does not regulate much, at least it does no harm.” His view was supported by panelist Aleksandr Kulinsky, who said, “This has been an example of how an ordinary, pretty much technical exercise to reconcile the Russian- and Kyrgyz-language versions of the Act has all but turned the media legislation into a repressive cage for journalism, which shows that in our country, ‘if it ain’t broke, don’t fix it.’ We should not adopt any amendments to the existing law, much less adopt a new one.”

Many additional legislative initiatives were publicly announced and presented to parliament that would impact the media industry.

One such bill concerned exposing children to media images that might be harmful to their health or well-being. While on the surface the subject seemed commendable, the public consultations in June were said by the panelists to contain a series of repressive provisions that would muzzle free speech and the independence of the media. Through the internet, the Civil Initiative on Internet Policy and affiliated NGOs gathered 23,000 signatures opposing the bill.

Another bill was presented by Tekebaev to protect “the honor, dignity and business reputation” of politicians by creating a “buffer zone” between the media and the public, which would have directly conflicted with certain articles of the Civil Code. Additional bills infringed on free speech under the guise of anti-terrorism or extremism, and one

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bill on public service advertising, or rather amendments to the Advertising Act,<sup>2</sup> would have severely impacted the financial sustainability of the media industry, in the opinion of the panelists.

Although initiatives to reform media legislation are ostensibly initiated by objective reasons and needs, on the whole it can be said that there is a trend toward the tightening of the legal regime for free speech. The very idea of regulating media activities through such a vast overhaul of the legal and regulatory system is a risk and threat to journalists and the media industry. As Kulinsky observed, "This 'dismemberment by legislation,' in practice, has opened up the potential for the courts to hand down the worst possible decisions for the media industry based on legislation that favors one or another interest group."

Legal cases impacting free speech and the media were very active in 2012. There were a number of very important cases that set precedents for the future.

Human rights activists and other citizens began trying to win the right to access public information through the courts. For example, Nurbek Toktakunov, a lawyer and human rights activist, took the State National Security Committee to court for concealing expenditures and revenues in its budget. Similarly, the NGO Precedent won its case against the Office of the Prosecutor General to provide information on salary paid its head.

For the first time in the country's history, the issue of libel was raised against the head of the state's broadcast media outlet, for distorting information. The Supervisory Council of Kyrgyz Public Radio and Television (KPRT) brought the case, questioning whether the state television channel's director had spread disinformation concerning the attempted takeover of the Kyrgyz capitol building, the White House, by opposition parliamentarian Kamchybek Tashiev in October 2012.

Authorities attempted to pin responsibility for repeated ethnic conflicts in the country on the media and journalists. As a result, blogger Vladimir Farafonov was indicted under Article 299 of the Criminal Code, for "inciting national, racial, religious or inter-regional hatred," and it was predicted he would get anywhere from eight years to life in prison for his blog post, posted on a Russian website, which described the inter-ethnic clashes in Osh in 2010 and was described by certain politicians as reflecting poorly on the Kyrgyz nation.

Everywhere, heads of state-run media, especially in the regions, have been appointed based on their "party spheres

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<sup>2</sup> Included an initiative by Member of Parliament Damira Niyazalieva to oblige the media to offer 5 percent of their advertising airtime to public service advertising.

of influence,"<sup>3</sup> with no regard to professional competence or the views of their staff. The "party promotion" of editors, is a form of censorship and partisanship regarding the promotion of the platform of the parties involved and the readiness of the journalist, at any time, to deploy editorial resources for information warfare with media outlets affiliated with other parties. Everywhere there is evidence of interference by the ruling political parties and the government in meddling in the affairs of media companies. The panel described a tacit agreement between the parties in parliament, and their leaders, to effectively privatize the state media by dividing its leadership amongst themselves.

Thus, for nearly six months the applicant to head the Tumar national radio station, who had won the competitive selection process run by the Supervisory Council of KPRT, did not get confirmed. The government backers on the Council would not accept him. Shestakov noted, "In comes one party, and they put in one chief; then, in comes another party, and they put in another. Today we have the phenomenon of [parties] sharing the media and they have decided to just take over. This is what has been behind all this dressing up [the Council] as 'public interest.' It has been nothing more than a smokescreen. It is been absurd, as has the very structure of the Council—why has it been composed of representatives of just the three or four ruling parties, when there are nearly 200 parties in the country?"

As part of the program for the transition to digital broadcasting in Kyrgyzstan, which started in September 2012, no further licenses for analog television broadcasting have been issued. The new KPRT channel Yntymak, a State public television project launched after the violent clashes of 2010 that broadcasts in the South, received one of the last licenses and analog frequency allocations. But so far, the transition to digital broadcasting has seen many problems. The panelists summarized the most problematic aspects in the transition Action Plan as follows.

By October 2011, the Plan would, "Determine the conditions for the competition to obtain frequencies for operators and licenses for broadcasters," with the subsequent development and approval by the government of a regulation on the conduct of the competition for the right to use the radio frequency for digital terrestrial broadcasting. However, even towards the end of 2012, the Ministry of Transport and the State Telecommunications Agency who are responsible for implementing these measures, have not presented any drafts to the public, nor have they approved any legislation or regulations.

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<sup>3</sup> Under a tacit agreement between the parliamentary parties on sharing spheres of political influence, the parties have effectively carried out the silent privatization of the State media.

By the end of 2011, the Plan would, "Hold a competition for assigning frequencies for digital broadcasting." Rather, as was reported by the online media outlet, Tazabek.kg, the Ministry of Transport and Communications allocated four multiplexes without competition to the state-owned firm, Kyrgyztelecom.

The regime for allocating frequencies, channel assignments, and the packages to be carried has not yet been developed. Because the state in recent years has repeatedly put batches of its shares in Kyrgyztelecom up for sale, there is a huge risk that the multiplexes will end up in private ownership and the guaranteed free television broadcasting package for the public will be at risk.

The situation with licensing and issuing commercial frequencies to local radio stations in the outlying regions is not a problem, and in the past year several community radio stations did receive frequencies. The registration of newspapers with the Ministry of Justice remains a liberal, but long, drawn-out process. However, there is one caveat. It is not possible to qualify at the local level for distribution throughout a region, because the registration of such an application immediately involves the Ministry of Justice. Panelist Orozaly Karasartov, editor of the newspaper *Aimaktar*, went through this process in 2012 with his newspaper. He was surprised when the regional Department of Justice granted him a registration that arbitrarily reduced the area in which he could lawfully distribute his newspaper to one district of one region, about the equivalent of a US county. Karasartov asked, "Why, in principle, did the government have the right to forcibly change the geographic area of broadcasting or distribution coverage? Why couldn't I, publishing my newspaper in Jalalabad, be allowed to distribute it throughout the country? These are discriminatory regulations."

The professional activities of journalists in Kyrgyzstan, as well as in many other countries, are under threat. In 2012, most attacks on journalists in Kyrgyzstan were carried out during protests. The state and society are rather indifferent to such attacks. Law enforcement agencies do not link these cases to journalists' professional activities. Rather, they tend to consider such attacks as "hooliganism," street crime, or disorderly conduct. Law enforcement bodies do raise criminal cases against those responsible, but the perpetrators are rarely found, especially in the case of murder. Almaz Ismanov noted, "The investigation into the murders of Alisher Saipov and Gennadiy Pavlyuk, and the brutal beating of Syrgak Abdyldaev, even two or three years after the change in political regime, suggests that the authorities are still not morally ready to dot all the i's and cross all the t's, and investigate these cases through to a conclusion."

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Kyrgyzstan Objective Score: 1.63

During 2012, several independent studies were conducted on professional standards and journalistic ethics. Media Policy Institute monitoring of content on inter-ethnic topics from news agencies and print media showed, "In a third of the news agency material, facts were not distinguished from commentary, and the information was not balanced. Over a third of the Kyrgyz-language newspapers published material without identifying either sources or authorship." Research by the organization Egalité, commissioned by UNDP, found that, "The media are creators of conflict. They may inaccurately and wrongly interpret the words of interviewees, drag them out of context and distort facts. The facts they present are not checked, and publications are biased, and implement the political goals of their founders." Research carried out in 2012 by the Media Consult Foundation with support from the OSCE Center in Bishkek found breaches of privacy, unwarranted identification of persons suspected of crimes, prejudice against politicians, proclamation of verdicts for cases still under investigation, deliberate publication of information known to be false, content based on speculation, and reporting that deliberately incites ethnic hatred.

Efforts to promote ethical standards among journalists and the media, despite long-standing support of international organizations, seem doomed to failure. Although the rules for a recognized ethics code are under discussion among the media community, they are seen as more of a set of recommendations and few journalists have agreed to abide

### 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).

by them. As panelist Olga Fedotova, senior correspondent with *Vesti Issyk-Kulya*, observed: "Inasmuch as there has been war going on between the parties, each publishing house has been working on the side of one party or another, and they could have cared less about professionalism. Every one of them 'mixes' the information any way they can. No ethics involved there at all." Isamov added, "Editors and journalists get up in arms about recommendations by the Media Complaints Commission, and in their view the very name of the organization discredits them. A whole slew of media outlets have been sharply critical of the media oversight organizations. The crisis in the media in the country is obviously coming to a peak."

One example of a breach in ethical standards in journalism is plagiarism. It seems that this phenomenon has become the scourge of modern journalism in Kyrgyzstan. The panelists believed that "[Journalists] steal everything... ideas, words, full-length text, photos and even video material." Internet resources are the key targets for plagiarism. "Plagiarism exists, but the media community has attached no importance to it," said panelist Antonina Blindina, editor-in-chief with the newspaper *Chuiskie Izvestiya*, in discussing how plagiarism has become the norm.

Censorship and self-censorship is becoming common practice for the vast majority of journalists and press houses. Each media outlet has its own "taboo topics" or personae non grata who are the frequent targets of criticism. There is also bias for certain politicians to whom that particular media outlet is loyal or with whom it is affiliated. At some media outlets, it is forbidden even to mention ineffective heating in homes or public buildings, so as not to cast aspersions on the government or the municipality that is not doing its job. Other media outlets, by contrast, can almost never stop "sounding off" on the problem of poor management, and never seem to report any positive news whatsoever. One example cited was an August 2012 article by 24.kg News Agency, one of the leading online outlets, which quoted verbatim a press release by the controversial and powerful mayor of Osh. "The Mayor of Osh has been active in construction. New facilities are being constructed and roads are being repaired and widened. There are major developments in industry. Over the first half of the year, Osh became first in industrial output in the country. However, our achievements are not being fully covered by the central television channels. This is censorship," it read.

A study by the National Democratic Institute in October 2012 examined the effectiveness of parliament and determined that parliament contributed negatively to Kyrgyzstan's image. The study found that the media is helping build an opinion among the public that the members of parliament regularly, and sometimes even repeatedly, pursue businesses

interests, racketeering, and harassment of foreign investors while in session. Corruption was cited as pervasive in parliament, with parliamentarians taking bribes to lobby against laws, attack other politicians and institutions, place front men in organizations, and guarantee loyalty or electoral support.

Censorship is particularly rampant among Uzbek-language media outlets working in Kyrgyzstan. As one of the panelists observed, "After the events of June [2010], the Uzbek media lost its right to discuss political issues." Panelist Saltanat Fayzullaeva, journalist with the newspaper *Osh Sadosi*, said "In the past, *Osh Sadosi* had almost fifty people working there, but now there are only five of us, and three of those are retirees. Recently we prepared the Rights newsletter. I had to go three times to the city prosecutor's office for approval, and then changes were made, and many things were simply taken out."

In the outlying regions, the issue of minority language editions is very challenging. As the panelists noted, politicians remember the Uzbek electorate only during elections and start to produce special editions of Kyrgyz-language newspapers in Uzbek, only to forget about the Uzbeks again right after the elections. In fairness, it should be noted that in 2012, positive changes did start to take place on this issue. After two years of sharp decline in the Uzbek-language media, the space for the Uzbek language in journalism began to expand again, though it remains apolitical. Uzbeks comprise at least 15 percent of the population, and as much as 40 percent in southern regions.

It is interesting that many media outlets were opening up special economic news desks. However, what they say and how they say it, in the panelists' view, was irrelevant to people's lives. Daniyar Sadiev argued, "Osh TV, for example, does economic news. But it has done so just to tick the box. Even the presenter has said that she does not understand it, she just takes it off the Internet, and then reads it out loud once she has learned it by heart. So they have put out a report on the stock exchanges, the 'Joe Jones Index,' [sic] or whatever it is, and the average variations in prices, especially oil and gold, on the New York Stock Exchange. This has all been quite simply meaningless to the ordinary viewer."

Self-censorship is of the strategies used by journalists to avoid the problems associated with covering social and political realities. As Kulinsky said, in summarizing the discussion on professional standards, "Self-censorship is there as a safety net that spares the media from government pressure and the influence from interested parties. The degree of self-censorship depends on the region in which the media outlet operates, on the financial and political independence of that media outlet, and on its political

goals. Obviously in the state media, self-censorship prevents criticism by the authorities. While over on NTS, self-censorship cuts out all information against Babanov and his Republic party.”

Officials frequently prevent journalists from covering the most important events and topics in the country. In 2012, Media Policy Institute lawyers were involved in 24 cases in which one of the parties was a media outlet or a journalist.<sup>4</sup> In most cases, journalists and media outlets were the defendants against claimants seeking compensation for supposed affronts to the “honor, dignity, and business reputation” of the plaintiffs. In nine cases, the plaintiffs were acting government officials. Compensation claims skyrocketed up to as much as 5 million soms (about \$106,000), which was demanded by parliamentarian Irina Karamushkina stemming from an article on a fatal road accident involving the MP’s official vehicle. Karamushkina claimed that the journalist’s report, based on an anonymous source at the Ministry of Interior, that the parliamentarian was in the vehicle at the time constituted an insult to her dignity.

Among the most common problems journalists faced in covering events in 2012 were cases in which government officials and law enforcement agency personnel prevented them from obtaining information. Indeed, in 2012, the Media Policy Institute recorded the following cases of attacks on journalists covering public events.

On October 3 while a video was being shot of State Security Service officers storming a government building, Meerim Mambetova and the camera operator from the NBT television channel were beaten up. The journalists said four State Security Service personnel beat them before taking the tape and smashing their camera. On the same day, during a rally of supporters of the leaders of the Ata-Zhurt party, a police officer struck the Kyrtag.kg correspondent on the head with his nightstick while the correspondent was taking photographs of a stun grenade lying on the ground.

On September 28 in Gorky Park, Bishkek, during a protest by debtors, protesters attacked Vb.kg correspondent Marat Uraliev as he was filming the scene. The participants tried to stop what he was filming, grabbed him by the arm and demanded he throw away what he had shot. One of the protesters tried to cut him with a knife. Uraliev called the police for assistance, but they failed to show up.

On October 10, participants in a rally in defense of Tashiev and other detained opposition leaders physically and verbally assaulted Interfax’s Kyrgyzstan correspondent Natalya Lyubeznova and Kloop.kg correspondent Zamira

<sup>4</sup> Of these, eight were carried over from the previous year.

Sultanbekova. Police on the scene did not intervene in any way.

Even though covering social, political and economic news is an extremely risky activity, the salaries of the profession are very low. As a result, the level of motivation and the supply of media personnel, especially regional journalists, are very low. At regional printed press outlets, journalists earn between 3,000 to 5,000 soms (\$63–\$105). At outlets in the cities, they earn less than 10,000 soms (\$209). A few on-air personalities at private national television and public television earn a more or less “decent” salary, which is typically between 18,000–20,000 soms (\$377–\$419).

According to the panelists, in the outlying regions all journalists have to work in two or three outlets to earn a decent wage. They prefer not to produce any material they must write themselves, but instead use internet content or republish material produced by other outlets. Sadiev said, “Almost all TV and radio stations depend on entertainment, because it is cheaper and less costly in terms of human resources.” At the same time, research in August 2012 by *Vecherniy Bishkek* on media ratings and audience preferences showed that the dominant interest was in news content, especially television news. Speaking as a member of the KPRT Supervisory Council, Shestakov said, “There has been no precise analysis of the volume of entertainment as compared to news and analysis on the air. There is only a general notion that the ratio was about 60% news to 40% entertainment.

According to the research company M-Vector, the language preferences among media audiences were as follows: 58% of respondents watched broadcasts in Kyrgyz, 36% in Russian, 5% in Uzbek, and 1% picked up foreign channels and watched broadcasts in foreign languages. For a long time there has been talk in the media community about the Russian-language media space declining in Kyrgyzstan. Turat Akimov, editor-in-chief of the newspaper *Vlast i Dengi*, said to 24.kg, “The combined circulation of the Russian-language press in Kyrgyzstan is 165,000–185,000 copies per week.”

Technical facilities and equipment in journalism have, in general, not changed at all over the past few years. Ismanov noted, “Most journalists do not even have their own netbooks or digital cameras. Meeting rooms at even the largest news agencies still do not offer free internet for use by those covering the press conferences held there. In such cases, journalists must instead use expensive mobile Internet. The high cost of the Internet has not allowed us to make full use of all the multimedia features for effective and eye-catching coverage. Sending photos and videos from the scene has been an expensive [proposition] for journalists and media outlets. At most media outlets, journalists have been

obliged to pay their own mobile communication expenses. In the regions, nothing [has been available].”

The government does not provide state-owned media with subsidies for technology investments; instead, they must rely on foreign donors. In September 2012, AKIpress.kg reported that KPRT succeeded in reaching an agreement with the Japanese Embassy for a grant of \$600,000 to retrofit in preparation for the transition to digital broadcasting, which will give the state company an unquestionable and competitive advantage of private television.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Kyrgyzstan Objective Score: 2.03

According to the Ministry of Justice, in December 2012 there were 986 newspapers, 109 television stations and 51 radio stations registered in Kyrgyzstan, each of with its own thematic focus and political orientation, usually based on who founded the outlet. Many of these registered outlets exist only on paper. The Radio and Television Broadcasting Act does not restrict the retransmission of radio and television programs. Five news agencies supply news using the most varied types of layout and format. In addition, unimpeded access to the Internet, with a few notable exceptions of filtered news sites, offers the possibility of obtaining a pluralistic view of the situation in the country and worldwide. Although the Internet has not yet become available to every family in the outlying regions, the

situation is gradually changing. Home Internet prices have come down, including in some of the regions, though costs for mobile Internet remain high for journalists themselves.<sup>5</sup>

Nevertheless, the available news package differs substantially from towns to villages. In remote villages, newspapers are typically not distributed at all, and the Internet is not available for home use, though mobile Internet may be available. What is available on television also depends on location. In Bishkek, 13 of the 17 channels that broadcast in an open format including proving rebroadcasts of foreign television content. Most of the major Russian-language channels (ORT, RTR, Vesti-24, Kultura, NTV) are rebroadcast locally, as are other foreign channels such as MTV, El-Arna and Khabar of Kazakhstan, and China’s CCTV. In the South, Tajik and Uzbek media broadcasters are picked up within Kyrgyzstan. It is common to see programming from Tajikistan’s Sugd-TV, as well as Uz-TV1 and TV2 from Uzbekistan. Nationalist politicians have raised concerns about violations of “information sovereignty” as a result of this cross-border viewership by minorities in both countries. In Bishkek and Osh, cable television networks offer CNNi, Euronews, ESPN, and other Russian options, whereas in remote rural areas people prefer to install satellite dishes because of the weak terrestrial signal.

News coverage throughout the country is only cut off during the elections. This is a legal provision under the Election of the President Act, which delays the broadcast of election-related news during the period of actual voting. Otherwise, access by the public, including journalists, to foreign media is not restricted by anything other than the financial means of the customer.

Even though most people are able to obtain comprehensive news and other information from a variety of sources, the domestic media prefer to employ a strategy of silence in relation to certain events in the country’s political life. For example, the deliberate elimination of opposition politician Adakhan Madumarov from television coverage immediately following his defeat in the last presidential election essentially made him “disappear.” Not a single news story was aired by KPRT on the brutal beating of the brother a slain Uzbek journalist, for which Tekebayev’s was among those arrested. The media has also stayed away from mentioning the daily power cuts in villages or heating breakdowns in the outlying regions when temperatures fall below zero. Kulinsky noted, “The public and state

<sup>5</sup> As panelist Nazira Dzhusupova, journalist with Radio Most, informed the Panel, in Talas unlimited internet access now costs the same as in the capital, i.e., from 500 to 2,000 soms (\$10–\$40) for 125 Mbit/second. At the same time, however, in Naryn region there is still no alternative to Kyrgyztelecom, and prices have still not come down enough, and the slow speed means that many operations cannot be performed, as Zharkyn Ibraeva said.

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens’ access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

owned media have continued to be mouthpieces for state ‘news.’ Unfortunately, social [sector media stories] have not become truly public. They have not set aside enough time for educational, children’s and other socially important content. Not only that, the way they have set up principal news items in a way that is biased, and to the benefit of the authorities.”

The situation is slowly beginning to change at KPRT thanks to the activities of its Supervisory Council and its new editorial policy. In October 2012, KPRT announced that it has plans in the near future to open up two new channels, KPRT Music, which in the future will develop into the Culture Channel, and a children’s educational and information channel that will broadcast in both Kyrgyz and Russian.

For a long time, the news agency market in Kyrgyzstan was split between two major competitors, AKIpress and 24.kg. Although the news from those two major news agencies significantly influences the content of news output in newspapers, radio, and television, more news agencies are coming to the fore, including RFE/RL’s Azattyk, Chalkan.kg, K-News.kg, and KirTag, to name a few. Though many have stringers and correspondents in the regions, they are the focus of attention only when bad things happen. Often, the information obtained is both dubious and unreliable.

Larger private media outlets produce their own news, but even their news content is dependent on the feeds from other news agencies. The relationship between local and national news is highly unequal, with coverage of current events in the villages limited to coverage of visits from the country’s leaders. As Fedotova put it, “No one has covered the ‘little’ things. The daily lives of people in the hinterland have rarely gotten any coverage in the national media. Even we, in our regional newspaper, have rarely traveled out to the remote settlements, as the paper no vehicle, and there is little [reliable] public transportation to most villages any more.”

The public receiving information from the various sources does not know who owns the media outlets, or in whose interest the media reports on, one factor that heavily weighed down Kyrgyzstan’s Objective 3 score. For example, when the fast-growing information portal K-News changed hands, the sale was not discussed at all in the media and indeed the very fact that the sale was happening was not even made public. The panelists concluded that even if the public did know the owner of a particular media outlet, and its political bias, this would not radically alter the citizenry’s confidence in their news sources.

Muzaffar Tursunov, freelance journalist from Osh, said, “The news policy of media outlets may indicate its affiliation with one political camp or another. But only experts have come

to these conclusions. Information about the true owners of an outlet has been something that they would rather conceal. The truth has been that sometimes, especially in the regions, unbridled rumors about who owns what have become prevalent.”

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Kyrgyzstan Objective Score: 1.25

As in the past, the media in Kyrgyzstan still does not have diversified streams of income. Many media outlets remain economically dependent on their owners, both state and private media alike. Even the supposedly most successful media outlets, such as *Vecherniy Bishkek* (Evening Bishkek), *DeloNo* (Case Number) and *Super-Info*, owe their success to certain political circles and groups. It is with an eye toward these groups that editorial policy is formed, and it is those groups’ sponsorship money that allows those press outlets to survive.

Just as few businesses succeed on the strength of their business model, few fail on the weaknesses of their business either. As each media outlet is setup specifically as a political enterprise, they rely on the resources of politicians supporting them to remain functional. Because of the low salaries paid to journalists, there has been a chronic problem with staff turnover throughout the Kyrgyz media industry. The most qualified journalists prefer to work in advertising, politics, or on grant-funded international donor projects.

In two years since taking power, the current leadership has managed to considerably increase its media dominance by nationalizing the formerly private channels Pyramid and

## 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.



Channel 5, on grounds that they were owned or politically connected to the ousted President Bakiev. Promised subsidies to some state-owned media has not been handed out, yet the state's leverage over those media outlets shows no sign of weakening. It has now been a long time since the entire range of state newspapers, together with the newly-nationalized television channels, have received any money from the state budget. While they remain financially self-sustaining, this does not prevent state bodies from interfering with their editorial policy. Interference may be limited to the requirement to appropriately cover public events held by certain institutions in exchange for access to inside information, loyalty in the form of subscriptions by state institutions, and cooperation in attracting local advertisers. But often in practice, officials also demand outlets not to cover certain stories that should be of public interest, or to cover news stories that conflict with the state's point of view. As a rule, the state-owned media and their directors never express dissatisfaction with these dictates and do not even consider what their businesses would be like as an independent media outlet. The panelists agreed that the poor economic health of the market is the primary evil facing the media, precluding the development of independence and quality.

Through the influence of the KPRT Supervisory Council, the channel's management has started to adopt a more active fundraising strategy among international donors with a view to enhancing the potential of the company's human resources, technical equipment, and effectiveness. In addition to the aforementioned agreement with the Japanese Embassy on retooling the channel, KPRT is now the primary beneficiary of a three-year USAID project.<sup>6</sup> The project is intended improve the company's financial systems, technology, management, and content.

The situation at KPRT's subsidiary Yntymak (Harmony) channel is completely different. From its inception, funding for the channel was not premised on it receiving money from the national budget. Despite the importance of the channel's mission—to promote reconciliation between the various ethnic groups in the southern regions—the state has not provided funding for this ambitious task. KPRT South, its operating unit, received financial support through grants from international development agencies, and is trying to find its own approach toward earning profit. In developing its strategy, the KPRT Supervisory Council and the channel's management have tried to incorporate lessons learned from the development of KPRT. If the channel succeeds in surviving and growing, it has every

chance to lay the foundation for becoming a true public broadcasting company.

There are no regulatory standards for the distribution of media income. The only restrictions under the Advertising Act are that advertising volumes should not exceed 20% of airtime and 20% of newspaper space. At the same time, there has so far been no precedent for the monitoring of advertising volumes, or sanctions against offenders. Moreover, according to the information that expert and panelist Kulinsky provided to panelists over the years, the state itself is responsible for monitoring the implementation of the Act through its authorized body (the Monopolies Committee). The Monopolies Committee, however, has issued permits in the past to the newspaper *Vechniy Bishkek* for what amounted to a "permissible monopoly" on advertising. *Vechniy Bishkek* is by far the most profitable newspaper advertiser in the country.

Traditionally, incomes of the printed press are led by sales, then advertising, then donor funds, then income from investments or affiliated businesses. It should be pointed out that the media advertising market is small and poorly developed in the country. According to a report in late 2012 by the Expert Consulting Agency, Kyrgyzstan's advertising market amounted to just \$6.6 million in 2012. Most media houses refuse to cite their print runs or production costs, merely claiming to be barely above water.

The listed budget for some television programs appears inflated. Management at the channels rarely set goals to improve efficiency or tailor their products to the demand, and are often wasteful of public funds. It is possible that operating costs are inflated in order to attract larger grants from international donors. No radio, television or printed press outlet seems to want to provide budget transparency. The only possible exception is that of KPRT, where an audit and publication of the findings are required by editorial policy.

The situation with private media is even less transparent. For example, within the space of a few days, the extremely successful and profitable Channel 5 came close to bankruptcy after parliament raised the idea of nationalizing the channel.

There is no auctioning of advertising; rather, each deal is made independently between the parties by negotiation. By law, state media must coordinate their pricing policies with the Monopolies Committee. The difference in services depends on location and on proximity to the major urban areas. In the regions and in rural areas, very often the bulk of advertising revenue comes from the advertisements placed by individuals and public announcements. In the cities, the media air more traditional consumer products

<sup>6</sup> March 2012–February 2015. See <http://internews.kg/about/about-internews/2782-proekty-realizuemye-predstavitelstvom-internjus-v-kyrgyzstane-po-sostojaniju-na-avgust-2012->. [In English.]

advertising, however, there is little interest from foreign advertisers. Kulinsky recalled on incident from 2012. “A delegation of Kazakh advertisers turned up... But even they were not too interested, because we are not very sophisticated in our advertising. When they air spots, they take care to airbrush out any trademarks that have not paid the cost of ‘hidden’ product placement. In Kyrgyzstan, we just show the whole thing with the ‘hidden’ placements left in.”

The major media institutions do have their own dedicated advertising agencies that place advertisements during their own airtime and in their own print runs. The most significant advertising agency is KPRT’s, which not only places advertising in its outlets, but also produces ads and offers services such as paid coverage of press conferences, a widespread practice in Kyrgyzstan.

Among the printed press publications, according to the media experts, advertising is the main source of income for *Vecherniy Bishkek* newspaper. The remaining printed press titles demonstrate how limited their capacity is to attract advertising income into their papers, especially in the regions, where there are effectively no major providers of goods and services that would potentially be interested in advertising. Zharkyn Ibraeva, chief of Radio Almaz-Naryn and Naryn.kg publications, described Naryn as being particularly deprived in terms of income generating opportunities. “It seems that even grant programs are allocated unfairly, focused as they are on the southern regions, even though Naryn is the most depressed region and has, at least, the potential for religious conflict,” Ibraeva said, illustrating not only the impact of poverty on the media but also the perverse incentives created by the aid programs.

Kulinsky expressed an alternative point of view. In Issyk-Kul, he calculated that the size of the media advertising market could be up to \$2 million if the media were to focus on their business management practices and critically analyze and plan their media budgets.

Karasartov observed that, “The status of a media outlet—public or private—often determines its chance of attracting advertising. For example, during the last elections for local councils, the Central Electoral Commission decided to use only the state media in the regions, regardless of the size of the audience or media ratings.”

Market and other rating research are still regarded as unreliable in the media community. For example, a study on the preferences of Internet users by M-Vector raised major questions when the names of many popular media outlets did not turn up on the list of names.

The volatility of the media market, especially in terms of changes in ownership, political orientation, and editorial policy, does not foster long-term marketing strategies. However, in 2012, the first market research was carried out and paid for, in part, by the media industry. The benefactors of the market research, Channel 5, NTS, Pyramid, MIR, and KPRT, all contributed equal shares to pay 30% of the cost, which was largely covered by the international community. Unfortunately, methodological issues and the lack of measuring technology both limited the analytical potential of the research and reduced confidence in the results of these studies, and indeed, any other research services.

As in previous years, no mechanism for providing newspaper circulation figures or to monitor them exists. Circulation figures and audience ratings continued to be subjective or unchecked. There were significant doubts surrounding the circulation figures quoted by certain newspapers, and there are no legal mechanisms for verifying what the real figures are. It is not even clear who should take responsibility for improving the data for circulation.

Hit counters have also been manipulated repeatedly. Although there have been no scandals in the last year, almost all panelists felt that Internet hit counting services in Kyrgyzstan were unreliable. The only one to inspire any confidence was Google analytics.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kyrgyzstan Objective Score: 1.88

In the media industry of Kyrgyzstan over the past few years, two trade organizations representing media firms were formed: the Association of Radio and Television Broadcasters of Kyrgyzstan and the Association of Publishers and Distributors of Periodical Publications of Kyrgyzstan. These associations both became inactive in 2012, however, due to their financial losses, a lack of demand for their services and a lack of understanding of their capacity to protect their members’ interests.<sup>7</sup> Not all eligible outlets were members of either organization, and they were constantly the subjects of political intrigues. As most media outlets are in business solely to protect the interests of their proprietors, not to protect the media industry per se, there

<sup>7</sup> The extremely active work carried out by the National Association of Radio and Television Broadcasters of Kazakhstan and its successes in promoting the interests of its members, illustrates some similarities. The lack of demand for association services is a result of the fact that not all electronic and print media are business enterprises, but rather political tools in a power struggle. For this reason, newspaper or television outlets belonging to a particular owner sees itself only in terms of the interests of that owner. Therefore, the future prospects for that particular media outlet depend exclusively on the fate its owner’s political career.

## 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.

was little solidarity amongst them or demand for a unified lobbying organization.

This is especially problematic as Kyrgyzstan approaches the transition to digital broadcasting. After all, all the preferences granted by the state are more or less guaranteed to only two channels considered close to the ruling political parties. The remaining television and radio outlets could lose their frequency allocations.

Two other trade organizations include the Guild of Printers and Publishers, and the Media Advertising Association. The latter successfully organized and ran the first Red Zholbors Festival of Marketing, Advertising and PR.

The discussion among the panelists, concerning the benefits of professional associations, revealed a two-way split in opinion. One group saw no difference between the missions and activities of professional associations and those of NGOs, and emphasized the lack of a real connection between practicing journalists and the media outlets, and such organizations.

The arguments were based on instances where the state issued non-negotiable changes to legislation and regulations. For example, Shestakov expressed his position on the Election of the President Act, insofar as it related to delayed broadcasting, noting, "What is this thing about the participation of business and civil society? Some hack wrote this, and now it is essentially a *fait accompli*, but nobody asked civil society or the private sector what is meant by this. I remember how *Ala-TV* was at a loss for words, asking, 'Why didn't they ask us?'"

Begaim Usenova, director of the Media Policy Institute, and Kulinsky voiced the alternative position on the panel, that the NGO sector was doing much to support the media

from outside. Kulinsky argued, "Media directors are not active citizens, they have not been willing to cooperate and set common goals. They have become used to carrying on all-out warfare among themselves. Also, they are not in the habit of planning and have no legal education. That is why until the new laws come and hit them upside the head, they do not even budge." In 2012, there were attempts to revive the Union of Journalists of Kyrgyzstan, and a new board for the Media Complaints Commission was elected, both of which were seen as positive developments.

The activities of media and human rights organizations, even the Media Ombudsman, together with the ethical standards of journalists, were cast in an even poorer light after journalists at the leading news tabloid *Super-Info* played a crude practical joke on KPRT's on-air star Nazira Aytbekova. Journalists from the tabloid abducted her, forced her to strip to her underwear and threatened her at gunpoint, all while filming the incident. This egregious offense to journalistic integrity did not become a matter for any trade union of journalists, the Media Ombudsman, or the Media Complaints Commission. Only human rights organizations stood up for Aytbekova and supported her in her intention to take the matter to court. *Super-Info's* owner publicly condemned his employees, fired them and expressed sympathy for Aytbekova.

The panelists discussed the myriad violations of the rights of journalists, to which media organizations remain indifferent. Ismanov said, "Media support NGOs have existed for themselves, and media outlets have existed for themselves. Media support NGOs have preferred to work in the outlying regions, so in lobbying for any rules or changes, they have been able to [posture] themselves solely on the basis of being a regional media outlet. The media outlets in the capital have ignored the work of media support NGOs. And even the journalists that have met here today agree that the associations do nothing."

Nevertheless, the panelists agreed that without the USAID-sponsored work of some media organizations, such as Internews, Freedom House, and of the Soros Foundation, the work of journalists and the media would be much less professional and safe.

The panelists remarked with special gratitude on training programs that media NGOs provide to journalists concerning modern technologies. In particular, panelist Fayzullaeva expressed great appreciation for the training in multimedia journalism based at *Aalam* newspaper, and panelist Blindina rated the internship program for new journalists at select media outlets as very successful. The panelists recalled that 2012 was not the first year in which journalists were trained in peace building, conflict resolution, reading budgets, and

investigative journalism. However, the training on various topics and areas for journalists was not systemic.

As panelist Blindina put it, “What we need is a Media School. It must not be dependent on donors, and it must be market-oriented. Today in newspaper offices there has been an acute shortage of layout designers, camera operators, and display artists. We need specialized seminars on economic journalism. We have need to master computer graphics. For this we have been in need of a Media School. But in Kyrgyzstan there have been no specialists who can give us that.”

Assessments of the quality of higher vocational education for journalists remained, as always, very negative. Panelists talked this year about the objective and subjective reasons for the dysfunction in journalism faculties and departments. On one hand, no institute of tertiary education, apart from the Manas Kyrgyz-Turkish University and the American University of Central Asia, had sufficiently modern technical facilities. These were also the two universities where bribes were not consistently demanded for entry and/or passing grades. The curricula at most university programs are not sufficient to the development of the necessary knowledge, skills and abilities to strengthen the media sector. Finally, the staff did not have the necessary level of competence to offer quality teaching.

The discussion on the development of citizen journalism revealed an emerging conflict between advocates of traditional and new media. The practice of organizing media schools based on the Kloop.kg platform generated a great deal of discussion. According to advocates of traditional media, semi-literate bloggers were contributing to the reduction of professional standards even further, and to the further erosion and dilution of the professional field of journalism.

Monopolies in the amenities, services, and distribution markets further hamper the media industry, including, Kyrgyzbasmasoz, the paper distributor, and Kyrgyzpochtasy, the post office, and of course, Kyrgyztelecom. All are backed by the state in their inefficient monopoly status. Even though, as the panelists remarked, some processes towards de-monopolization of these resources has been observed, the state’s efforts to hold on to a monopoly in each area has remained constant, and has boosted the cost of ICT services, broadcasting, and productions, ultimately jeopardizing the public’s guaranteed access to information.

## List of Panel Participants

**Nadezhda Alisheva**, lawyer, Media Policy Institute, Bishkek

**Antonina Blindina**, editor-in-chief, *Chuiskie Izvestiya* newspaper, Chui

**Nazira Dzhusupova**, journalist, Radio Most, Talas

**Saltanat Faizullaeva**, journalist, *Osh Sadosi* newspaper, Osh

**Olga Fedotova**, senior correspondent, *Vesti Issyk-Kulya*, Issyk-Kul

**Aleksandr Kulinsky**, executive director, TV-Club youth association, Bishkek

**Zharkyn Ibraeva**, chief, Naryn.kg public foundation, Radio Almaz-Naryn, Naryn

**Almaz Ismanov**, publishing editor, Radio Azattyk (RFE-RL), Bishkek

**Orozaly Karasartov**, editor, *Aimaktar* newspaper, Jalalabad

**Daniyar Sadiev**, deputy director, Yntymak Public Regional Television and Radio Company, Osh

**Igor Shestakov**, editor-in-chief, Region.kg analytical resource, Bishkek

**Bolot Tashtanaliev**, deputy editor, *Alibi* newspaper, Bishkek

**Muzaffar Tursunov**, freelance journalist, Osh

**Begaim Usenova**, director, Media Policy Institute, Bishkek

## Moderator & Author

**Gulnara Ibraeva**, media expert, Associate Professor, Department of Sociology, American University of Central Asia

*The panel discussion was convened on December 26th, 2012.*

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*While opportunities to increase openness through new media are great, the panel also dubbed 2012 the “Year of Pressure on the Internet,” as the government attempted to counter the rapid growth in opposition activity online.*



# TAJIKISTAN

Conflicting trends pulled independent media in opposite directions throughout 2012, resulting in mixed scoring results largely similar to recent years. Self-censorship increased somewhat, but the panel noted increased attempts at professional and socially responsible reporting. Licensing, education, and taxation remained huge barriers, but professional associations have begun to consolidate their influence and become more effective. Technical limitations and electricity shortages remain a barrier to rural media development. Finally, a burst of online expression through blogs, social networks, and online news sites has opened opportunities for the estimated 25 percent of Tajiks who are Internet users, which in turn invited new efforts at state control of speech online.

Politics were volatile again. Military clashes in Khorog, the capital of the Gorno-Badakhshan Autonomous Province, ostensibly sparked by the murder of a high-ranking intelligence officer, occurred in July, leaving dozens of casualties. The operation was accompanied by protests and attempts to control press coverage. Communication and travel bans were not lifted for a month, until a ceasefire and the capture of several leaders led to the withdrawal of government troops to their permanent posts closer to the capital.

Russian President Vladimir Putin came to terms with his Tajik counterpart, longtime strongman Emmomali Rahmon, on a 49-year extension of the lease for a Russian military base, in exchange for promises of extensive arms supplies. The agreement triggered a heated discussion in society and online. Tajikistan also won a commitment from Russia to allow Tajik citizens to stay in Russia without registration for 45 days, up from 15. Remissions from Tajik labor migrants are about half of Tajikistan's GDP, the highest ratio in the world. Tajikistan acceded to the World Trade Organization on December 10, after a process that took 11 years.

Tajikistan continued to face pressure from Uzbekistan over water and environmental issues, and from alleged Islamist extremists. The government responded to the latter by increasing pressure and control over religious institutions and leaders.

The panelists stressed the need to restart recently finished projects funded by USAID and the OSCE, and to continue USAID-funded training for journalists, with an emphasis on specialization and coaching multimedia journalists. While opportunities to increase openness through new media are great, the panel also dubbed 2012 the "Year of Pressure on the Internet," as the government attempted to counter the rapid growth in opposition activity online.

# TAJIKISTAN at a glance

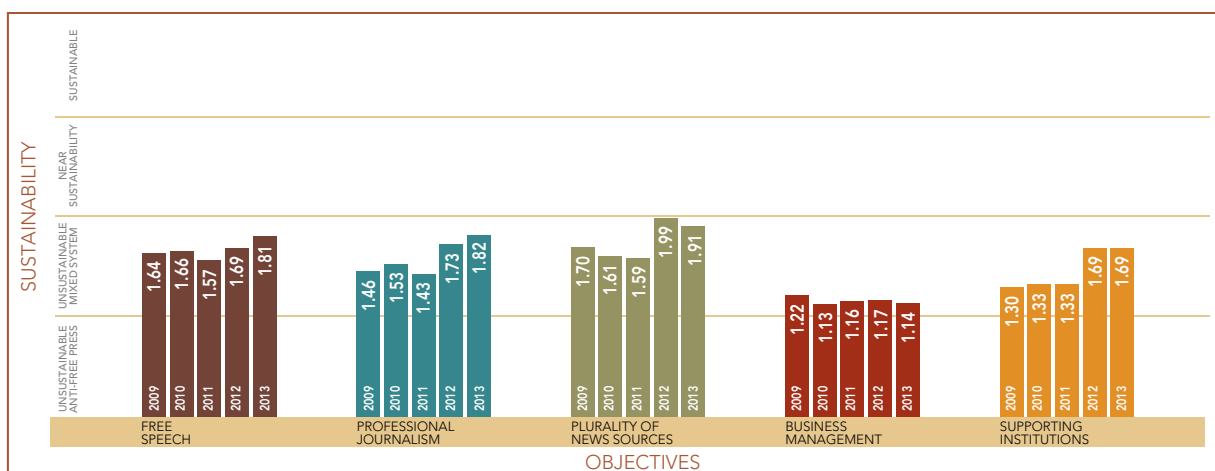
## GENERAL

- > Population: 7,910, 041 (2013 est., *CIA World Factbook*)
- > Capital city: Dushanbe
- > Ethnic groups (% of population): Tajik—79.9%, Uzbek—15.3%, Russian—1.1%, Kirghiz—1.1%, other—2.6 % (2000 Census, *CIA World Factbook*)
- > Religions (% of population): Sunni Muslims—85%, Shia Ismaili Muslims—5%, other—10% (2003 est., *CIA World Factbook*)
- > Languages: Tajik (official), Russian (widely used in government and business)
- > Gross Domestic Product: 6.522 Billion (World Bank Development Indicators)
- > GDP per capita: \$934.8 (World Bank Development Indicators)
- > Literacy Rate: 99.7% (male—99.8%, female—99.6%) (2010 est., *CIA World Factbook*)
- > President or Top Authority: Emomali Rahmon (since 1994, head of government since 1992)

## MEDIA-SPECIFIC

- > Number of print outlets, radio stations, television stations: Government figures tally 364 registered print outlets, 195 private, 89 state funded. Most are issued in Dushanbe, and more than half are issued irregularly.
- > Newspaper circulation statistics (total circulation and largest paper): state-run *Jumhuriyat* (Republic)—41 000 copies, ruling People's Democratic Party *Minbari Halk* (People's Tribune)—48,000, private *Oila* (Family)—15,000, *Asia-Plus*—14,000, *Charkhi Gardun* (Wheel of the World)—6,500, *Faraj* (Bitter Pill)—6000 and *Nigoh* (Opinion)—5000 copies.
- > Broadcast ratings: State-run youth channel Bahoriston TV (Spring), Poytaht (Capital); private SMT TV, CM-1 TV (Khujand). State-run radio Sadoi Dushanbe (Voice of Dushanbe); private Radio Imruz (Today), Radio Watan (Homeland), Radio Tiroz (Decoration, Khujand), Radio Sadoi Panchakent (Voice of Penjikent).
- > Annual advertising revenue in media sector: N/A
- > News agencies: Asia-Plus, Avesta, Ruzgor.tj, Pressa.tj, Ozodagon.com, Tajikta.tj, Tojnews.tj, and the state-run Khovar
- > Internet usage: 700,000 (est, 2009, *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: TAJIKISTAN



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Tajikistan Objective Score: 1.81

As in previous years, the Tajik media is governed by an array of laws and regulations, including the Constitution, the Law on the Press and Other Media, the Law on Television and Radio Broadcasting, the Law on Information, the Statute on Licensing of TV and Radio Broadcasting, as well as multiple other articles of the civil and criminal codes.

The Constitution provides for the freedom of expression and bans censorship. Also, there are special laws concerning the media and television that guarantee the freedom of speech and access to information. However, when it comes to practice, they do not facilitate these freedoms to the fullest extent. Although articles on libel and insult have been transferred from the criminal to the civil codes, to fulfill President Rahmon's promise given at a solemn meeting devoted to the centenary of the first Tajik newspaper, other articles such as Article 137 banning public insult of the President of Tajikistan, and Article 330 banning insults against public officials have remained criminalized. The decree on criminal liability for libel and defamation on the Internet, which was passed by the parliament and signed by the president at the end of July 2007, is still troublesome.

Legislative acts concerning broadcasting and telecommunications, especially licensing, are far from liberal.

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

The Licensing Committee was created under the auspices of the State Committee for Television and Radio Broadcasting, and those seeking to obtain a license face biases from the very beginning. Just like previous years, this Committee inhibits the licensing of a number of independent media outlets that are ready to begin broadcasting. The Committee is a closed structure and no representative of the independent media has ever been a member.

The fundamental law of the Republic of Tajikistan On Press and Other Mass Media was adopted in the last days of the Soviet era, and is clearly outdated despite numerous amendments and supplements made over the past 20 years. Following heated debates in the press on the necessity of radical changes to the Media Law, the Lower Chamber Council created a working group affiliated with the Parliamentary Committee on Media, which includes two representatives of civil society: Nuriddin Karshiboev, director of the National Association of Non-Government Sources of Media Information of Tajikistan (NANSMIT), and Kironshoh Sharifzoda, chairman of an NGO called, simply, The Journalist. Media representatives and the community have been fighting for this new bill for two and a half years. Finally, Tajikistan's lower chamber of parliament passed the new Law on the Press and Other Mass Media on December 12.

"Now, under the new version of the law, all media outlets in Tajikistan will be registered as legal entities, and state authorities will have to respond to journalists' inquiries within three days, and not sixty as it used to be, according to the previous version. A separate article is devoted to the journalists' responsibility towards the society and readers," said Olim Salimzoda, one of the authors of the new media law.

He added that the new law is geared towards the development of society, enhancing the level of information, the development of journalism, mass media freedom, and free registration, as well as journalists' accreditation.

While the Criminal Code contains articles that allow punishing those who impede journalists in their legal and professional activities (Article 148), as well as those officials who refuse to provide information to citizens (Article 162) though not a single charge has ever been brought against anyone under these codes. As last year, all the panelists stated that the implementation of the laws and regulations is still on a rather low level despite the fact that some people attempt to curb these freedoms.

According to the panelists who participated in the discussion, low legal awareness among journalists themselves, official impunity and opposition, failures of journalists to hold officials accountable for their illegal



**“Now, under the new version of the law, all media outlets in Tajikistan will be registered as legal entities, and state authorities will have to respond to journalists’ inquiries within three days, and not sixty as it used to be,” noted Salimzoda.**

obstructionism, and incompetent court decisions from a corrupt and biased judiciary hinder implementation.

As last year, the all panelists agreed on the inadequacy of law enforcement mechanisms concerning the guarantees of freedom of speech and access to information. “The authorities have lots of creep holes to circumvent these laws and interdepartmental decrees,” said Karshiboev, the NANSMIT director.

Panelist Khurshed Niyozov, director of the Center for Investigative Journalism, noted in turn that public officials of all ranks—from the government to law enforcement agencies—bar access to information in all possible ways, and nobody is held responsible for it. The panelists maintained that when quarterly press conferences of state ministries and departments were cancelled, the authorities promised to simplify access to information and conduct press conferences whenever necessary, even more frequently. This promise has not been fulfilled yet despite multiple requests from journalists.

Not everyone on the panel agreed. “During the past year, access to socially-significant information has really been simplified due to the improvement of official government websites and their use of social networks,” said the panelist Nazarali Pirnazarov, reporter for the private regional news agency Ca-news.org.

Panelist Ravshan Abdullaev, executive director of the Eurasia Foundation in Tajikistan, said that so-called “telephone justice” of civil servants is still thriving, but is now accompanied by SMS messaging. “This practice is widely used by the head of the State Communication Service, Beg Zakhurov, who sends letters and SMS messages to Internet and mobile communications service providers requiring them to block certain websites,” he said. Karshiboev noted that these SMS messages and letters are legally invalid.

Karshiboev described the active development of the so-called “response factory” when the state-run media use anonymous letters from readers to throw mud at opposition politicians, religious figures and independent media. “These

letters are usually published as an opinion of a reader or a common citizen of the country, whose last name has in most cases been cooked up,” he said.

Panelists noted that public opinion has been split for several years already. Most people maintain that free media are extremely beneficial for the state and community, whereas others claim that these media whip up tensions in society and libel the government. The latter also plead to limit the freedom of speech to prevent such cases, and Beg Zakhurov used this alleged “public outcry” as a basis for his recent order to block Facebook, which had become a platform for opposition politicians.

“State authorities do not stand aside either—the bravest journalists are called ‘hirelings,’ or ‘Tajikistan’s enemies.’ They are summoned by law enforcement bodies ‘for a talk’ and even deprived of accreditation,” said Pirnazarov.

Lawsuits against independent journalists are still common. Thus, panelist Mahmudjon Dodobaev, who worked as Jahonnamo TV channel director in Tajikistan’s second city, Khujand, until early October, told about his dismissal and a lawsuit against him because of a numerical error. When a part of the Korvon market, the largest consumer goods market in the country, burned in a fire in early September, his TV channel provided information on the victims with reference to Tojnews.tj. However, the data published on the agency’s website proved to be exaggerated, which caused Dodobaev to be summoned to the security authorities and asked for explanations. He referred to the data published on the website, but this information had already been removed. Dodobaev faced a lawsuit accusing him of libel and disinformation, and he was dismissed from his job. Panelist Kironshoh Sharifzoda, head of the Media Council, believes that the case could have been solved in out of court. “They just wanted to punish him publicly in order to scare other journalists, because no TV channel in the country besides his had reported on the fire in the market,” he said.

Officials often resort to threats in order to make journalists reveal their sources, even though the law stipulates that a journalist has the right not to reveal them, except for cases with a court order.

The Media Law explains how to protect sources of confidential information, stating, “A journalist shall have no obligation to name a person supplying information with the agreement to not divulge his/her name, except as required by a court of law.” On the other hand, there is an article in the criminal code that contradicts this, stating that if a person is called as a witness, she or he must testify.

All panelists mentioned again that there is an urgent need for a specific law protecting sources of information. Panelist

Khurshed Niyozov noted that officials do not use civil reclamation proceedings, but file a complaint directly with the Prosecutor General's Office. "When a lawsuit is sent to criminal proceedings, journalists have very little chance to prove their innocence," he said.

Panelist Kurbon Alamshoev, director of the Pamir Media Agency, maintains that licensing of TV and radio media outlets is still conducted behind closed doors. "The licensing procedure itself, as well as the work and composition of the committee are not yet transparent enough," he said.

Pirnazarov noted that the composition of the committee is unknown, but there are neither civil society representatives nor journalists among the Committee members.

Independent media outlets have been waiting for their licenses for many years. "The situation concerning licensing may only get worse due to the presidential elections in 2013, when Emomali Rahmon, who has already been in power for 20 years, is expected to run for election again," Pirnazarov believes.

This year, a license was only given to a TV and radio station in Sughd Province in northern Tajikistan. Panelist Rano Bobojanova, an instructor at the Faculty of Journalism of Khujand State University, said that granting licenses to TV and radio companies that broadcast in the north of the country was a political tool. "The government of the Sughd Province needs these stations as counter-measures to prevent the local population from listening to and watching the programs broadcast from Uzbekistan," she claimed. A large minority of the Sughd population are Uzbek speakers.

Sukhrobsho Farrukhshoev, spokesperson for the mayor's office in Kulyab, in southern Khatlon province, reported that two years ago the US-based Internews Network provided his city with the equipment for launching an independent TV station. "Nevertheless, despite the solicitation of the city authorities, our application was rejected by the Licensing Committee," he added.

There are still only two independent TV stations—Mavchi Ozod and Kurgonteppe TV—and no private radio stations at all in Khatlon Province. The situation in the Gorno-Badakhshan Autonomous Province and the central Rasht Valley is even worse—there are no independent TV or radio stations there.

The panelists recommended that licensing be taken away from the State Committee on TV and Radio Broadcasting and transferred to an independent body.

Entering the Tajik mass media market is otherwise similar to other types of business—all one needs is funds. "Anyone having enough money can found a newspaper or a

**"State authorities do not stand aside either—the bravest journalists are called 'hirelings,' or 'Tajikistan's enemies.' They are summoned by law enforcement bodies 'for a talk' and even deprived of accreditation," said Pirnazarov.**

magazine. That is why there are tons of various newspapers with crossword puzzles and jokes stolen from Russian media, and publications characterized by low-level materials, incompatible with international journalistic standards, and scandalous articles," said the panelist Muhayo Nozimova, editor-in-chief of *Ovoza* and national coordinator of SCOOP, a Danish-funded investigative supporting project.

The procedure for printed media licensing is still rather cumbersome and non-transparent. A "single window" system for media outlet startups is still missing. The founding and registration of any media outlet requires approvals from at least five departments, including the compulsory registration as a legal entity. "Notably, refusal to register with official bodies does not prevent people from writing their own blogs, though there is a risk of getting the blog address or even the whole blog platform blocked by the Communication Service as a result of criticizing this or that public figure," Pirnazarov said. Abdullaev believes that this year bloggers have become more active and brave in expressing their political viewpoints.

Almost all independent media outlets have experienced pressure from the authorities for publishing critical materials, especially for reporting on the military operation in Khorog, which was absent in the official media. "Undesirable" journalists were denied access to information, rudely ushered out of ministries and departments, not allowed into press conferences, prohibited to shoot photos or videos, and demanded to publish retractions.

The Presidential Administration has tightened access for foreign journalists accredited in Tajikistan. Since early October they have not been invited to the President's meetings with international delegations, and official photo sessions have been ended. No one in the Presidential Administration has ever explained the reason for such measures.

Abdullaev and Pirnazarov, reported that bloggers claimed they had been threatened. "Bloggers from Blogiston.tj have said that they received messages with threats after posting critical posts on political issues," said corroborated panelist

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Muhayo Nozimova. Blogiston.tj was founded by Rustam Gulov, a blogger from Khujand, publishes both personal blogs and aggregates and republishes information from across Tajikistan.

Sharifzoda said that officials are thoroughly monitoring such popular social networks as Facebook, Twitter, and YouTube. The President's press service, as well as the Minister of Foreign Affairs, the Dushanbe Mayor, and many other officials have Facebook accounts.

Facebook is a venue of free discussions and political debates, and there are some humiliating posts about the president, his family, and the Tajik government. "Unlike print media, social network users often behave irresponsibly. During the Khorog military operation there were calls to overthrow the government and messages humiliating the President, which is punishable according to Article 189 of the Criminal Code," said Karshiboev. Limited access to Facebook in March and November led to an increased interest in this network among the Tajik population. According to Socialbakers, there were a little more than 29,000 Facebook users on March 4, and their number exceeded 45,000 by the end of November. The panelists noted that, as far as they know, some of the active Facebook users are connected to intelligence agencies.

Abdullaev described a flash mob that gathered near the building Dushanbe's main publishing house in November, 2012, during which about one hundred people formed a human heart, while people with photo and video cameras watched and recording everything.

The panelists noted that instead of creating normal conditions for the development of printed press, state authorities are creating barriers that hinder it. New tax code provisions that came into effect on January 1, may lead to the bankruptcy of some media outlets, as it imposes 18% VAT on paper, equipment, and distribution for the print media.

Violations of journalists' rights were reported in NANSMIT's monthly monitoring report of October 2012. Major violations in 2012 included unjustified restrictions on the provision of information of public importance or refusals to provide such information at all, unjustified summonses from law enforcement bodies; unjustified searches, and the beatings of three journalists.

Niyozov reported that a violent attack on Khikmatullo Saifullozoda, the editor-in-chief of the *Najot* newspaper of the Party of Islamic Revival of Tajikistan, which took place in March 2011, has not been investigated yet, the attackers have not been found, and case was transferred from Dushanbe to Saifullozoda's birthplace for unclear reasons.

"Government authorities are still restricting access to information in force majeure situations and accidents. This was especially obvious during the military operation in Khorog during July. Priority in such cases is still given to the state-run media outlets," said Murod Sotiev. He added that the government of the Khatlon Province requests written applications for access to information. Panelist Nosirjon Mamurzoda, reporter for Radio Ozodi (Freedom), the Tajik affiliate of RFE/RL, cited an example when one of his colleagues headed for Kumsangir District in order to write an article, but was stopped by the assistants to the District Prosecutor General, who demanded a full report on why he had come and what he wanted there. "The Prosecutor General announced that no journalist would be able to move around the district or receive any information without his permission," the panelist said.

Alamshoev added that it is still extremely difficult to obtain access to information in the Gorno-Badakhshan Autonomous Province before a clerk receives approval from upper management.

The panelists noted that one of the prerequisites for the access to information is the journalist's professionalism and good connections in government agencies. Nevertheless, everyone agreed that the authorities are still dividing mass media outlets by giving priority to those that are state-run.

Despite the state authorities' stated aim to introduce e-government, their websites are not informative enough and rarely updated. "There are, perhaps, no more than 5–6 websites of ministries and departments that offer useful information, are regularly updated and have a feedback channel," said the Nozimova. That is why the sites of ministries and departments are mainly used by journalists looking for information rather than by the general public.

The panelists noted that local media outlets often use information from both local and international news agencies without reference to the source; and compulsory hyperlinks are not used, which is a breach of intellectual property rights.

Access to international news is open, though there are some factors that create obstacles. "These include a limited electrical supply in some regions from November to February, and the price of Internet services—from \$25 to \$70—which is quite high in comparison to the average income of the population," reported Abdullaev. Besides, the authorities continue to restrict access or completely block opposition websites that publish critical materials about Tajikistan, such as Fergana.ru, Centrasia.ru, Arianastorm.com, Mahalla.org, Lenta.ru, and RIA.ru, for the third year in a row.

Another, even broader channel of foreign news is TV—both cable and satellite—which has become widespread in Tajikistan. “Satellite dishes have become commonplace even in the most remote regions of the country, because local TV is nothing but holiday specials, concerts, and Presidential visits,” said panelist Alamshoev.

Practicing journalism does not require licensing, even professional training is not compulsory in order to start working as a journalist. In fact, anyone with a press card is considered a journalist. However, the absence of accreditation for reporting on some official events can be an obstacle for journalists.

Journalists are educated in six institutions throughout the country, but not all graduates are ready to work in the media. “Twenty-five journalists graduate from Khujand State University every year, and all of them are readily employed by media outlets,” reported the panelist Rano Bobojanova. At the same time, the panelists mentioned alarming factors such as the tight monitoring of journalism students and the prohibition of internships at independent media outlets. Students who earn degrees in journalism abroad seldom return to the country, according to the panel.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Tajikistan Objective Score: 1.82

Professional journalism in Tajikistan is still hindered by some obstacles, mainly by limited access to government information, especially for young journalists lacking

### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

connections. In emergency situations, government officials are afraid of providing information until they receive permission from higher-ranking authorities. Adherence to such a policy was demonstrated during the Khorog clashes in July, as well as during a riot following the fire at Korvon market, in September of 2012.

“Government officials are reluctant to be interviewed by journalists, claiming that they are extremely busy, or they use interviews for their own justifications,” posited Sharifzoda.

The cancellation of regular ministerial press conferences was widely decried. “These press conferences are the only places where a journalist can meet a head of a ministry or department in person and ask questions directly. Though you cannot be certain if an answer will be given,” said Dodobaev.

Journalists have started reporting events using several sources. “Journalists are trying to work according to international standards, and they use comments provided by all parties. It is also good that journalists are trying to make use of private lawyers, though, unfortunately, not every media outlet has their own lawyer for expert examination of their materials in order to avoid lawsuits,” argued Nozimova.

Pirnazarov, in turn, believes that not every journalist is objective in reporting on events. “A subjective approach of some experienced reporters became evident during the Khorog events this summer. While reporting on these events, journalists violated established norms, the basic principle of which is ‘Do no harm,’” he said. He further explained that the public met extremely emotional reporting with mixed reactions.

“The Khorog events led to more self-censorship, though they also triggered criticism of government actions,” said Niyozov. Only a few private Tajik media outlets can afford a balanced approach reporting, and the number of such media outlets is shrinking every year. Most non-government media outlets reflect their owners’ viewpoints, while the state-run media is little more than a tool for propaganda and war against political competitors.

“In view of such circumstances, most journalists have nothing to do but practice self-censorship. This is why many journalists quit their jobs, and analytical content is being replaced with entertainment. This process became more profound in 2012, as it affected even the most well-to-do media outlets in the country,” said Abdullaev.

Each ministry and department has its own, internal list of information to be kept away from the media. Each official has to relay a request to a direct manager until the request

Alamshoev added that the residents of the border districts of Gorno-Badakhshan Autonomous Province (GBAP) prefer Afghan to Tajik television.

reaches both a minister and a department head. Such a chain of command significantly hinders a journalists' ability to report on key events and problems faced by the country. Even if they were granted, few journalists are capable of conducting a professional, well-prepared interview.

For instance, the security forces and the Ministry of Defense that took part in the military operation in Khorog did not provide the media with any information whatsoever. Journalists have been trying to obtain information about the owner of the offshore company IRS, which controls the Dushanbe–Chanak toll highway connecting central and northern Tajikistan, for three years already, but in vain. It is thought to be owned by the president's son-in-law, Deputy Finance Minister Jamoliddin Nuraliev.

The Ministry of Defense, as well as the State Committee for National Security and the Central Directorate of Border Control, provides journalists only with information that these bodies themselves find necessary to publish.

Risks incurred from publishing materials that criticize any aspect of public life make journalists resort to anonymous sources of information. Besides, the media has an unspoken rule not to criticize advertisers and tax authorities.

Bobojanova noted that mass media are still being used as a tool for blackmailing and score settling. "Managers of one of the farms in Sughd Province refused to give a bribe to an official, and then the *Tojikistoni Dunya* newspaper published mudslinging content about them," she said.

Besides, as panelist Dodobaev stated, independent newspapers such as *USSR* and *Tojikiston* suffer from regionalism, publishing attacks against northern citizens.

In addition to the president and his family, journalists are wary of attacking the top leaders of the parliament, the activities of TALCO, the State Committee for National Security, and the tax authorities. Niyosov and Nozimova admitted that, as editors themselves, they practice self-censorship concerning some 'closed' topics, especially after the military operation in Khorog.

Abdullaev said that the Asia-Plus Media Group, which owns the fiercely independent *Asia-Plus* newspaper and website, has published material he equated with PR for the Islamic Renaissance Party and its leader, Muhiddin Kabiri, on its

Islamnews.tj website. Islamnews.tj is a grant-funded project of the US-based National Endowment for Democracy.

As for social networks, the panelists noted that they do discuss such political issues as the personality of President Rahmon and his family that are never touched by mass media. "In addition to that, there are PR campaigns by private companies and flash mobs," said Pirnazarov. Some newspapers have recently started publishing articles based on Facebook discussions, and local political analysts began conducting on-line conferences of current problems online.

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 outlets are especially low and have not changed since 2010, despite a sharp rise in prices for food and energy over that time. Regional journalists still demand both food and money as a fee for press coverage of events.

Salaries in state-run and private media outlets are quite different. The average salary in the state-run media outlets is about \$120–140, compared to \$600 in the privately owned media outlets. On the other hand, state-run media employees of the TV & Radio Committee received housing benefits twice in the last three years, and some can receive a plot of land free of charge. Many journalists work for several media outlets to boost salaries, while some have left for Russia to work as general labor migrants.

State television journalists can make \$100–150 to shoot a thirty second advertising spot for an advertiser, while other camera operators earn a bit on the side at private shootings, such as weddings, concerts, and banquets.

Entertainment tends to replace news and information programs in TV and radio broadcasting. "Entertainment programs take up to 65–70% of airtime on state-run TV, up to 80% on independent radio and 55–60% on state-run radio," said Dodobaev. News programming does not exceed 25% of airtime on state-run TV and 20% in private radio and television.

Pirnazarov suspects that if these media outlets increase the amount of time devoted to news, their viewers and listeners will probably switch to the channels that offer more entertainment. "At the same time, young people tend to take more interest in politics than before," said Farrukhshoev. As last year, the panelists maintain that the only channel, which does meet the requirements of both the authorities and its viewers, is Bahoriston TV, which shows a lot of cognitive and educational programs for children and family viewing.

"In terms of both quality and content of their programs, state-run Tajik TV channels completely fall behind satellite channels as well as TV channels broadcast from neighboring countries," said Sotiev. Alamshoev added that the residents of the border districts of Gorno-Badakhshan Autonomous Province (GBAP) prefer Afghan to Tajik television.

The panelists noted that truly independent printing houses do not exist in Tajikistan, there are only private ones, but even they stop printing undesirable newspapers on the government's orders. The panelists believe it is vital to establish an independent printing house sponsored by investors and completely independent of the authorities.

Adherence to professional ethics is self-regulated on the basis of the Code of Ethics for Journalists in Tajikistan, passed by the journalists' community in 2009. Last year, the Code was adopted by 25 more journalists' organizations, and now the number is close to 70. These ethical norms for journalists were formulated on the basis of the established standards set by international professional associations of journalists and adapted to specific features of national culture and moral values.

The Media Council is an NGO that monitors the observance of ethical norms by journalists, receives applications from interested parties, discusses them at its meetings, and makes recommendations, which are subsequently published in print media. This year, the Media Council discussed more than twenty applications mainly concerning the issues of objectiveness of materials, advocacy of immoral behavior, respect of personal privacy, honor and dignity.

However, the largest Tajik-language newspapers, *Nigoh*, *Millat*, and *USSR*, have not yet adopted the Code.

As for the technical equipment of media outlets, the panelists noted that they lack modern equipment. "All regional editorial offices have out-of-date computers, there are no voice recorders, photo and video cameras," said the panelist Murod Sotiev. "The same technical problem exists in the broadcast media, where many journalists have to use their own, privately purchased equipment," he said.

Sotiev and Mamurzoda added that there are no scanners, printers, or photocopiers at newspaper office in Khatlon, and access to the Internet is problematic due to seasonal power cutoffs.

Inadequate technical equipment often results in delayed information, as no news agency works round the clock. However, Dodobaev claimed that almost all independent TV stations in Sughd have modern HDV video cameras and video editing systems. State-run TV and radio channels upgrade their equipment almost annually.

"In the state-run media, journalists are afraid of losing their 'warm place;' stable though not too high income and the prestige of state employee status, so they refrain from writing brave articles and do not adhere to international standards of professional journalism," said Nuriddin Karshiboev.

Many print media receive Internet access and mobile communication from providers in exchange for advertising these services in their media.

The panelists generally agreed that there are very few really versatile journalists. "Most print media outlets do not have a full-time professional photographer. There are no people able to offer their expert opinion in the domain of, say, economics or culture," said Abdullaev.

Bobojanova claimed that due to financial hardships, Tajik media outlets cannot afford to have thematic sub-divisions or at least one journalist who specializes in a certain area.

The panelists maintained that no media outlet is interested in training their journalists in a specific field, there is no specializations offered by faculties of journalism in Tajik universities either.

Thus, there is no high-quality specialized journalism in Tajikistan, and this depends on the educational level of not only journalists, but also other professionals, such as analysts and economists. Moreover, the panelists stated that the professional level of many journalists working for state-run media is not inferior to that of those who work for independent media outlets. "In the state-run media, journalists are afraid of losing their 'warm place;' stable though not too high income and the prestige of state employee status, so they refrain from writing brave articles and do not adhere to international standards of professional journalism," said Nuriddin Karshiboev.

More than twenty investigations on social topics, economics, and human rights have been published this year. The panelists noted that the most daring materials devoted to such socially significant problems as torture, lawsuits, religious freedom and politics were published in the Tajik-language newspapers *Nigoh*, *Faraj*, *Ozodagon*, as well as the Russian-language *Asia-Plus*.

"Our Center for Investigative Journalism never starts investigating a topic until we have thoroughly researched

all of its aspects, but we are trying to be very careful with political issues,” reported Niyozov.

Alamshoev added that the SCOOP project has been very successful this year—ten journalistic investigations devoted to social topics, human rights, etc. have been conducted with its support.

The panel participants mentioned that conducting investigations is an expensive business—one has to travel all over the country and spend money on transportation and accommodation. “Also, conducting investigations requires more sophisticated professional equipment,” maintains Sharifzoda.

Pirnazarov believes that the problem stems from the fact that many media outlets in neighboring countries have already shifted to multimedia journalism. “As for our journalists, very few of them are able to shoot video and take pictures at the same time; therefore, journalists need special training to become multimedia reporters,” he said.

Journalistic investigations are not always conducted according to ethical norms, nor do journalists always check the facts, and this leads to conflicts with the law and authorities.

The panelists noted that the Tajik media desperately need comprehensive training for multimedia journalists, economic analysts, and legal education experts, with further internships with their colleagues in other countries, especially those in the Central Asian region.

### OBJECTIVE 3: PLURALITY OF NEWS

Tajikistan Objective Score: 1.91

The panelists noted that the plurality of news sources that provide objective and up-to-date information has not changed. The state-run media in Tajikistan fail to meet standards of objectivity. “Today the state-run media do not serve society, nor even the state, but only the government. This is not their fault, but is their problem. This happens because the Constitution of independent Tajikistan, with its vague provisions, paves the way for exaltation of the state and government—all in one person,” claimed Sharifzoda.

He also noted that independent media are eager to serve society but cannot do so properly because there is no clear-cut distinction between the state, government, and society.

The first and second pages of such state-run media outlets, such as *Chumhuriat (Republic)* and *Sadoi Mardum (Voice of the People)*, are full of portraits and photos of the president

while trade, regional, city, and district papers feature heads of ministries and departments as well as reports on their successes. Nothing can be read about opposition, and not just that—even the leaders of minor parties are not mentioned.

“The state media reflects nothing but the viewpoint of the government and state administration while rejecting any alternatives,” said Abdullaev. The panelists also mentioned that online sources had surpassed all others, and that people often look for news on the Internet, especially during emergencies. According to experts, the differentiation between the country’s center and the outlying regions in terms of access to varied sources is increasing from one year to another.

“Nowadays readers can acquire necessary information from a number newspapers, magazines, FM radio stations, and Internet sites, and it is up to the reader to decide whether these media prepare their reports professionally enough, as people with access to various sources are able to compare them,” Nozimova said.

“Today, only a few newspapers and Internet sites in the country are trying to present opinions from all interested parties in their reports,” said Sotiev.

Representatives of opposition parties are denied the opportunity to express their viewpoints in any state-run media. “The state-run media look like identical twins—all newspapers publish the same material,” said Mamurzoda. The same can be said about all four state TV channels,

### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

#### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens’ access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

which show the same coverage during presidential visits and official speeches. Viewers often refer to fanciful state TV channels as the “Philharmonic Society,” “Concert Hall,” or the “Never-ending Holiday.”

On the other hand, the panelists pointed out that independent media do give diversified coverage of socially significant events. “For example, the signing of the Agreement on the status of the Russian military base in Tajikistan was called beneficial by the *Business and Politics* newspaper, whereas *Nigoh* and *Ozodagon* vehemently criticized the document,” reported Niyozov.

Nowadays, almost all newspapers receive news from local information agencies either free of charge or for a symbolic fee, and only BBC and Ozodi have subscription-based news feeds.

“Almost all the print and news media reprint news, but they seldom refer to the source, and hyperlinks are just disregarded. This is especially so when information comes from leading international agencies such as BBC, RIA, Reuters, ITAR-TASS, and Liberty [Ozodi],” said Pirnazarov.

News is not distributed by SMS as yet, though many media outlets do encourage their readers to report newsworthy events they have witnessed via SMS or MMS. Moreover, some have opened a special section for citizen journalists on their websites and newspaper pages. Tajik citizens have become active users of social networks, and if in 2008 the most popular was the Russia-based Odnoklassniki.ru, now most users people are more actively engaged in Facebook and Twitter.

The Internet is becoming more and more accessible in big cities, but not in rural areas where electricity blackouts are frequent in autumn and winter, as well as the high subscription costs. The price of Internet services has increased after the introduction of a 3% VAT, which is, of course, passed on to the customers.

According to the panelists, over 25% of Tajikistan’s population of 2.2 million people has Internet access, a figure that includes those who visit Internet cafés. One of the reasons for slow growth is the lack of content in the Tajik language. “Some content in Tajik is presented on the governmental sites as a part of the so-called ‘electronic government,’ or within a regulatory and legal framework,” said Kironshoh Sharifzoda. The information gap between young people, who live in the capital and often understand Russian and/or English, and their peers who understand only Tajik, is also growing.

“Society is ready to contact the authorities via social networks, which is illustrated by the example of the second

[most powerful] person in the country who opened a Facebook account, Mahmadsaid Ubaidulloev, and then organized a four hour on-line meeting with the activists of the Tajik segment of Facebook,” said Abdullaev, referring to the Dushanbe mayor.

Not everyone can afford to buy newspapers, especially in the outlying regions, because their price increased several times this year, up 20% during 2012, or about \$0.40 per issue on average. “The further from the capital, the higher the price; for instance, newspapers published in the capital cost TJS 2 to TJS 3 (US\$0.40–US\$0.63) more in Khorog and Kurgan-Tube than in Dushanbe,” reported Alamshoev and Sotiev. Low-income individuals exchange newspapers, and therefore receive their news later.

There is still only one daily newspaper, *Imruz News*, and three state-run papers are published twice a week, while all others are issued weekly, either on Wednesday or on Thursday. *Asia-Plus* is published on Mondays and Thursdays.

The overall circulation of all newspapers published in Tajikistan does not exceed 180,000–200,000 copies. Even the most popular newspapers lost about 10–15 percent of their circulation due to increased prices of paper and printing services.

According to the Press Department of the Ministry of Culture, 66 state-run newspapers are regularly published in the outer regions. Their circulation does not exceed 500 to 1,000 copies. Due to technical and financial problems, most of them are issued two or three times a month. As in 2011, only *Dieri Tursunzoda*, in western Tursunzoda, with a circulation of 4,000 to 4,500 copies, *Haqiqat Sughd*, from Sughd Province, and *Kulyab Pravda*, each with a circulation of 3,000 to 5,500 copies, remain profitable among regional state newspapers.

Civil society, supported by international organizations, is trying to expand public access to a broad spectrum of information. With the support of OSCE, information access centers have been established in the rural regions. The Republican Press Center in Dushanbe, complete with a library and Internet access, is especially popular among journalists.

In the winter and spring of 2012, electricity in most regions, except in four large cities, was available for no more than 2–4 hours a day.

Abdullaev noted that the Tajik national radio and television present information of public importance from the government’s point of view only. “The twentieth anniversary of the sixteenth Session of the Supreme Soviet of Tajikistan, which gave rise to the basic laws of the country, was



celebrated by showing a TV series about those years—exclusively from the President’s perspective,” he added.

There are only eight independent TV stations in Tajikistan. Five of them are in Sughd, one in Khatlon, one in Tursunzade, and one in Dushanbe. Those in Sughd are better equipped than the others.

The panelists noted that for the past two years, Internet blogs and social networks have become a popular platform where journalists, politicians and other politically active citizens can present alternative opinions.

“However, during the past year the authorities started to pay more attention to civil journalism and social networks, and have tried to limit the flow of online information,” reported Pirnazarov.

Although the decision of a website or some social network blockage can *de jure* be made by the court of law only, freedom of expression on the Internet is regularly violated in Tajikistan. This process has intensified in 2012, and now Internet providers speak about the decision to block access to this or that website upon receipt of a text message from the head of the country’s Communications Service.

In fact, just one person can make the decision on the restriction of access to a certain source of information in the country. In most cases, such restrictions are political in nature. This summer, the head of the Communications Service, Beg Zakhurov, announced the establishment of a special group of volunteers, who would monitor all Internet materials concerning Tajikistan. “The blockage of access to Facebook was explained by requests received from those unknown ‘volunteers’,” reported Karshiboev.

State-run television has no balance, avoiding high-level corruption and border issues entirely. State-run TV tries not to show accidents, military clashes and natural disasters. The panelists also believe that such problems as gender, sexual and religious minorities receive either no or very little media attention, probably due to Islamic conservatism. Karshiboev noted that almost no independent media outlet has a clear-cut editorial policy. “I mean, it is hard to say what they may write about and which topics are taboos for them,” he said.

Fifteen information agencies are registered in Tajikistan, but only *Asia-Plus*, *Avesta*, Ruzgor.tj, Pressa.tj, Ozodagon.com, Tajikta.tj, Tojnews.tj, and the state-run Khovar are really functioning. *Asia-Plus* is the leading agency, as it tries to present news from all over the country.

“All information agencies are affiliated with media corporations. Umed Babakhanov, a journalist and entrepreneur living in the US, owns *Asia-Plus* Media Agency.

Pressa.tj belongs to Oila, the private holding company owned by journalist and entrepreneur Sharif Hamdampur. Ozodagon.com is affiliated with the newspaper of the same name, while *Avesta* and Tajikta.tj are linked with the *Business and Politics* newspaper,” said the panelist Nazarali Pirnazarov.

Three agencies—Pamir-Media, Khatlon-Press and Varorud—were temporarily shut down due to financial problems, related to the expiration of their grant funding.

All four channels of national television use only information provided by the state-run Khovar agency, though their international news coverage uses fragments of news shown on Russian channels, Euronews, CNN, and Al-Jazeera.

The panelists noted that information consumers, apart from a certain circle of media employees, do not really care about the owners of media outlets but are rather interested in the content, timeliness, and objectiveness of news coverage.

The panelists believe that the openness of information on who owns print media is confirmed by references to the founders in the newspapers’ logos. “Readers and journalists are well aware of the fact that Orieno Media, which includes a newspaper and radio station with the same name, belongs to the Oriyonbank’s chairman, the president’s brother-in-law, Hasan Asadullozoda,” said Niyozov.

According to Tajik law, foreign nationals are not allowed to found media outlets. Big commercial media corporations still avoid showing themselves and their interests openly in Tajikistan, while foreign capital is present in the media only in the form of grants and technical support provided by international donor organizations.

The quantity of media in national minority languages has increased. Twenty newspapers are published in the Uzbek and Kyrgyz languages. *Halk Ovozi* is published in Uzbek by the Tajik government. *Zamondosh*, *Ustoz*, *Skanvordlar* and about ten other newspapers and magazines in Uzbek are published in Dushanbe, *Dustlik* is printed in Khatlon Province, and *Hakikati Sughd* in Sughd Province. Also, one to two pages in the regional newspapers of the Sughd and Khatlon Provinces are published in Uzbek.

There is the *Sary Kol* Kyrgyz-language newspaper of the Murgab district, and one and a half pages of the regional *Paemi Jirgatol* newspaper in Jirgatol district is also published in Kyrgyz.

National TV and radio channels *Shabakai Yakum* feature 15–20 minute news programs in Uzbek. News in Uzbek,

Arabic and English are also shown on the first national and *Jahonnamo* channels.

The population of northern and southern border regions can also watch TV broadcasts from neighboring Uzbekistan. However, the Turkmen-language newspaper, which was once published in the Turkmen village of Jilikul, closed in 2011.

“Due to financial hardships, only three issues of *Ma’rifati Shugnon* newspaper in Shugnan (one of the languages of the Gorno-Badakhshan Autonomous Province) were printed this year,” reported Alamshoev.

According to the panelists, national minority media are absolutely free and can develop without any restrictions in Tajikistan. On the other hand, Sharifzoda believes that interests of national minorities are not represented in the media and parliament. “Neither Russians, nor Uzbeks, nor other nationalities are allowed in the higher echelons of power and parliament,” said Abdullaev.

The panelists noted that the level of inter-regional information exchange is still low. People in Dushanbe are often unaware of what is going on in the neighboring cities and villages just a few dozen kilometers away. “No newspaper has a news bureau even in the regions neighboring the capital city, so there is no way they can receive timely information from the periphery,” said Pirnazarov.

Neither national nor independent printed and electronic media have correspondents abroad except for *Asia-Plus*, in Washington, Moscow and London, and *Khovar*, in Moscow, Ankara and Istanbul.

The panelists once more repeated that the division of media outlets into state-run and independent, which is constantly encouraged by the government, leads to polarization of opinions, and that the time has come to create a nationwide public radio and television corporation, which will present information from all the provinces and regions of Tajikistan.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Tajikistan Objective Score: 1.14

Although the mass media in Tajikistan are producing content that satisfies the demands of diverse population groups, media outlets have not become successful businesses yet. Bureaucratic and legal barriers, high taxes, and increased attention, in the form of unsanctioned audits, hinder their business development by tax authorities. “Independent media outlets, except for *Asia-Plus* and *Nigoh*, are managed in a haphazard manner, something like ‘a wild info market.’

Business plans, civilized marketing, and capital budgeting are still out of the question,” believes Sharifzoda.

Nozimova said that, having been a founder and chief editor for one and a half years, she has perceived that a newspaper with a circulation of more than 3,000 copies is sustainable. “And if the outlet attracts advertisers and other projects, it will be even more profitable,” she added.

The panelists believe that mass media as information banks do not have much profit, but if all existing opportunities are used, a media outlet may be able to return the initial investment within a year, just like any other business. On the other hand, the issue is whether a newspaper is able to stay afloat in the media market.

Business plans rarely budget capital investments. “International bookkeeping standards are not observed, almost all media outlets pay [under-the-table] ‘envelope wages,’ there are no qualified managers, and this hinders the stability of media outlets,” claimed Pirnazarov.

The state media, which is completely funded from the state budget, does not feel the need to draft business plans, manage capital investments or engage in market research, since their editorial offices are an integral part of the government. Besides, they have permanent sources of income, including “voluntary-compulsory” subscriptions by state institutions, enterprises, mainly paid by the funds of those organizations. For comparison, *Minbari Khalk* (*People’s Tribune*), the ruling People’s Democratic Party of Tajikistan (NDPT) publication, has about 40,000 subscribers, whereas the popular independent socio-political newspaper

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

*Faraj*, which is opposed to the government, has about 400 subscribers. Also, advertising and paid commercials by state organizations, such as banks and state companies, as well as loyal or allied businesses, also advertise exclusively with state outlets.

Karshiboev reported that *Asia-Plus* is managing to sell subscriptions to its analytical materials, press and economic reviews, photographs, and videos, to private and foreign customers.

Some independent media outlets earn revenue by using their already existing production studios, engaging in actions, conducting investigations, producing music videos, advertisements, and PR materials, receiving grants, publishing congratulatory messages, selling photos and video materials, and other means. Some of these activities skate the line between advertorial and editorial content.

"Although *Faraj* does not have a business plan, we are sustainable; this year, we produced several additional issues featuring interviews with the leaders of the opposition, which gave us additional funds for further development," said Niyozov. He added that the success of an independent media outlet depends on its location, relationships with advertisers, and international donor organizations. "In order to increase their prestige in society and among potential advertisers, many newspapers exaggerate their circulation figures. For example, *Asia-Plus* indicates its circulation as 14,000 copies instead of the actual 8,000," he claimed.

The law on advertising, which governs advertising in the media, has been in effect since 2003. This law stipulates different attitudes for state-run and non-governmental media outlets. State-run electronic media may not devote more than 10 percent of their daily broadcasting time to advertising, whereas for non-government media the limit is set at 30 percent. The volume of advertising in the state-run print media should not exceed 25 percent while non-government periodicals are allowed up to 40 percent.

The reality is different, however, believes Mamurzoda. "The amount of advertising in mass media is growing from one year to another even though its volume is strictly limited by law," he claimed. He also noted that regional media outlets hardly receive any advertising from national firms.

The largest volume of advertising is inserted in three national TV channels, 2–3 state-run, and 4–5 non-state newspapers. *Asia-Plus* is one of the most profitable print media outlets in the republic. The newspaper is issued weekly and has 48 pages, with 14–16 of them devoted to advertising, though advertising in the newspaper is comparatively expensive at \$500 per page.

While advertising is the primary source of income for media outlets in other countries, it has not yet become a pillar for many Tajik media outlets. "One of the reasons for that is the lack of professionalism in preparing advertisements and advertising videos. Many producers are ready to pay the media NOT to be advertised," joked Nozimova.

According to a survey conducted by NANSMIT, the most advertised products are pharmaceuticals, followed by Internet providers, household appliances and mobile communications. The only fully state-run enterprise that advertises its products is Tajik Aluminum Company (TALCO).

"Since this small advertising market has already been divided, it is prone to unfair competition and cheating," said Karshiboev. Advertisers are afraid of advertising in the opposition Tajik-language media, including his *Faraj* newspapers. "Advertisers often give me money as financial aid though it is recorded as advertising," he said.

Tajik media usually work with advertisers directly, without employing advertisement agencies. Most advertisers just choose the most famous newspapers and those with the largest circulation. "There are many advertising agencies in the north of the country, but their advertisements are dull and unprofessional, or the same as those in other languages and just translated into Tajik," reported Farrukhshoev.

With the exception of the top few newspapers, most private, independent media outlets subsist either on grants, the volume of which has been reduced due to the world economic crisis, or on their founders' funds. Printing houses have become successful businesses, on the other hand.

There is only one large financial corporation in Tajikistan that has its own media business. Oriyon International Corporation, a daughter company of the OriyonBank, owns two radio stations, a daily newspaper, a monthly economic magazine, and an advertising unit. *Asia-Plus* media group has a newspaper, an FM radio station, a production-studio, and the first glossy magazine in the country, *VIP-Zone*, which was launched in 2008; besides, it also provides publishing services. *Oila* has three newspapers, a printing house, an information agency, and an advertising agency. Charkhi Gardun owns a printing house and four newspapers. All of them have managed to sustain themselves circulation and advertising, as well as by selling newsprint and providing printing services to the market.

"There is also an obscure media magnate, Umed Sattorov, who allegedly owns seven newspapers. Officially, he is an owner of the *Mushfiqi* printing house that prints 26 newspapers, invitations, postcards, business cards, *Caravan Megapolis* newspaper and *Dilkusho* magazine, with a total circulation of more than 25,000 copies," claimed Niyozov.

Unlike most regional media outlets, two radio stations in the Sughd Province, Tiroz and SM-1, bring high profits due to advertising and commercials. Johonnamo TV in Khujand and Gulyakandoz in Gafurov, also in Sughd Province, were described as profitable too.

The panelists mentioned that local advertisers still prefer television, as it is more accessible than newspapers and other media. However, famous international brands prefer to advertise on banners and billboards. Outdoor advertising is also widely used in the outlying regions. The quality of advertisements produced by local TV stations leaves much to be desired. Many advertisements are nothing more than ads from Russian, Turkish, and Iranian TV channels translated in Tajik.

All four national TV channels, as well as *Oila*, *Charkhi Gardun*, Oriyono Media, Radio Vatan and *Asia-Plus*, have their own advertising departments.

There are seven advertising agencies in Tajikistan. They charge high fees for their services; therefore, advertisers often deal with media outlets directly.

The panelists claimed that advertising in Tajikistan is nothing more than simple announcements, and rarely do they feature locally produced goods and services.

SMS advertising, including commercials, messages and greetings sent by mobile phone companies, are a new trend in the market. Unfortunately, advertising and market research do not focus on the reader's needs as all print media measure their popularity only in terms of circulation growth and sales.

The panelists claim that website hit counters and Internet rating meters are not always accurate as they count the number of clicks rather than actual users. Many online media conduct regular polls asking readers' opinions on various social, political, and economic topics.

Unlike state-run media outlets, independent non-government outlets are focused on advertisements, commercials, and PR materials. They also attract customers with certain discounts and individualized designs for ads.

Non-state regional TV stations and print media outlets often receive small subsidies from the budget of their local administrations.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Tajikistan Objective Score: 1.69

There are 17 NGOs in Tajikistan that are, to a certain extent, related to mass media, though their activities significantly depend on support from international organizations. Almost all these NGOs proclaim the defense of freedom of speech and independence of media to be their primary task. However, only a few NGOs, such as NANSMIT, the Media Alliance, the Union of Tajik Journalists, INDEM, and The Journalist NGO are systematically engaged in this. In addition to these, the rights of journalists and media outlets are supported by the Media Council, the Fund for the Defense and Remembrance of Journalists, the NGO Khoma, the Association of Publicists, the Association of Sports Journalists, the Center for Investigative Journalism, the Association of Teachers of Journalism, the Association of Professional Journalists of Sughd Province, and the Association of Television Journalists.

"The organizations that defend the rights of journalists in the country have a fairly strong standing. Nevertheless, they can seldom resist increased pressure exerted by authorities," said Mamurzoda. These days, they focus their efforts on conducting educational training sessions for journalists and on increasing the potential of all media outlets. "Unfortunately, these organizations do not have enough opportunities to develop media in the periphery. That is why media outlets in the capital have many more opportunities

### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

#### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

Despite all the efforts of NANSMIT, the Media Council and donor organizations, journalists failed to unite in their own trade union because media magnates and owners of private media outlets oppose it.

for creative development than the media issued from the rural regions,” claimed Abdullaev.

There are several general business associations which defend the interests of media outlets controlled by their members. In late December 2010, with support from the OSCE, independent print media leaders founded the Association of Media Publishers and Distributors (Matbuot). However, this association has not yet begun working because of disagreements over its leadership among its founders.

Despite all the efforts of NANSMIT, the Media Council and donor organizations, journalists failed to unite in their own trade union because media magnates and owners of private media outlets oppose it. Nevertheless, NANSMIT has already begun establishing local trade union cells in the regions. “By the end of the year, we are planning to create frameworks for a media trade union in provinces with the help of the Finnish Foundation for Media, Communication and Development, and this initiative is supported by the Union of Tajik Journalists,” said Karshiboev.

The panel noted significant progress in the activities of media-support institutions, especially this year, when the pressure from the government on the opposition media increased, which can be illustrated by the lawsuits against *Asia-Plus*, *Faraj*, and *Ozodagon* newspapers. “Common efforts of these NGOs have produced significant results during pre-trial investigations against Ramziya Mirzobekova (*Asia-Plus*), the persecution of Zavkibek Soleh (*Ozodi*) and Daler Sharifov (*Safina TV*), and during the blockage of *Asiaplus.tj*, *Tojnews.tj*, and *Ozodagon.com* websites,” said Alamshoev.

Mamurzoda reported that apart from NANSMIT and the Union of Tajik Journalists, no NGOs and media associations in the Khatlon Province defend the rights of journalists and provide them with advice and training.

The newly-founded Association of Audiovisual Production Distributors aims to protect the interests of private broadcast media and production studios. Such associations subsist on membership fees, and seek grants for special projects. They are trying to integrate with similar international associations, but so far, in vain.

In accordance with its statute, the Media Council has dealt with issues related to incorrect publications, violations of ethical norms and plagiarism, trying to solve problems before such cases get to the courtrooms. “NANSMIT, the Media Alliance, The Journalist NGO, have conducted several joint events aimed at legal education and protection of journalists, access to sources of information, and actions for the protection of freedom of speech,” reported Sharifzoda.

The panelists noted that these media associations demonstrated solidarity during the media blackouts related to Khorog and the blocks of Radio Liberty and Facebook.

The Union of Tajik Journalists, NANSMIT, the Media Alliance, and The Journalist NGO also initiated a number of conferences and round table discussions devoted to the discussion of the draft law On the Press and Other Mass Media, and also participated in the preparation of this law. Besides, talk shows based on lawsuits won by journalists and print media outlets were produced for the independent SMT TV.

“In addition to legal advice, NANSMIT has provided legal assistance to the journalists Mirzobekova and Sharifov,” reported Niyozov. The organization is also engaged in regular monitoring of violations of journalists’ rights, freedom of speech, and access to information.

The panelists noted one move towards independence by the Union of Tajik Journalists, which had been seen as generally loyal to the government in the past, under the leadership of Akbar Sattorov. Sattorov openly defied the authorities by putting forward the opposition journalist Abdukayum Kayumzoda of *Ozodi Radio* for the Lahuti State Prize “for courage in coverage of political events.” President Rahmon, who was scheduled to present the prize, declined on learning that Kayumzoda was in the running. *Ozodi Radio*’s website was blocked by the authorities again in January 2013 “for technical reasons,” according to the Ministry of Communications.

Cooperation of local NGOs with international organizations that support freedom of speech is clearly visible in partnership projects, joint events and actions. The panelists noted cooperation with the European Union, Embassies of the USA and UK, Adenauer Foundation and Friedrich Ebert Foundation, Internews Network, Eurasia Foundation, NED, and the Open Society Foundations affiliate in Tajikistan.

Nuriddin Karshiboev noted that the reluctance of the government to cooperate with media associations impedes the protection of independent media and the promotion of freedom of speech.

As for NGOs and international organizations that support media freedom and provide journalists with legal aid, the

panelists mentioned the Bureau for Human Rights and Rule of Law, and Nota Bene. The TajFEN network, founded in November 2010, has continued its work. The network includes the NGOs Bureau of Human Rights and Rule of Law, the Civil Internet Policy Initiative, the Union of Tajik Journalists, the Media Council of Tajikistan, NANSMIT, NGO Khoma, The Journalist NGO, and the Institute for War and Peace Reporting's office in Tajikistan. The primary goal of this network is the consolidation of media and human rights organizations for promoting the freedom of expression in Tajikistan.

Earlier this year, the journalists from Sughd Province supported by the media community opened a Journalists' Club in Khujand under the aegis of NANSMIT; and at least twenty journalists visit daily to discuss legal issues and access information.

The activities of the Union of Tajik Journalists and NANSMIT are funded only by international donor organizations.

The participants expressed their concern about the professional education of journalists, the overall level of which has not improved for several years. More than 200 journalists graduate every year, but the level of their training is low. There are no private or community-based institutions that train future journalists, so they are educated at eight state-run institutions, including even the Tajik State Pedagogical University. "Except for the Faculty of Journalism of the Tajik State University and the Departments of Journalism of the Khujand and Russian-Tajik Slavic Universities, all other universities have no basic conditions for the professional training of journalists," said Bobojanova.

The curricula of the Faculty and Departments of Journalism are overloaded with unnecessary theoretical subjects, and very few hours are devoted to practical training. "Stereotypes and Soviet-era mentalities inhibit the initiative of young specialists who are calling for the introduction of hands-on practical training and the involvement of practicing journalists from independent media outlets in the education process," said Sharifzoda. Nozimova added that those students who intern during their studies often continue working for the same outlets after graduation.

The panelists expressed their hope that once the Ministry of Education adopts the draft of the new credit-based education system, which was prepared by The Journalist NGO, with the financial support of the Open Society Foundation, practical training will find its rightful place in the curricula and enable future journalists to be competitive in the labor market.

Both local and international organizations conduct various preparatory and specialized courses for journalists, but the problem is that neither a practicing journalist nor a student

**"Common efforts of these NGOs have produced significant results during pre-trial investigations against Ramziya Mirzobekova (*Asia-Plus*), the persecution of Zavkibek Soleh (*Ozodi*) and Daler Sharifov (*Safina TV*), and during the blockage of *Asiaplus.tj*, *Tojnews.tj*, and *Ozodagon.com* websites," said Alamshoev.**

of journalism would be given a day-off to participate in such training sessions. "Thus, the choice is limited to what students can get from their educational institution and what journalists can get from their employers," said Abdullaev.

The panelists also noted another negative trend, which is growing from year to year. Practically all institutions of higher education that teach future journalists are discouraging them from working with the independent media by threatening them with expulsion. This year, the Ministry of Education issued a decree that prohibits students to participate in seminars and trainings conducted by international organizations. "The organization, which sets up such training sessions, needed to write an official letter to the rector of the educational institution requesting students to participate," reported Pirnazarov.

Alternatively, "Khujand State University does engage well-known independent journalists from print media, TV and radio in the teaching process," claimed Bobojanova.

The technical competence of the graduates is still very low. "Many of them are computer and functionally illiterate and even make elementary-school mistakes," added Sotiev. He believes the reason for this is their lack of practice. Students are given only 36 hours of practical computer instruction, not nearly enough to learn basic computing, online research, publishing software, and other requirements of modern journalism.

Students bribe their way into many seats at universities, and pay for the grades they receive from their professors. Thus, motivation to learn among students and confidence in the graduate's abilities among potential employers are both low.

The panelist Kurbon Alamshoev reported that the Open Society Foundation equipped the journalism faculty of Khorog University with a training TV and radio studio. The equipment was brought and installed, but the studio does not work though for some unknown reasons. Another cause

of low technical competency, according to the panelists, is the absence of up-to-date textbooks and learning aids.

Trainings are conducted, but most of them are short-term and do not bring about the desired outcome. Although there are programs for journalists to study abroad, very few go abroad for training, either because of their poor knowledge of English or because their employers are reluctant to let them go for a long time.

So far, students can study journalism abroad only privately, usually on funded programs in the United States, Turkey, Germany, and Iran. The government has an exchange student program covering tuition and accommodation to universities in a few former-Soviet countries: Russia, Kazakhstan, Ukraine, and Belarus. This program has lately been limited only to those professions that Tajikistan needs, and they are mainly technical subjects. Therefore, very few Tajik students of journalism study abroad these days.

Most of the panel agreed that media outlets seldom hire graduates, as employers prefer to take more experienced journalists who do not need further training. Moreover, the initial salary paid to young journalists is very low. "In general, no more than ten percent of graduates stay in the profession," reported Karshiboev.

Most journalists in Tajikistan, about 70% of them, are women.

Workshops and webinars devoted to online journalism and using social networks have become very popular among journalists. All the courses and workshops are free of charge, and access to them is unlimited. The Institute for War and Peace Reporting, the Union of Tajik Journalists, NANSMIT, Open Society Foundation's Tajikistan branch and the NGO Khoma conduct these trainings.

The panelists stressed the need for long-term training sessions devoted to investigative journalism, writing news, analytical reporting, interviewing, specialization, legal issues and multimedia journalism.

"International donors are still contemplating the establishment of a permanent school of journalism, but they have not chosen the NGO to base the school in," reported Abdullaev.

The panelists noted that it was very difficult to attract practicing journalists from the state-run media outlets to trainings and seminars, since their editors are still reluctant to accept international standards or trust international organizations.

In-house training for its employees is being conducted only by the Asia-Plus media group, which has its own, independent school of journalism. Farrukhshoev spoke

about the necessity of conducting trainings and seminars for journalists in the rural regions.

As for the quality of printing and access to equipment, the panelists noted that access to printing facilities is subject to political restrictions and depends on the authorities' will. There are no restrictions on access to newsprint and equipment. "The *Sharki Ozod* complex, which prints up to 90% of all newspapers and magazines, gives priority to those who pay more," said the panelist Khurshed Niyozov. Almost all private printing houses are profitable businesses and purchase paper and plates themselves.

The panelists were unanimous in stating that it is of little use to talk about freedom of expression in Tajikistan until there is a private and independent printing house under the auspices of one of the international organizations. "Even private printing houses are controlled by the authorities, who can issue threats in order to stop printing any opposition newspaper," said Karshiboev. Dodobaev and Bobojanova maintained that managers of private printing houses in Sughd do not refuse printing newspapers on the authorities' request.

The best quality printing, according to the panelists, is provided by the Oila printing house that belongs to the media corporation with the same name, and by Intoshod part of the Charkhi Gardun Media Corporation.

The state-run printing house *Sharki Ozod*, as well as Charkhi Gardun and Oila media corporations supply newsprint in Tajikistan. The prices for services in the private printing houses Oila, Intoshod and Mushfiki are 15% higher than those in the state-run *Sharki Ozod*.

There are 83 printing houses in Tajikistan, and 10 private ones in Dushanbe for print newspapers. Seven printing houses function in the outlying regions: three in Khujand, and one each in Istaravshan, Kurgan-Tube, Khorog, Yavan, and Kulyab. All the panelists agreed on the need to expand access to independent printing houses, in order to serve the independent media as is done in Kyrgyzstan.

The panelists believe that the channels of print media distribution are still weak and politically loaded. "The newsstands that belong to Tajikmatbuot (Tajikprint) do not take opposition newspapers or print very few copies," reported Niyozov.

Pensioners seeking to add to their meager retirement allowances usually sell these newspapers. This is despite the plans of the stalled distributors' association, Intishod, which planned to install 40 news kiosks in Dushanbe.

Nowadays, each independent television and radio station buys its own transmitters, and their capacity is much weaker

than that of the state-run media. Practically all software used by the Tajik media is counterfeit and pirated.

The distribution of broadcasting frequencies is a monopoly of the government, which can prevent independent media from going on air since non-government media rent their frequencies from the government's Communications Service. "During the military operation in Khorog, Tajiktelecom and the Communications Service blocked all communication with the city through all the mobile and Internet service providers," recalled Dodobaev.

The authorities have prevented the establishment of one common independent channel that would broadcast throughout the whole country, despite the availability of technical facilities and the necessary equipment. There are five local cable channels in Tajikistan—in Dushanbe, Khujand, Tursunzade, Istaravshan, and Kayrakkum.

The four state-run channels of the national television system have already made the transition to digital broadcasting, but watching them requires buying a receiver, which costs \$100—a prohibitive price for most citizens.

As mentioned, blocks on Internet content are becoming more common. Almost 30 websites are currently blocked in Tajikistan. There have been attempts to break into the accounts of the most active users of Facebook and Twitter. Intelligence agencies are wiretapping mobile phones as well. "I met an opposition religious leader, Hoji Akbar Turajonzoda, in late November, and the next day my mobile phone was already wiretapped to such an extent that my SIM card was useless," said Karshiboev.

The government has not blocked blogging platforms yet, but it does monitor them. Although mobile Internet exists, it does not cover the whole country, and as soon as the electrical supply is shut down, 3 and 4G transmitters cease working as well. All TV and radio towers belong to Tajiktelecom, which is under the auspices of the Ministry of Transportation and Communications, and even those independent stations that have their own transmitters are renting part of the state-owned tower.

Overall, the media situation in Tajikistan is the same as for the previous MSI in 2012. Self-censorship continues to increase, and the professional level of most media outlets leaves much to be desired. The government attempts to restrict access to information, especially on the Internet.

The panelists concluded that certain training assistance from international organizations and donors, as well as political freedom, strict adherence to the rule of law, and amendments to current legislation, might help mass media in Tajikistan overcome their technical and professional hurdles.

## List of Panel Participants

**Ravshan Abdullaev**, executive director, Eurasia Foundation of Central Asia, Dushanbe

**Kurbon Alamshoev**, director, Pamir Mass Media Center, Khorog

**Rano Bobojanova**, professor, department of journalism, Khujand State University, Khujand

**Mahmudjon Dodobaev**, director, private Jahonnamo TV channel, Khujand

**Nuriddin Karshiboev**, chairperson, National Association of Independent Media of Tajikistan (NANSMIT); media expert, Dushanbe

**Nosirjon Mamurzoda**, reporter, Radio Ozodi (RFE/RL Tajikistan), Kurgan-Tube

**Khurshed Niyozov**, director, Center for Investigative Journalism; editor-in-chief, *Faraj* newspaper, Dushanbe

**Muhayo Nozimova**, editor, *Ovoza* newspaper; national coordinator, SCOOP Investigative Journalism Project, Dushanbe

**Nazarali Pirnazarov**, reporter, Ca-news.org news agency, Dushanbe

**Murod Sotiev**, director, Paem Independent Information Agency, Kurgan-Tube

**Sukhrobsho Farrukhshoev**, editor, *Kulyab Pravda*; spokesperson, city mayor's office, Kulyab

**Kironshoh Sharifzoda**, director, The Journalist public association, Dushanbe

## Moderator and Author

**Lidiya Isamova**, media expert; correspondent, RIA Novosti, Dushanbe



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*At first glance, the media law appears to be a cause for hope, though the law flies directly in the face of total media control that has lasted Turkmenistan's entire history.*



# TURKMENISTAN

Since the last MSI Eurasia report, the country has undertaken what amounts to, for Turkmenistan, an international charm offensive.

Turkmenistan formally ended its single-party system in 2012, by registering a second political party for the first time in more than 20 years of independence. It also completed population census, first time in 17 years. Turkmenistan also attempted to burnish its diplomatic credentials, hosting a summit of regional heads-of-state summit and getting itself elected to the UN General Assembly's Economic and Social Council. Moreover, Turkmenistan formalized the ambitious, multi-billion dollar US-backed Turkmenistan-Afghanistan-Pakistan-India natural gas pipeline (TAPI) project in 2012. The project would allow Turkmenistan to theoretically export natural gas to South Asia in 2017, which would add to its current customers China, Russia, and Iran.

President Gurbanguly Berdymukhammedov was reelected for a second five-year presidential term on February 12, 2012, in an election the Organization for Security and Cooperation in Europe (OSCE) considered so flawed that it would be pointless to send observers. During his campaign, he stated that he fully supports the democratization of Turkmenistan by developing the political system, strengthening the power of local authorities, public institutions and establishing independent media. "We need parties that would unite and inspire people to creative work for the sake of further prosperity of our country," he said, on the way to his 97.14 percent victory over seven friendly alternative candidates. His victory brought about a new moniker, "Arkadag" (Protector), and the announcement that his first term "Era of Great Revival" had given way to the "Era of Power and Happiness." Despite gas-fueled growth, non-government sources still estimate high unemployment and poverty rates.

Turkmenistan is an absolute dictatorship, a sentiment shared by the participants and the international community. Reporters Without Borders consistently places Turkmenistan as one of the three worst countries for media freedom and one of the nine states with the worst civic freedoms record. The Organization for Security and Cooperation in Europe (OSCE) has described the lack of press freedom in Turkmenistan as "unprecedented" in the body's history. It is one of the most corrupt nations on the planet, according to Transparency International.

Berdymukhammedov reversed some of the more bizarre and regressive reforms of his predecessor, Sapamurat "Turkmenbashy" Niyazov, though critics contend these changes have been cosmetic, limited, or ineffective. On the media, however, 2013 opened with the surprising enactment of the president's promised media freedom law, which guarantees freedoms of expression, dissemination of information, bans censorship, and ends the president's formal ownership of all the country's newspapers. At first glance, the media law appears to be a cause for hope, though the law flies directly in the face of total media control that has lasted Turkmenistan's entire history.

One of the few genuinely positive trends of increasing Internet access of the past few years is now being blunted by increasing filtering of social networks, including Facebook, Twitter, and YouTube. This censorship was extended to Gmail in 2012, reports RSF, which lists Turkmenistan as an "Enemy of the Internet."

# TURKMENISTAN at a glance

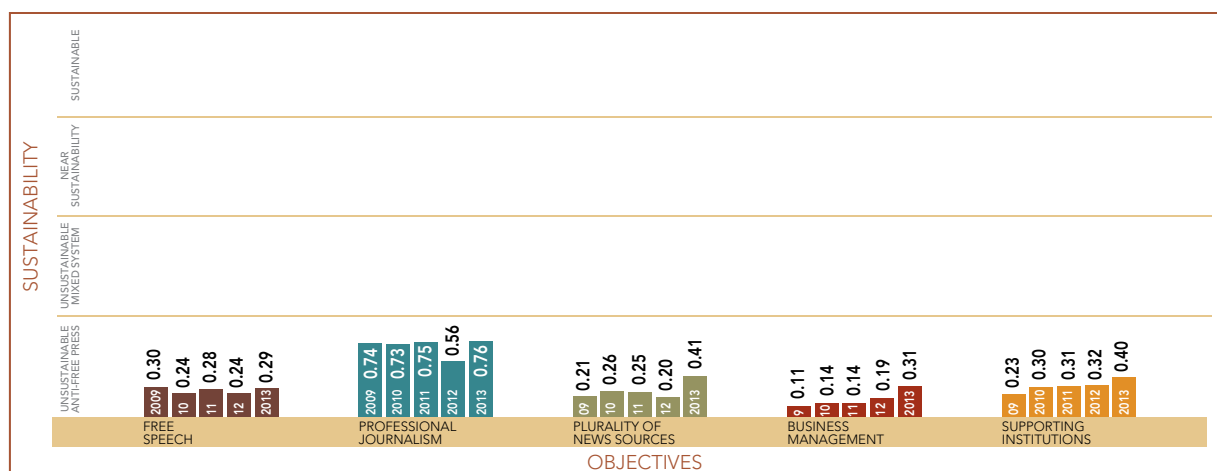
## GENERAL

- > Population: 5,054,828 (July 2011 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%
- > Languages: Turkmen (official) 72%, Russian 12%, Uzbek 9%, and other 7%
- > GNI (2010-Atlas): \$ 19.159 billion (World Bank Development Indicators, 2011)
- > GNI per capita (2010-PPP): \$ 7,160 (World Bank Development Indicators, 2011)
- > Literacy rate: 98.8% (male 99.3%, female 98.3%) (1999 est, *CIA World Factbook*)
- > President or top authority: President Gurbanguly Berdimukhammedov (re-elected February 12, 2012).

## MEDIA-SPECIFIC

- > Number of active media outlets: Print: 25 national and local newspapers, 17 magazines, Radio Stations 5; Television Stations: 7
- > Newspaper circulation statistics: The top two newspapers by circulation are *Neutral Turkmenistan* (Russian, English language state-owned daily), *Turkmenistan* (Turkmen language daily)
- > Broadcast ratings: N/A
- > News agencies: Turkmendovlethabarlary (state owned)
- > Annual advertising revenue in media sector: N/A
- > Internet usage: 80,400 (2009 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: TURKMENISTAN



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Turkmenistan Objective Score: 0.29

Turkmenistan's score for Objective 1 remained almost the same as last year's 0.31, reflecting that the country has no tolerance for freedom of speech. Despite the government's passage of the country's first ever media law, its provisions are redundant to the protections provided by the constitution, which has failed to provide any acceptance of speech freedoms for the rest of Turkmenistan's history.

Turkmenistan's legal foundation have always provided for the basic protections of freedom of expression and of the press. The new constitution, adopted on September 28, 2008, by President Berdymukhammedov, reaffirmed these rights. In practice, such laws are not honored, even deliberately ignored, with the intention of controlling nearly all information in society. One MSI participant, editor of a website that covers Central Asian news, said, "Turkmenistan is [arguably] one of the freest countries in the world. Its constitution enshrines all of the major freedoms with liberal democracy. But the horrible reality is the reverse. Dissenters are routinely tortured. Privacy is non-existent, as monitoring of all communications is ubiquitous. The rule of law is a mockery."

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

"A phone call from the Ministry of National Security or the President's Office can decide the outcome of any case," said one Turkmen journalist.

On December 23, 2012, the Turkmen government's official news website *Turkmenistan: The Golden Age* (Turkmenistan.gov.tm) reported that the Turkmen Parliament passed new laws on mass media guaranteeing freedom of the media. The law, which came into effect on January 4, 2013, states that "Nobody can prohibit or impede the media from disseminating information of public interest" and that citizens of Turkmenistan have the right to use any form of media to express their opinions except when necessary to protect the constitutional order, health, honor and dignity, private life of citizens, and public order. Under the law, obstruction of the legal professional activities of journalists by government officials and public organizations is explicitly forbidden. The new law prohibits mass media censorship, though there are no truly independent publications to test the provision. Details about how the law pertains to Internet media remain unclear, though many sites remain blocked, including exile opposition sites.

The participants agreed that there is no rule of law in the country, especially on politically sensitive cases. "A phone call from the Ministry of National Security or the President's Office can decide the outcome of any case," said one Turkmen journalist. "This happened with the case of Andrey Zatoka, the well-known ecologist and civil activist, who was first given prison term but then the sentence was changed to a fine and he was deported from the country. The courts decided nothing here."

Another participant wrote of the consequences of this environment. "All people trying to express their opinion freely are harassed, including Natalya Shabunts, Gulbansoltan Achilova, Turkish Djumageldyev; imprisoned, such as Ogulsapar Muradova, Dowletmurad Yazgulyev, Annagurban Amanklychev, Sapardurdy Khadjiev; committed to psychiatric wards, such as Amangelen Shapudakov and Kakabay Tejenov; or forced to leave the country, such as Andrey Zatoka and Annamamed Myatiyev." Many of these individuals were journalists assisting or informing international news outlets and documentary filmmakers, or were environmental and social activists.

A pleasant surprise came in early 2013, when Amanklychev and Khadjiev were released after serving their full

**“Parliamentary legislation is ritualistic empty wording. The real policies are the myriad informal decisions made by officials and national elites away from public view,” said the regional website editor.**

seven-year terms for facilitating a French film crew’s documentary on the country during the Niyazov era. Berdymukhammedov offered them no quarter. Muradova, who was arrested with them, died in prison. Her case has never been investigated. Journalists are only rarely released early or amnestied, and only if their detention brings about condemnation from western governments.

The regional website editor explained how these crimes were perpetrated under previous permissive iterations of speech protections. “Parliamentary legislation is ritualistic empty wording. The real policies are the myriad informal decisions made by officials and national elites away from public view,” said the regional website editor. Article 43 of the new constitution guarantees judicial protection of citizens’ dignity and their private and political rights and freedoms. These freedoms, at least, are in written laws. Turkmen Deputy Foreign Minister Vepa Hadjiyev stated during the UN hearing on Turkmenistan’s compliance with the International Covenant on Civil and Political Rights on March 16, 2012, that people are allowed to collect information and disseminate it in Turkmenistan. In response, Veronika Szente Goldston, Human Rights Watch’s advocacy director for Europe and Central Asia, told Radio Free Europe/Radio Liberty that the statements of Turkmen officials at the hearings demonstrated that Ashgabat was in a state of “complete denial” when it comes to respecting basic rights.

The 2012 U.S. Department of Commerce report for investors looking at the country notes that the government does not provide information support to investors, and officials use this lack of information to their personal benefit.

Mass media outlets are required to obtain a government license. The new mass media law of Turkmenistan allows anyone of at least 18 years old to establish mass media in the country including local authorities, political parties, public associations, government organizations, other legal entities and citizens. 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 citizens or corporations, on the other hand, must pay 100 times the size of the estimated monthly wage,

which is almost \$30,000, on average wage equal to \$285. The State Publishing Association, Turkmenmetbugat, issues licenses with approval of the Ministry of Internal Affairs, and the Cabinet of Ministers. The ministries can reject applicants for a variety of reasons. Due to the secretive environment in Turkmenistan, it was not possible whether any news outlet that applied for a license was granted or denied in the past year, besides the highly publicized ritualistic establishment of *Rysgal*, described below.

The Turkmen president regularly reprimands editors for poor performance. The criticism appears at times arbitrary and vague, at other times, absurd. “A newspaper can publish an article where the editor of this very newspaper is being severely reprimanded,” said one participant.

The president severely reprimanded and warned Shadurdy Alovov, the Chairman of the State Committee for Television, Radio, and Cinematography of Turkmenistan, for “poor performance of official duties, weakening of control over the order and discipline in the subordinate organizations,” on March 20, 2012. In January 2013, he was dismissed on national television for vague shortcomings and failures.

On May 28, 2012, the president appointed new heads of four TV and radio channels, according to the semi-official website Turkmenistan.ru. As usual, it was left unclear as to why their predecessors were removed. Speaking at a cabinet meeting, Berdymukhammedov noted only the need to ensure high-quality articles published in the mass media, featuring “achievements in the field of national culture and art in the new historical epoch.” In August, he dismissed the chief editor of *Watan (Nation)* newspaper for his “inability to cope with assigned duties.” Similarly, he replaced the editor-in-chief of the newspaper *Edebiyat we Sungat (Literature and Arts)* Bayram Sakhedov without reason. A day earlier, a journalist from *Ashgabat* newspaper Atamurat Shaguliev was accused of plagiarism and was dismissed from the editorial board of the newspaper, according to the opposition website *Chronicles of Turkmenistan* (Chrono-tm.org). Plagiarism is unheard-of in Turkmenistan.

Turkmen law deems libel and invasion of privacy as criminal offenses. The libel law grants special protection to government officials, public figures, the state, and state symbols. The burden of proof is on the accused, and convictions can lead to as many as five years in prison and a fine up to 30 months’ pay. But in practice, libel and invasion of privacy are not concerns among journalists in Turkmenistan, because controls on media are so strict that journalists have little chance to publish or air critical content.

In terms of access to official information, government officials control the release of all information. There is only one government-owned state news agency, Turkmen Dovlet

Habarlary (State News). The presidential administration or specially-designated officials from the regions must approve, in advance, all interviews with government officials. "All departments and state agencies refer journalists to their press centers, and the press centers hardly answer any requests," said one participant.

Internet access is not enjoyed by officialdom, either. "Officials in Turkmenistan are deprived of the opportunity to use the Internet," reports Chronicles of Turkmenistan. "Regional administrators have no funds to pay for the services of Internet providers. A fax machine is used to receive and send reports and other documents. If a document has been created in electronic form, staff members disseminate it by using flash drive sticks or CDs."

Turkmen government considers journalists as such only those working for state-owned news outlets in the country. The government holds exclusive oversight on press accreditation. In 2012, the Turkmen government accused correspondents of RFE/RL's Turkmen Service of working in the country without proper accreditation. Speaking to the UN on March 16, Turkmen Deputy Foreign Minister Vepa Hadjiyev said, "If they think their actions are journalistic work, then these types of activities are not in accordance with the current law."

The government grants visas to foreign journalists to visit Turkmenistan only to cover specific events, such as international oil and gas conferences and other summits. Minders are assigned to monitor their activities, and they are rarely permitted to leave Ashgabat, the showpiece capital. For the Summit of the Russia-led Commonwealth of Independent States in Ashgabat in December 2012, local security services confiscated mobile phones from the Russian correspondents, recommending they use landlines. According to opposition exile site Gundogar.org, there were only four for a hundred correspondents working out of the press center.

Theoretically, people are free to choose their profession; however, many obstacles exist in Turkmenistan to prevent people from choosing a profession, most notably the need to pay a steep bribe to purchase any public job, or, barring that, connections with high-ranking officials, and the necessity of having completed a relevant domestic academic program in order to access the profession in question. This last holdover from the Soviet age constitutes one of the few remaining strict educational barriers to the journalism profession in the region. The Ministry of Foreign Affairs has overall control over who gets selected into its international journalism program, as journalism program is under the Institute of International Relations.

"Many working reporters are not journalists by degree but only those who follow the general line stay in the profession," said one working journalist.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Turkmenistan Objective Score: 0.76

Turkmenistan's score for Objective 2 improved slightly from last year's 0.52. Facilities and equipment and pay levels fared comparatively well, owing to the state's spending on technology, printing, and editing for the state-owned mass media outlets. However, indicator of 3 (media serving the public interest) received the lowest possible score.

Journalism is a highly manipulated profession in Turkmenistan. Journalists working for state news outlets are expected to be highly subjective, producing pro-government reports highlighting the president's accomplishments and success stories, barely quoting anyone else except the president. In September 2012, one MSI participant conducted a survey of Turkmen media for a roundtable dedicated to press freedom in Central Asia, and found that there was not a single article in 20 sampled newspapers that did not mention the president. Berdymukhammedov regularly dismisses editors of news outlets for failing to meet his idea of what the news outlets should publish or air, often without specificity. One participant said, "All news is about him. If he is unhappy with the results, he can only be unhappy with their coverage of himself."

"The quality of reporting is very poor and reminds journalism of the Soviet Union in the 1950s, 60s and 70s,"

### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

One participant said, "All news is about him. If he is unhappy with the results, he can only be unhappy with their coverage of himself."

said one participant. "Subjectivity is evident. No opinion of independent experts, like political analysts, lawyers, doctors, sociologists, is given as there are no such independent experts," the participant added. Quotes from anyone other than the president usually refer to his wise policy, or openly plaudit the president himself. Journalists and editors are clearly playing the role of cult-builders, after some foreign analysts on Turkmenistan pointed to the removal of some more public and permanent aspects of Niyazov's personality cult as evidence of distancing from the past. Citizens, assailed by the media and PR campaign of unqualified praise for the president, are under no such illusions.

Turkmen journalists have few opportunities to improve their professional skills, as neither government agencies nor NGOs offer many real training opportunities. Those who manage to get accepted into foreign programs are usually fired under suspicion of foreign influence or for their intent to use actual journalistic skills. Participants in other foreign-government sponsored exchange programs routinely risk loss of employment for leaving the country, reporter particularly those who travel while employed by the government yet without official, specific permission.

"News articles are boring, sentences are sometimes ridiculously long, up to 10 lines in a column, and they state commonly-known things," said another participant. "There is hardly any investigative reporting except for cases when a person or a group of people are being accused of something serious, such as major drug smuggling cases. Even in such cases the stories are biased, facts are provided and approved by security services, and the language used is accusatory and often humiliating," said another participant.

However, there were several professional trainings held in Turkmen capital in 2012 for working journalists organized by the UN and OSCE. For example, BBC World Service experts Kevin Burden and David Stead led a two-day seminar to about issues touching on professional standards in modern journalism, the ethics of relations between journalists, society, and authorities, Turkmenistan.ru reported. The seminar was a part of training for Turkmen journalists for coverage of the Indoor Asian Games in 2017, which will be hosted by Ashgabat. Also, the OSCE conducted a seminar led by Elena Zaburdaeva, the Deputy Dean of the Moscow State Institute of International Relations on social media

and Internet, as well as methods of presenting news. Finally, the Chairman of the State Committee on Television, Radio, and Cinematography of Turkmenistan Shadurdy Alovov reportedly visited London from August 4-7, 2012, to see how the British were broadcasting live sporting events at the Olympics. He will not be applying whatever knowledge he garnered during his trip, as he was fired soon after.

The OSCE conducted a course regarding launching a news website and online management skills for twenty working journalists from national print and broadcast media, online newspaper *Turkmenistan: The Golden Age* and Turkmen state news agency Türkmen Döwlet Habarlary. There are other similar trainings conducted by the OSCE under the financial support of foreign, usually European, embassies.

There were no reports of any imprisonment or harassment of journalists in Turkmenistan in 2012, however, journalists are under constant threat of imprisonment should they risk providing independent reporting. As such, self-censorship and official censorship color nearly all reports by domestic journalists.

Turkmen news outlets have no formal ethical guidelines; editors do not distribute any to newly hired journalists. This can be partially explained by the fact that majority working journalists in Turkmenistan are not journalists by education, but have rather received their positions through patronage or bribery.

Mass media outlets do not have access to the Internet in Turkmenistan, and thus do not use Internet as part of their reporting. Most of the state's newspapers are based out of Ashgabat's House of Free Creativity, where a foreign Internet development expert found the entire staff of the ruling party newspaper playing solitaire, unashamedly, on a visit in 2008.

Journalists limit their coverage to issues that please government officials, and are not permitted to cover critical and controversial issues. In the summer of 2012, the authorities refused to let Turkmen students leave the country to Russia and the United States. That fall, the US Peace Corps ignominiously pulled out of the country after the authorities refused to extend their visas, apparently on suspicion of foreign espionage. Elena Myatieva, a journalist from Turkmenistan now living in Europe, said in an interview with the Institute for War and Peace Reporting (IWPR) that the authorities are trying to prevent social, civic, public and political activism by obstructing American educational programs. Domestic news reports made no mention of these controversies.

The same can be said for most issues of central importance to the daily life of Turkmen citizens. Corruption, HIV/AIDS

prevalence, labor migration, poverty, and almost every other topic with a potential negative social connotation is omitted from the local press. The president's occasional direct statements about the need to curb drug use among youth are publicized, though such coverage is the exception, not the rule.

Even unavoidable tragedies are still avoided by the press. Floods caused by severe rains or ice flows, earthquakes that damage remote villages, or other incidents are ignored, if at all possible, by the press. The only source of information within the country for such events is word-of-mouth, or the occasional circulated SMS message.

Since gaining independence, Turkmen government increased the salaries multiple times, including the recent pledge by president that salaries and pensions would be increased by at least 10 percent beginning January 1, 2013. Officially, the country's gas wealth would be used to push up living standards. However, there is still some mixed opinions among the participants regarding salaries of journalists in Turkmenistan. One participant said, "Salaries have barely risen, especially for rank-and-file journalists." Indeed, a 10 percent increase in a country experiencing relatively high inflation quickly dissipates.

Since coming to power in 2007, President Berdymukhammedov instructed the government to improve facilities in Turkmen news outlets by purchasing advanced technologies of printing equipment, editing systems and TV studios. A notable example is the brand-new 212 meter television tower equipped by Turkish and Western companies. This new TV tower in outside of Ashgabat is, as one participant said, one of the largest structures of its kind in Central Asia. One local citizen reported to a participant that the tower's location far from the city in the mountains had led to the resignations of many older employees, citing heart and circulatory health conditions.

Entertainment programming dominates among local media, and Turkmen television programs are filled with entertainment of varying quality. If President Berdymukhammedov takes part in festive event that ends with a concert, all other programs are cancelled and the entire concern is shown, focusing on images of the president and his entourage. Thus, purchasing a TV program schedule is useless, since TV channels do not follow the printed schedules.

"Turkmen TV shows are boring and highly politicized no matter what is being discussed, and no live shows exist," said one participant. "There is no initiative coming from TV managers to make programs interesting and lively, no incentive to fight for viewers or attract advertisers. They know they will be paid anyway. Nobody knows what kind

of reaction a new program will get from the president, and therefore nobody wants to take the risk."

### OBJECTIVE 3: PLURALITY OF NEWS

#### Turkmenistan Objective Score: 0.41

Turkmenistan's score for Objective 3 is up from last year's 0.44, largely due to the symbolic introduction of the first domestic non-state news outlet. The score is still abysmal, however, and reflects a domestic media scene completely dominated by the state, and worse, by the aggrandizement of the president's personality cult.

The Turkmen government funds all media outlets in the country, and has stunning amount of control over newspapers, magazines, and radio and television stations. A new "private" weekly newspaper, *Rysgal*, opened in 2010, on the instruction of the president himself. The paper is officially owned by the Union of Industrialists and Entrepreneurs, a pro-government business association. The newspaper's stories are largely reprints of state media outlets or reflect the views of the government. As with all other papers, the president is always on the front page, above the fold.

Citizens have no opportunity to check sources against each other, as all media outlets in Turkmenistan present only one point of view. The flow of information is so slow in

### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

#### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.



People get most of their information through domestic television and satellite television. Satellite television is one of the few means by which residents of Turkmenistan can access to independent channels in a country dominated by state-controlled media.

the country because government officials must carefully any announcement they want inserted in the press. Oguljamal Yazyleva, director of the US-funded and based Radio Azatlyk, has said that word-of-mouth is a primary means of gathering information - as it was in early societies of civilization.

There are seven state television channels, one national radio service, 26 national and local newspapers, and 16 magazines, all owned by the state. While transparency of ownership is, in this sense, quite apparent, the panelists agreed that the scores should be heavily docked for this concentration of ownership in the hands of the state.

If that array of state-owned outlets were not enough, the president announced in 2012 an initiative to launch new TV channels, magazines and newspapers, "To widely promote and popularize the achievements made by our country... in an era of happiness of the Turkmen state." As such, the Turkmen government launched two new television channels in 2012, Sport and Ashgabat.

Russia's Perviy Kanal is re-broadcast by Turkmen television for two hours a day, though only recorded, often dated entertainment programs are shown. Before releasing Russian television programs on air, Turkmen government thoroughly reviews the content of the Russian programs. "In this way, officials are protecting the country's residents from 'ideological propaganda,' which TV programs not controlled by the Turkmen authorities may contain," argues *Chronicles of Turkmenistan*.

People get most of their information through domestic television and satellite television. Satellite television is one of the few means by which residents of Turkmenistan can access to independent channels in a country dominated by state-controlled media. Most households have satellite dishes, through which most homes gain access to Russian and Turkish television, as well as foreign broadcasters such as CNNi, BBC, and Al Jazeera. Due to language barriers, older and urban citizens rely on Russian satellite television for news, while younger and rural citizens with satellite access may turn to Turkish channels for entertainment

and cultural programming. Comprehension of Turkish by Turkmen speakers is limited, though improving with cultural links and labor migrants traveling between the two countries.

Otherwise, official information is disseminated through the state's only news agency, Turkmen Döwlet Habarlary. Newspapers are printed, but not widely read, because all newspapers print an identical set of information coming from state's only news agency. The state media outlets do not compete to win readers. Those working in the state's prosecutor's office, the Ministry of Internal Affairs, the Ministry of Defense, and others are required to subscribe to the newspaper of *Adalat (Justice)* and *Esger" (Military)*. Those working in the medical profession have to subscribe to *Saglik (Health)*. Those working for the Ministry of Culture have to subscribe to the president's newly established *Medeniýet (Culture)* magazine, printed in Turkmen, Russian, and English. The State Committee of Turkmenistan for Tourism and Sport launched a new weekly newspaper *Turkmen Sporty*, and new magazines *Bedenterbiýe we Sport (Physical Culture and Sports)* and *Siyahat (Tourism)*, for which they also have a captive customer base of state employees. The Turkmen Institute for Human Rights reported in September 2012 that students living in dormitories were required to watch the propagandistic state TV news program *Watan (Nation)*. Materials broadcast on the national television and radio channels differ very little, but they all praise the president's accomplishments.

The major, and often the only newsmaker is the president, said one MSI participant. "Sometimes it gets so absurd that a newspaper article describes in detail how the president visits a foreign country: starting from how the ministers see him to the airport, how his beautiful airplane takes off, how he was warmly greeted in the host country, how the best hotel was given over to him, and finally how the airplane lands back in Ashgabat that the ministers meet him at the airport no matter how late or early it is," said one participant. "Ministers are portrayed more as the president's retinue," she added.

Turkmenistan restricts Internet access, blocks content, and monitors activities online. Turkmenistan's subscription costs are astronomical, presenting practical barriers to at-home use. Bandwidth is abysmal, with basic at-home connections offered at a maximum speed of 2048 Kbit/s for about \$50/ mo. Office connections, which may be 10 percent of the speed of the typical US office, can run over \$5,000/mo. Slow and filtered Internet is also available through cellular subscriptions with the state provider and the Russian branch of MTS, though at speeds that leave streaming video impossible.

Turkmenistan also heavily filters Internet content and blocks numerous websites and social networks, opposition websites, general news websites in Russian about the region, and some useful tools such as Gmail. Rachel Denber, Human Rights Watch’s deputy director for Europe and Central Asia, believes that Turkmenistan “has gone to great lengths to monitor and interfere with people’s use of the Internet in order to keep down dissent,” according to EurasiaNet.org. Privacy International, a London-based organization privacy rights organization, reported that Turkmenistan has purchased advanced and sophisticated surveillance technology to monitor citizens’ communication from the British firm Gamma International. The technology, known as FinFisher can “covertly install malicious software” on computers and mobile phones by tricking users into downloading updates for popular programs, and thus circumventing encryption and providing full access to emails, social media messages, and Skype calls. Skype is widely used by Turkmen communicating with friends, relatives, and contacts abroad.

*Chronicles of Turkmenistan*, the exile opposition news site that provides some information from inside the country, was hacked three times in 2012. For the third attack, the hackers, widely believed to be Turkmen security services, posted pornographic pictures on the site’s homepage on December 5, 2012. The two previous attacks in 2012 occurred ahead of the presidential election in February and ahead of the Independence Day celebrations in October. *Chronicles of Turkmenistan* has been publishing news from Turkmenistan since 2005. A few days before the latest attack, the news site posted a story about two students in Ashgabat dying of exposure when they were forced to practice waiting by the side of a road waiving at the president’s motorcade for hours.

“There are no blogs, SMS alerts, feeds, etc. Not a single medium has even its own website, not to mention social media pages,” said one participant. With the exception of the Russian-language *Neutral Turkmenistan* and *Vozrozhdeniye (Revival)* magazines, all media is in Turkmen. There are no outlets in Uzbek, despite the fact that at least 15 percent of the population speaks the language natively. No regional outlets are in Russian, despite high concentrations of Russian-first speakers in some regional towns. Beginning 2012, *Neutral Turkmenistan* has published a poorly translated English version of the newspaper.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Turkmenistan Objective Score: 0.31

Turkmenistan’s score for Objective 4 is up slightly from the last year’s 0.20. As all media outlets are entirely subsidized by the state through government institutions, and in the case of *Rysgal*, a semi-government institution, media firms were judged to have no sustainability in their present form. The natural gas-fueled economy could support decent advertising markets, were it allowed to function freely. Barring economic openness, the effects of increasing wealth among some citizens, and the increasing presence of foreign companies in the country offer limits the dividends to the media.

All domestic mass media are under the strict government control and financed fully by the state through subsidies. Sales are almost entirely through mandatory subscriptions by state employees. Aside from some advertising by international companies, donors, and a very few domestic services providers, mass media outlets are not involved in commercial activities. The state determines the budget for each outlet and the president appoints and dismisses editors-in-chief. These budgets are generally not known to the public. The government provides no transparency guidelines to citizens for them to determine their personnel policies.

There are no mass media firms in Turkmenistan. Outlets under ministries and agencies of the government, the participants agreed, are managed uniformly poorly. Managers are appointed by the president based on his or

### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

#### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

“Occasional guest speakers from Russia, and other countries invited by OSCE, UN, or GTZ cannot always speak about Western journalism, ethics and professional standards, because the conditions in Turkmenistan preclude them,” said one participant.

her loyalty. Bribes are purportedly widely used to advance to higher levels at the outlets, though the participants had no direct evidence to support these claims.

The Turkmenistan’s advertising industry appears to be developing, though no data is available, due to an increasing number of international oil and gas companies entering the market, as well as international companies in the construction industry. If a foreign organization wishes to place an advertisement, it needs government approval. In many cases, this process could take up to a month before the advertisement is approved, and requires 50% pre-payment. Domestic advertisers are few. Turkmenistan’s genuine private sector is one of the smallest, by proportion, in the world, pockmarked by small family businesses. The few large private businesses have grown with the acquiescence and participation of top officials. The government provides the majority of jobs and dominates the economy, which continues to be one of the least free in the world.

“Without state [financial] support, all media in Turkmenistan in their current form and conditions would go bankrupt,” said one participant. “Revenue from advertising makes a small up to 10% of some outlets’ budgets. TV stations and *Neutral Turkmenistan* newspaper do have advertising, the rest of newspapers and magazines do not.”

The broadcast media sector has no ratings system. Observational evidence suggest that most Turkmen prefer Russian television programming to their own, if they can access it. Market research is nonexistent in Turkmenistan.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Turkmenistan Objective Score: 0.40

Turkmenistan’s score for Objective 5 changed little from 2012. Despite a generally dismal environment for local NGOs, the participants did register an increase in the number of professional trainings in Turkmenistan for working

journalists, as well as the efforts of the OSCE, UN, and EU in developing the mass media law.

Turkmenistan has no trade associations or professional associations that could represent the interests of the media, provide member services, or work to protect journalists’ rights. The government-run Institute for Democracy and Human Rights under the President of Turkmenistan plays its ombudsman role on paper only. No report could cite the accomplishments of this institute, which is the partner for many donor-financed events. A Human Rights Resource Centre was opened in November 2012 in Mary, with financial support from the UN in Turkmenistan. The Center is intended to disseminate information on human rights, raise awareness and increase understanding of people living in Turkmenistan on their human rights.

The media sector has no need for an association of media owners because the government is the only owner. Two unions for journalists used to operate in Turkmenistan, but it is difficult to know whether they function or what specific activities they undertake these days, if any. The Union of Journalists in Turkmenistan was founded in 1992 with a charter that includes “The protection of journalists’ interests against state and public organizations, founders, and publishers of the media.” The other is the Shamshirag Association of Journalists of Turkmenistan. Whether either exist on paper makes little difference, as they would be unable to offer any real protection to journalists working inside of the country. Recent incidents, such as the arrest of freelance journalist Dovletmyrat Yazgulyev in 2011 for his independent reporting on an explosion at a munitions dump

## SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists’ rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

outside Ashgabat demonstrates that these associations are either practically or legally non-existent. Yazgulyev was tried and convicted of influencing or abetting in the attempted suicide of a family member, according to Radio Free Europe/Radio Liberty, for whom he had provided reporting.

Yazgulyev received a presidential pardon in October 2011 after the government received withering international criticism. In 2012, he Yazgulyev received the Human Rights Watch Hellman/Hammett Award for his reporting on sensitive issues in Turkmenistan. The award is given annually to writers who have been targets of political persecution or human rights abuses in their home countries.

The constitution and law provide freedom to form associations, but the government restricts this right in practice. The law requires all NGOs to register with the Ministry of Justice and the Ministry of Economics and Development, coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by fines, short-term detentions, and confiscation. The government continues to deny registration to NGOs and private organizations, using subjective criteria. In 2012, at least one NGO attempted to register and was rejected. There were reports of Turkmen security agents who harassed and detained Turkmen activists for several hours for conducting youth camps and educational seminars on grounds that they were not approved beforehand. Other barriers included government requirements that founders of associations be citizens of Turkmenistan, and that associations operating domestically have at least 500 members to be registered. Other barriers included regulations that permitted the Ministry of Justice to send representatives to association events and meetings, and requirements that associations notify the government about their planned activities.

Journalism education is in its infancy. A journalism program has been offered since 2008 at the Institute of International Relations of Turkmenistan. "Its instructors come from fields other than journalism," said one participant knowledgeable of the program. She said the department lacks modern textbooks. "Occasional guest speakers from Russia, and other countries invited by OSCE, UN, or GTZ cannot always speak about Western journalism, ethics and professional standards, because the conditions in Turkmenistan preclude them."

On September 15, 2012, Turkmenistan.ru reported the president's instruction to build a new university to prepare highly qualified specialists, including in international journalism. The president instructed that instruction be in English, and should meet the international standard of separate bachelor's and master's programs. In the meantime, Turkmenistan's government remains suspicious of foreign-educated students, and reports vary on whether

state institutions have begun accepting foreign degrees on their merits. In 2012, there are reports that some students have again been prevented from leaving the country for study, as they have been in previous years.

Short-term training opportunities exist, but are possible only with the support of international organizations such as the OSCE, UN, EU, and some foreign embassies in Turkmenistan. In 2012, the Turkmen government website reported of holding several roundtables with international experts such as BBC consultant Marek Bekerman, Moscow State University journalism lecturer Elena Sherstoboeva, and the director of the Kiev Institute for Media Law. They discussed with Turkmen colleagues the principles of media and methods of their regulation in the CIS and Europe. This was organized by the Turkmen government jointly with the BBC with the support of the European Union and the British Foreign Ministry.

In late 2010, over two million individuals were left without cell phone service—many without Internet, as MTS's GPRS service was one of the only ways to connect—due to the government's abrupt suspension of MTS's licence. Many struggled to get access to even basic cellular service, not to mention mobile Internet, through the state provider Altyn Asyr, which was left as the monopoly in the market.

Finally, the longstanding conflict between Turkmen government and Russian mobile operator MTS has apparently been resolved, as MTS returned to Turkmenistan in 2012 to provide mobile services. Since then, the president ordered improvements at the state-operated mobile provider Altyn Asyr. The Ministry of Communications has reportedly been instructed to purchase and install of latest telecommunications equipment ordered from foreign companies, including Huawei Technologies and Nokia Siemens Networks. Cell phone service and mobile Internet is improving again, though many observers suspect surveillance and control of communications is increasing alongside these improvements.

The government owns all printing production facilities, print distribution facilities, and media distribution channels. Only some small kiosks are in private hands. Some of these will distribute Russian newspapers, often well after their issue dates.

## List of Panel Participants

*Due to the political environment in Turkmenistan, IREX did not conduct an in-country panel discussion. This chapter was produced by using desk research, interviews, and the results of questionnaires filled out by several people familiar with the media situation in the country.*

Even though President Karimov is known for his public calls against censorship and for freedom of speech, the Uzbek authorities are known for their intolerance to political competition and criticism, clamping down on everyone who dares to speak against them.



UZBEKISTAN

Having the largest population and armed forces in the region, for more than two decades Uzbekistan has been ruled by president Islam Karimov, whose regime is often referred as “dictatorial.” Even though President Karimov is known for his public calls against censorship and for freedom of speech, the Uzbek authorities are known for their intolerance to political competition and criticism, clamping down on everyone who dares to speak against them.

For the past several years, Uzbekistan has had neither political nor media plurality, due to increasing pressures on freedom speech and expression and the escalation of such repressions since 2005, when Uzbek security forces opened fire on demonstrators, killing and injuring hundreds.

Following the Andijan massacre, independent media organizations, such as the Uzbek services of RFE/RL and BBC that criticized the government’s actions, were forced to close their bureaus in Uzbekistan. In 2011, the government shut down the Tashkent office of Human Rights Watch, which had been the only remaining major international human rights group and supporter of free speech in the country.

In 2012, the Uzbek government continued its systematic pressure on independent journalists, human rights activists, and opposition members. In July, independent journalists Sid Yanyshv and Pavel Kravets were detained by police and questioned for several hours for taking photos in one of the central markets of Tashkent. As a result of being harassed by authorities for two years, independent journalist Elena Bondar, alumni of the OSCE Academy’s journalism summer school in Bishkek, had to leave Uzbekistan and seek asylum in neighboring Kyrgyzstan.

At least two foreign journalists were not allowed to enter the country in 2012. Natalia Antelava, correspondent with the BBC, and Viktoriya Ivleva, a journalist with the independent Russian newspaper *Novaya Gazeta*, were denied entry into Uzbekistan upon arrival at the Tashkent airport.

The Internet, long the least-controlled media domain in Uzbekistan, has come under tighter control by the government. Because of their systematic use of online filtering and censorship, the Government of Uzbekistan has taken a regrettably strong leadership position in the annual “Enemies of the Internet” report issued by Reporters Without Borders, along with other repressive countries such as China, Iran, and North Korea.

*Note: Due to the repressive environment in Uzbekistan, IREX did not conduct an in-country panel. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with the state of media in the country.*

# UZBEKISTAN at a glance

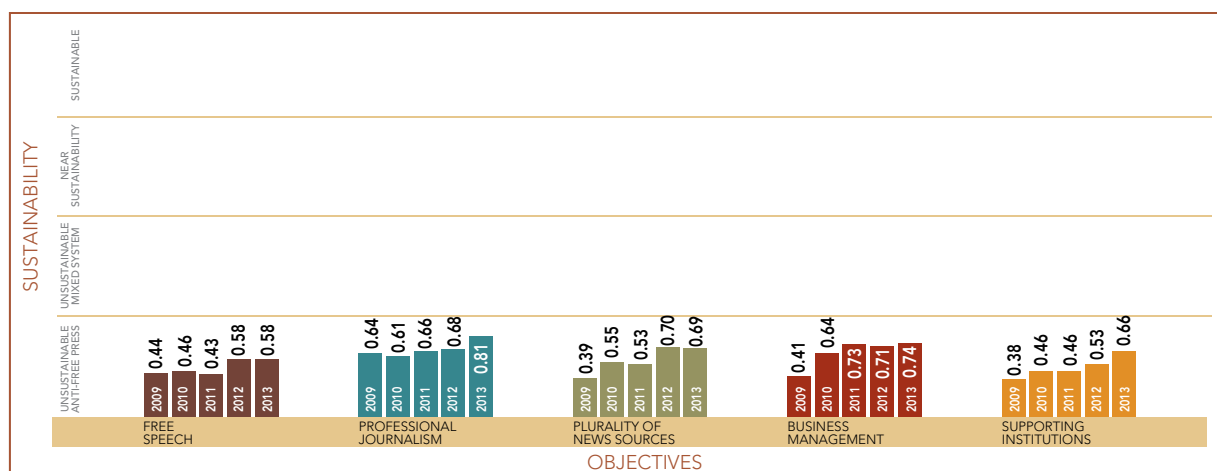
## GENERAL

- > Population: 28,661,637 (July 2013 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 Sunnis), 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 (2011-Atlas): \$44.23 billion (World Bank Development Indicators)
- > GNI per capita (2011-PPP): \$3,420 (World Bank Development Indicators)
- > Literacy Rate: 99.3% (male 99.6%, female 99%) (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 Stations—35; Television Stations—53 (Uzbek government)
- > Newspaper circulation statistics: Total newspaper readership is estimated at only 50,000; top publications include *Khalk Sozi* (state-run daily), *Narodnye Slovo* (state-run, Russian language version of *Khalk Sozi*), *O'zbekistan 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: 4.689 million (2009 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: UZBEKISTAN



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

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

**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.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorres.xls](http://www.irex.org/system/files/EE_msiscorres.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Uzbekistan Objective Score: 0.58

Despite the fact that a number of laws in the country are dedicated to the freedom of speech, media production and protection of journalists, the media industry in Uzbekistan still does not enjoy all of the freedoms such laws allow. Even the article of the Uzbekistan Constitution concerning the inadmissibility of censorship in the country does not protect the media from such repressions. Government authorities tightly control information produced within the country, and journalists working for independent media outlets are often subject to pressure and persecution.

Uzbekistan's political regime under President Karimov is commonly seen as a 'throwback' to the days of the Soviet Union, where the media was kept under tight control. Today, authorities exert rigid control over the editorial policies of both state and independent media outlets. Censorship was officially banned in Uzbekistan in 2002, which was relatively later than in other post-Soviet countries. Article 67 to the Constitution bans censorship explicitly, but still far too many subjects considered as taboo, and the media will not cover them. These mainly include remarks that are critical of any political, social or economic policies of the state, but also include any personal criticisms lodged against President Karimov or his family.

### 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Provisions of laws aimed at protecting freedom of speech, the media, and journalists (such as the Law on the Media, the Law on Protection of Professional Activities of Journalists, and the Law on the Principles and Guarantees of Freedom of Information) are systematically ignored by government officials. Often violations of media laws are justified with references to provisions containing vague definitions and convoluted language, which can be twisted to impede free speech and access to information. As a result, these laws are never enforced with the intention to protect media and journalists in Uzbekistan, but rather create the basis by which authorities are able to exert rigid control over the editorial policies of mass media and to censor any information interpreted as being critical of the regime.

All media activities in Uzbekistan are subject to state licensing. Broadcast media—radio and television—have to get permission to use a particular frequency in order to broadcast. Media outlets must pass this redundant process to be considered legal media entities. One can create informational websites without being licensed by the Uzbek Press and Information Agency (UPIA), but in such cases they will not be considered as a legally registered media outlet and their requests to public authorities are therefore ignored on legal grounds. In addition, representatives of websites not licensed by UPIA may be denied admission to events open to the media.

Starting in January 2012, the media in general, and print media in particular, received fairly significant tax benefits. As a result, distributors of media products such as books are exempt from VAT and social taxes. For small media firms, publishing, and printing have been reduced by 1 percent. Producers of social and political news media, as well as literature for children and persons with disabilities, are exempt from income taxes for five years. In addition, starting in November of 2012, the government reduced the registration fee for all media outlets in the country by half. Mass media organizations, publishing and printing houses received other tax benefits in 2012 as well. However, despite tax privileges and the simplification of the registration process, the procedure for obtaining a media license remains murky and officials can arbitrarily refuse to register virtually any media outlet they choose.

The legislation explicitly declares the independence of the media, including government outlets. However, in practice, the state media are more susceptible to control especially censorship. This is not a function of the degree to which they are or are not fully funded by the state, but rather because they serve as a propaganda mouthpiece for the state. Because they cover state affairs more than other media, they are particularly vulnerable to censorship.



Uzbekistan's political regime under President Karimov is commonly seen as a 'throwback' to the days of the Soviet Union, where the media was kept under tight control. Today, authorities exert rigid control over the editorial policies of both state and independent media outlets.

The Committee to Protect Journalists counts five journalists imprisoned for their work in Uzbekistan. Few are willing to risk challenging the regime in any way, for fear of winding up in prison. As such, crimes against journalists directly related to their work may be more rare than other countries in the region, such as Azerbaijan and Russia. However, government officials and law enforcement agencies routinely violate journalists' rights, particularly the right to information. In July 2012, police detained independent journalists Sid Yanyshv and Pavel Kravets for several hours for taking photos and videos of a central market in Tashkent. In September, the prosecutor's office in Tashkent demanded an official investigation into the circumstances and the grounds for which Yanyshv and Kravets were detained. The result of this investigation, and whether it is still being pursued, is still unknown.

In Uzbek legislation, libel is both an administrative and criminal offense. Articles on libel in the administrative and criminal codes do not provide any clarification for cases of defamation of public officials. However, according to the Criminal Code, the libel by the media is recognized as an aggravated offense, and may lead to six months in prison.

As in previous years, 2012 saw several cases where independent journalists were charged with libel and fined. In March, Viktor Krymzalov, a journalist at *Uznews.net* (an independent media website in Uzbekistan), was found guilty of libel against two citizens in his story about an elderly homeless man, whose home was taken away by his relatives. Court proceedings on Krymzalov's case were held, and after a one-hour hearing that was full of procedural violations, the judge found Krymzalov guilty of libel and fined him with \$1350. An elderly man, who was the subject of the story, was also fined with \$450.

In June 2012, the independent newspaper *Novosti Uzbekistana* was found guilty by a Tashkent Commercial court in "damaging the image" of the political party

Ecological Movement of Uzbekistan (EMU), which held 15 seats in the legislative chamber of the Oliy Majlis, the national parliament. The newspaper questioned the movement's professionalism in tackling ecological problems in the country in its article published in late December 2011. The Court ordered *Novosti Uzbekistana* to cover the procedural fees and publish a repudiation of its article about EMU.

Libel and defamation are not the only articles that independent journalists and media outlets are charged with. In April 2012, journalist Yelena Bondar, who in 2011 was detained in the Tashkent airport and interrogated for several hours about her undeclared CDs and flash drives, was found guilty of incitement of ethnic hatred and overthrow of Constitutional order on trumped-up charges. She was fined with \$2,450 for an unpublished article that allegedly was about discrimination of ethnic Russians in Uzbekistan. As of the writing of this report, Yelena Bondar was in Kyrgyzstan seeking asylum from persecution by Uzbek authorities.

Not only journalists, but also political activists continue to leave Uzbekistan due to systemic pressures by the Karimov regime. In July 2012, Nigora Hidoyatova, one of Uzbekistan's few remaining opposition leaders and head of the unregistered political party Ozod Dehqonlar (Free Peasants), fled the country escaping possible imprisonment. In an interview with the Uzbek service of RFE/RL, Hidoyatova alleged that Uzbek authorities had been preparing charges against her for illegally organizing and seeking to overthrow the government by force.

While clamping down on independent journalists within the country, the authorities are not allowing foreign journalists in. In February 2012, BBC correspondent Natalya Antelava came to Uzbekistan to research an alleged story about the government's secret program to sterilize women. She was stopped in the Tashkent airport and not allowed to enter the country even though she did not need a visa. She was eventually deported from the country, simply on the grounds of "being banned from entering Uzbekistan."

A month later in March, Viktoriya Ivleva, correspondent with the Russian *Novaya Gazeta*, was deported from the Tashkent airport. She reportedly came to Uzbekistan just to hold photojournalism courses for local journalists. Experts, however, link Ivleva's denial of entry into Uzbekistan with her 2006 article that severely criticized President Karimov's regime.

According to the law, everyone must be allowed to seek any information other than that which aims to change Constitutional order, using any legally allowable methods,

including the Internet. Nonetheless, access to many independent information sources that are not influenced by the state is systematically blocked in Uzbekistan. The Centre for Monitoring Mass Communications (commonly known by its acronym, CMMC) is responsible for monitoring the content of Internet websites. It reports its findings to the State Committee for Communications, Information and Communication Technologies, which is authorized to block the IP addresses of sites or articles.

Authorities have long blocked the websites of Ozodlik Radiosi (the Uzbek service of RFE\RL), BBC Uzbekistan, Amerika Ovozi (Voice of America in Uzbekistan), *Uznews.net*, *Ferghana.ru*, and other independent media based outside the country. In February 2012, for unknown reasons, the Uzbek authorities blocked the Uzbek-language Wikipedia site, which has no essentially critical information about Uzbekistan. Some media experts have linked it with an illustrated entry about sexual intercourse, traditionally a taboo subject in the Uzbek media. It is possible that it may have attracted the attention of the expert committee created by the Cabinet of Ministers resolution in 2011, banning such information, and which gave them overall responsibility for monitoring all mass media, including satellite systems and the Internet.

Internet is still not available to the majority of the population, but its audience is rapidly growing each year. According to recent official statistics, the number of Internet users in Uzbekistan exceeded 9 million people in 2012, though state statistics are impossible to verify independently. As noted in earlier MSI studies, the Internet is the least-controlled media format in Uzbekistan. Nevertheless, as the Law on Mass Media clearly indicates, all mass media Internet websites with the .uz domain, or websites of organizations registered in Uzbekistan, are all still subject to tight government regulations. The Uzbek government uses complex measures to control online information and blocks the websites of independent media organizations that provide what is considered “undesirable information.”

Online censorship in Uzbekistan has several levels. While most of the blocked websites are completely inaccessible, some are only partially censored or only have some selected links that are blocked. As the editor of CA-news.org reported in March 2012, that several articles criticizing the Uzbek government were made inaccessible in the country at the site. In April 2012, bloggers from Tashkent reported that all links to the popular Russian news website *Lenta.ru* were filtered by a government agency. Visitors were greeted by the word “Stop!” as they met blocks imposed by Uzbek Internet providers. Wordpress.com, widely used by Uzbek

In response to the rising popularity of critical voices on social networks, in July 2012 the popular government TV program “Yoshlar” aired a primetime documentary that equated the Internet with the atomic bomb, and argued that foreign social networks were being used as a “modern weapon by enemies from outside.”

dissidents in exile, is also not available for Internet users in Uzbekistan.

The social network Facebook, which was temporarily blocked in the past, is now open but has not gained popularity among Uzbek users. The Russian online services Odnoklassniki (Classmates) and Moy Mir (My World) are the most commonly used social networks in Uzbekistan with at least 2-3 million active users each. Given this, opposition groups in exile and independent media, whose websites are blocked in Uzbekistan, became quite active on these Russian social networks in 2012. They created groups, posted content banned by the authorities and engaged in discussions with users. The People’s Movement of Uzbekistan, the united opposition group headed by Muhammad Solikh, and the Uzbek service of RFE/RL, both have groups on Odnoklassniki that have become quite popular.

In response to the rising popularity of critical voices on social networks, in July 2012 the popular government TV program “Yoshlar” aired a primetime documentary that equated the Internet with the atomic bomb, and argued that foreign social networks were being used as a “modern weapon by enemies from outside.” Authors of the documentary called on Uzbek Internet users to use domestic social networks, such as *Muloqot.uz* and *Sinfdosh.uz*, both of which are affiliated with the government.

The documentary did not mention Twitter, which is becoming more and more popular in Uzbekistan. The most famous Twitter user in the country is Gulnara Karimova, President Karimov’s eldest daughter. With more than 20,000 “followers” and a verified account, she connects from time to time with representatives of human rights organizations and independent media outlets. Her online discussions with Andrew Stroehlein, communications director at the International Crisis Group, and BBC journalist Natalia Antelava in December 2012 about the political regime in

Some observers suggest dividing journalists working in Uzbekistan into two categories. Those that work for local media outlets and are subject to control and self-censorship and those reporting with foreign media outlets that are more objective but under constant scrutiny by the authorities.

the country caught the attention of some international media outlets.

Websites registered in Uzbekistan tend to self-censor in order to avoid pressure from the government, especially in the wake of the December 2011 closure of Arbutz.com, one of the few websites to host a discussion forum that contained actual debate.

The cost of subscribing to some foreign publications in Uzbekistan is exorbitantly expensive. The cost can reach several thousands of dollars, making them unaffordable for the vast majority of the population.

The Media Law defines the terms “journalist” and “media worker.” They are employees of media outlets that are registered in Uzbekistan or foreign media outlets that are accredited by the Ministry of Foreign Affairs. Thus, by extension, an employee of a non-accredited foreign media outlet, an unregistered independent online media outlet, or bloggers are not recognized as journalists according to the law. Therefore, they cannot claim the rights and protections granted to journalists in Uzbekistan, for what they are worth.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Uzbekistan Objective Score: 0.81

The coverage of events in Uzbekistan by the mass media is most often done from the standpoint of official Tashkent. Due to tight government control and self-censorship, editors have limited independence over the topics they choose to cover. Information concerning any significant change in the political, social and economic life of the country is reprinted, in some cases with minor changes, from perspective of state run media outlets, such as UzA, *Narodnoye Slovo/Khalk Suzi* (The People’s Voice), and *Pravda Vostoka* (Truth of the East).

Some observers suggest dividing journalists working in Uzbekistan into two categories. Those that work for local media outlets and are subject to control and self-censorship and those reporting with foreign media outlets that are more objective but under constant scrutiny by the authorities. While the former enjoy access to state resources and pro-government experts, the latter often have difficulty in gaining access to government agencies. As in most cases, government officials do not wish to speak to the media outlet that may criticize the regime. Journalists working for foreign media outlets within Uzbekistan, who usually unaccredited, are often persecuted by the government.

There have been some gains in professional quality journalism on non-political topics. Unfortunately, the trend can only be seen in a few online newspapers, such as Gazeta.uz and Olam.uz. The editors of Gazeta.uz have been more active in involving experts when covering specific topics, such as social issues specific to housing and communal services, urban planning or the fight against public smoking. They often use non-traditional sources both inside and outside traditional Uzbek media outlets. These editors have greatly improved the quality of material concerning issues such as these. One of the more interesting projects, which Gazeta.uz launched in 2012, was a crowd-sourced map of broken traffic lights in Tashkent. However, their stories on political and economic issues are no different than the issues covered by the state media. They are only slightly “modernized” in terms of their style and structure.

### 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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

The editors of Olam.uz have been actively been working with their audiences by crowd-sourcing and working interactively to engage readers. In February 2012, Olam.uz launched a project called “Interactive Power,” in which they asked readers to choose certain government institutions from which they would like to ask questions. The editors chose the most frequently asked questions and sent a written request to the relevant government institution in order to get an answer. By the end of 2012, readers had asked questions of at least eight government institutions, including the State Tax Committee and the Ministry of Education. Unfortunately, the editors only received three responses—from TashTeploEnergo (the state-run company that provides hot water and heating to Tashkent), the Ministry of Labor and Social Security, and the Ministry of Public Health. Despite this positive effort to help citizens engage more with the public sector, most information concerning politics and the economy are posted on the websites by the authorities, reflecting only their official position.

This positive movement by the editors of online news agencies in Uzbekistan can be explained by the plurality of news websites in the country. Even though they refrain from tackling political and economic issues, and their professionalism is below international standards, they still fight for audiences that want reporting on social issues.

Usually, media companies in Uzbekistan do not have their own code of ethics. A code of ethics has, however, been adopted by the National Association of Electronic Mass Media of Uzbekistan (commonly known by its acronym, NAESMI). It essentially echoes internationally accepted standards of professional conduct in the media. However, no regulatory or enforcement agency in the country is tasked with overseeing the actual implementation of the code.

According to most observers, internationally accepted ethical standards in journalism are violated in nearly every media outlet in the country. It is only a question about the degree to which these standards are violated. The most frequent ethics violations that occur in Uzbekistan include the use of single information sources, the violation of the presumption of innocence, plagiarism and accepting gifts from subjects of a story.

Low wages in the media industry largely explain the problem of journalists accepting bribes. According to most journalists, the average salary of a media professional in Tashkent is about \$150–200 per month. Journalists in private sector print media earn more than their colleagues working for state-owned companies. In radio and television, state media workers make comparatively more. In general

Despite this positive effort to help citizens engage more with the public sector, most information concerning politics and the economy are posted on the websites by the authorities, reflecting only their official position.

journalists always aspire to more income, but it is often not consistent with ethical standards.

Self-censorship is common throughout all media outlets in Uzbekistan to a greater or lesser degree. State publications and broadcast media outlets are the most susceptible however to self-censorship. This is due largely to the fear of losing a media license, a broadcast network or channel, or even a domain name. Any of these can be taken away by various authorities and is the primary reason behind self-censorship. Editors and journalists of state media outlets can be fired for publishing content that is critical of official state policy and often have great difficulty in finding new jobs.

Uzbek media still cannot cover any expressions of dissatisfaction with the central or local governments. The mass protests happening around the world are taboo in Uzbekistan. Thus, in 2012 the Uzbek media failed to cover the bloody suppression of the oil worker’s strike in Zhanaozen Kazakhstan and the mass protests in Russia that were held as a reaction to the re-election of Vladimir Putin.

Another subject journalists cannot cover is the energy crisis that swept Uzbekistan in the winter of 2012/2013. Not a single media outlet covered the issue even though the entire nation experienced severe shortages of electricity and gas.

As in previous years, entertainment programming prevailed over news and information in the broadcast media market. Private radio stations broadcast nearly constant content filled with music and entertainment programming.

Not all media organizations have modern equipment or facilities. Most print, online, and broadcast media outlets use outdated or obsolete equipment. State television channels have relatively modern equipment. Private broadcast media regularly receives new equipment as well. However these private media outlets do so under the auspices of NAESMI, which in turn makes them indebted to the organization and pressures them to adhere to its absolute, pro-government orientation.

While most of the media outlets can be categorized as entertainment, those that market themselves as social and political media report only merely based on official government talking points.

There are a few specialized publications in Uzbekistan, but most of them are of fairly poor quality. The only specialized publication that does stand out is the UNDP-funded magazine *Economic Review*. The once-respected, private economic weekly *Business Journal of the East* today is unable to retain quality journalists due to financial constraints. There are magazines dedicated to the aviation industry as well as the mining, oil, and natural gas industries but their audiences are very small.

### OBJECTIVE 3: PLURALITY OF NEWS

Uzbekistan Objective Score: 0.69

Uzbekistan boasts a large number of information sources in the country. According to official statistics, there are more than 1,280 print and broadcast media outlets registered in Uzbekistan, more than 60% of which are private. Most of the information products are produced and consumed in capital city, Tashkent.

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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 media provide news coverage and information about local, national, and international issues.

However, the quantity of media outlets does not necessarily mean a wide variety of information is available in the country. While most of the media outlets can be categorized as entertainment, those that market themselves as social and political media report only merely based on official government talking points.

According to official statistics, there are more than 9 million Internet users in Uzbekistan. Those who have Internet access prefer to get their news online, and the number of options for doing so is growing each year. In 2012, at least two news websites (Daryo.uz and Kun.uz) were launched. However, the most popular websites in Uzbekistan are generally entertainment-oriented (Uz-kino.uz, Mytube.uz, Torg.uz, Lyrics.uz). The most visited news websites are Olam.uz, Gazeta.uz, Afisha.uz, and the state-run Mtrk.uz, all of which are heavily subject to self-censorship.

Websites hosted within Uzbekistan have an advantage over foreign websites, because the connectivity is faster and cheaper. This is due to the Internet exchange point Tas-IX (Tashkent Internet Exchange), a network that enables member ISPs to route data among their networks without applying mutual charges. Tas-IX was established in 2004 and today has 26 ISP members.

Given the rise in the number of Internet users in the country, and the significant popularity in social networking sites and blogging platforms, the government has started implementing a new tactic to control the online content of social media sites. In 2011, an Uzbek social network site Muloqot.uz ("dialogue") was launched with support from Uzbektelecom, the state owned telecommunications company. The site is open to any user, but when registering it requires an active mobile phone number in Uzbekistan in order to activate the account. This required feature raised privacy concerns, given that mobile phone numbers in Uzbekistan are registered to individual passports. Moreover, administrators of Muloqot.uz censor all "critical" information in the network, as happened with the account of the Uzbek service of RFE/RL. Given social networking's role in the Arab Spring, some experts speculate that president Karimov's government has launched this "Uzbek" social network to counter any influence from uncensored discussion Facebook.

Despite this, the most popular social networks in the country, Odnoklassniki.ru and MoyMir.ru, are based in Russia, are focused mostly on entertainment features. There are not many users of Facebook and Twitter in Uzbekistan, but the latter is gaining in popularity each year. Generally, the public does not rely on social networking for news sources. However, independent news agencies that are

banned in Uzbekistan are able to post their articles on social networking sites.

Blogging, unlike social networking, is not widespread in Uzbekistan and serves more as an entertainment source. Uzbek bloggers refrain from discussing political matters, and mostly write about their everyday life. The blogging platform Wordpress.com, widely used by dissident Uzbeks in exile, is blocked in Uzbekistan. In the spring of 2012, the Uzbek government twice blocked Livejournal.com, the leading blogging platform in Russia, for a short period of time.

The legal status of blogging still remains unclear in Uzbekistan. Amendments to the Law on Mass Media in 2007 extended the definition of “the press” to apply to websites as well, on the condition that websites receive government-issued certificates. However, the law fails to identify whether bloggers that are not affiliated with traditional media can be considered journalists and therefore protected by the Law on Protection of the Professional Activities of Journalists.

Despite the developed mobile market, with 25 million mobile phones registered to a population of 30 million people, SMS is not used to deliver news in Uzbekistan. Bulk text messaging is rarely used and typically only for advertising if it is used. However, starting in 2011, Uzbekistan suspended mobile text messaging and mobile Internet access (though voice calls not affected) for several hours on the national university entrance exam day. Traditionally held each August, it is part of the government’s effort to prevent cheating on entrance exams. The blackout affected all mobile phone users and demonstrates, yet again, that the authorities have firm control over mobile operators.

In December 2012, the state-owned Uzbek National TV Company launched two new digital television channels, Madaniyat va Marifat (Culture and Enlightenment) and Dunyo bo’ylab (Around the world). The launch followed a decree from President Karimov from July 2012, ordering the development of digital television throughout the country. Uzdigital, a leading digital television company with over 1 million viewers, included the new channels in its package. However, it stopped broadcasting Russian channels NTV and Russia-1, which offer comparatively better information on global events, and covering Uzbekistan when it relates to Russia. Stoppages in the retransmission of Russian television in Uzbekistan have happened from time to time for years.

According to the law, people’s access to domestic and foreign media in Uzbekistan is not restricted. Moreover, in

Given social networking’s role in the Arab Spring, some experts speculate that president Karimov’s government has launched this “Uzbek” social network to counter any influence from uncensored discussion on Facebook.

his annual speech during the celebration of the Soviet-era holdover, Media Worker’s Day, President Karimov repeated his rhetoric that censorship was unacceptable and that everyone should have access to information from all over the world. This is in absurd contrast to the above-recounted blockages of news websites, radio, and television broadcasts.

Unlike in big cities, media outlets in rural areas are limited to only a few entertainment magazines, local newspapers, and local and national television channels. Because of the low connectivity of landline based Internet, residents of rural areas do not enjoy the plurality of news sources that the Internet can offer. However, this is changing, given that mobile Internet is becoming more and more available in rural areas each year.

While the state media only reflects the position of the government, sometimes state media does report on the “opposition” in parliament. This “opposition” is represented by the People’s Democratic Party of Uzbekistan, with the second-largest number of deputies in the lower house of parliament. The party exists only for the appearance of plurality, and just like all other registered political parties, it is controlled by the president’s office.

There are two state news agencies in Uzbekistan: Jahon (which is under the Ministry of Foreign Affairs) and UzA. The only non-governmental news agency is Turkistan Press, but it has no real independence, as it had been created by a presidential decree. The largest state owned dailies are *Narodnoe Slovo/Khalk Suzi* (The People’s Voice) and *Pravda Vostoka* (The Truth of the East). The print media of the various political parties use the services of state information agencies. Foreign embassies and representative offices of international organizations usually use Turkiston Press.

In Uzbekistan, information consumers rarely know the owners of other media outlets apart from state media. According to the observers interviewed, the public is not interested in knowing about the ownership of the media, because the information they all provide is nearly identical.

State-owned press outlets are self-sustainable largely because of required subscriptions throughout various government organizations.

The largest ethnic minorities in the country have their own newspapers in their native languages. For example, newspapers are available in Tajik (*Ovozi Tojik*), Kazakh (*Nurly Jo!*), and Karakalpak, Tatar, and Russian media outlets, which are widely available. All minority media outlets, however, are subject to governmental control. The national news media, generally, covers minority stories only rarely, and on a politically motivated basis.

Uzbek media does not cover stories on sexual minorities, as it is considered to be a taboo subject. Moreover, homosexuality is a criminal offence in Uzbekistan and is punishable by Article 120 (Sodomy) of the country's Criminal Code, with up to three years in prison. Over the history of independence in Uzbekistan, the only person convicted of sodomy was independent journalist Ruslan Sharipov, in 2003. Rights activists are convinced that reprisals against Sharipov, who later received political asylum in United States, were linked to his journalistic activities.

The media industry's approach to foreign and domestic events is highly selective. International events, such as clashes in Syrian or anti-Putin mass demonstrations in Russia, were not fully covered by the media in Uzbekistan. Ongoing investigations into the Swedish company TeliaSonera, the biggest shareholder of the Uzbek mobile operator UCell, concerning whether it is involved in corruption in Uzbekistan, are not discussed by the Uzbek media. An explanation for this may be the fact that Gulnara Karimova, president Karimov's daughter, is a key figure in the investigation.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Uzbekistan Objective Score: 0.74

The mass media market in Uzbekistan is still developing and therefore, media organizations in the country are rarely self-sustainable. Among socio-political press outlets, only the state-owned *Narodnoe Slovo/Khalk Suzi* and *Pravda Vostoka*, and the private newspaper *Novosti Uzbeksitana* earn enough revenue to be self sustainable.

State-owned press outlets are self-sustainable largely because of required subscriptions throughout various government organizations. It is a common occurrence in the country for employees of government institutions to have to purchase state owned publications against their will. These outlets are popular among advertisers due to their large, guaranteed circulation.

*Novosti Uzbekistana* earns most of its revenue from its large circulation and advertising. The newspaper has a large readership due to interesting stories, unrelated to politics or economics in Uzbekistan.

Private television and radio stations, both with entertainment and news/documentary content, have large audiences, thus providing enough revenue to allow them to survive on advertising. Much of their content is translated foreign entertainment material, and it is assumed that proper royalties are not paid for their use. Uzbekistan has a comparatively large population and potential television audience. Furthermore, politically connected ownership of private television stations manage to avoid some taxes on advertising revenues, which are much larger than the newspaper or online markets. The online advertising market is, however, slowly becoming more developed.

Most of the media outlets in the country have more than one advertiser, but none of them can influence editorial policy as strongly or effectively as the state. Even the primary state newspapers *Narodnoe Slovo/Khalk Suzi* and *Pravda Vostoka*, which are financially self-sustainable, have no editorial independence from the government.

#### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

In Uzbekistan, the choice of advertising platform for most media outlets is not always based on the principles of a market economy. Quite often the big companies prefer to advertise in the state media to make sure that the authorities see their ads. Companies advertise in popular print and broadcast media when looking for a large target audience.

All media organizations, except for a few-state owned newspapers and television channels, are interested in increasing the amount of advertising and its costs. Advertising in the press usually takes 10% to 30% of the content area. On television, it is from 20% to 30% of the airtime, and on the radio it is from 30% to 40% of the airtime. In online media, which is just emerging as an advertisement platform, banner ads usually cover no more than 10% of the area.

Since the Uzbek authorities mostly use administrative leverage to influence the editors of mass media outlets, economic pressure is not typically needed to control the media. Nevertheless, many media organizations, especially in the regions, often get state subsidies and grants.

The government's tight control over the economic sector in Uzbekistan often has bad consequences for the media advertising market. In 2012, the Government of Uzbekistan decided to close Uzdunrobita, the largest mobile operator in the country, reportedly serving more than 9 million of 25 million mobile customers. The Russian company MTS owned Uzdunrobita, and its closure was believed to be connected to an internal dispute with Gulnara Karimova. Some of MTS's top managers were given prison sentences, and the courts seized the company's assets. Given the fact that mobile operators are the biggest advertisers, media companies in Uzbekistan lost one of their largest clients.

Many observers have confirmed that market research in mass media is not conducted in the country. One of the main reasons for this is still the lack of healthy competition among media organizations. Big media organizations are not interested in satisfying the need of the audience, as they mostly operate to further the government's propaganda interests.

As reported in previous MSI studies, in 2009 SIAR-Uzbekistan, a research and consulting group, won a tender from the Tashkent Advertising Association to undertake the country's first significant media marketing research project. SIAR-Uzbekistan's 2009 research consisted of a People Meter analysis of Uzbekistan television channels. According to its findings, the most popular television channels among Tashkent residents were the state program

Most of the media in the country have more than one advertiser, but none of them can influence editorial policy as strongly or effectively as the state. Even the primary state newspapers *Narodnoe Slovo/Khalk Suzi* and *Pravda Vostoka*, which are financially self-sustainable, do not have editorial independence from the government.

"O'zbekiston" and the public program "Yoshlar." The company also identified the 20 biggest television advertisers, most of which were mobile network operators and manufacturing companies.

There are several online services in Uzbekistan that offer Internet-based statistical data analysis. However, since 2012 the country's leading online media organizations (Gazeta.uz, Afisha.uz, and Olam.uz), began using data provided by Google Analytics, which uses sophisticated tools to count visitors and their background.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Uzbekistan Objective Score: 0.66

In Uzbekistan there are only two organizations that are, to a certain extent, unions that represent media organizations, owners or editors. NAESMI and the Public Fund for the Support and Development of Print Media and News Agencies. However, both organizations are not independent and have very close ties to the government.

One of NAESMI's main functions is to provide grants to purchase equipment and organize information exchanges and news reporting between broadcast outlets in the country. In addition, NAESMI tightly controls and even determines the editorial policy of all its members.

The Public Fund for Support and Development of Print Media and News Agencies, which is also subject to government control, similarly provides assistance for the purchase of equipment but on a lesser scale. It sometimes organizes short-term (1-2 day) seminars for journalists in the country.

Uzbekistan has Union of Journalists, which automatically includes all state media journalists. But its role in the life of most journalists is limited to the collection of membership



Virtually all means of media distribution—Internet, radio and television networks, transmitters, and especially cellular phone frequencies—are owned or tightly controlled by the government or circles close to President Karimov.

fees. However, independent journalists, who work for foreign media companies and often criticize the regime in their content, are not invited to any media related events and typically are not allowed to become members of journalist's union.

There are no foreign organizations operating in the country to support journalists. After the massacre in Andijan in 2005, when foreign mass media reported on severe human rights violations, the Uzbek authorities adopted a very harsh approach to independent journalists as well as the foreign organizations that use them as stringers or support them financially. Gradually over the past few years, the presence of international organizations and NGOs that support journalists has dwindled. As noted in previous year's report, in 2011 the government shut down the Tashkent office of Human Rights Watch, the only major international human rights watchdog and supporter of free speech left in Uzbekistan.

#### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

##### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

The only non-government organization that offers professional training to journalists in Uzbekistan is the International Center for Journalist's Training. Despite its name, it is a local NGO and is completely loyal to the government. It does not represent the interests of the media, journalists and freedom of speech, and sometime even tracks journalists who cooperate with foreign and independent media outlets.

Journalism programs at universities in Uzbekistan do not meet modern requirements, and are aimed more at educating propaganda activists rather than journalists. Universities have not changed their curriculum in the past 20 years, providing Soviet-style rote learning and politicized instruction.

The shortage of qualified teachers is another reason for the low quality of journalism education. Due to insufficient funding and the poor technical equipment of journalism schools, students are often not able to publish newspapers or organize educational television or radio stations.

Both NAESMI and the Public Fund organize short-term journalism courses, but they are usually on technical skills. International organizations, such as Internews in Kazakhstan and Kyrgyzstan and the OSCE Academy in Bishkek, Kyrgyzstan, often organize journalism courses and invite independent journalists from Uzbekistan. Journalists participating in these courses are often subject to harassment and are closely watched by the government.

Virtually all means of media distribution—Internet, radio and television networks, transmitters, and especially cellular phone frequencies—are owned or tightly controlled by the government or circles close to President Karimov. As mentioned earlier, the Swedish company TeliaSonera, the biggest shareholder of Uzbek mobile operator UCell, allegedly paid about US \$330 million to a shady offshore company for the rights to operate in Uzbekistan. Swedish journalists, who investigated the issue, discovered that Takilant LTD, the offshore company that received the funds, had close links with Gulnara Karimova, President Karimov's eldest daughter.

Private companies hold sources of media equipment and newsprint. Access to multiple printing houses is open, except for state-owned media outlets. News stands and kiosks are under the state monopoly Matbuot Tarkatuvchi, a major media distribution outlet that is 26 owned by the government. The company has branches in all regions of the country and circulates only domestic print media, such as *Narodnoe Slovo/Khalk Suzi* and *Pravda Vostoka*,

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seen by many as the main propaganda mouthpieces of the government.

Access to the media dissemination market is not restricted. One private media dissemination company, Inter Press, offers subscriptions to more than 3,000 newspapers and magazines both local and foreign. However Inter Press, which disseminates almost every newspaper published in Russia, refrains from disseminating its opposition or independent newspapers such as the Russian *Novaya Gazeta* and *Nezavisimaya Gazeta*. Both papers occasionally publish stories that criticize Central Asian regimes, including Karimov's in Uzbekistan.

Even though the number of Internet users is rising, Uzbekistan is still behind many countries in the region on the quality of broadband Internet speed. According to 2012 statistics compiled by Ookla, leading broadband testing company, Uzbekistan ranks 165th in download speed and 105th in upload speed. This places Uzbekistan behind all Central Asian countries (with the probable exception of Turkmenistan, which has no data available at all). As reported by the Uzbek service of RFE/RL, the slow Internet speed in Uzbekistan may be a result of government's filtering and monitoring of Internet traffic.

## List of Panel Participants

*Note: Due to the repressive environment in Uzbekistan, IREX did not conduct an in-country panel. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with the state of media in the country.*



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