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moldova georgia  
armenia

# MEDIA SUSTAINABILITY INDEX 2015

DEVELOPMENT  
OF SUSTAINABLE  
INDEPENDENT MEDIA IN  
EUROPE AND EURASIA

# MEDIA SUSTAINABILITY INDEX

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2015

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



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## MEDIA SUSTAINABILITY INDEX 2015

The Development of Sustainable Independent Media in Europe and Eurasia

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Founded in 1968, IREX has an annual portfolio of over \$70 million and a staff of over 400 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:

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

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

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

**Media Development Center** (Macedonia) <http://mdc.org.mk>

**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/>





**EUROPE  
& EURASIA**

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*Indeed there are some encouraging developments, described in more detail below. However, in other cases what appear to be improvements in scores are likely to be only short-term blips on an otherwise downward or flat trend.*



I am pleased to introduce the latest annual Media Sustainability Index (MSI) study for Europe and Eurasia. The MSI, now in its 14th year, is one of the world's most in-depth recurring studies of media health in the world. IREX developed the MSI to 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.

The 2015 edition shows that the business side of media in the region is still weak, posing a threat to editorial independence. As online media blossom, it has attracted the attention of shadowy owners who push an agenda. On the other hand, audience measurement is taking hold more and more, promising to help level the playing field. And, in several countries media freedom seems to be more highly valued by citizens. An analysis of these developments is presented 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.

The MSI also 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.

I would like to thank all those who contributed to the publication of the 2015 MSI. Panelists, discussion moderators, and authors from each country, listed after each chapter, provided the primary analysis for this project; their first-hand insights are invaluable and give immense depth to the study. Here at IREX, Neetha Tangirala and freelance editor Dayna Kerecman Myers went the extra mile to get text ready for publishing. The United States Agency for International Development (USAID) has been a consistent supporter of the MSI, funding the project from its inception and ensuring its ongoing implementation.

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



Leon Morse  
Managing Editor



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*“Sustaining independent media only from advertising in the condition of a deep economic and social crisis is practically impossible. The dubious mechanisms for distribution of public funds for the media are being used to influence their editorial independence,” one Bulgarian panelist concluded.*



**R**esults of the 2015 MSI study for Europe & Eurasia (E&E) at first glance show encouraging results: the average of 21 overall country scores increased by 0.04 compared with last year, representing the highest average of overall scores so far this decade. Out of 21 countries studied, seven increased by more than one-tenth of a point. Eleven country scores remained about the same and only three decreased by more than a tenth.

Indeed there are some encouraging developments, described in more detail below. However, in other cases what appear to be improvements in scores are likely to be only short-term blips on an otherwise downward or flat trend. Belarus (+0.16), Azerbaijan (+0.15), and Kazakhstan (+0.16) all showed small increases in overall score, but in all of these cases several factors indicate that this is not part of a new trend.

In Belarus all objective scores increased modestly except Objective 1, Freedom of Speech. Given the past year was not an election year, panelists gave better scores to indicators such as 2.3, self-censorship and 3.3, impartiality of state media content. With presidential elections scheduled for late 2015, it is likely that these indicators and others will receive less favorable scores next year. Likewise in Azerbaijan, Objective 1 did not increase and other objectives received only slight increases. Difficulties securing the participation of panelists from 2014, in part due to the ongoing crackdown on critical voices there, created some variation in score, but only marginally. Finally, in Kazakhstan Objective 1 did show modest improvement, mostly as a result of better scores for indicators 1.3, covering media licensing, and 1.5, which assesses legal protection of state media independence. Objective 3 also improved modestly. Indeed in Kazakhstan many new sources of media are available, both online and through digital broadcasting platforms. However, at this point it does not seem as though the ruling elite there are prepared to cede any time soon what amounts to overwhelming control of the most important media.

Below is a brief summary of notable findings:

- From an E&E regional average high of 2.08 in the 2006/2007 study, Objective 4, which assesses media management, has fallen more than half a point, steadily losing ground each year. Even countries now in the EU, such as Romania, Bulgaria, and Croatia, are not immune from this trend. Overall the issue seems to be that media have been weakened by a poor economy and been preyed upon by political money, or political pressure has weakened the economic environment in which media operate, thus making it easier for political money to distort the market and put independent media at a strong disadvantage.
- Market research and audience measurement, assessed by Objective 4's indicators 6 and 7, are keys to a well-functioning media marketplace. Across the region, there are more countries than ever before reporting that serious attempts to study media's audience are being undertaken. To date there are mixed results, with successes, failures, and a few who have never attempted it.



- Ownership transparency, assessed by Objective 3, indicator 6, is important for the audience to evaluate the content of media and better recognize bias. Progress has been made in a number of countries over the years, notably in Georgia, to end offshore ownership and shed light on who owns the media. But new online media, often outside of stricter regulatory regimes covering traditional media, have the ability to operate with little ownership transparency. Further, social media give voice to personae who may or may not be who they claim to be. Panelists from several countries address how this has impacted the media landscape.
- Many high-profile cases of regression in media freedom and democratic values generally, including in a number of countries covered by the E&E MSI such as Azerbaijan, have caused a certain amount of gloom amongst the international development community and democracy activists. However, there is good news, even if tempered by continued challenges, coming out of countries such as Albania, Armenia, and Moldova.

Scoring charts providing all scores for 2015 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).

## What is Behind Objective 4's Slide?

Media outlets and the media sector as a whole have a number of vulnerabilities. Direct censorship, pressure to self-censor, violence against journalists, and reporters coming up against information blockades all undermine the ability of media to serve as the "Fourth Estate." Over the past several years in Eastern Europe, it is the ability of media to sustain financially their operations that has most diminished their independence and reporting quality.

Objective 4 measures the business and management aspects of a media sector. It is designed to gauge practices employed by media managers to run their media outlets efficiently. It assesses the state of advertising, not only in terms of how robust the market is, but how fairly advertising is placed and if government subsidies or advertising skew the market. It also includes a measure of media market research and audience measurement (a separate analysis of how these are performing is included below).

Objective 4 scores have fallen since their highs in the 2006/2007 edition throughout Southeast Europe and much of the rest of the region. (However, in Moldova, Armenia, and Kazakhstan scores have actually risen as the overall economies have improved and, in Moldova's case, the political situation in the country stabilized and saw a

reform-minded government elected.) While each country's individual case is unique, there are underlying causes that have affected media worldwide. First, the global financial crisis of 2008 tightened credit markets. The impact on media was multifold. Multinational media conglomerates pulled back from new markets in Eastern Europe to focus on their core investments in Western Europe. As consumer demand withered, so too did advertising. At the same time, online advertising finally took hold but at prices that are a fraction of what print and broadcast once commanded. While at first media in much of Eastern Europe were insulated to some degree due to the lack of development and use of online media, this quickly changed with the rise of cheaper Internet access and improvements (and also lower prices) in mobile networks and smart phones.

Media worldwide have adjusted but the media landscape is forever changed, and at least in the short run there is a sense that this revolution has damaged journalism quality even if at the same time opening up the media space to more voices.

In Eastern Europe, the Media Sustainability Index has chronicled over the past nine years how media throughout the region are impacted by these global shifts, and how media vulnerability as a result is being used by forces wishing to control information.

Croatia is an excellent case in point, being one of the most successful transition countries in terms of both overall achievements (e.g., it is a EU member) and media development. A quote from this year's chapter summarizes how things have changed, even there:

"Recently, I've met representatives of a group of local media. They told me that they were operating on a basis of three-month financial plans. No more strategic planning; now, it is about mere survival," said Berković. Indeed, there isn't much left of the glory days of the late 1990s and early 2000s, when some of the 'home-grown' media companies, started in the late 1980s or early 1990s and based more on enthusiasm and vision than on financial investments, were rightfully considered as proud examples of the successful Croatian entrepreneurship, well beyond the media industry."

The chapter goes on to detail the woes in the business of media, including an estimate that newspaper circulation has dropped to one-third of the level seen in the late 1990s and that jobs in the print industry have been cut by 40 percent since 2007.

Another panelist from Croatia, Ante Gavranović, the founder and former president of the Croatian Associations of Publishers, pointed out during the panel discussion, "Such a persistent crisis in the media sector is a result of a combination of a contracted advertising market and

media management incapable of coping with a new market environment. In the initial phase of the crisis, some print media managers had tried to fight the downward circulation trend by trivializing the content, which resulted in the loss of trust in media and a further drop in circulation.”

And print is not the only media suffering: local radio and television stations report that they rely on funds from the government to support public interest programming, without which they would be forced to only show entertainment programming. Panelists also reported that, although not in the red, national broadcasters do not make as much as they once did.

If in Croatia so far the media have not been weakened to the point that they have come under control of political forces, in Bulgaria, another EU member, the situation has deteriorated to the point that quality of reporting has suffered greatly in the eyes of MSI panelists. The problems there are summarized thusly by this year’s chapter: “The most problematic areas include the unfair distribution of government funds for the media, the manipulative and unreliable data on broadcast ratings and circulation figures, as well as the overall lack of transparency in the advertising market.”

One panelist, the sales manager for a big media conglomerate, said, “Most traditional media operate at a financial loss, which leads to compromises with editorial independence. With few exceptions, the big advertisers enjoy complete media support. As public institutions remain the biggest advertisers, any government regardless of its political affiliation receives media support.” Other panelists described how the advertising market in Bulgaria has fallen by 45 percent since 2008. Now, one of the most important advertisers is national and local government that handle not only advertising from the national budget but also advertising on behalf of the EU. Panelists complained that the advertising is not handled transparently, that many recipient media support the government of the day, and perhaps most importantly, local media are often shut out of the equation. Exacerbating the availability of advertising revenue was a price war between two important national broadcasters who engaged in a price war, lowering advertising rates throughout the country.

Further, many media there have become mouthpieces for their owners, who head business conglomerates. One panelist noted that such media are not as interested in being run as a business, but funded by their owners and used to attack their competition. Another panelist noted how the quality of news in such cases unavoidably suffers.

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impossible. The dubious mechanisms for distribution of public funds for the media are being used to influence their editorial independence,” one Bulgarian panelist concluded.

Ukraine in 2006/2007 scored an impressive 2.83 for Objective 4, its highest scoring individual objective in its MSI history and up from 1.51 in 2001’s initial study. In 2015, it scored a 1.39, remaining almost unchanged from 2014. While instability and conflict in the country have certainly depressed the advertising market, there is more underlying the problems facing media there: political pressure has forced the media into abandoning strong management in favor of simply acting as political cudgel.

Although often adding cautionary notes, the Ukraine 2006/2007 chapter nonetheless painted an optimistic picture: “More private media outlets are becoming more efficient and profitable due to the growth of advertising and other revenues, as well as professional competition.” “Independent media do not receive state subsidies. Panelists mentioned another form of cooperation with local governments in which newspapers sign agreements with them to provide, for example, a separate, appropriately marked page for official information from the local authorities.” And, “Revenue from various sources grows in both print and broadcast media, and professional managers are making more outlets able to diversify their revenues, panelists said.”

This year panelists shared a gloomy reality that persists despite the departure of Yanukovich from power. “The majority of media in Ukraine are not businesses at all. Even the largest channels require subsidies from their owners, as they are losing revenue,” said one panelist. “In the current market with up to 4,000 print editions and 300 television stations, many cannot survive. State-funded media distort the market,” noted another. The impact on independence was demonstrated by one example where a local newspaper silenced a car accident involving the son of large local advertiser.

The main underlying problem is government influence in the media market and politicized ownership. Panelists reported that government agencies at the national and local levels poured \$43 million into various media outlets they control, compared with a total media advertising

**“Regardless of one’s managerial skills and the level of organization, it is not about the access to the market, but the access to the actual advertising budgets that decides the success. There are small television stations all over Macedonia that report huge earnings, in spite of having limited capacities, and there are well-organized national radio stations that report losses.”**

market of \$345 million. State media in Ukraine are eligible to tap into that advertising market, competing with commercial outlets. Further, the previous government manipulated media licensing to replace more neutral ownership with political ownership at important broadcast outlets. Oligarchs now control the most important source of news for Ukrainians and are not as interested in the ability to make money from these assets (let alone provide quality journalism) as they are of making use of their messaging power for their own benefit.

Macedonia suffers from similar problems. One panelist remarked on the futility of good management practices: “Regardless of one’s managerial skills and the level of organization, it is not about the access to the market, but the access to the actual advertising budgets that decides the success. There are small television stations all over Macedonia that report huge earnings, in spite of having limited capacities, and there are well-organized national radio stations that report losses.”

Another paragraph sums up the situation well: “A large majority of the media, including almost all of the largest privately owned national broadcasters and print media, are actually part of larger entities and cannot be considered the core business for their owners. The owners use them instead to promote their core activities, as a tool to use against competition, and as a bargaining chip in negotiations with authorities when core businesses are under pressure. Last year, there were reports that two national broadcasters were targeted for takeover, but ultimately nothing materialized. In at least one of those cases, the proverbial grapevine has it that the national television station was offered by the owner after his main business venture was the target of a hostile takeover attempt.”

These four cases show how vulnerable media outlets are when secure sources of revenue dry up, and how political

pressure can result in a marketplace unfriendly to all media. In the case of the former, Bulgaria is one example where a successful media sector has been damaged dramatically to the point that it is likely to take years for it to recover the success it once had. Despite what appeared to be a strong legal environment, weakened media were easy targets for those wielding political money. In Ukraine and Macedonia, media had been achieving success in developing financial sustainability, but government changes resulted in animosity toward critical media. Bending laws and taking advantage of underdeveloped economies, media there, particularly in Macedonia, struggle to find a safe place in the market. The most important media are dominated by those with money and with political agendas.

## **Taking the Audience’s Pulse**

Measuring audience size and learning who the audience is are powerful tools, the deft use of which can create successful media—successful not only in terms of their ability to make money but also in becoming a valuable resource for their audience. This year’s MSI revealed that in 15 countries there is broadcast audience measurement, with it being done in a limited way in another five. Only the Turkmenistan study reported no efforts whatsoever to measure broadcast audience or use market research to better understand the audience and its preferences. While in many cases there are flaws with either the implementation and/or access to and use of the data, overall the expansion of this activity is a step in the right direction.

Of the seven indicators that make up Objective 4, two cover market research and audience measurement. Assessing the existence and use of these tools, therefore, contributes nearly a third of the weight to the objective score. Of note is the fact that since 2006/2007, when Objective 4 scores peaked taken as a whole, the situation with market research and audience measurement seems to have improved—suggesting that the slide in Objective 4 is rather acutely related to the advertising market and ability of media to secure revenue, in line with the new reality facing media worldwide, and political considerations. Should the developments in market research and audience measurement continue, or at least remain, the advertising market could adjust over time to better reward media that draw the largest audiences. Of course, other aspects of the playing field will need to be leveled as well, such as ending the practice of state media selling advertising at artificially low prices.

In a few countries, there is agreement that the ratings in existence are relatively accurate and that media use research to better tailor their content. In Croatia, for example,

panelists judged that ratings are “reliable and precise” but also “hideously expensive,” meaning that media that are financially well-off can afford to make use of them. However, there is a culture of using research to tailor products to the needs of the audience. In Ukraine a similar situation exists, and again smaller players, typically local regional broadcasters, are either unable to afford to buy into the results or else are shut out of the research altogether due to the small markets in which they operate. In Serbia, measurement exists to the benefit of national radio and television broadcasters, but local stations are not included in the measurements.

In Albania, audience measurement seems to be getting established finally but has yet to take hold among broadcasters. This year’s chapter reports, “Market studies are still rarely used by the media to formulate strategy or recalibrate programming according to audience interests and demands. Abacus Research and Telematrix Albania have started to report data on electronic measurement of viewership through people meters, but it seems that the products of these companies are not yet widely used by advertising clients due to financial constraints.” Likewise in Kyrgyzstan efforts to introduce audience measurement are only now taking place; media are still skeptical and it is limited to larger markets.

In Bulgaria established audience measurement has taken a turn for the worse from days when it once served media as a valuable information resource. There, two companies provide audience measurement, but seem to each be currying favor with bitter rivals in the national broadcast television market. Wide gaps in the ratings for the same shows by each of these have undermined trust in the ratings, undercut the ability of media to develop adequate business plans, and hurt the ability of advertisers to place advertising spend wisely. One panelist decried this development, saying that the advertising market is “a boat sailing in stormy seas. When the research falls, this market will become a junk market and all advertisers will withdraw.”

In Moldova, “AGB’s data have little credibility,” according to one panelist who cited a 2010 AGB measurement giving a local network viewership during time slots when the network was not broadcasting. Panelists there reported that AGB Moldova has connections with media conglomerates. In Georgia, broadcast ratings cover national media; panelists remained critical of the company producing ratings, although not to the point of dismissing them entirely. Likewise in Tajikistan, research findings that showed a significant audience in a market unserved by one broadcaster called into question all efforts to measure audience.

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In several other countries, audience measurement remains spotty: it is either carried out infrequently or plays a minimal role in determining advertising rates and placement for one reason or another. In Kosovo there are companies that conduct market research, but most media cannot afford to pay for the results. In Montenegro, panelists said audience measurement efforts “are rare.” In Armenia television broadcasters find ratings to be expensive, lacking coverage of key platforms such as IP television, and restricted to Yerevan. Broadcasters therefore do not rely greatly on these figures in their work.

While overall the situation with audience measurement and its use in market research is far from established and reliable in most cases, it is encouraging that it exists in one form or another in nearly every country in the region. As these efforts continue, they will become important tools for media. Further, successes from one country are likely to inspire neighbors to adopt such approaches.

## Hiding Online

Through at least the middle of the last decade, online media in much of the developing world was the province of students and innovation-minded progressive elite with literacy and the money to access equipment and time on the Internet. While this gave rise to a blossoming of ideas and an opening of information online, this was also short-lived.

Online media are everywhere now. While the early adopters are still online and quality information abounds, it now can get lost in the noise of countless websites, many of which aggregate information without analysis or are online versions of tabloids. Paid political trolls make discussion forums an unpleasant place to spend time. One strength of online media, the ability to operate with little startup capital and without the red tape of government regulation, has also allowed websites to spring up with no information about who is behind them, robbing visitors of the ability to judge what bias may be present or to assess for themselves any agenda present in the nature of the reporting.

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In this year's MSI, panelists from several countries reported shrouded ownership as a concern. In Armenia media ownership across platforms remains a problem, "with many rumors but few facts." One panelist highlighted how the only thing he knows about one online outlet is that it criticizes the Prosperous Armenia Party; as to who controls it he has no idea. In Macedonia, on the other hand, existing laws—even if imperfect—shed some light on media ownership—except online media. That chapter cites a report that found that many news websites, typically pro-government in content, are registered in tax havens. That chapter's author cautions that this may be a way of hiding the fact that indeed the websites are controlled by people close to the ruling party or politicians. In Romania, panelists indicated that anonymity is the rule for online news and blogs.

In Serbia a new law created transparency of ownership for media, except online media. This year's study pointed out that a growing number of websites that publish news exist but provide no information about their ownership. In Kosovo, the panelists expressed serious concern about hate speech present in both the reporting by online news outlets or in the uncensored, un-moderated, anonymous comments by readers. Panelists there blame online outlets for a drop in overall quality of journalism.

While regulation of online media is a road that should be avoided, on the other hand some strong self-regulation by reputable, well-intentioned news websites on prominent, voluntary disclosure of ownership could encourage a clear delineation between those promoting transparency and those trying to stay in the shadows.

## It is not All Bad News

In the past two years regression in democratic development, including freedom of the media, has received a lot of attention. There is a valid fear that gains made since the end of the Cold War are slipping away. Within the E&E region, setbacks for democracy and the media in Hungary (not covered by this study), Russia, Azerbaijan, and Ukraine received the most attention. Stubborn authoritarianism persists—and in some cases seems to be getting more entrenched—in Turkmenistan, Belarus, and Uzbekistan. In Uzbekistan the

situation has taken so bizarre a turn that the president's own daughter, Gulnara Karimova, who was the regime's cheerleader and was believed to control substantial media holdings, now finds herself under house arrest and the media over which she held sway have been reassigned to others.

While certainly there seems to be developing a list of long-term losers when it comes to media development in the region, there are also those that are doing better after starting off in 2001's inaugural study under much more humble circumstances.

Chief among those showing significant improvement are Albania, Armenia, and Moldova. These countries have improved in overall score since 2001, in 2015 are scoring in the "near sustainability" range, and have improved consistently or remained relatively stable over the past few years. Bosnia, Montenegro, and Kosovo, for example, have all improved since 2001 but have, in recent years, been on a negative trend in scoring despite the fact that all three score in the "near sustainability" range. There is no reason to abandon hope for these latter three, but at the same time developments there have contributed to the sense of overall regression referred to above.

In Albania, Armenia, and Moldova, there seems to be a common thread that the public values media freedom. In Albania, for example, the chapter notes, "In general, there is a perception that the public is sensitive to violations of media freedom, coupled with careful international monitoring, which has helped prevent the political establishment from harassing the media." In Moldova, the public has increasing trust in the legal framework and in Armenia the chapter notes, "Society increasingly places a high value on freedom of speech and media freedom," although it continues, "but that has led to little change." Armenia, however, scores a 2.58 in Objective 1, making it one of the top scorers in that Objective.

In Albania the chapter notes that journalism quality has improved thanks to some recent training opportunities, while in Armenia one panelist said, "Now it is not respectable to just write 'according to our sources.' You have to mention other sources, too, to appear professional—which was not the case even a year ago." Moldovan panelists were more pessimistic on journalism quality but still awarded a score of 2.24.

However, in Moldova public broadcasting has become more balanced and independent, according a report by Deutsche Welle Akademie. Armenian panelists did not have the most glowing remarks about public broadcasting in their country, but the chapter did note progress: "Previously, in the extremely polarized climate, viewers never saw oppositional figures or events on public television (or any other



outlet)—or if they appeared, it was for the sole purpose of being ridiculed. Today, even public television features opposition news, although diluted and blurred among other non-important events.” Likewise, one Albanian panelist noted, “The only progress made by TVSH is that it no longer assails the opposition.”

In line with the analysis above concerning Objective 4, none of these three chapters had much positive to report in terms of business management and the financial health of media. Objective 5, covering supporting institutions, also revealed some weaknesses, particularly in the lack of strong professional and trade associations. Indeed, panelists pointed out weaknesses throughout. However, there has been encouraging progress that seems as though it may have some resilience. One panelist from Armenia commented on the chances of reversing media freedom, saying, “I would not say the probability is high, because of several factors. People’s culture, mindset, behavior, and civic awareness have changed, and you can’t just strike it out at once—that is very hard to do.”

Further, short-term stabilization in Ukraine gives hope that the situation there could improve to the point that in a short amount of time the achievements witnessed in the middle of the last decade can be reclaimed. All objective scores improved (except Objective 4) thanks to the opening of the political space after the exit of the Yanukovich regime. It is too soon to celebrate the media’s comeback there, especially since there is an active military conflict in the country’s east that threatens both stability and independent voices. However, the capacity that was built in the past 20-odd years seems to have not faded and panelists did seem hopeful for the future.

One panelist decried this development, saying that the advertising market is “a boat sailing in stormy seas. When the research falls, this market will become a junk market and all advertisers will withdraw.”

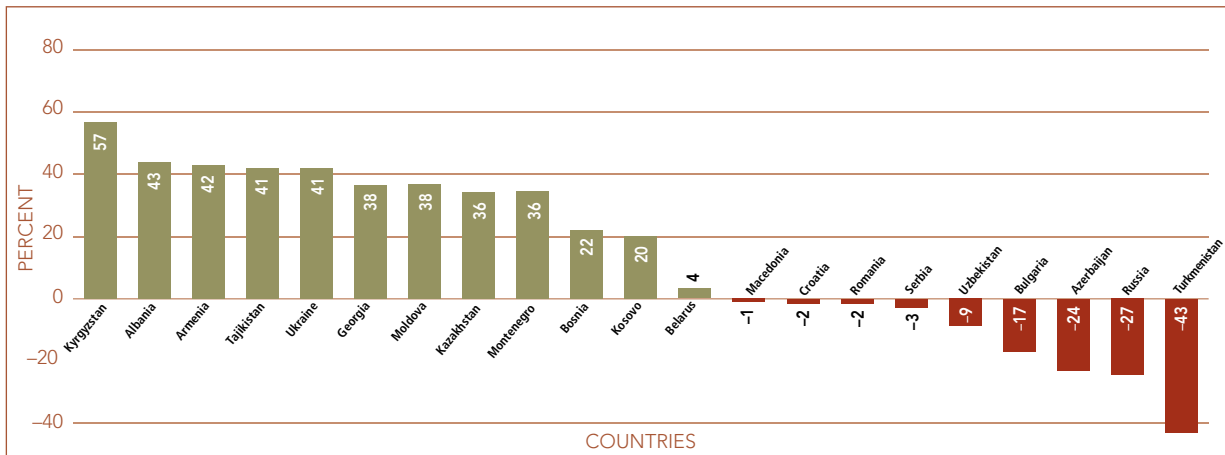
For example, media professionals felt confident after the important role media played in the EuroMaydan movement. The so-called “Dictatorship Laws” in 2014 that would have severely curtailed freedom of speech were a prime spark in keeping that movement going and pushing its final success. The media licensing issues of the past (referred to above) are being addressed, and although challenges remain surrounding local media being shut out of digital broadcasting, there are efforts being made by the government to redress the poor choices made by the Yanukovich government. Panelists were cautious, but still appreciative, of steps made to reform state broadcasting into a public model.

Further, Ukrainians have improved access to viewpoints. The Ukraine chapter notes, “The level of pluralism has increased; despite the fact that one media outlet may present information in a one-sided manner, the public has opportunities to tap alternative information from many sources.”

Ukraine still has a long way to go, but so far one can be cautiously optimistic that the media there is rebounding.

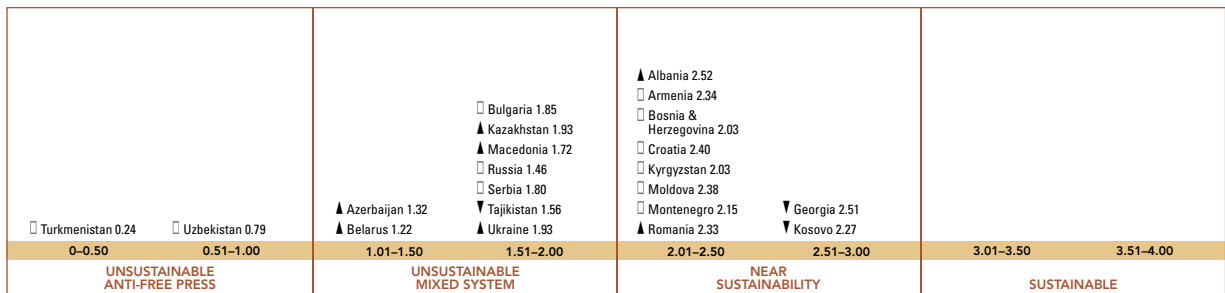


## PERCENT CHANGE IN MSI 2001–2015: EUROPE AND EURASIA



\* Data for Turkmenistan is since 2008

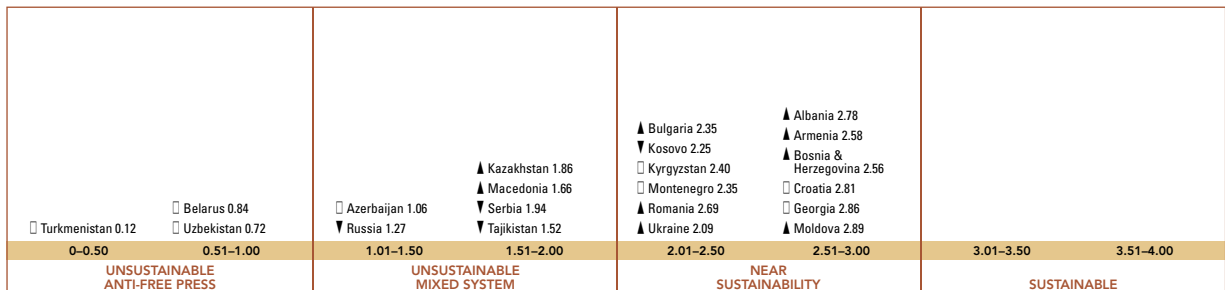
## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

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

## MEDIA SUSTAINABILITY INDEX 2015: FREE SPEECH



### CHANGE SINCE 2014

▲ (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 2015: PROFESSIONAL JOURNALISM

	<ul style="list-style-type: none"> <li>□ Bosnia &amp; Herzegovina 1.77</li> <li>▼ Bulgaria 1.58</li> <li>□ Croatia 1.94</li> <li>▲ Kazakhstan 1.93</li> <li>▼ Kyrgyzstan 1.83</li> <li>▲ Macedonia 1.62</li> <li>▲ Montenegro 1.99</li> <li>▲ Azerbaijan 1.45</li> <li>▲ Belarus 1.40</li> <li>□ Romania 1.86</li> <li>▼ Serbia 1.50</li> <li>□ Russia 1.35</li> <li>▼ Tajikistan 1.57</li> <li>▲ Ukraine 1.91</li> </ul>	<ul style="list-style-type: none"> <li>▲ Albania 2.47</li> <li>□ Armenia 2.26</li> <li>□ Georgia 2.49</li> <li>▼ Kosovo 2.13</li> <li>□ Moldova 2.24</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 2014

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

## MEDIA SUSTAINABILITY INDEX 2015: PLURALITY OF NEWS SOURCES

▼ Turkmenistan 0.23	□ Uzbekistan 0.70	<ul style="list-style-type: none"> <li>▲ Kazakhstan 1.99</li> <li>▲ Macedonia 1.77</li> <li>▼ Russia 1.43</li> <li>▼ Serbia 1.79</li> <li>□ Tajikistan 1.88</li> <li>▲ Azerbaijan 1.50</li> <li>▲ Belarus 1.42</li> </ul>	<ul style="list-style-type: none"> <li>□ Bosnia &amp; Herzegovina 2.23</li> <li>□ Bulgaria 2.07</li> <li>▼ Kyrgyzstan 2.19</li> <li>□ Montenegro 2.46</li> <li>▲ Romania 2.56</li> <li>▲ Ukraine 2.01</li> <li>▲ Albania 2.72</li> <li>□ Armenia 2.55</li> <li>□ Croatia 2.56</li> <li>▼ Georgia 2.64</li> <li>▼ Kosovo 2.57</li> <li>□ Moldova 2.58</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 2014

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

## MEDIA SUSTAINABILITY INDEX 2015: BUSINESS MANAGEMENT

□ Turkmenistan 0.14	▲ Uzbekistan 0.87	<ul style="list-style-type: none"> <li>□ Armenia 1.96</li> <li>□ Bosnia &amp; Herzegovina 1.58</li> <li>▲ Azerbaijan 1.06</li> <li>▲ Belarus 1.07</li> <li>▼ Bulgaria 1.35</li> <li>▲ Macedonia 1.38</li> <li>▲ Russia 1.44</li> <li>▲ Tajikistan 1.36</li> <li>□ Ukraine 1.39</li> <li>□ Croatia 2.00</li> <li>▼ Georgia 2.00</li> <li>▲ Kazakhstan 1.70</li> <li>□ Kyrgyzstan 1.65</li> <li>□ Moldova 1.75</li> <li>▲ Montenegro 1.80</li> <li>□ Serbia 1.60</li> </ul>	<ul style="list-style-type: none"> <li>▲ Albania 2.10</li> <li>▼ Kosovo 2.02</li> <li>□ Romania 2.08</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 2014

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

## MEDIA SUSTAINABILITY INDEX 2015: SUPPORTING INSTITUTIONS

□ Turkmenistan 0.20	□ Uzbekistan 0.73	<ul style="list-style-type: none"> <li>▲ Azerbaijan 1.51</li> <li>□ Bulgaria 1.90</li> <li>□ Russia 1.79</li> <li>▼ Tajikistan 1.64</li> <li>▲ Belarus 1.40</li> </ul>	<ul style="list-style-type: none"> <li>□ Albania 2.55</li> <li>□ Armenia 2.36</li> <li>□ Bosnia &amp; Herzegovina 2.02</li> <li>□ Kazakhstan 2.14</li> <li>▼ Kosovo 2.36</li> <li>□ Kyrgyzstan 2.08</li> <li>▲ Macedonia 2.19</li> <li>□ Montenegro 2.12</li> <li>□ Romania 2.46</li> <li>□ Serbia 2.17</li> <li>▲ Ukraine 2.24</li> <li>□ Croatia 2.69</li> <li>▼ Georgia 2.53</li> <li>□ Moldova 2.58</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 2014

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

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*Likewise in Azerbaijan, Objective 1 did not increase and other objectives received only slight increases. Difficulties securing the participation of panelists from 2014, in part due to the ongoing crackdown on critical voices there, created some variation in score, but only marginally.*



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**

*Albania's media environment improved over the past year; however, the press has felt the impact of the economic crisis and growing political tension.*



# ALBANIA

The year 2014 was the first year in power for Prime Minister Edi Rama's left-wing coalition government, after Prime Minister Sali Berisha's eight years in power. In the past, Albania was refused candidate status for EU membership. In 2014, however, 28 EU member states granted Albania official EU membership candidate status, an achievement attributed to the will of Prime Minister Rama's government to implement anti-corruption and criminal reform. It also tackled the country's drug trafficking problems.

After communism fell in the early 1990s, Albania spent more than two decades trying to strengthen its ties with Europe. According to domestic public polls, approximately 90 percent of Albanians wish to unite with Europe. To do so the country must implement economic, social, and judicial reforms in order to obtain membership status. International actors are encouraging the Albanian government to consolidate the rule of law, ensuring an independent judiciary, which can tackle rampant corruption and impunity at the highest political levels. However, the lack of consensus between the ruling majority and the opposition has hindered the fulfillment of this objective. The prevailing conflictual spirit in politics, despite the peaceful transition of power following the June 2013 elections, also has prevented Albania from consolidating the rule of law. This spirit has not affected the harmony between religious groups, a trait Albanians have preserved for centuries. Not even Pope Francis's visit to Tirana and his messages for peace and harmony have helped mitigate the tense political climate.

Corruption and organized crime remain unchecked in Albania and are exacerbated by the absence of an independent judiciary. For more than two decades, corruption has been deeply entrenched within Albanian politics. In 2014, the reforms required to help expedite the country's integration with the EU were hampered by a six-month boycott by the right-wing opposition in parliament. The opposition boycotted parliament, accusing some majority members of participating in organized crime. It also accused the government of trying to undermine independent institutions.

Albania's media environment improved over the past year; however, the press has felt the impact of the economic crisis and growing political tension. The economic crisis has dried up funding sources critical for the development of an independent press. Political wrangling has resulted in ongoing misuse use of the media for political interests and gain.

# ALBANIA at a glance

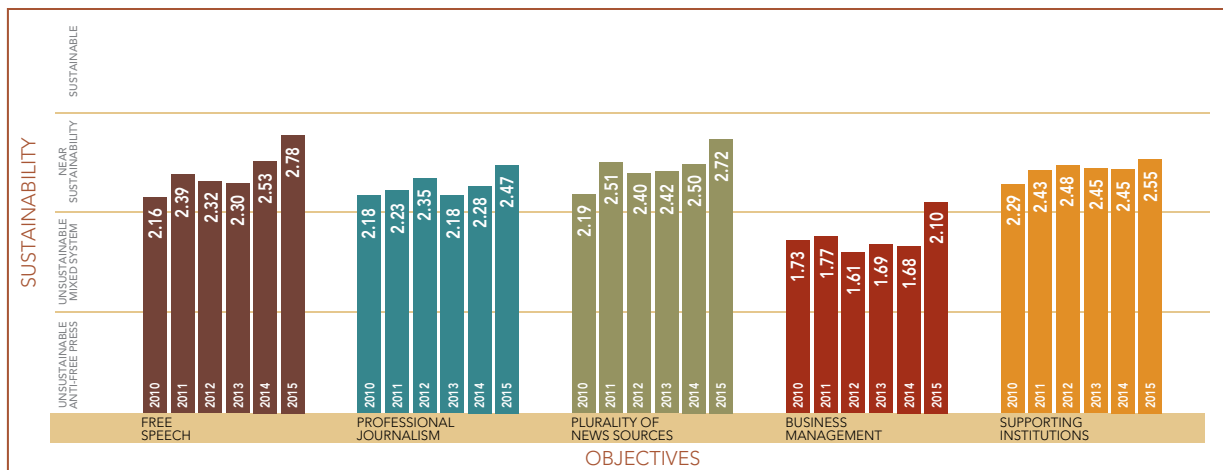
## GENERAL

- > Population: 3,020,209 (2014 est. *CIA World Factbook*)
- > Capital city: Tirana
- > Ethnic groups (% of population): Albanian 82.6%, Greek 0.9%, other 1% (including Vlach, Roma (Gypsy), Macedonian, Montenegrin, and Egyptian), unspecified 15.5% (2011 est. *CIA World Factbook*)
- > Religions (% of population): Muslim 56.7%, Roman Catholic 10%, Orthodox 6.8%, atheist 2.5%, Bektashi (a Sufi order) 2.1%, other 5.7%, unspecified 16.2% (2011 est., *CIA World Factbook*)
- > Languages: Albanian 98.8% (official—derived from Tosk dialect), Greek 0.5%, other 0.6% (including Macedonian, Roma, Vlach, Turkish, Italian, and Serbo-Croatian), unspecified 0.1% (2011 est. *CIA World Factbook*)
- > GNI (2013-Atlas): \$13.065 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$10,400 (World Bank Development Indicators, 2014)
- > Literacy rate: 96.8%; Male 98%, Female 95.7% (2011 est. *CIA World Factbook*)
- > President or top authority: President Bujar Nishani (since July 24, 2012)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print Outlets: 160 (estimate); Radio Stations: 3 national, 56 local (Audiovisual Media Authority); TV Stations: three national, 71 local, two satellite, 83 cable (Audiovisual Media Authority)
- > Newspaper circulation statistics: N/A
- > Broadcast ratings: N/A
- > News agencies: Albanian Telegraphic Agency (public), NOA (private), AMA (private), Albpress (private)
- > Annual advertising revenue in media sector: €48 million (est., ABACUS Research)
- > Internet users: 1.8 million (Internet World Stats)

## MEDIA SUSTAINABILITY INDEX: ALBANIA



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

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

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## OBJECTIVE 1: FREEDOM OF SPEECH

Albania Objective Score: 2.78

The Albanian constitution and supportive legal frameworks protect the freedom of speech in Albania and have existed in the country for many years. The basic laws that protect the right to freedom of expression and freedom of the press, the law on public broadcasters, and the law on the right to information reflect the jurisprudence of the European Court of Human Rights, which outlines clear standards on free speech and further guarantee the rights of Albanians. A majority of the public appreciates freedom of the press as an important achievement since the fall of communism in 1991.

However, in practice, the panelists noted a gap in the implementation of laws that uphold free speech. According to Bajram Peçi, director of the newspaper *Shqip* in Tirana, “The extent of the implementation of the laws oscillates,” and the implementation does not always reflect the legal framework “both in public administration and in the judiciary,” which Peçi noted is aligned with political interests. The panelists cited the example of the former minister of culture, Ylli Pango, who was caught in a scandal of a sexual nature through hidden cameras by *Fiks Fare*, an investigative program on Top-Chanel television. The former minister sued the program, and the courts at different levels of the judicial system ruled differently. One court placed value on the public’s right to access 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.
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- > 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.

and another court ruled in favor of privacy, which raised doubts over the political influence that was exerted on the courts in this case. Kamber Velaj, editor-in-chief at *Shqip*, stated that the “Pango” case underscored the political influence and corruption exercised by judges who deal with defamation and libel cases. The panelists’ prevailing opinion was that even though international documents on access to information value the importance of informing the public over privacy, in practice there is a trend to protect privacy at the expense of the public’s right to know, even when cases concern corruption at the highest government levels.

In general, there is a perception that the public is sensitive to violations of media freedom, coupled with careful international monitoring, which has helped prevent the political establishment from harassing the media.

A special commissioner oversees the respective law that regulates the implementation of this right and access to information. The law protects citizens’ right to information without requiring them to disclose their reasons for requesting it. It also foresees the establishment of a register that reflects information requests and the replies given, as well as the administrative sanctions against public officials who violate the right to information.

In December, the law on Public Notification and Consultation was expected to be approved. According to Iva Seseri, a lawyer at the parliament, “The process of consultation with the public enables a greater number of actors,” including “interest groups, media experts, or NGOs, to contribute to the drafting of legislation,” thereby “further democratizing” the policymaking process. However, in practice, there are shortcomings regarding cooperation between public administration and the media. Even though the law on the right to information has been improved and more reasonable deadlines have been set to turn around information to citizens and journalists, the prevailing belief is that information is not considered public property. As a result, obtaining information remains difficult. This is also due to the fact that public administration officials must receive clearance from their superiors before communicating with the media.

Freelance journalists and bloggers have found it impossible to enter state offices or participate in activities that require accreditation. In practice, the process of providing information to journalists remains rather centralized and obstructive. According to Anila Basha, a freelance journalist in Tirana, access to information from state bodies is difficult. Previously, government decisions were accessible online, but now a notification is published containing the titles of the decisions. However, there is no clarification on the decisions’ content. “In many cases, the public administrative officials are not free to respond to the questions of journalists, indicating that they should rather ask their superiors,” Basha added.



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The process of licensing is different for print and electronic media. According to the panelists, there are no obstacles or limitations to starting a newspaper or magazine.

Market entry for the press remains free, open, and equal. Financially speaking, media must comply with Albanian legislation even if they are not subsidized by central or local governments. The panelists noted that the market for print media is oversaturated due to few limitations surrounding market entry. Online media or media that use mobile notifications are not required to register in Albania. The panelists' prevailing opinion is that the licensing of electronic media (radio and television) remains problematic due to the political nature surrounding the election of members to the respective regulatory agencies, specifically the Audiovisual Media Authority (AMA). The AMA remains politicized, as in the past. Zylyftar Bregu, a journalism professor at the University of Tirana, said the institution's members are elected by parliament. According to a law approved in 2013, the composition of the licensing authority must preserve a political balance, with three members supported by the majority and three others from the opposition. The vote of the AMA chair, who is also elected by the parliamentary majority, enables the latter to dictate the AMA's decision-making processes. Therefore, "the agency and the licensing process is not independent from political control," Bregu added.

For most of 2014, the AMA has been unable to function due to political turmoil between the ruling majority and the opposition regarding changes to the chair and membership positions after the new coalition government was formed in June 2013. The situation was further exacerbated by the opposition's six-month boycott of parliament's activities, thereby delaying the restructuring of the AMA's constitution and the digital switchover process. The election of the new AMA chair at the end of 2014 has allowed the institution to move forward with outstanding issues.

Crimes against journalists are rare, as underscored by public statements issued in 2014 by the Union of Albanian Journalists (UGSH). However, a number of cases of violence were reported. In June 2014, while the police were carrying out an operation to uncover a cannabis farm in the village of Lazarat, the persons involved in the drug business destroyed the car of Gerti Xhaja, a journalist from A1 Report television station, and his crew. In July, the car of journalist Gentian Bellaj, of TV Ora News in the city of Vlora, was also torched. The UGSH appealed to the authorities to find the perpetrators. Perhaps the most severe case of a crime against journalists in 2014 was the failed attempt of a masked person to shoot journalist Artur Çani, who hosts the new investigative program *Kaktus*. The UGSH denounced the case as an attempt by the organized criminal world to undermine the work of Albanian journalists. The UGSH also has expressed concern

over phone threats received by Arben Vata, a journalist with the *MAPO* newspaper, and has demanded law-enforcement bodies to identify the perpetrators.

Generally speaking, the panelists explained that crimes against journalists are isolated and rarely result in physical violence. However, they noted that verbal aggression against journalists and editorialists has increased through the use of social media platforms, such as Facebook. Valbona Kurti explained that "assaults against journalists appear more frequently in online media," where journalists are subject to insults and verbal abuse because "online forums remain free of regulation" and are not subject to ethical codes.

In general, politicians are careful when communicating with journalists. In 2014, however, former Prime Minister Berisha slandered three journalists who criticized him by labeling them as parrots of the current prime minister. The UGSH denounced this act as verbal aggression.

Despite legal frameworks to ensure the editorial independence and development of public media, over the past two decades there have been no serious efforts to transform public outlets into an independent and real public broadcaster. Each government has instead tried to leverage public television TVSH for its own interests. "Public television has continuously been in Albania a television not belonging to the public, but rather to government and its propaganda, often misinforming the public," said Milton Nushi, deputy and news director with Albanian Screen RTV in Tirana.

In 2014, the current government was not quick to rein in the public station TVSH. However, instead of strengthening the station's independence, the government's restraint almost caused the station to collapse. Due to the six-month parliamentary boycott by the opposition, the Steering Council of TVSH was elected only at the end of the year. According to the panelists, TVSH, which is funded by Albanian taxpayers, is significantly more privileged than commercial media, which suffer the consequences of economic hardship that the country is experiencing. The panelists concluded that in order to operate more efficiently and to increase its editorial independence, TVSH must reform its management of financial and human resources.

The legislation surrounding defamation and libel has changed significantly since 2012. Although the full decriminalization of defamation and libel has not been achieved, those elements of the law that previously could have been used against free speech have been abolished. Defamation and libel remain civil torts, with the burden of proof resting on the plaintiff. The state administration and the government have not sued any journalists, and according to Cipa, the sanctioning of defamation as a civil tort rather than a criminal offense has led to fewer lawsuits against journalists than in previous years. However, panelist Remzi

Lani, director of the Albanian Media Institute (AMI), raised the issue of a growing trend in calumny and verbal abuse in online forums. Lani added that such forums create an “uncontrolled situation which might seem to favor freedom of expression” but that if slander and abuse continue online, there is a risk of favoring freedom of libel. According to the European Court of Human Rights in the case *Delfi vs. Estonia*, online portals “are responsible not only for their content, but also for the comments,” Lani added.

Albanian media are not restricted from accessing news from any sources. Outlets are allowed to reprint and rebroadcast programs in foreign languages or in Albanian; they are also free to redistribute information from news agencies. However, the failure to respect well-acknowledged standards regarding intellectual property persists. Shkëlqim Bylykbashi, owner of TV 4+ in Lushnja, noted that many Albanian media outlets obtain their “news from foreign media and publish or broadcast them without any contract or agreement, lacking the right to do so.”

Entry into the journalism profession remains free, and the government does not impose any licensing, limitations, or special rights for journalists. However, the panelists again criticized the practice of employing journalists who lack the necessary professional skills. According to Çipa, this is a problem that should be resolved by the community of journalists through self-regulatory institutions. “In all these years, we have proven we are not capable of establishing such institutions,” he said.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Albania Objective Score: 2.47

The culture of objective reporting, verifying sources, and consulting with experts has improved due to a number of training opportunities and increased professionalism promoted by university departments. However, the panelists debated these standards and questioned their implementation. Hence, there is a widening gap between the theory of journalism and its standards, on the one hand, and their implementation in practice, on the other hand. The panelists identified several factors that have contributed to the erosion of standards, which include the worsening economic crisis, the influence of politics on media, the pressure of media owners on journalists, and the lack of cooperation from public bureaucracy.

Panelist Peçi noted that even though there are efforts to carry out fair and objective reporting, the interests of owners and editors, as well as the editorial policies they follow, have not prevented subjectivity in reporting. The panelists were alarmed at the phenomenon of broadcasting

party activities rather than having journalists report on the activities. Instead, the footage is prepared by party headquarters. “This is a very dangerous phenomenon and in full violation of the independence and objectivity of media, as well as proof that the media are serving politics and relegating themselves to be the loudspeakers of party propaganda,” added Ilir Yzeiri, a journalism professor.

The economic crisis has hindered objective reporting, as newspapers, radio, and television have drastically cut staff and the remaining journalists face heavier workloads. In 2014, the Albanian Telegraphic Agency (ATSH) laid off 30 journalists. Commercial stations, such as TV Albanian Screen, also cut staff significantly. “Reporters are under pressure” and time constraints and “do not have the physical opportunity to verify news from several sources,” which is further hampered by the “hesitation of public officials to cooperate with journalists to provide information,” Nushi explained. Nonetheless, the panelists noted that media outlets in the capital produce higher-quality reporting, while local media show a decrease in quality of reporting, due to professional shortcomings.

A Code of Ethics that was approved by the community of journalists has been in place in Albania for several years. However, there is no self-regulatory body to ensure that journalists adhere to the code; in fact many journalists lack familiarity with it. The impact of the economic crisis has led to an increase in bribes accepted by journalists. The panelists noted that it has become common for big businesses to offer journalists gifts, such as electronic equipment, laptops, iPads, or even cars. Bregu said that mobile companies routinely give out iPads at the end of each year to reporters who cover the companies’ activities. According to Çipa,

## 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).

“Reporters in local media [outlets] have a higher price”—they are often rewarded with jobs for their relatives.

Moreover, decreasing salaries for journalists also have made them susceptible to corruption. Until a few years ago, salaries were covetable, compared with many other sectors. The current salaries in the media sector, with the exception of a few famous journalists and columnists, are not high enough to prevent corruption among journalists. Nor are they high enough to prevent them from moving to another professional altogether to seek more money. “There is a greater number of journalists who seek a second job to cover living expenses,” according to Peçi.

The economic situation of many journalists became more difficult in 2014 due to frequent delays in receiving monthly salaries. In October, the UGSH noted that 18 out of 21 daily newspapers in the country were delaying salaries for their journalists and 94 out of 100 television stations experienced delays in issuing monthly salaries for journalists repeatedly. In 75 percent of these outlets, the delay ranged from two to four months. There are 75 radio stations that currently broadcast in the country; they employ 400 persons, out of whom 100 are journalists. The delay of salaries has occurred in 75 percent of them. Similarly, the UGSH also noted that in 2014, 167 journalists lost their jobs or left their positions due to unpaid work.

According to the panelists, self-censorship continues to inhibit journalists, who practice it out of fear of losing a job. Media owners often exert pressure to ensure that their editorial policies are in line with their political interests. Self-censorship is facilitated even by the fact that a great number of journalists continue to work in informal conditions, lacking both individual and collective work contracts. According to Vani, “Due to self-censorship and conformity, we have many cases when the journalist changes [his or her] mind or attitude, vis-à-vis a phenomenon or political party, if [he or she] changes his job to some other newspaper or television station.” This is an issue of professional integrity rather than technical reporting skills.

The media in Albania cover all news. This coverage is better in the capital and major cities, while the quality of reporting is poorer in more remote areas, where transportation and communications infrastructure are also weaker. There is sufficient freedom in the country to cover issues related to national and international security. Reporters are prevented from covering certain events if editors exert pressure to ensure that the media owner’s interests are not compromised. Such cases are rather rare; it is more common for reporters to cover events that align with the political interests of the media owner. There is no distinction in content or coverage of events between national and minority media. An array of small activities that are not covered in the media receive coverage on social media,

including blogs, Twitter, and Facebook. Media outlets are not inclined to report on mobile companies in the country that apply expensive tariffs, as mobile companies represent the largest advertising clients for the media industry.

Information, news, and entertainment are generally balanced on national television stations, which not only compete with each other but also tend to copy or replicate each other’s format. The weight of news has increased significantly due to the rising number of television stations that exclusively provide news. News, political programs, and debates continue to occupy a significant portion of prime-time television on most stations, as in past years. Programs such as *Opinion* on Klan TV maintain the biggest prime-time audience.

Facilities and equipment for gathering and producing news are of higher quality and more efficient in the capital than in the districts. In the capital, broadcasting outlets have received advanced digital technologies, while the means for gathering news are outdated in the districts. Many media outlets still occupy makeshift premises that were not designed as media outlets and have not been modified suitably.

For print media, the economic crisis has led to an increasingly diminished role for photographers at newspapers, thereby forcing papers to tap into their archives or use photos acquired on the Internet. Distribution presents another problem for newspapers. They continue to be distributed only in the main cities and almost never reach the rural areas, where half of the population continues to live. This artificially restricts the print media market, rendering its survival even more challenging in this period of economic crisis.

Journalists generally specialize in different areas of reporting, such as politics, business, health, education, sports, or culture. Currently, there are not many journalists who specialize in investigative reporting, even though attempts to investigate different corruptive affairs are ongoing. The television station Top Channel broadcasts the investigative program *Fiks Fare*, which enjoys a high audience. News 24, another television station, produces the program *Xhungël*, which is also very popular, while Ora News produces the program *Alarm*. The topics are varied, ranging from corruption within the public administration to issues encountered in public hospitals and schools. However, these programs are still very few in a country facing high corruption and where the trend of impunity for corrupted officials persists. Print journalism also carries out its own investigations in the form of articles. However, they have a significantly smaller audience, as the public is gradually consuming more television.

While investigative journalism has existed for many years in Albania, the absence of a truly independent judiciary that is ready to investigate corruption among government officials has hindered progress. Consequently, as time goes by, the

public has become less sensitive to the scandals denounced by investigative journalists and has observed little action after such exposure.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Albania Objective Score: 2.72

There are numerous news sources in Albania that enable citizens to compare and verify the veracity of information, opinions, analyses, and comments that come from a variety of sources offering different points of view. However, the panelists believe that the number of sources available is excessive in relation to the country's population. Although there are outlets affiliated with certain political parties, there are also a number of outlets that present a variety of viewpoints. Even television stations that are politically aligned still open up their political debates to all points of view.

An emerging trend in the past year was the rise and consolidation of online media, blogs, websites, and newspapers that host online forums, which are becoming an increasingly preferred source of information for citizens. In general, all media outlets have websites, which are also linked to Facebook and Twitter. The use of social networks, especially Facebook, to receive information has increased. The panelists noted that the only problem is the absence of the Internet in some remote areas, due to lack of a signal or lack of investment in a distribution network, which are provided by neither the state nor private companies due to the costs associated with developing this infrastructure.

#### 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 in Albania face no limitations when accessing domestic and international media. The government does not directly or indirectly try to limit citizens' use of any media, and no registration is required to use the Internet or install a satellite dish. The government does not interfere with citizens' access to any "domestic or foreign media, print, blog, or TV," Peçi explained. Kurti added, "During the communist past, it was forbidden to listen to foreign radio or watch foreign television, while today an Albanian citizen would be surprised if the government would try to impose any such limitations." However, there are financial obstacles that prevent access to international media sources—for example, subscription fees or even digital platforms that host stations such as the BBC, CNN, Euronews, etc. Thanas Goga, a marketing analyst, explained, "In order to receive information from Reuters or other international agencies, you have to pay."

Albanian public television TVSH continues to serve each incumbent government and therefore is unable to reflect the views of the entire political spectrum, hindering its ability to become a genuine public media outlet. The time TVSH devotes to government activities in its programs remains relatively significant. "The only progress made by TVSH is that it no longer assails the opposition"; however, the programming remains the same as last year, and the institution is "not credible, not reformed, and old," according to Lani. TVSH has never managed to fill the void left by commercial media—namely, broadcasting for the public good, addressing a wide range of problems, and conveying in-depth information and investigation—which are goals that have eluded the whole spectrum of commercial media.

According to the panelists, there are no privately owned independent news agencies in Albania. However, defining the term "agency" remains a problem, because it can be claimed that even a blog, domestic or foreign, can serve as a news agency. According to Çipa, "It is true that from a structural point of view, there are no private news agencies in Albania, but there are those bodies that can be considered online news agencies, such as Ekspres or Telegraf, which are used by all media in Albania."

The only genuine news agency that remains is the state-owned Albanian Telegraphic Agency (ATA), which is totally dependent on the government for its editorial policy. However, for years now the weight and importance of ATA for domestic media has been reduced to such a degree that almost no media refer to this agency as a news source. Only foreign media continue to turn to ATA regarding Albania's most important developments. Due to financial constraints, media outlets rarely turn to AFP or Reuters.

Commercial media generally produce their own news, with the exception of news on international developments. "You have

to send a reporter even [to obtain] a simple police statement or a trivial street accident, which is also a consequence of the lack of news agencies," said Velaj, recalling his experience as editor-in-chief of the newspaper *Shqip*, one of the country's biggest daily newspapers. Local media republish or rebroadcast part of the news from national media, but they also produce and broadcast news on local developments, which are rarely broadcast by national media.

From a legal perspective, media ownership is transparent. Anyone can look for information at the National Center of Registration (QKR), where media companies are obliged by law to register, as well as at the AMA. Despite these legal requirements, media ownership is not truly transparent, as registration often does not indicate the true identity of the owner of a company. "If you look on QKR's webpage, all acts related to ownership of the company are available, including the percentage of shares for each shareholder, but, while all is legal, there appear to be fictitious owners, too," explained Seseri. Bregu shared his own experience as a former AMA member. "The 94-year-old father of an MP is also the owner of a media [company] he 'bought' from the son, as the law prevents [the MP] from having business interests," he explained.

However, outside of the capital, where communities and media companies are smaller, public information on media ownership is closer to the truth. Public knowledge is clearer on ownership of newspapers, radio stations, and television stations, but it is more opaque on ownership of online media, blogs, and websites.

Several media owners wish to hide the source of capital invested in the media. For years in Albania, it has been rumored that "dirty money" has been invested in the media, yet this allegation has not been proven by any state agency, including the General Directory for Preventing Money Laundering. Currently, there are no corporations that own media, and foreign investments in this sector, with the exception of some attempts in the early 1990s, are virtually non-existent.

The media have become increasingly open to reporting on matters related to gender, ethnicity, social conventions, religion, and/or sexual orientation in Albania since the fall of communism. The reactions of different social groups to a range of problems also have been widely covered. "Representatives of religious faiths or of groups of different sexual orientation, organized in associations, freely appear in the media," Peçi explained. There is a magazine issued by the Roma community called *Amaro Dives*, but it is not published regularly due to a lack of financial resources.

There is no gender or ethnic discrimination in Albanian media around the employment of journalists. However, the

panelists debated the issue of minority-language media, with some panelists concluding that minorities' rights are not violated. Yet other panelists believe that more should be done to increase access and coverage for minority languages. "Every democratic state is not measured as to whether it violates human rights and rights of minorities, but whether it guarantees these rights," said Lani. The panelists noted that minority media cannot survive, citing that even in the Balkans, states subsidize minority media outlets, which does not happen in Albania.

According to Çipa, Albania's minorities are concentrated in specific geographic areas. This has enabled public media to use some of their past infrastructure to cater to minority groups—for example, radio stations and newspapers that broadcast and publish in minority languages. Çipa added that TVSH affiliates, for example, broadcast certain minority-language programs in districts where communities are present, such as Gjirokastër and Korçë. According to Seseri, the situation of ethnic minorities is not particularly problematic, compared with such minorities as Roma, Egyptians, or other groups. "There is discrimination in relation to their employment," Seseri added, "as well as their representation in the media."

Citizens are able to access information and news about their hometown, other regions of the country, and national and international affairs. Naturally, national outlets cover developments in different regions or cities of the country, not just the capital, which are of national interest. However, local media outlets give priority to local issues without ignoring important national and international developments. "In Albania, you do not find events, phenomena, or problems that are not covered in the media, despite the area you live in, because what you do not find in the national media, you can come across in local media, and vice versa," Yzeiri explained. International issues are widely covered in domestic media, even though reports are based mainly on foreign media as sources.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Albania Objective Score: 2.10

Albanian media, whether commercial or public, generally are not profitable businesses, regardless of the quality of their management. In print media, only a small number of boulevard newspapers are profitable, such as the weekly *Paloma*, which sells 30,000 to 35,000 copies, while the largest daily newspapers in the country, such as *Panorama*, *Shqip*, *Shekulli*, and *Gazeta Shqiptare*, incur losses. The business plans have little or no effect on improving the situation, perhaps because the situation is strongly dictated



by the fact that large-scale production of goods in Albania is scarce. Normally, this would guarantee advertising revenue and media income. But quite the opposite is true: small production prevails, and this segment of the economy does not necessarily require advertising. In this context, newspapers, magazines, radios stations, and television stations find it difficult to secure their survival only through sales or advertising revenue.

Most outlets continue to survive in the market because of subsidies that trickle in from business owners or other sources. As a manager of several newspapers over the course of many years, Peçi admitted, "If they did not have any economic and financial support, newspapers would have gone bankrupt many years ago." While media ownership can be damaging to the professional and editorial integrity of print media, from an economic standpoint, their financial support is critical to saving the print media industry from declaring bankruptcy. The panelists concluded that this crisis goes beyond the region, as print media are vulnerable and on the decline—and they might fall into bankruptcy at any time.

Electronic media are facing similar issues, as a number of television stations, especially in the districts, are subsidized by secondary businesses, a lifeline for these outlets. The panelists underlined a peculiar trend—the development of online media, which, in some cases, has generated profits. According to Yzeiri, *Tema* newspaper, which also has an online version, is now profitable due to the advertising revenue it obtains.

There are two main sources of advertising in Albania: one is state advertising, which tends to prioritize media closer to the government, and the other is commercial advertising. The advertising sector is organized on the basis of a market economy and is relatively developed. The level of fees varies from one media outlet to the next and increases in accordance with the size of the television audience or newspaper circulation.

The panelists noted that as a result of the economic crisis, with each passing year, the balance of funding for media outlets has tipped in favor of owners' subsidies, while advertising revenue has decreased. The mere fact that advertising has diminished makes it impossible for the majority of advertising clients to negatively influence or eclipse the news and informational programs produced. Yet Bregu noted, "Some businesses buy advertising not to advertise their services or goods, but rather to buy the media and prevent any criticism." In general, advertising is broadcast around entertainment programming and does not interfere with news programming.

The situation appears to be more difficult in the districts; local television stations do not have marketing offices due to financial constraints and hesitate to pay even

one advertising sales representative. In local media, advertisements consume greater airtime (more than two minutes each) and are paid very little. Local television stations mainly broadcast notifications on marriages, deaths, or timetables of transit agencies. According to Shkëlqim Bylykbashi, owner of a local television outlet, "Advertising has become close to zero in local media, and the journalist has to be converted into an advertising agent to receive a ridiculously small advertising fee." Some local television stations have joined together to overcome this barrier. According to Vani, owner of TV Mati, his station is part of a network of local stations: "We share information with one another, and we have an agent that we all pay for the advertising we receive as a media network."

Large mobile companies are the biggest advertising clients for television stations and newspapers. Due to their share of the market, and the dwindling revenue of media outlets as a result of the lack of diversification, there is great opportunity for clients to exert influence. According to the panelists, it is difficult to report on the high fees applied by mobile companies in Albania. "If Vodafone or AMC are your clients, you can afford to pay the journalists; otherwise, the subsidy from the owner is the only option," explained Nushi.

The panelists concluded that commercial media outlets do not have sufficient revenue and guaranteed sources of funding to prevent political influence. Businesses are aligned with political interests who inevitably influence their investment decisions and advertising strategy. Meanwhile, public media, although having a guaranteed source of funding from state budgets, are extremely dependent on the patronage of the incumbent 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.

The government does not use subsidies to seduce the media. However, traditionally, in more than two decades of transition, the government has used parts of state advertising to reward media close to the government. Government advertising spots are different in nature, consisting of campaigns that raise awareness or even political messages and notifications. Legally, state advertising should be distributed fairly, but no particular institution oversees the enforcement of this law. The observations of civil-society organizations around the unfair distribution of state advertising have been ignored. However, in 2014, former Minister of Defense Arben Imami was denounced by the current government for corruption and abuse of public funds after granting significant advertising contracts to TV Klan, which at the time openly supported the government of Prime Minister Berisha. However, the prosecution stopped the case because there is no enforcement of the law.

There have been no new developments related to market research in Albania. Newspapers and magazines continue to adapt their products to market demands based on their own perceptions.

In the past year, there has been increasing interest in and a growing presence of international market and audience research companies, such as Nielsen, GFK Albania, and Ipsos Albania, and even local companies, such as Abacus Research, Data Centrum, Delta Publicity, and MC Monitoring. However, market studies are still rarely used by the media to formulate strategy or recalibrate programming according to audience interests and demands. Abacus Research and Telematrix Albania have started to report data on electronic measurement of viewership through people meters, but it seems that the products of these companies are not yet widely used by advertising clients due to financial constraints.

The sources of statistics are different; they come mainly from media outlets themselves, but they are not always reliable. Press circulation figures remain unpublished, as if to disguise their decline and not lose the interest of advertising clients.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Albania Objective Score: 2.55

In Albania, there are no legal restrictions on the establishment of associations of publishers and broadcasters. Several associations have existed for many years, but their activity and influence has faded. Their goal has not been to strengthen the profession or protect media independence, but rather to lobby the government on particular decisions or laws that affect the interests of media owners.

There have been unsuccessful attempts to organize local media owners into a common association. Shkëlqim

Bylykbashi, owner of a local media outlet, discussed his experience as president of the Albanian Media Club, which was founded in 2010 with Organization for Security and Cooperation in Europe support. He stated, "The members of this club have never been willing to lobby for their interests" even when it comes to issues "such as the digital switchover process."

Several journalists' associations have existed for years, but they are relegated to mere names and are not active in any way. The only association that genuinely acts on behalf of journalists is the UGSH, whose membership has grown. However, it has failed to regularly collect the monthly membership fee. Consequently, the UGSH has not been able to financially support its members when they lose a job or face a health issue. However, the union has attempted to remedy these issues by encouraging solidarity among journalists. "We have called for solidarity with a colleague who was sick and should be cured abroad, calling on journalists to financially contribute, if they could," said Çipa, who is also president of the association.

The UGSH is clearly independent of the government and is distinguished for its activities, which include protests, public statements, and press conferences to fight the pressures placed on journalists or to enforce their rights. The Union also has fought against the practice of informal work among journalists, but with little success. Currently, a considerable number of Albanian journalists are employed without regular individual contracts.

In 2014, the UGSH had contacts and correspondence with some international journalists' associations, as well as with

### 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.

international forums, such as the International Federation of Journalists, the European Trade Union of Journalists, and the trade union of Croatian journalists. As part of the attack on the French satirical publication *Charlie Hebdo*, the UGSH showed solidarity by organizing a protest of journalists and paying homage to the victims.

In 2014, different civil-society organizations, such as the Albanian Helsinki Committee and the Albanian Human Rights Group, reacted to all cases of violence against journalists, expressing their solidarity. "There is partnership with associations of civil society for all cases of violence or infringement of freedom of expression," Çipa added.

In Albania, there are a number of journalism departments at public and private universities. The panelists debated the quality of the professional education of journalists at these universities, with Yzeiri adding that journalism schools are not very efficient in preparing quality journalists. "I think these schools should be closed and media professionals should come from other sectors," he said, adding that on-the-job training based on the needs of the media market is more valuable.

Apart from universities, a significant number of training opportunities continue to be available at the AMI, which offers short-term training courses in different professional areas, in cooperation with foreign trainers. Some of the big media companies also offer training for their journalists. The panelists concluded that from a quantitative point of view, the resources for educating and training journalists are sufficient for the size of the media market. In fact, sometimes the training offered exceeds the market needs.

There are no limitations on the import or purchase of materials necessary for the work of media and journalists. Printing houses remain the weakest link and cannot sustain the needs of the media industry due to depreciated machines and outdated technology; advance rotary machines have yet to be installed.

The distribution of newspapers is limited to urban areas. The daily newspapers do not reach rural areas, where nearly half of the Albanian population lives. The reason for this is the very high cost of distribution and the lack of adequate infrastructure. There are four newspaper distribution companies in the main cities of Albania. Two national dailies, *Panorama* and *Shekulli*, distribute their own newspapers. Also, some other newspapers play the role of distribution companies for them. Another distributor is Albanian Courier, part of the Western Union Company, which distributes newspapers with its banking mail. The Mihali Company, another distributor in Albania, delivers two periodical newspapers and some magazines to cities outside of the capital.

Albania finds itself in a critical phase of the decision-making process for transitioning to digital broadcasting. Although

the law on digital broadcasting set December 31, 2012, as the deadline for the switchover, a subsequent law on digital broadcasting postponed the switchover to June 17, 2015. Albania is in the early stages of transitioning from analogue to digital broadcasting, and after several years of discussions, the necessary legal framework that will determine the paths of this process has just been approved.

Albania's telecom market continues to have room for further development. Penetration in the fixed-line and broadband sectors remains very low by European standards, and there are opportunities for further investment in network upgrades to help propel the country's economic growth through digital offerings and IP-based technologies and services. On the other hand, poor fixed-line infrastructure has encouraged consumers to use mobile devices, and Albania now boasts one of the highest mobile penetration rates in Europe. As of December 2013, Albania had 1,815,145 Internet users, or 60.1 percent of the population, according to the International Telecommunication Union.

## List of Panel Participants

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

**Anila Basha**, freelance journalist, Tirana

**Bajram Peçi**, director, *Shqip*, Tirana

**Iva Seseri**, lawyer, Albanian Parliament, Tirana

**Ilda Londo**, specialist, Albanian Media Institute, Tirana

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

**Kamber Velaj**, editor-in-chief, *Shqip*, Tirana

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

**Milton Nushi**, deputy director and news director, Albanian Screen RTV, Tirana

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

**Shkëlqim Bylykbashi**, owner, TV 4+, Lushnja

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

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

**Zylyftar Bregu**, professor of journalism, University of Tirana, Tirana

## Moderator and Author

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

*The panel discussion was convened on December 12, 2014.*

*Soon after election results were announced, the online outlet klix.ba published leaked audio of RS Prime Minister Željka Cvijanović talking about bribing two members of parliament to ensure a parliamentary majority for the RS ruling coalition. Police interrogated the website's journalists and threatened them with criminal charges for publishing unauthorized recordings.*



## BOSNIA & HERZEGOVINA

During the past year in Bosnia and Herzegovina (BiH), much-needed reforms in public administration, social care, education, and anti-corruption measures stagnated. The country slid into further socio-economic crisis and political stalemate.

In February 2014, a protest over the problems with workers' rights, social welfare, and corruption was held in Tuzla. The movement spread quickly to numerous cities, mostly in the entity of the Federation of Bosnia and Herzegovina (FBiH), resulting in the resignations of four cantonal governments. The authorities attempted to portray the protests as attacks of one national/ethnic group against another, a display of hooliganism, and even terrorism, rather than an expression of citizens' dissatisfaction with the overall socio-economic situation. In addition to arbitrary arrests and police brutality against protestors, media outlets were subpoenaed to hand over all footage of the protests.

In May 2014, BiH was struck by the most severe rainfall ever recorded in the country. The storms caused catastrophic floods and landslides, affecting 60 towns and cities and about 75,000 homes, according to a European Commission assessment. With the devastating consequences to agriculture, small businesses, and public infrastructure, and authorities failing to respond adequately, some communities are still struggling to recover and meet basic needs.

The general elections held on October 12, 2014 brought victory to nationalist parties, but also a reshuffling of the civic-inclined vote. The Social Democratic Party suffered a big loss of votes, most of which went to the newly formed Democratic Front. A coalition gathered under the Serbian Democratic Party challenged the position of the Alliance of Independent Social Democrats (SNSD) in the entity of Republika Srpska (RS), especially in terms of votes for the state parliament. Soon after election results were announced, the online outlet klix.ba published leaked audio of RS Prime Minister Željka Cvijanović talking about bribing two members of parliament to ensure a parliamentary majority for the RS ruling coalition. Police interrogated the website's journalists and threatened them with criminal charges for publishing unauthorized recordings. The pressure peaked on December 28, when police barged into the offices of klix.ba and seized its digital material, documents, and equipment. Meanwhile, the SNSD-led RS government was constituted without disruptions, and Cvijanović was reinstated as the prime minister.

Political interference and an unfriendly business environment still plague the media sphere. Scores for most of the five MSI objectives changed little from last year, and the country's average score of 2.03 is nearly identical to last year's average. The objective related to business indicators scored the lowest (1.58), accentuating the structural features of the business environment—which, combined with a lack of protective fiscal policies, hinder media progress. Recent major events in the country revealed drawbacks related to professional norms, including biased reporting and poor use of background information. Although media laws scored the best (2.56), even showing modest improvement, implementation mechanisms remain flawed, while some important issues, most of all ownership transparency and concentration, remain unregulated.



# BOSNIA & HERZEGOVINA at a glance

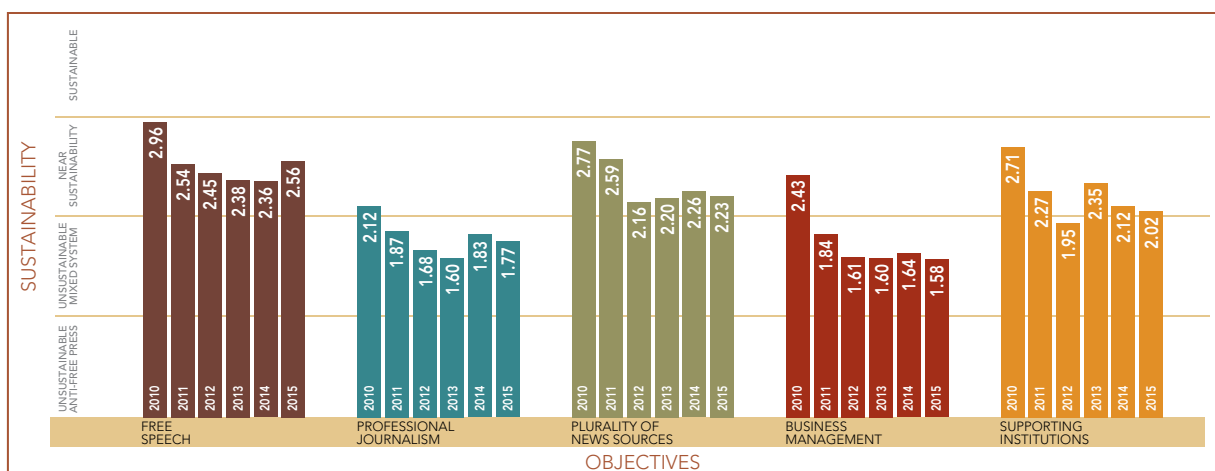
## GENERAL

- > Population: 3,871,643 (2014 est. *CIA World Factbook*)
- > Capital city: Sarajevo
- > Ethnic groups: Bosniaks 48%, Serbs 37.1%, Croats 14.3%, others 0.6% (2000 est. *CIA World Factbook*)
- > Religions: Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14% (*CIA World Factbook*)
- > Languages: Bosnian, Croatian, Serbian (*CIA World Factbook*)
- > GNI (2013-Atlas): \$18.31 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$9,660 (World Bank Development Indicators, 2014)
- > Literacy rate: 98%; Male 99.5%, Female 96.7% (2011 est. *CIA World Factbook*)
- > President or top authority: Members of BiH Presidency: Bakir Izetbegović (since November 10, 2010), Miladen Ivanić (since November 17, 2014), Dragan Čović (since November 17, 2014)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: 9 daily newspapers, 189 periodicals (magazines, publications, of diverse content) (The Press Council of BiH); Radio Stations: 142; Television Stations: 43 (Communications Regulatory Agency)
- > Newspaper circulation statistics: N/A
- > Broadcast ratings: Top three television stations: RTVFBiH (14.10%), OBN (10.12), Pink BiH (9.22%) in November 2014 (Audience Management, as reported by RTVFBiH)
- > 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), Anadolu Agency (owned by Turkish government), Patria (private)
- > Annual advertising revenue in media sector: \$52.3 million in 2014; television: 69.34%, print 12.66%, out-of-home 9%, radio 5%, online 4% (est., Agency Fabrika)
- > Internet usage: 2,188,429 or 57% of the population (Communications Regulatory Agency, 2013)

## MEDIA SUSTAINABILITY INDEX: BOSNIA & HERZEGOVINA



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (increase greater than .10) □ (little or no change) ▼ (.10 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 Objective Score: 2.56

The overall score for the legal framework increased by 0.20 compared with last year. The change might be explained by a few incidental positive cases, rather than systematic improvements. The significant jump for indicator 6 mostly can be attributed to the surprising positive outcome of an appeal in a libel case against journalist Ljiljana Kovačević. Otherwise, progress is lacking. Some missing laws, primarily on ownership, still have not been adopted, and a few policy initiatives threaten to bring retrograde solutions.

As in previous years, the relatively high scores for legal and regulatory frameworks reflect the formal guarantees of media freedom within the constitution and a few commendable laws, such as the Freedom of Information Act and the libel law. However, panelists said that implementation mechanisms are considered relatively weak, the independence of the judiciary is questionable, and public reactions to instances of violations of media freedom are perceived as insufficient.

This year, two legal factors caused additional discontent. The government's development of regulations on media transparency and concentration of ownership has stalled. In addition, a recent initiative for legislative changes, in the form of the Pre-Draft Law on Electronic Communication,

### 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.

First, although the law puts the burden of proof on the plaintiff, courts apply that tenet inconsistently, according to Mehmed Halilović, an associate of Internews. Furthermore, the frequency of libel charges, as well as high compensation for emotional distress if libel is proven, can be an excessive burden for journalists and media.

could prove to be a step backward. The initiative would abandon previous positive developments and possibly limit the powers of the Communications Regulatory Agency (CRA), a state body established under the Law on Communications of BiH. For example, the initiative imprecisely defines the roles that the Council of Ministers and Ministry of Communication would play in working with CRA. This presents the possibility that CRA's authority could be limited. Legislators have been envisioning adopting a new set of rules related to the law, without exploring the option of updating the existing rules. The draft law also includes penalties for violating rules that have not yet been adopted.

Licensing is not used to limit media diversity or silence media. In 2013, media observers began questioning the future independence of broadcast licensing procedures, due to the appointment of CRA council members that are considered highly politically affiliated. However, this year's panelists indicated that the procedure has stayed apolitical, with appointments based on legitimate criteria. However, CRA still suffers from political pressure, and the agency has not appointed a director general after seven years of attempts, due to lack of political agreement. The Council of Ministers of BiH failed to discuss the appointment of the last proposed candidate, Srđan Rajčević. Furthermore, Kemal Huseinović, who performed the duties of general director of CRA for years, resigned on December 11, 2014 for personal reasons. At this point, no one knows when the Council of Ministers will reach an agreement and appoint a new director, panelists said.

With regard to print and online media, the government does not require owners to go through any licensing procedures. Entities only need to register in their respective courts, like any other business.

Media outlets are not subject to restrictions with registration, and they fall under the same market entry regulations as all businesses. Taxation for media outlets is

also equivalent to all other business types. Although political discussions in the 2014 pre-election period involved some talks about differentiated taxation, specific steps in this direction are not expected. Panelists said that print media are in an especially difficult position, with the greatest fall in revenues and without any protective measures from the state.

Media professionals report different kinds of pressures to the Free Media Help Line, a service provided by the Bosnia and Herzegovina Journalists Association. The 2014 count reached 36 cases by December 5. Reported incidents included five physical assaults (one actually involving around 10 different attacks); two death threats; 16 other types of threats and pressure; five cases concerning defamation; and six cases related to labor rights and mobbing.

Those violations mostly came from criminal circles—but more alarmingly, police and state officials instigated some of the incidents as well. The political party SNSD published a “black list” of media: journalists and NGOs labeled as foreign mercenaries and disturbers of constitutional order in RS. The February protests saw several media professionals endure physical attacks. In one incident, a police officer pushed a RTV Slon camera operator that was recording protesters entering the Tuzla Canton building, damaging his equipment and material.

Additionally, courts in Sarajevo and Tuzla ordered the media to hand over all material recorded during demonstrations. The court in Sarajevo specifically addressed several major media: BHRT, RTV FBiH, TV1, Al Jazeera Balkans, *Dnevni avaz*, *Oslobođenje*, *Intersoft* ([www.klix.ba](http://www.klix.ba)), and TV1. Al Jazeera and TV 1 provided already published material, according to phone conversations with TV 1 editor Sanjin Bećiragić and Al Jazeera Balkans public relations manager Melina Kamerić. Bećiragić believes it is problematic that they were not informed on further use of these recordings. Klix.ba editor Jasmin Hadžiahmetović stated in a phone interview that they also provided the court with the material they already edited, and they were pressured to do so by direct threats with a court order. The online magazine *Žurnal* reacted in an interesting manner, calling on the courts to collect all the material they had published concerning corruption in government institutions, education, health system, etc.

Some sources suggest that only 15 percent of offenses against journalists result in rulings against perpetrators, and in 22 percent of cases, investigations are never opened.<sup>1</sup>

<sup>1</sup> Siniša Vukelić, president of Club of Journalists in association of BH Novinari, in article at: <http://www.media.ba/bs/vijesti-i-dogadaji-vijesti/banja-luka-protetni-sastanak-povodom-pritisaka-na-rad-novinara>

Panelists also agreed that there is a pervasive lack of solidarity among journalists, and the wider community fails to react to pressure and attacks on journalists. Some of the panelists said that they are also convinced that journalists are discouraged because of the pressure and because the incriminating media reports they publish are met with indolence from state prosecution bodies. Panelists noted some exceptions to the latter, the major one being an investigation of the director of the Agency for Indirect Taxation after a report published by the Center for Investigative Reporting (CIN).

BiH has three public service broadcasters (PSBs): RTVFBiH, RTRS, and the state broadcaster BHRT (formerly known as RTVBiH). The laws on the Public Broadcasting System guarantee *de jure* independence and institutional autonomy of PSBs. Revenue sources, including license fees and advertising, contribute to their financial independence. However, changes to the law on RTRS, introduced in 2013, enable direct financing through the RS government budget and could be used for further political interference. In addition, the panelists confirmed that some appointments of managerial bodies in PSBs appear politicized. Panelist and secretary of the BHRT board of governors Emir Habul expressed the view that the politicization has become more obvious in the last few years. He commented that party-affiliated people are now on the boards, and ranking criteria are ignored to the point that people are elected that do not meet the criteria but are well connected. In 2013, marginalized by appointments at RTRS, CRA was completely ousted from the procedure, thus paving a clear path for political selections.

In addition to three PSBs, BiH has 12 public television stations (out of 43 television stations overall) and 61 public radio stations (out of a total of 160 radio stations). The broadcasters are founded and financed directly by municipalities and cantons, with no assurances that political loyalty is not a condition of funding. Many panelists expressed the belief that these media are in the service of local authorities, with appointments, discharges, and program focuses subject to their influence.

Libel law falls under the auspices of civil procedures, and while it is considered strong in terms of wording, its implementation drew questions from the panelists. First, although the law puts the burden of proof on the plaintiff, courts apply that tenet inconsistently, according to Mehmed Halilović, an associate of Internews. Furthermore, the frequency of libel charges, as well as high compensation for emotional distress if libel is proven, can be an excessive burden for journalists and media. For example, *Slobodna Bosna* magazine was driven to the brink of closure in November 2014 due to the financial impact of numerous

libel lawsuits (primarily from political actors). Halilović said that some of these lawsuits are a result of journalists' lack of responsibility, but they also indicate indirect or direct pressure on media, given that often the plaintiffs are political figures.

In addition, panelists expressed serious concerns with the ethnic, entity (FBiH or RS), and political biases of the judiciary in libel cases, especially when plaintiffs are public officials. For example, in previous years, Milorad Dodik's libel charges against FTV were judged differently depending on the entity in which the court was based. However, one 2014 court ruling, while not indicating systematic progress, could bolster confidence in the independence of the judiciary and account for the increase in the MSI score for libel. The case was regarding a publicly contested 2013 ruling of the court in Banja Luka against Ljiljana Kovačević for alleged libel in reports about a criminal investigation against the RS president. The ruling, which included compensation of €2,500 for emotional distress, was overturned by the Banja Luka county court in November 2014.

Web hosting companies and Internet providers are not held responsible for the content posted by their users. The panelists did not report any pressures on hosting companies in this regard.

The freedom of information laws at the entity and state levels guarantee free access to information. But implementation is limited and depends on the will of individual institutions and officials, and the affiliations between these institutions and media outlets. MSI panelists shared several examples of denial of information, unwillingness to provide statements, or preferential treatment of some media. Rubina Čengić, editor-in-chief of *Start* magazine in Sarajevo, reported waiting four months for an annex to a contract from the Faculty of Electrical Engineering; the faculty never replied. Sanja Mlikota, a journalist with *bljesak.info* in Mostar, said that the Federal Institute of Public Health refused to assist her outlet. "We tried to get information. We did not get it, and the next day, we saw an article on the same subject somewhere else." She reported similar problems obtaining replies from the city administration.

Preferential treatment also depends on entity fragmentations. Gordana Šarović, director of the Technical Information Center at the RTRS Istočno Sarajevo bureau, said, "We from RTRS have a general problem getting information from federal institutions."

CIN has filed several court appeals against public institutions over being denied requested information. With CIN's success in finally being granted the information, a positive court practice is being established. But public institutions still

Nataša Tešanović, director of ATV television, noted, "A big part of important events in Bosnia and Herzegovina remains uncovered by the media. They may be covered as protocol events or as bare daily reports, but preference is given to politics, day-to-day events, and so-called yellow or sensationalist topics."

hinder access, and the immediate effects are limiting for journalists. Often by the time the court process is over, the requested information has become irrelevant; and unlike CIN, media companies usually do not have the resources to go through relatively lengthy procedures.

Access to news sources is unrestricted. Standards for fair use and protection of authorship rights exist, and are implemented fairly well in the broadcast media (under the authority of CRA). But standards for print media, and online media to an even greater extent, remain problematic. The panelists mentioned several instances of their work being republished without their approval, without adequate attribution, and/or with changes that corrupted the meaning or left out important aspects of the story. CIN journalist Mirjana Popović mentioned a recent example. Just before the 2014 elections, CIN published an article on the financial assets that some candidates have failed to report. Another outlet republished the article but left out the information on Fahrudin Radončić, the leader of the Party for Betterment and the former official owner of *Dnevni Avaz* daily. The regulatory system in broadcasting, and self-regulatory procedures in the print and online media sectors, provide a possibility for recourse for journalists in such cases, but the misuse of their work continues and is still not rare.

Entry into the journalist profession is not restricted or subject to major political influences. Journalists do encounter restrictions in practicing their profession, however. In 2014, a journalist and editor of *Reprezent* magazine reported being prevented from attending events organized by the Velika Kladaša Municipality. Journalists with BN television and Beta agency from Serbia are still denied accreditations for entry in the RS presidential palace. Based on the panelists' experience, more commonly media are restricted through selective invitations to public events. Semina Ajvaz from Džemal Bijedić University gave

an example: “Recently in Mostar, where Dragan Čović was holding a press conference related to coalitions, only certain journalists were invited by telephone... We have a lot of these situations.”

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Bosnia Objective Score: 1.77

After it saw some improvement in 2013, Objective 2 scored around the same as last year at 1.77. This was the second-lowest score among all objectives and below the overall country score. Most of the indicators scored within half a point of the objective score, with only indicator 4 (coverage of key events) an outlier at about three-quarters of a point higher than the objective score.

Often journalists fail to back their reporting with fact-based evidence, sources are unreliable and unbalanced, and there is a lack of distinction between facts and assumptions. Often such faulty reporting results from significant political influence on the media. Ajvaz pointed out that media coverage of the 2014 elections was unbalanced, with certain political actors promoted at the expense of others. This corresponds with the Media Plan Institute’s election campaign monitoring, which found a predominant media bias towards the ruling parties<sup>2</sup> and a failure to provide analytical or critical independent viewpoints.<sup>3</sup>

Within the self-regulatory system monitored by the Press Council, professional ethics are dependent on the responsibility of print and online media, since media are not subject to sanctions for violations of the established Press Code. Television and radio broadcasting fall under the jurisdiction of CRA, which monitors the implementation of ethics codes and regulations. Standards are vastly ignored, however, and broadcast media still succumb to hate speech, one-sided reporting, or even intentional misrepresentation of facts. The “Shadow Report” on the EU integration of Bosnia and Herzegovina states “There is a Code of the Press and codes for broadcasters that require professional media reporting, but these documents do not comply consistently and effectively nor are they equally accepted by numerous media in BiH.”<sup>4</sup>

<sup>2</sup> First preliminary report on media coverage of contestants during the election campaign period, Media Plan Institute, September 2014: <http://www.mediaplan.ba/docs/2014FirstPreliminaryReportEN.pdf>

<sup>3</sup> Second preliminary report on media coverage of contestants during the election campaign period, Media Plan Institute, October 2014: <http://www.mediaplan.ba/docs/2014FirstPreliminaryReport2EN.pdf>

<sup>4</sup> “2014 Alternative Progress Report: Political Criteria,” Initiative for the Monitoring of the EU Integration of Bosnia and Herzegovina, [http://adi.org.ba/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014\\_ENG\\_za-web.pdf](http://adi.org.ba/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014_ENG_za-web.pdf), p. 22, Sarajevo, July 2014

It is even more difficult to set professional and ethical standards in the online sphere, since the number of online media outlets is increasing and many provide no information on the identities of their owners, editors, or journalists. Paired with their biased reporting, the anonymity of such portals leaves a clear impression that they are established with the sole purpose of political promotion.

A striking example of false reporting, which spread from semi-anonymous online portals to mainstream state-owned media, can be found in reports on the mass protests from February 2014. Media were saturated with false information linking the protesters to anything from looting and disseminating drugs to attempting an armed coup d’état. Broadcast media reports, especially by public outlets, favored officials’ positions and portrayed protesters as hooligans or assigned ethnic animosities and connotations to the protests. Although these accusations were quickly proven to be entirely false, none of the media outlets issued official retractions or apologies for misleading the public.<sup>5</sup> Small independent media (such as the online portal AbrašMedia) and local television stations (TV Slon in Tuzla) were the only outlets to report accurately.

Another instance of biased media conduct during the February protests took place in Mostar. The police formed a cordon that prevented protestors from going to the west side of the city, mirroring the wartime ethnic-based separation line. Although this went on for weeks, and occasional cases of police brutality occurred, only a few

<sup>5</sup> “Bosnian media, have we been to the same protests?” Istinomjer, <http://istinomjer.ba/bosnian-media-protests/>

## 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).



independent online media reported on the events, while they received no mention in the mainstream media.<sup>6</sup>

The panelists noted that in the course of the general election campaign, the media failed to impose relevant topics against the regular, unsubstantial political rhetoric. However, they also saw less discriminatory and hate speech than in previous elections. CRA received only 11 complaints during the election campaign, but Asja Rokša Zubčević, head of the CRA Division for Audiovisual Services and International Cooperation in Broadcasting, said that this does not show that reporting is held to professional standards. He said it is more a sign that society as a whole has become more passive and disinterested. The complaints came from political subjects themselves, and half of them were concerned with preferential treatment of certain political entities in the broadcast media (the Election Law of BiH prescribes that the media are obliged to provide fair, balanced, and nondiscriminatory reporting, giving the same amount of time and equal treatment to all political subjects partaking in elections). CRA did not adjudicate these complaints during the election campaign, leading some to conclude that an opportunity was missed.<sup>7</sup>

All of the panelists recognized omnipresent self-censorship in the media as an expected outcome of tight political and financial affiliations. The media tend to side with their political and institutional patrons and simply transmit their messages without adding a critical angle, presenting the other side, or even checking the accuracy of the given statements. Popović noted that journalists also tend to become too amicable with their sources, leading to reluctance to ask sources potentially uncomfortable questions.

Regarding reporting on the most important issues and events, the media offer a large amount of coverage, but very limited quality or plurality of information or insight. Nataša Tešanović, director of ATV television, noted, "A big part of important events in Bosnia and Herzegovina remains uncovered by the media. They may be covered as protocol events or as bare daily reports, but preference is given to politics, day-to-day events, and so-called yellow or sensationalist topics."

On the other hand, Tatjana Sekulić, a web editor at television N1 and the former editor of Klix.ba, the most visited online portal in BiH, pointed out that citizen

reporting has a positive influence on online media. Internet sites receive valuable information from citizens, bloggers, and social media users that would otherwise be ignored in the mainstream media.

All panelists agreed that journalists are underpaid, especially those at commercial and small media outlets. There are large discrepancies between the salaries of high-level managers and journalists, but also between overall salaries of media professionals that work for international media (such as Al Jazeera) and those who work for BiH national media. The pay scale is yet another discouragement from engaging in serious investigative reporting, since journalist salaries do not compensate for the amount of work or stress inherent to this kind of work in the current social and political climate. Due to insufficient compensation, many journalists are forced to work for more than one employer or take additional jobs outside the media sector, which also affects the quality of their journalism work. Financial insecurity can also make them susceptible to corruption, and Sekulić pointed out that newcomers in the profession are often forced to volunteer for months or even years.

Private media and state-owned media still lack financial transparency, according to Čengiđ. One such example is Federal Television; according to its latest audit report, the director set salaries and other compensation arbitrarily and contrary to the internal rules.

The balance between entertainment and news reporting has shifted slightly towards entertainment content, although BiH still has exclusively news-oriented media and the majority of broadcasters do produce news and information content. However, the public interest value of these programs remains questionable without relevant monitoring. News stations such as Al Jazeera Balkans or the recently founded TV station N1 do not succeed in attracting a significant audience. Most BiH viewers remain loyal to entertainment channels and traditional news outlets, as noted by Senad Zaimović, director of the advertising agency Fabrika. The proliferation of online media has also contributed to this shift, since they mostly focus on entertainment content, due to its commercial profitability.

Technical resources for media production and broadcasting are still scarce and insufficient, especially at state media and small, local media. Boro Kontić, director of Mediacentar Sarajevo, said that public television broadcasters lag behind major private media in terms of signal quality. Small media outlets face even bigger challenges, given their lack the financial resources to provide even the basic equipment, said Reuf Herić, a representative of the Association of Private Radio and Television Stations and director of Radio Q in Visoko.

<sup>6</sup> "2014 Alternative Progress Report: Political Criteria," Initiative for the Monitoring of the EU Integration of Bosnia and Herzegovina, [http://adi.org.ba/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014\\_ENG\\_za-web.pdf](http://adi.org.ba/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014_ENG_za-web.pdf), p. 20, Sarajevo, July 2014

<sup>7</sup> Third Preliminary Report on Media Coverage of Contestants during the Election Campaign Period, Media Plan Institute, October 2014, <http://www.mediaplan.ba/docs/2014FirstPreliminaryReport3EN.pdf>

The panelists pointed out that BiH media produce little or no investigative journalism. Most outlets are still highly dependent on political will, with poorly skilled and paid journalists and media owners more interested in sensationalist stories than quality reporting. Asja Rokša-Zubčević said, "There are almost no examples of investigative journalism, since this kind of journalism primarily requires a financial foundation and political independence."

One of the very few exceptions is CIN, an organization based on grant funding that allows thorough research of the topics it covers. Recently published stories include a report on the thermal power plant in Tuzla, which fails to comply with the regulations and thus endangers the health of citizens in the local community; unequal access to health services in the country; FBiH ministers' misuse of public funds for personal accommodations and expenses; and a series of reports on the registered and unregistered properties of state officials.

In contrast, BiH media cover general topics randomly, superficially, and without follow-through. As Sekulić indicated, "Journalists who try to report impartially and freely are often targeted by political and other groups, and attacks on journalists are not uncommon, either." While some journalists lack the time and financial or professional support from their editors, others lack the professional skills required to produce quality reporting. A rising trend in the industry is hiring reporters that are improperly trained, uneducated on professional standards and journalistic ethics, inadequately informed about the topics they cover, and unaware of what the role of the media should be in a democratic society.

The panelists were unanimous that BiH media do not provide any kind of specialized programming or profound insight on many topics or areas. The number of journalists that are experienced and specialize in certain topics is on the decline, as media owners prefer the greener and cheaper workforce. Online media are particularly prone to this hiring policy, sacrificing quality and professionalism for the sake of producing more material at a lower cost and higher speed. Habul pointed out that having correspondents for specific areas was well established within the editorial boards of pre-war BiH media, but this is no longer the case. Editorial boards are downsized continuously in order to cut down costs. Journalists are expected to cover a multitude of topics without going into depth on any of them.

## OBJECTIVE 3: PLURALITY OF NEWS

Bosnia Objective Score: 2.23

The score for this objective is about the same compared with the previous year, moving from 2.26 to 2.23. Coverage of minorities (indicator 7) remains the lowest-rated indicator, followed by indicator 3 (independence of public/state-owned media) and indicator 6 (transparency of ownership); all scored about three-quarters of a point lower than the objective score. Indicator 2 (citizen access to media) scored almost a full point higher than the objective score.

BiH does have a plurality of media sources of different types and profiles. There are currently three public service broadcasters (each including one television and one radio station), 43 television stations,<sup>8</sup> 160 radio stations,<sup>9</sup> nine dailies, and more than 100 different kinds of magazines, as well as a multitude of online media.

However, the media sphere lacks a plurality of viewpoints, especially at the level of individual media outlets. Rokša-Zubčević emphasized: "I wouldn't exactly say we have true plurality. In a good number of cases, we have three truths for the same thing when we go through the media." Other panelists agreed, concluding that media consumers

<sup>8</sup> Licensees for Television Broadcasting; Licensees for Television Broadcasting over other Electronic Communication Networks, CRA documents, <http://rak.ba/eng/index.php?uid=1276851773>

<sup>9</sup> Licensees for Radio Broadcasting, CRA document, <http://rak.ba/eng/index.php?uid=1276851773>

## 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.

would need to regularly follow and compare several media sources to get a comprehensive picture incorporating different views and perspectives.

The use of social media, including sharing news, remains widespread. Facebook is the most visited site on the Internet, while YouTube comes in third.<sup>10</sup>

BiH laws impose no obstacles to media access, either in terms of bans or restrictions on specific media or obtaining technical equipment such as satellite antennas. However, economic disparity remains a restricting factor. The panelists indicated that many people cannot afford subscriptions to television distributors, let alone daily access to print media outlets. Basic cable packages cost around €12 per month, while the average subscription to print editions of daily newspapers is around €15 a month, or half a Euro per copy. This is a considerable cost in a country in which the average salary is €417 per month. Although the number of cable companies is rising, they offer only preselected channels in their packages, and users can only choose between the packages, not which specific channels they will get.

According to the latest CRA survey, the overall number of users of IPTV packages and bundles rose from 207,804 in 2012 to 314,422 in 2013.<sup>11</sup> This amounts to 27 percent of all households in BiH (according to preliminary results of the 2013 census).<sup>12</sup> CRA's internal research shows a different result, with the number of users rising from 141,320 in 2012 to 219,336 in 2013.<sup>13</sup>

Rokša-Zubčević pointed out that rural and urban areas are not covered equally with Internet, cable, IPTV, and similar infrastructure. As a result, the rural, older, and less educated demographics have much less exposure to a variety of media outlets. For example, although access to IPTV is rising even in rural areas, it is still not distributed equally, so rural areas get their information mostly through local media and major state-owned media.

Ajvaz also pointed out that even the entity public service televisions are not distributed evenly in the entire territory of BiH. However, the television audience's predisposition to choose its news sources based on the territorial/ethnic

division is a bigger problem, as it limits awareness of events and perspectives from other parts of the country.

The independence of state-owned media rated among the lowest of all indicators for Objective 3. The score was due to the panelists' sense that state television outlets mostly serve political party interests, rather than the interests of citizens and the public in general, and are not open to alternative or critical viewpoints. The Media Integrity Matters study found state-owned media to be heavily influenced by the political elites, primarily reflected through "politicized procedures for the appointment of management structures."<sup>14</sup> Sekulić noted that state media's politically biased reporting has instigated a widespread boycott of public television subscriptions, with many citizens refusing to pay the subscription fee. An ongoing dispute about whether the needs of Croats in BiH are represented well enough in the existing PSB system further contributes to the low collection rate. Croat political leaders have argued for establishing a new public broadcaster in the Croatian language, while some analysts, according to the Media Integrity Matters report, "point out that the issue of a fourth broadcaster is based on ethno-national populism rather than on the consideration of actual needs." In addition, media experts question financial and administrative feasibility and call for rationalization of the system, partly through the establishment of a corporation. In the meantime, discourse of the Croat political elites in BiH has had dire effects on the functioning of PSB, given that it dramatically lowered the rate of license fee collection among Croats in BiH.

Ajvaz said that state television station BHT offers more balanced and objective reporting than the entity stations, but has significantly lower ratings. The panelists also expressed the belief that the quality of public broadcast content is insufficient, especially given the lack of educational programs.

The media have fewer and fewer financial resources to afford news agency services, especially from international agencies. Instead, some outlets steal this content and do not provide proper credit.

Currently, BiH has eight different agencies, including two public, three private, one owned by the Turkish government, and two owned by religious communities. Patria, the newest agency, was founded in 2014 and provides services free of charge—but its credibility has been questioned. Kontić noted that an analysis outlined a political agenda behind

<sup>10</sup> Alexa rankings for Bosnia and Herzegovina, <http://www.alexa.com/topsites/countries/BA>, accessed on 22 December 2014.

<sup>11</sup> Annual Survey of CRA Internet Service Provider Licensees in Bosnia and Herzegovina for 2013 (Godišnja anketa korisnika RAK dozvola za pružanje internet usluga u Bosni i Hercegovini za 2013. godinu), CRA document, <http://rak.ba/bos/index.php?uid=1272548201>

<sup>12</sup> Preliminary results of the 2013 Census of the Population, Households and Dwellings in Bosnia and Herzegovina, Agency for Statistics of BiH, [http://www.bhas.ba/obavjestenja/Preliminarni\\_rezultati\\_bos.pdf](http://www.bhas.ba/obavjestenja/Preliminarni_rezultati_bos.pdf)

<sup>13</sup> Assessment of the State of the Telecommunications Market in BiH 2013 (Ocjena stanja tržišta telekomunikacija u BiH 2013), CRA document, <http://rak.ba/bos/index.php?uid=1339152712>

<sup>14</sup> Media Integrity Matters: Reclaiming Public Service Values in Media and Journalism, Peace Institute, Ljubljana, Slovenia, 2014; p. 152. [http://mediaobservatory.net/sites/default/files/media%20integrity%20matters\\_za%20web\\_FINAL.pdf](http://mediaobservatory.net/sites/default/files/media%20integrity%20matters_za%20web_FINAL.pdf)

the news agency.<sup>15</sup> Another indication of political bias in news agencies emerged during the February protests, when some factually false reports from private and state-owned agencies<sup>16</sup> were transmitted by media that use their services.

Private media produce their own news, although the scope and quality of such content depends primarily on their capacities and resources. Rokša Zubčević said, “Most television stations broadcast a primetime news program, as well as several brief news overviews during the day... On the other hand, some private stations only broadcast brief news overviews, mostly made up of agency news. Some television stations broadcast news in the form of an announcer reading the news, followed by several, if any, features or live reports.” Sekulić explained that some private media might be in a position to publish more balanced news, but generally they are not considered independent from major political powers. Herić pointed out that commercialization hinders the quality of private media news programs.

Scores assessing the transparency of media ownership were lower than last year as well, mainly due to a rise in the number of anonymous online portals that provide no information on their ownership, editorial boards, or even the identity of their reporters. The panelists said that the Patria agency is a particularly worrisome example of a non-transparent ownership structure. Zaimović emphasized that, for these reasons, it is imperative to establish a standard for media registration and media ownership transparency that extends to news agencies.

Rokša-Zubčević pointed out a similar ownership problem with cable providers. The Council of Competition of BiH is currently investigating several cases on concentration of cable companies. However, the panelists indicated that the council will likely not be able to reach a unanimous decision, and thus the issue will remain unresolved.

BiH remains without a legal registry of online media. An additional cause for concern—and perhaps the main reason why the score for transparency of ownership fell—is that state authorities failed to initiate any major policy changes in 2014 concerning transparency of ownership. A study published this year concluded, “The concentration of ownership has been completely unregulated since 2006, when the Rules on Media Concentration and Ownership of Electronic and Print Media (adopted in 2004) expired.

Relevant institutions did not show significant interest in developing proper policies in this regard.”<sup>17</sup>

The ethnic fragmentation of BiH society is reflected in the media. Public broadcasters are obligated to cover certain groups, such as refugees and displaced persons, ethnic/national minorities, and vulnerable groups<sup>18</sup> and to provide educational and children’s programming. But panelists said that the level of fulfillment and the content quality are questionable. As Kontić indicated, media reports exclude most groups of citizens as political or social subjects and focus on the three “constituent peoples.” Čengić noted that minorities are either not covered by the media, or are covered in a repetitive and stereotypical manner. Constituent peoples that live in territories where they are demographic minorities receive similar treatment. Broadcast media offer no programs in the languages of national minorities.

Tešanović noted that the media are not doing enough to establish the use of gender sensitive language. Other panelists indicated that sexual and gender minorities are largely underrepresented in the media, including the state-owned broadcasters, while the representation of women in the public sphere and media also remains limited and perpetuating of stereotypes.

Content that accommodates the needs of certain citizens is rare, but Rokša-Zubčević noted an exception: “In the Kotor Varoš and Konjic regions, there are stations that broadcast news and information programs adjusted for people with hearing difficulties.” Overall, the media needs to better portray diversity, and media professionals improving their education is a prerequisite to regular reporting on minority issues, panelists said.

With the exception of a few thematic shows on state television stations, state-level and entity-level public media cover local news inadequately. Local media fill the gap to some extent, but their resources are limited. As a result, often public media resort to “copy-paste” journalism—reporting on large-scale events covered in other media, rather than producing their own content. Herić pointed out that local media do produce news related to their communities, but frequently local politics influence media outlets, affecting the quality and credibility of their work. The same is true of online portals focused on local news, although some locally oriented blogs and portals provide

<sup>15</sup> The panelist here refers to the article “Media Quarrel in the SDA Family” (Medijska svada u SDA porodici) by Paulina Janusz, published 5 October 2014, Mediacentar online, <http://www.media.ba/bs/mediametar/medijska-svada-u-sda-porodici>

<sup>16</sup> “Bosnian media, have we been to the same protests?,” Istinomjer, <http://istinomjer.ba/bosnian-media-protests/>

<sup>17</sup> Media Integrity Matters: Reclaiming Public Service Values in Media and Journalism, Peace Institute, Ljubljana, Slovenia, 2014; p. 123 [http://mediaobservatory.net/sites/default/files/media%20integrity%20matters\\_za%20web\\_FINAL.pdf](http://mediaobservatory.net/sites/default/files/media%20integrity%20matters_za%20web_FINAL.pdf)

<sup>18</sup> “Living Diversity: Assessment of Needs Related to Treatment of Diversity in Media Content” (Živjeti različitosti: Procjena potreba u pogledu tretmana različitosti u medijskim sadržajima), Media Centar Sarajevo, May 2013; p. 5, URL: [http://www.media.ba/sites/default/files/procjena\\_potreba\\_mediji\\_i\\_razlicitosti\\_u\\_bih\\_final\\_20.06.13.pdf](http://www.media.ba/sites/default/files/procjena_potreba_mediji_i_razlicitosti_u_bih_final_20.06.13.pdf)

a more critical and independent perspective. Media cover most major state-level events, although the coverage, as noted earlier, might be highly dependent on the political background of the outlet in question.

Generally, news on international events is available through domestic and international media outlets. However, regional media outlets such as Al Jazeera and N1 still have a limited audience reach.

## OBJECTIVE 4: BUSINESS MANAGEMENT

Bosnia Objective Score: 1.58

Media business operations scored the lowest of the five MSI objectives. The media sector is stagnating due to a highly unfriendly business environment. Media companies generally welcome the entrance of foreign capital through regional television stations, but those business operations stand in stark contrast to the grim conditions at most domestic media. There were no indicators that stood out as performing significantly better than the rest; all indicators scored within half a point of the objective score.

Only a few larger media outlets are truly self-sustainable enterprises, while the majority of media are on the brink of bankruptcy. This is a result of structural shortfalls that individual workmanship can hardly overcome, but some media suffer additionally from a lack of human capacity and expertise in business planning, marketing, and financing. The overall picture on business operations is somewhat improved by the founding of new television broadcaster N1 (a regional partner of CNN, with offices in Zagreb, Sarajevo, and Belgrade) as well as Al Jazeera Balkans.

Public media, especially three public service broadcasters, are believed to be organizationally inefficient. Zaimović underscored the look of their “mastodon-style buildings,” noting that their expenses are 98 percent, while just two percent of their budgets go to programming. The panelists also indicated that ethnic and political fragmentation further corrupts the market and restricts business operations.

Public service broadcasters face difficulties collecting their license fees. Collections in 2012 were around €29.31 million—less than 74 percent of the invoiced amount, and 5 percent less than in 2011. Panelists said that some believe that the public service broadcasters’ dependence on commercial income jeopardizes their public service role, while putting private media in a more difficult position. Approximately 20 percent of PSB revenue comes from advertising—and the percentage climbs to almost 40 percent for FTV. Other types of revenue, as along with

media owners’ business ties to other industries, can also compromise media integrity.

Generally, media lean on just a few sources of revenue, putting centers of power in a position to influence, if not directly interfere with, editorial policies. Government institutions have been becoming more relevant revenue sources in the past few years, amid the backdrop of faltering advertising and fading donor support. Government funds include direct financing of local public broadcasters, advertising and other contracts with media (for coverage of certain events), and some donations (mostly by the RS government in previous years). Panelists said all of these funds are seen as possible instruments of political control, especially due to questionable selection criteria, lack of financial transparency, and little assurance of editorial independence.

A few relevant online media outlets are entirely dependent on donor support, to the extent that some have completely abandoned advertisements.

The BiH advertising market is underdeveloped and suffering losses, due to the economic crisis and the flow of revenue into foreign markets. The advertising agency Fabrika has estimated that overall revenues for advertising (including outdoor and media placements) do not exceed \$52 million. Fabrika assessed this as vastly insufficient for normal functioning of all BiH television, radio, print, and online media.

Leading advertisers include international companies such as Henkel, P&G, Coca-Cola, and Beiersdorf, which base their advertising practices on available, although limited,

### 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.



market indicators. Domestic advertisers (with two public telecommunication companies being the main example) are believed to hold close ties to political parties. Furthermore, some reports have identified corruption in advertising practices, including inadmissible dumping of prices based on personal affiliations, boosting of prices, money laundering, and drawing money from public companies and government bodies into private pockets and loyal media and agencies.<sup>19</sup>

The May 2014 floods also damaged the advertising market, leading international companies to withdraw ads in order to avoid the appearance of trying to capitalize on tragedy. That led to intense pressure on media companies competing for a share of the budget at any cost. Local media generally are not attractive to major advertisers, and the local print media sector has seen the greatest fall of revenue in recent years.

Foreign agencies with domestic offices dominate production of advertising content as well as mediation in securing advertising contracts. "They [foreign agencies] open their office from neighboring countries, or they hire one person and run the business from above and they don't need anything here," Zaimović said. He also commented that the position of domestic advertising agencies is worsening, leading to closures of local agencies. Only a few major news portals can generate significant advertising revenue, while others can hardly finance the work of journalists, he said.

Advertising on public broadcasting stations is limited to six minutes per hour, but some media members say that this does not provide sufficient protection for commercial media, given that local public media receive funds from local governments and are thus in a position to distort advertising prices. This system makes it impossible for commercial rival media to compete on an equal basis. In 2013, lawmakers introduced changes to the Code on Commercial Communication that lowered the limit to four minutes per hour for public media. Concern arose from within and outside the media community that the changes would further jeopardize the financial sustainability of public service broadcasters. The decision was finally overturned at the beginning of 2014.

Private media depend predominantly on advertising revenue, and the quality of news content is secondary to the imperative of commercialization and the interests of advertisers and owners, panelists said. The sector of non-profit media (which are denied the right to advertising income) remains underdeveloped, with only three registered radio stations financed by religious institutions and humanitarian organizations.

<sup>19</sup> See more in Media Integrity Matters, at [http://mediaobservatory.net/sites/default/files/bosnia%20and%20herzegovina\\_0.pdf](http://mediaobservatory.net/sites/default/files/bosnia%20and%20herzegovina_0.pdf);

For several years, the RS state government provided donations to different media, despite perceptions that the assistance served as an instrument of political control. The practice ceased in 2013 due to budgetary constraints, but the grip over media has not loosened since.

While public local media in BiH are financed directly from municipal and cantonal governments, government institutions also provide funding for media through advertising contracts, contracts for coverage of government work, specific events and projects, and so forth. There are no exact data, but some sources suggest that funding for local public media in 2012 was only around €7.87 million.<sup>20</sup>

Only the larger media outlets can afford to tap audience research for their business planning. Adnan Osmanagić, director of the leading private radio station, Radio Old Town, reported in a phone interview that the station's program planning is based on regular audience data, now provided by Ipsos. However, the media research available in BiH does not cover all media sectors. Print media managers, in particular, have never shown much interest in participating in such research. Television audience measurement is methodologically the most advanced, based on people meters. But since 2011, some media members have expressed doubts about its reliability.

Online media outlets commonly use Alexa and Google Analytics. Only some of them use Gemius Audience research data, even though it is the only company of the three to provide valuable inputs on audience demographics. Herić said that aside from financial limitations, media do not buy research data because media managers often see it as a financial loss rather than an investment.

The score for reliability of audience data dropped significantly compared with last year, and is the lowest among all scores related to the media sector. Controversies leading to the data provider for the television sector changing, along with the breakdown of the Association of Media Industry (UMI), explain the fall.

UMI had functioned since 2006 as the owner of audience data and was composed of representatives of media outlets and advertising agencies, while Mareco Index Bosnia provided audience research. However, in recent years, disagreements swirled among UMI members, involving accusations of compromised data tailored to suit the needs of particular media players. Finally, in 2013 UMI lost its role, and at the same time, the new audience data provider

<sup>20</sup> Hadžović, "Majmuni na javnom servisu," MC Online, July 3, 2013. Article available at: <http://www.media.ba/bs/magazin-medijska-politika-regulativa/majmuni-na-javnom-servisu>

Audience Measurement (AM) entered the market. The Agency of Metrology of Bosnia and Herzegovina introduced a new requirement for certifying measurement equipment, while authorizing a laboratory—owned by the same group as AM—to issue licenses. While seemingly putting AM in a preferential position, AM reported that it did not prevent any provider from verifying its equipment inside or outside of BiH, in accordance with relevant regulations (according to an October 2014 letter by AM).

Only about a dozen media and advertising agencies are currently purchasing AM data, and Mareco Index Bosnia finally stopped providing data in April 2014. There is also a fear among media members that the strongest actors in the market are in a position to influence audience data, without any umbrella association to balance their particular interests. Because of these complications, Zaimović expressed pessimism about the future of the advertising market. “Now it’s a boat sailing in stormy seas,” he commented. “When the research falls, this market will become a junk market and all advertisers will withdraw.”

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bosnia Objective Score: 2.02

The score for supporting institutions fell slightly this year compared with its 2014 score of 2.12. The score for indicator 2 (journalist associations) suffered a significant fall but stayed above the country average. All indicators were clustered within half a point of the objective score.

BiH has several media associations, including the Association of Electronic Media, the Association of Private Radio and Television Stations, and the Association of Local Broadcasters of the Republika Srpska. The government does not restrict their operations. Association activities generally go unnoticed—although Herić, a member of the Association of Private Radio and Television Stations, said that the association is fully functional and is now engaged in advocacy related to media policies.

As some panelists observed, even when associations are active, they advocate for differing interests. Asja stressed that according to CRA’s experience, broadcasters’ associations do not agree on minimum common interests. For instance, the industry was divided on recent changes to the advertising limit for public broadcasters, depending on particular business interests rather than the assessed benefit of the sector as a whole. Now, UMI has completely lost its role in commissioning market research, and currently the market has no actors tasked with balancing particular interests.

At least four journalist organizations are registered: BH Journalists, Association of Journalists of the Republika Srpska, Association of BiH Journalists, and Association of Croat Journalists from BiH. Some of these associations issue occasional statements concerning violations of media freedom, but beyond that rarely engage in substantial activities. These associations also have not displayed any positive steps to overcome their fragmentation by ethnicity and entity. The professional community shows greater solidarity only in rare cases. A recent example was the industry’s reactions to pressure on the online media outlet klix.ba. Reacting to this case, recent threats to the editors of the website tacno.net, and a variety of past violations of media freedom, Association BH journalists organized gatherings in several cities across BiH. At the beginning of 2015, the association articulated demands for institutional resolution of specific cases and overall improvement of media freedom, and announced a fierce fight for media freedoms in 2015.

Over the years, panelists have mentioned BH Journalists as the most active association, with a membership across ethnic and territorial lines. It offers legal support to journalists exposed to pressure (through the Free Media Help Line), reacts to violations of journalists’ rights and media freedoms, and conducts some research on the media sector.

The law and the constitution guarantee the right to trade union organization. Although unions do exist, with an estimated 15 percent of BiH journalists as members,<sup>21</sup> they

<sup>21</sup> Balkan Media Barometer, 2011.

### 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.

are fragmented along entity lines and widely believed to be inefficient in protecting journalists' rights.<sup>22</sup> The drop in score for this indicator seems to be a result of past experience, rather than the outcome of any new issues.

Popović mentioned a few experiences in which CIN expected but did not receive association support. For example, last year CIN announced intern vacancies and attempted to publicize the posts through associations and universities, but these channels did not share the vacancy notices. He said that this had a discouraging effect on CIN's cooperation with associations.

As in previous years, the panelists assessed that NGOs lack sufficient dedication and power to protect media freedom. Rather than offering consistent support, NGO support is project-based, fleeting, and dependent on current thematic focus. The panelists only singled out a few organizations, including the Helsinki Committee for Human Rights, Transparency International, and Helsinki Citizens' Assembly Banja Luka, for their reactions to violations of media freedom. The slight improvement of the score for NGO support might stem from resonance of the successful engagement with civil society organizations in 2013. That engagement resulted in stopping detrimental changes to the Freedom of Information Act, after around 200 comments were submitted during public consultations. No similar cases took place in 2014.

Six universities provide journalism and communication education: the private College of Communication in Banja Luka; the public universities in Banja Luka, Tuzla, Sarajevo, and Istočno Sarajevo; and the two public universities in Mostar. The overall impression is that formal education does not ensure sufficient general knowledge or practical journalistic skills. However, Ajvaz stressed that practical training is included increasingly in the curricula, and at one specific university, a semester-long internship is required. It is common for students to work on media projects during their studies. For example, at the University of Tuzla, journalism students have an opportunity to engage in production of a student journal. *Karike* magazine and the website novinar.me are both edited by journalism students from different parts of BiH. The online magazine e-trafika started in 2011 as a student project, but was later included in several projects supported through donor grants.

Amid flagging donor support, the number of short-term training for media professionals has decreased in the past few years. Only a few organizations still offer classes; Mediacentar Sarajevo is the only one that the panelists

mentioned. A few panelists noted also that media managers show less readiness to allow their journalists to participate in additional education.

Lately, Mediacentar has been oriented toward journalism students, offering several training sessions per year. During 2014, these included two courses within the USAID-funded Supporting Independent Media program (training in online media production, with internships at online media outlets across BiH, as well as training in social networks, tools, and online media), as well as several classes supported by MATRA (education camp on data journalism; several workshops on open data, proactive transparency, and data journalism for media, NGOs, and students of journalism).

Internews in BiH has been providing training in media law, in cooperation with several universities. BH Journalists, Press Council, and occasionally the Sarajevo Open Center, the Youth Journalist Association, or the organization KULT also will offer some training.

The government places no restrictions on access to material and equipment for media production, and the sources of equipment and printing facilities are apolitical. Even in cases of common ownership over media, printing houses, and distribution channels, there are no reports of monopolistic position or prevention of media pluralism, given the multitude of printing options. Some panelists pointed to a lack of quality printing as an ongoing problem.

Channels of media distribution are free of state control and obstruction, and a number of broadcasting distributors operate in different parts of BiH. The increased penetration of IPTV in recent years gives citizens more choices, as well. There have been a few reports of violations of distribution regulations, but they are rare and no such cases were registered this past year.

The possibility of future concentration in broadcasting distribution raised some concerns among the panelists. The broadcasting distributor Telemach (a part of United Group, which also includes Telemach of Slovenia, SBB from Serbia, and Total TV) is interested in buying several cable distributors in BiH (BHB cable, HS, M&H Company, Velnet and Vrbas Cable Television Network). Such a buyout might lead to a monopolistic position. The Competition Council is now in the process of evaluating whether the case involves violation of the competition law. Given that United Group also owns the new regional N1 news channel, questions may arise on whether competing channels could be excluded from its offer.

Distribution, especially in the print media sector, is limited by ethnic fragmentation of readership. Distribution channels are owned privately. Čengić indicated that she witnessed

<sup>22</sup> See, for example, Izvještaj o stanju medijskih sloboda u BiH u 2011. godini (Report on the State of Media Freedom in BiH in 2011). Sarajevo: Press Council /Association "BH Journalists," 2012.

some problems in timeliness of magazine distribution across entity lines, but no intentional obstruction has been reported.

Two telecommunication companies, BH Telecom and HT Eronet, are state-owned, while Serbian Telecom owns Telekom Srpske. In the past, reports have cropped up on some telecommunication companies' monopolistic behavior, but the panelists expressed no similar accusations this year.

Constant improvements of ICT infrastructure are keeping up with the needs of the media industry. Internet penetration is increasing rapidly, with broadband Internet reaching larger territories, including rural areas. BiH has four IPTV providers, with one distributing through the mobile phone network. Providers increasingly offer Internet, television, phone, and IPTV packages, giving citizens more options than ever before.

However, continuous politicization in the broadcasting sector, along with an unwillingness to enable progress toward the digital switchover, caused the score for ICT infrastructure to drop since last year. The digitalization strategy was enacted more than five years ago, and an action plan was prepared in 2012, but it has not been adopted to date. The government has purchased equipment for PSBs' digital transmission, but it was not installed at all three PSBs in 2014. The deadline for switchover to digital broadcasting, set by the International Telecommunication Union for June 17, 2015, will most likely not be met. Beyond that date, broadcasters will not be given an opportunity for uninterrupted and quality broadcasting.

## List of Panel Participants

**Asja Rokša-Zubčević**, director, Division for Audiovisual Services and International Cooperation in Broadcasting of the Communications Regulatory Agency, Sarajevo

**Boro Kontić**, director, Mediacentar Sarajevo, Sarajevo

**Emir Habul**, secretary of the board of governors, BHT, Sarajevo

**Gordana Šarović**, director, Technical Information Center, RTRS Istočno Sarajevo bureau, Istočno Sarajevo

**Mehmed Halilović**, media law expert; associate, Internews BiH, Sarajevo

**Mirjana Popović**, journalist, Center for Investigative Journalism, Sarajevo

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

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

**Sanja Milkota**, journalist, bljesak.info, Mostar

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

**Senad Zaimović**, director, Fabrika advertising agency, Sarajevo

**Tatjana Sekulić**, web editor, Television N1, Sarajevo

*The following panelists submitted a questionnaire but were unable to attend the panel discussion:*

**Borka Rudić**, secretary general, Association of BH journalists, Sarajevo

**Nataša Tešanović**, director, ATV, Banja Luka

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

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*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 or of other associated institutions.*



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*Unlike the elections of 2013, the mainstream media did not attempt to manipulate the voting process and instead provided citizens with pluralistic and reliable information about the political processes.*



# BULGARIA



In 2014, the Bulgarian media played an active role in an intense political year marked by two elections campaigns, the resignation of Prime Minister Plamen Oresharski's Socialist led-government in July, and lengthy negotiations to a new cabinet. Unlike the elections of 2013, the mainstream media did not attempt to manipulate the voting process and instead provided citizens with pluralistic and reliable information about the political processes.

The collapse of one of the largest Bulgarian banks, Corporate Commercial Bank, led to significant shifts in the media landscape, as the bank was involved with the direct and indirect financing of a media empire including two television channels, a number of newspapers, and online publications. The advertising market, together with the Bulgarian economy as a whole, has continued to stagnate, bringing the majority of media outlets to the brink of financial collapse. The advertising market itself lacks transparency, with corporate and government funding becoming the major source of revenue, which is eroding the financial independence of media. Moreover, the two largest commercial television stations in Bulgaria, bTV and Nova TV, entered into a bitter war over pricing and ratings, damaging the advertising market across the board.

Aggression against journalists has become more commonplace in 2014 with a number of reporters from different outlets suffering threats, harassment by public figures and institutions, or violent attacks. In a hostile takeover bid, a private security company attacked and briefly took the premises of TV7. The journalists stood their ground and managed to keep control of the station. Their former colleague, also the head of the Bulgaria without Censorship party and a current Member of European Parliament, is believed to be behind the attack. However, the media and artistic community organized massive protests and succeeded in forcing the resignation of a controversial figure recently appointed as the head of parliament's Committee on Media.

Finally, with Russia's annexation of Crimea, the Ukrainian crisis and the "information war" between Russia and the EU has led to the appearance of numerous aggressively pro-Russian websites in Bulgaria and to active trolling with openly anti-European content on social media.

The most visible media-related developments in 2014 are the rapid growth of a viable new and social media landscape, increased citizen activism online, and the professional sustainability of some of the leading mainstream broadcast media, which still provide news to most Bulgarians.

Bulgaria's overall MSI score remained nearly unchanged. Importantly there was a visible, if modest, improvement in the legal and social environment for free speech and access to public information. This improvement was offset by small drops in score of the other four objectives.

# BULGARIA at a glance

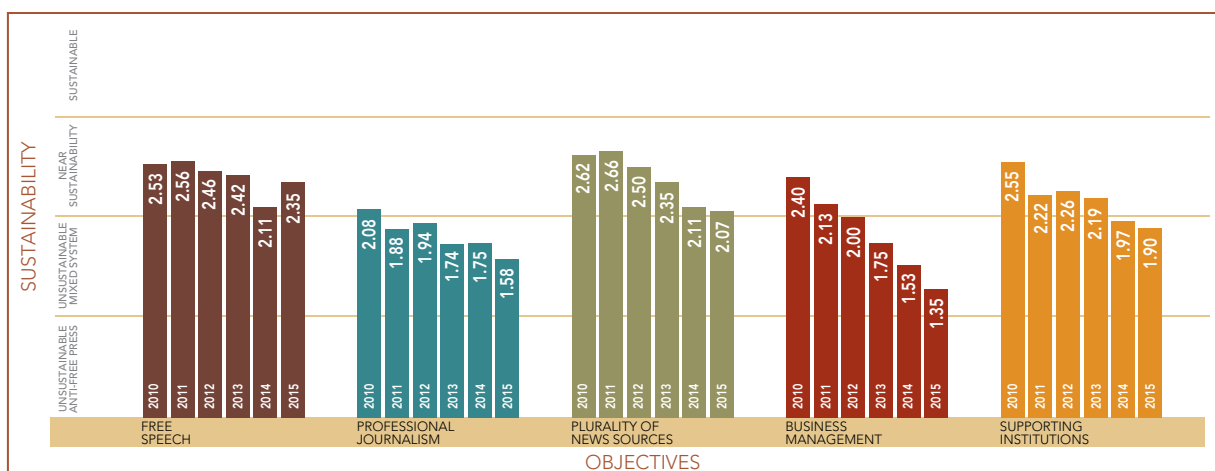
## GENERAL

- > Population: 6,924,716 (July 2014 est. *CIA World Factbook*)
- > Capital city: Sofia
- > Ethnic groups (% of population): Bulgarian 76.9%, Turkish 8%, Roma 4.4%, other 0.7% (including Russian, Armenian, and Vlach), other (unknown) 10% (2011 est. *CIA World Factbook*)
- > Religions (% of population): Eastern Orthodox 59.4%, Muslim 7.8%, other (including Catholic, Protestant, Armenian Apostolic Orthodox, and Jewish) 1.7%, none 3.7%, unspecified 27.4% (2011 est. *CIA World Factbook*)
- > Languages: Bulgarian (official) 76.8%, Turkish 8.2%, Roma 3.8%, other 0.7%, unspecified 10.5% (2011 est. *CIA World Factbook*)
- > GNI (2013-Atlas): \$53.46 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$15,210 (World Bank Development Indicators, 2014)
- > Literacy rate: 98.4%; male 98.7%, female 98% (2011 est. *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: 307 newspapers; Radio Stations: 83; Television Stations: 103 (National Statistics Institute 2014)
- > Newspaper circulation statistics: Total annual circulation: 324,310,000 (National Statistics Institute 2014)
- > 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: \$180 million (Bulgarian Association of Communication Agencies, 2013)
- > Internet Usage: 53.7% of the population (National Statistics Institute, 2014)

## MEDIA SUSTAINABILITY INDEX: BULGARIA



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (increase greater than .10) □ (little or no change) ▼ (.10 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: 2.35

Indicators measuring the legal and social norms protecting and promoting free speech and access to public information are traditionally among the highest rated segments of the Media Sustainability Index in Bulgaria. In 2014, this is one of two objectives scoring above a 2.00; however problems with the fair implementation of the relatively good regulatory framework persist.

“Freedom of speech is guaranteed in the Constitution and the broadcast law additionally guarantees that freedom through specific texts. The legal framework is harmonized with the EU requirements,” said media expert Ivo Draganov. “Bulgaria is an example of a relatively good legislative framework that works badly. In theory, all legislative attributes are in place, but in practice they are ‘disemboweled’ by business interests and network influences. Everything can be put in question; everything can be doubled and put in question—ethical codes, ethical commissions, journalist reputations. For these reasons the legislative framework can be given a high score, but its implementation—not,” said BNT host Boyko Vassilev.

Media analyst Nicolette Daskalova noted a positive legislative change that happened in 2014—the new rules

“The problem is that there isn’t a high social sensitivity toward the work of journalists. Partially this is also a matter of context—quite often the media owners and the journalists use the term ‘media-baseball bat,’ meaning that the media is being used to destroy competitors, compromise the opponents of people in power,” according to Draganov.

for media coverage in election campaigns, which provide for fairer representation of candidates. The new Electoral Code removed earlier provisions limiting the right of the media to cover the campaign free of charge and according to their own editorial policy and established unified and equal pricing for paid media coverage of the political parties and candidates.

The licensing process is seen as very clear and well defined in the broadcast law. Still there are serious doubts about political bias in the election of members to the Council for Electronic Media, the national regulatory authority. “New appointments to the Council are imminent and we are about to see people positioning themselves with the political parties and public officials in high places,” media expert Draganov said.

From the perspective of small local broadcasters another problem with the licensing process is that it continues to lead to concentration. “Too few local broadcasters have managed to survive; there is no supportive environment for them. The market is distributed among several big players and the local media are pushed in a corner. The ongoing debate around creating opportunities for operators in the small markets has produced no result so far. This has seriously distorted the diversity of the media,” Radio Sevlievo owner and manager Vesselin Vassilev said.

Many of the panelists expressed concerns about increasing pressure and the rising number of crimes against journalists. “There is freedom of expression, but not so much freedom of the media,” media law expert Nelly Ognianova remarked.

“The problem is that there isn’t a high social sensitivity toward the work of journalists. Partially this is also a matter of context—quite often the media owners and the journalists use the term ‘media-baseball bat,’ meaning that the media is being used to destroy competitors, compromise the opponents of people in power,” according to Draganov.

### 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 law guarantees the editorial independence of the public media, but in order for it to materialize there’s a need for high personal dignity and intolerance towards political and corporate serfdom and an ethos of public service that puts public interest above the personal one,” Draganov argued.**

The Central Bank and the Financial Supervision Commission (FSC) have on several occasions used provisions in the banking law to pressure the media at-large and have imposed heavy administrative sanctions against some media outlets for articles calling into question the stability of some financial institutions. Draganov noted his concern over “the trend to persecute journalists for ‘spreading panic’ in society and the authorities’ claim that critical publications by some reporters have alarmed citizens, prompting them to withdraw their deposits from the banks.” Draganov added, “A month later it turned out that the reporters were right when they were warning [citizens] about the banks—two of them have gone bankrupt and four or five more are in a critical condition. Unfortunately the reaction by some politicians in this case only proves their close relationship with oligarchs, which is a minus for the work of the journalists.” His concern was echoed by Darik Radio journalist Iliia Valkov, who explained, “There are cases of administrative pressure against the media from institutions like the Bulgarian National Bank and the FSC related to the bank crisis.” However he added, “These do not distort the overall picture of legal guarantees for freedom of speech.”

Legal expert Dimo Gospodinov added, “Public institutions use parallel means to exert pressure on the media—instead of the civil or criminal cases they use the Law on Credit Institutions and the Law on Protection of Competition to put pressure on journalists over their articles and analyses.”

According to blogger Ivan Bedrov, the police, investigators, and prosecutors are among the other institutions exercising pressure over journalists for their reporting. He added that they have on several cases called in journalists for questioning, apparently to harass them at someone’s request. Daskalova also expressed concerns about increased pressure on journalists to reveal their sources.

Many of the participants noted the violent attempt to take over TV 7 staged by its former journalist-turned-politician, who sent in armed private security guards in a hostile

takeover bid. TV 7 is considered to be a part of the media group funded by the bankrupt CCB. After losing its sponsor, TV 7 and its sister channel NEWS7 adopted an independent editorial policy and have been struggling since to survive in a very small advertising market. TV 7 has aired critical programs against their former colleague, Nikolay Barekov, who created the Bulgaria without Censorship political party and managed to secure seats both in the European and Bulgarian Parliament.

Many panelists shared their concern about the growing number of physical assaults against journalists reporting from danger zones or conducting investigative reporting. Recent examples of assaults include Rossen Tzvetkov from bTV who was investigating a criminal ring aimed at defrauding people through false phone calls, Maria Tzantzarova, also from bTV, who was investigating payments for participation in pro-government rallies, and Ljubo Ognianov from TV 7 who was investigating drug dealers. “Fortunately the crimes against journalists in Bulgaria are not as frequent and as violent as in some other countries, but the investigations of the cases of burnt cars or bombs exploding in the homes of journalists have so far been unsuccessful,” said Bedrov. His comment was echoed by Svetla Petrova, who explained, “The perpetrators of several criminal acts against journalists remain undiscovered.”

Another hotly discussed issue is the funding and editorial policy of the public media, Bulgarian National Television (BNT) and Bulgarian National Radio (BNR). BNT host Boyko Vassilev explained that public media “fulfill or at least strive to fulfill what the public wants from them. But the opposite is not true. Society does not fulfill its obligations towards them. BNT is the most underfinanced public TV station in Europe...an example of that as the budget restrictions imposed on it by the Oresharski government.”

“The law guarantees the editorial independence of the public media, but in order for it to materialize there’s a need for high personal dignity and intolerance towards political and corporate serfdom and an ethos of public service that puts public interest above the personal one,” Draganov argued.

Some of the participants expressed concerns about the state of management of the public media and especially of BNR. Among the problems, according to Nelly Ognianova, are the lack of transparency in decision-making, the interference in the editorial policy of BNR during the bank crisis, and the “dramatic shortage of funding.”

“Tension in the Bulgarian National Radio is escalating. There are many programs that were taken off the air under suspicious circumstances,” move.bg legal officer, Dimo Gospodinov noted. His concern was shared by many other panelists including Daskalova, who pointed out that the

problems with the management of BNR have a negative impact on its editorial content.

As far as libel and defamation is concerned, the established practice for politicians or businessmen is to file significant damage claims against media outlets and journalists. Even if not successful, these cases are seen as an example of harassment. Some of the high profile libel cases against media include that of an owner of a bank against e-vestnik, a small independent news-site, and the wife of a former prime minister against Bivol, a site for investigative journalism. Verdicts have yet to be rendered in both cases, which commenced in 2014.

Media expert Draganov looks at libel and defamation from a different perspective. “The real problem is with the so called ‘custom-made’ publications, where libel and defamation are disguised as ‘investigative journalism,’” he said. In his opinion such reporting weakens the case for removing libel and defamation from the criminal code.

Journalist Svetla Petrova remarked that a positive development was seen in the implementation of freedom of information legislation. “There is a positive trend in the increased usage of the legal tools to obtain public information and protect freedom of speech,” she said.

Access to and use of international and domestic news sources remains unfettered. As in the past it is one of Bulgaria’s strongest indicators in Objective 1. Likewise, aspiring journalists may enter the job market freely.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bulgaria Objective Score: 1.58

“Even though crimes against journalists exist in Bulgaria, I think the more dangerous crimes are the ones committed by journalists with respect to society. Many print media today have been turned into blunt instruments of the will of their owners creating an unprecedented single layer and single voice media environment in Bulgaria,” stated BNT host Boyko Vassilev. Draganov went onto to cite the example of *The Banker* newspaper, which had nominated one banker four times as “banker of the year,” misleading the public into depositing money into his bank, despite warnings from other newspapers since 2009 regarding financial health of the bank. Comments such as these explain why Bulgaria’s score for Objective 2 is as poor as it is—one would think that a country that joined the EU several years ago would score much better—and why the score fell moderately again this year.

According to Vassilev, “2014 proved that any reputation can be destroyed as long as the media-accuser keeps shouting

“The quality of journalism keeps falling. Indeed there are a few media outlets struggling to adhere to professional standards, but the environment is determined by those who don’t,” explained journalist Yassen Boyadjiev.

loudly enough. The mechanism of public reprisal through the media has grown to huge dimensions—the ‘news’ starts from a fake site, then gets quoted by a tabloid, from where it reaches a more respectable publication and becomes a public fact.”

Panelists noted that there are different media “camps”—some media observe ethical standards, but many do not, so a mathematical average does not tell the whole story. “The quality of journalism keeps falling. Indeed there are a few media outlets struggling to adhere to professional standards, but the environment is determined by those who don’t,” explained journalist Yassen Boyadjiev.

“Many topics are being discussed with bias, important facts and circumstances are deliberately omitted. These are not really lies, but rather attempts to misguide the audience in its judgment of the events,” Draganov added. For example, topics of a political or business nature are reported on with bias. Vassilev noted, “The small market can’t be the only explanation” for poor quality in journalism, as other markets

### 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).



**“All the journalists claim that they represent reality objectively, but there’s often the impression that facts are replaced by unverified claims and important events are being ignored at the expense of less important ones,” Draganov posited.**

in the Balkans cultivate journalists who produce much higher quality work.

A serious concern for all the panelists is the continuing crisis in self-regulation. The two rivaling publishers’ unions have now established two ethical commissions working with different ethical codes, which undermine the value and independence of self-regulation. There are no principle differences in terms of the content of the ethical codes; the two unions are formed around the two major conglomerates. “The ethical standards are better observed in the public media—still” Ognianova explained.

“The management of the majority of media outlets does not need professional journalists with high ethical standards because they produce externally paid content packaged in cheap clichés and fast-food tabloid and sensationalist forms and formats,” noted Mediapool manager Stoyana Georgieva.

Svetla Petrova added, “Quite a few of the people working in the media have changed their job with no warning to the public and there is an endemic growth of cases where political, corporate, or some other PR is being represented as journalism for which journalists get illegal remuneration. From this perspective we can talk about the complete failure of ethical standards in media.” Replacing editorial content with “undercover” public relations material is a general problem shared by everyone. “Unfortunately there are always people willing to run errands for their owners, that’s why so many of the best journalists are out of jobs, and work for small cable TV stations or write blogs, but have lost their positions in big TV stations,” Draganov explained.

The most notable decline was in the area of self-censorship. Many of the panelists believe this—and the low wages journalists receive—is related to the fact that many media outlets are too dependent on the government or corporate subsidies and do not dare cross lines with too much critical coverage. According to Draganov, outside of the capital Sofia, “News outlets depend on advertising from a few local businesspeople who are usually very closely connected to

the local authorities. A higher degree of criticism may lead to bankruptcy.”

Due to editorial control exercised by the media owners, media outlets only partially cover news events. This underscores the attitude of the media toward the “sacred cows”—there is inadequate coverage of big advertisers including banks, mobile operators, and the government.

“All the journalists claim that they represent reality objectively, but there’s often the impression that facts are replaced by unverified claims and important events are being ignored at the expense of less important ones,” Draganov posited. Many panelists discussed the lack of expertise within the profession covering important topics such as the EU and the judicial system.

All panelists regret the on-going trends towards tabloidization of the media and the minimization of in-depth reporting. Another persistent problem is the speed with which some media outlets follow the winners in election campaigns and switch their editorial affiliations as the change of power becomes imminent.

“The financial restrictions on the media and the downsizing of editorial staff have a negative impact on the ability of the media to cover a wider variety of topics and problems in society” Iliia Valkov explained. Journalists receive slightly above the average (teachers are below the average), yet salaries have decreased in some media outlets since the last year.

Part of the explanation for the falling standards in journalism can also be seen in the level and the expectations of the audience, Draganov postulated. “The level of the audience is horribly low. 49 percent of the viewers have only an elementary education and are only interested in entertainment of the lowest quality.” Boyko Vassilev added, “The low quality is a kind of censorship: what you can’t kill with pressure you kill with indifference.” “Entertainment doesn’t simply prevail in the programming—it penetrates news and current affair programs as well,” Svetla Petrova claimed.

Traditionally the highest indicator score in this objective is awarded to the quality of the facilities and equipment available for gathering, producing, and distributing news. Due to developments in technology, the falling prices of equipment, and the availability of fast yet affordable Internet in Bulgaria, the efficacy of newsgathering has increased even during hard economic times.

“The expertise of beat reporters is falling sharply,” Svetla Petrova said. “Whole specialized beats are missing. The big TV stations don’t have a single business program, as a result the viewers have no idea what’s going on in the Bulgarian

economy. The international beat is also marginalized and pushed to a corner. Serious analysis is non-existent. High language is rather an exception," Boyko Vassilev added. Their views were shared by OFFNews editor Vladimir Yontchev: "Specialized journalism is almost non-existent. The few existing beat reporters are remnants of the media 10 to 15 years ago. In many sectors there are no beat reporters at all. This is compensated by superficial, entertaining, and artificially scandalous publications."

### OBJECTIVE 3: PLURALITY OF NEWS

Bulgaria Objective Score: 2.07

Overall, this objective measuring the availability of multiple news sources providing citizens with reliable and objective news scored about the same as last year. As in previous years, indicator 6, measuring transparency in media ownership, was the most troublesome. Another highly problematic area of the objective is the broad gap between the news agenda of the media and the broad spectrum of social interests the media are expected to cover.

A clearer division between pro-government and anti-government media, especially newspapers and online editions, emerged in 2014. As different owners side with different political and corporate structures there is a variety of viewpoints among the media, but not always within one media outlet. As Yontchev explained, "There is pluralism

#### 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 news agenda of the media has nothing in common with the daily agenda of the citizens," said Ognianova.**

among the media, but pluralism of opinion within one media outlet is a rare exception."

Ownership bias is one explanation suggested by the panelists for the gap between the items covered by the news and the topics representing the greatest interest of citizens. Topics such as employment, education, social issues, health, and culture are marginalized at the expense of party politics, intrigue, and scandal. "The news agenda of the media has nothing in common with the daily agenda of the citizens," said Ognianova.

Outright political ownership is not uncommon. Two political parties represented in the newly elected Parliament are directly related to television channels. The nationalist Ataka party has been in Bulgarian political life for more than 10 years with significant early support from the strong nationalist regional television station SKAT. The Ataka and SKAT alliance fell apart, leading to the launch of a new television channel by Ataka and the launch of a new political party by SKAT. Ataka supported the coalition which ruled Bulgaria until June 2014, the new political party of SKAT, the Patriotic Front, is now a member of the new ruling coalition.

As the revenue from expected sales does not cover transport expenses, print publications are no longer delivered to smaller towns and villages in the countryside, these areas also experience the worst Internet penetration resulting in their isolation to information not available on television.

Among the positive developments within this objective according to the panelists is the growing number of news apps that are becoming a growing business, compensating for the decline in traditional media readership and the slow penetration of Internet in the rural areas.

One of the exceptions to the trend in selective coverage is the public media. "The public media are financially dependent on the whims of the government, but manage to find a good balance in presenting all points of view" Draganov noted.

The independent news agencies that are expected to gather and distribute news for media outlets are currently in crisis. The state news agency BTA is surviving the financial crisis, but its services are not affordable for many of the independent media outlets.

According to the panelists, the ability of private media to produce their own news is not limited by any regulations; however, many private outlets are producing less of their own content due to financial limitations.

The law requires newspapers to publish data about their ownership in their first copies for each calendar year. However, in early January 2015 print media missed the legal deadline and did not reveal their ownership data for a second consecutive year. Ognianova said, "The policy to promote transparent media ownership has been a fiasco. The requirements of the Law on Legal Deposits are not being observed and no sanctions have been imposed against newspapers failing to declare ownership data." "There is no political will and no legitimate institutions to handle the problem regarding the transparency of ownership, especially within print and online media," Daskalova explained. "Transparency of media ownership has been the primary problem of Bulgarian media for many years. Everything written in the previous reports is true. Only the situation is more exposed now. The money given by the banker Tzvetan Vassilev<sup>1</sup> to some key media is an especially scandalous fact. Not only did they not return it, but replied with a volley of accusations in reply. This scandal received almost no coverage," Vassilev added.

Moreover, this issue is also reflected in the ability of media outlets to cover important events and topics. "There is a real danger that when put under external pressure, due to the unclear interests of the owners or because of professional incompetence, the media could miss, hide, or misinterpret important events and issues," Boyadjiev explained.

Some panelists also remarked that the impact of foreign investors in Bulgarian media is low. As Ognianova explained, "Foreign investors are important but too few," for example MTG owns NovaTV and Time Warner owns bTV.

Despite several donor-driven attempts, ethnic media is non-existent in Bulgaria. "There are hardly any journalists from the ethnic minorities. Those who write about the minorities are often threatened," according to Bedrov. "The two Roma television stations were too dependent on donor support and have gone bankrupt. Nationalist parties keep testing the government's resolve to keep Turkish language news in the program on Bulgarian National TV, with no success so far," Ognianova added.

A serious issue in media development in Bulgaria within this objective is the declining level of local journalism. "Let's remember that until seven to eight years ago, there were local cable television outlets and local newspapers even in smaller towns. Today even bigger cities like Rousse, Pleven,

Tarnovo, Targovishte, and Shumen don't have local radio. The Council for Electronic Media couldn't care less. All they care about are the big networks," asserted Vesselin Vassilev. "The regional media are slowly disappearing due to the financial crisis. This increases the role of public media outside Sofia" explained Ognianova. "The local correspondents networks are vanishing," added Vladimir Yontchev. "Media pluralism in the regions is at a very low level and local news remains unreported. Access to information is also regionally limited—it's less developed in the smaller towns and villages, which limits the access to diverse and independent information even on the existing Internet channels," noted Gospodinov.

According to Ilia Valkov, "The media works on a monotonous trail of current events focused on the government, the 'yellow cobblestones,'<sup>2</sup> and the politically scandalous. There is a lack of stories from the rest of the country, where the media only cover criminal cases and family drama."

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Bulgaria Objective Score: 1.35

The Objective measuring the business environment is again the lowest scoring Objective in this year's MSI, showing a small decline even from the record low levels of last year. The most problematic areas include the unfair distribution of government funds for the media, the manipulative and unreliable data on broadcast ratings and circulation figures, as well as the overall lack of transparency in the advertising market.

"Most traditional media operate at a financial loss, which leads to compromises with editorial independence. With few exceptions, the big advertisers enjoy complete media support. As public institutions remain the biggest advertisers, any government regardless of its political affiliation receives media support," said Ivan Michalev, the sales manager of one of the big media conglomerates.

Panelists discussed the stagnation of the advertising market, which has resulted in smaller newsroom budgets. "The business model of newspapers is in crisis everywhere in the world. The effect in Bulgaria is of catastrophic dimensions because of the size of the market and the readiness of big business players to sustain their own media for their own advantage and to attack the competition. Many publications don't count that much on advertising and sales as they do

<sup>1</sup> CCB owner and manager Tzvetan Vassilev

<sup>2</sup> "Yellow cobblestones" symbolize the center of power, as the main Sofia boulevard connecting the House of Parliament with the buildings of the Government and the office of the President is covered with them.

on subsidies from the owner's other businesses," Vassilev said. "The continuing economic crisis and the shrinking advertising market make sustaining and survival of the majority of the media very problematic, which has an unavoidable effect on their independence and the quality of their content" Yassen Boyadjiev noted. Most media outlets are on the brink of financial collapse.

While figures about the size of the media market that can be trusted are not available, the majority of the panelists believe that it is shrinking. According to Draganov, the advertising market has shrunk by 45 percent since 2008. Advertising agencies are unable to sustain a well-functioning market because the economy has been in decline for several years and advertising is directly linked to consumption. According to his data the market was BGN 515 million (\$312 million) in 2008. In 2013 it was BGN 303 million (\$183.5 million).

One of the most notable events which influenced the development of the business environment for the media in Bulgaria in 2014 was the on-going price and ratings war between the two main commercial television stations, bTV and Nova. "This war shook the media market," Daskalova explained.

One of the biggest concerns is the use of government funds to subsidize media and thus influence their editorial policy. The government, both on the national and on the local level, from European or Bulgarian budget resources, is becoming the major advertiser, which creates a precondition for losing editorial independence. "Media and advertisers become more and more dependent on the government because it distributes the multibillion budgets of the

#### **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.

**"One of the effects of the war between the two broadcasters and the stagnating advertising market has been the fall in the price of advertising. Agencies and television stations offer attractive pricing in return for exclusive contracts. The battle is really big due to the shrinking advertising market and the fragmentation of the television market," explained Draganov.**

European funds. In the Bulgarian context it is irrelevant to discuss the effective management of the media as related to their professional independence," Georgieva added.

The so-called Operative Programs (programs funded by the EU Social and Cohesion Funds to support the development of Bulgaria) have sizeable communications budgets, which are distributed among the bigger media outlets. "These budgets open a 'media umbrella' above the head of the respective minister responsible for advertising," said Bedrov. "In the last few years the government has spent about BGN 20 million (\$12.2 million) of European funds to promote European programs in the media, but their manner of distribution among the media outlets is not transparent," said Draganov. The bulk of funding goes to the promotion of the programs themselves and not to specific projects funded by Europe, for example, program "competitiveness" or "administrative capacity." These are seven year framework programs funded by the EU in the respective areas.

The problem is even bigger for small local media. The past year witnessed the continuation of a trend with the millions of euro for advertising from European programming flowing into the hands of a few select media organizations. "The local media received nothing... Wasn't the idea to use this money to help the small media survive the crisis?" questioned Vassilev. In order to address this problem a number of media associations, journalists, and media outlets addressed the new government with a petition to apply clear and transparent criteria when it assigns public funds for communication campaigns. One of the suggested requirements is that media that do not declare their real ownership should not be eligible to apply for public communication funds. The new government has started discussing ways to introduce greater transparency in media ownership and may move towards drafting legislation in 2015.

“Sustaining independent media only from advertising in the condition of a deep economic and social crisis is practically impossible. The dubious mechanisms for distribution of public funds for the media are being used to influence their editorial independence,” Petrova concluded.

The war of the people meter systems includes two measuring companies, Mediaresearch, later acquired by Nielsen, and GARB. The two agencies have undergone international audits, but have contracts with the two main television stations, bTV and Nova, and give them conflicting ratings. One of the examples quoted was the audience measurement the night when the two channels aired the finals of their rival reality formats. GARB gave bTV’s *Survivor* a 41 percent share as opposed to 25.1 percent given to Nova’s *Big Brother*. However, Nielsen/Mediaresearch on the same night measured 31.3 percent for Nova and 26.5 for bTV.

“One of the effects of the war between the two broadcasters and the stagnating advertising market has been the fall in the price of advertising. Agencies and television stations offer attractive pricing in return for exclusive contracts. The battle is really big due to the shrinking advertising market and the fragmentation of the television market,” explained Draganov.

The lack of reliable broadcast rating measurement affects also the ability of media organizations to use market research to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience. Some of the panelists noted that traditional advertising as a whole is losing its effectiveness and is being rapidly replaced with product positioning, quite often not clearly and transparently marked and misleading for the viewers and readers.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bulgaria Objective Score: 1.90

There has been a significant decrease in the role supporting institutions play in furthering the professional interests of independent media in Bulgaria over the years. “There are numerous professional journalism unions [Union of Bulgarian Journalists, the Union of Journalists in Bulgaria Podkrepa, the Association of European Journalists], but they don’t always side with high quality and objective journalism. There is a trend of these unions being taken over by interest groups and political parties. Despite many attempts, journalism representation is in crisis,” Vassilev stated.

“The reason professional organizations and NGOs are not very effective in protecting the independence of the media is the oligarchic structure of government in Bulgaria. Too

many inconvenient journalists have been fired and have not been able to go back to their jobs. Personal and corporate integrity has no value in Bulgaria, they add no value to the business and no one cares about them,” Draganov explained.

“There is greater solidarity among publishers than among journalists,” according to Valkov, who pointed to the Association of Bulgarian Broadcasters, the Bulgarian Association of Cable Communications Operators, and two rival newspaper publishers unions that do represent industry interests. Not all panelists agreed that these are all strong organizations. “The situation with the publishers has also worsened: there are two publishers’ unions, one of which is dependent on the Dogan Holding empire and pretends to uphold established principles of the free media like the ethical code but uses them as a cover [to mask] brutal corruption and dependence,” Georgieva asserted.

One of the positive developments in the media sector noted by many of the panelists is the renaissance of citizen activism promoting free speech, independent media, and the freedom of expression. “The most encouraging fact is that there are quite a few nongovernmental and citizen organizations which are very active, consistent, and persistent in upholding professional values,” Petrova said. Among the NGOs providing strong support to journalists and media outlets panelists praised the Access to Information Program, the Association of European Journalists—Bulgaria, the Media Democracy Foundation, and the newly re-established Free Speech Syndicate. “Civil society in its non-professional part is more united over some priority reforms, which need to be introduced in the media,” Dimo Gospodinov posited. His organization was

### 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 situation with Internet penetration is unequivocal: while the country has one of the fastest Internet connections in Europe and the lowest prices for high speed Internet, this is largely limited to the bigger cities. According to Bedrov, however, Bulgaria lags behind the rest of the EU in terms of Internet penetration—only 55 percent of the population uses it on a daily basis.

active in supporting the pan-European Media Pluralism Citizen Initiative and has been lobbying for new and more transparent regulation of the relations between the government and media.

Not everyone was so optimistic about the role and relevance of media NGOs. “The NGOs are trying hard to compensate for the lack of journalism unions, but they either become marginalized, or come under fire from interest groups, or fall into their own quasi-ideological traps and fail to recognize their own allies within the media,” said Vassilev.

The majority of the panelists agreed that there are substantial shortcomings in the level of journalism education offered in Bulgaria. “Journalism education does not meet the requirements of the media practice,” Valkov noted. Many regret the decreasing number of donor-funded short term media training opportunities. “Educational programs are too expensive to sustain,” Vassilev added.

While indicators measuring the availability of media equipment and the quality of the information and communication technology needed for the development and distribution of media score high, there are some persistent problems with the channels of media distribution, especially among print media. A recently launched print media distribution network, Lafka, allegedly controlled by the Bulgarian media mogul and politician Delyan Peevski, has aggressively tackled markets in larger cities. The network has faced well-organized resistance from citizens and the media, and has triggered a massive social media boycott campaign.

Finally, panelists noted that the much-delayed broadcast digitalization process has brought disappointment. “Digitalization in Bulgaria has been a failure, and badly organized, with little implementation effort,” said Vassilev. Now that everyone is online, according to a panelist,

television stations do not see a reason to pay the high price of digital broadcasting and are giving up licenses for some of their channels. The situation with Internet penetration is unequivocal: while the country has one of the fastest Internet connections in Europe and the lowest prices for high speed Internet, this is largely limited to the bigger cities. According to Bedrov, however, Bulgaria lags behind the rest of the EU in terms of Internet penetration—only 55 percent of the population uses it on a daily basis.

## List of Panel Participants

**Nelly Ognianova**, professor of European media law, Sofia University; director, The Bulgarian Institute for Legal Development, Sofia

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

**Stoyana Georgieva**, editor-in-chief, Mediapool.bg, Sofia

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

**Ivan Michalev**, sales director, *Trud*, Sofia

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

**Ivo Draganov**, journalism professor, New Bulgarian University and the National Academy for Theater and Film Arts, Sofia

**Boyko Vassilev**, journalist and director of current affairs programs, Bulgarian National Television, Sofia

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

**Svetla Petrova**, anchor, *The Polygraph*, Bulgaria On Air TV, Sofia

**Iren Fileva**, program host, Bulgarian National Radio, Sofia

**Vladimir Yontchev**, journalist, OFFnews media portal, Sofia

**Ivan Bedrov**, blogger, Plovdiv

**Dimo Gospodinov**, media lawyer, MoveBG, Sofia

**Ilia Valkov**, sociologist and journalist, Darik Radio and Association of European Journalists, Sofia

## Moderator and Author

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

*The Bulgaria Study was coordinated by, and conducted in partnership with, BTC ProMedia Foundation, Sofia. The panel discussion was convened on December 10, 2014.*

*In the same period (2007–2014), the number of employees in print media contracted by 40 percent, and circulations were halved, while local radio stations experienced a staggering 80 percent drop in advertising-generated income.*



## CROATIA

**W**“We’ll sweep you out, as soon as we get the power.” This sentence, said by a senior member of parliament’s opposition club during a debate on public television, resonated in media channels for days. It was a worrisome indication of the concept of public television service, reducing it to a mere tool used by “us” against “them” (whoever “us” and “them” may be) that still exists, even at the highest level of executive power. It was also the grand finale of a year of continuing worrisome trends in the media industry, even if overall Croatia’s score remains practically unchanged compared with last year.

Indeed, one may say that the media sector cannot be exempted from the overall state of the Croatian economy, in decline for the seventh consecutive year. But the fact is that the media sector has felt consequences beyond most other businesses. “It would be fair to say that in 2007 salaries in media were proportionally higher than in other sectors,” said Zdenko Duka, president of the Croatian Journalists Association (CJA). “Since then, salaries of media professionals have dropped more than in any other field,” he added. In the same period (2007–2014), the number of employees in print media contracted by 40 percent, and circulations were halved, while local radio stations experienced a staggering 80 percent drop in advertising-generated income. The media failed to adapt their business models or prepare any “survival kits” in the early stages of crisis, but it is questionable whether even the best model would have been able to help the media weather the crisis.

Of course, it is not only about income, salaries, and other financial indicators. It is about the concept of media freedoms (at least, by the standards adopted in the early 2000s or, more formally, standards that should be applied and respected in an EU member state), which came into question throughout 2014.

A national commercial television station has been fined HRK 50,000 (\$7,000) for broadcasting a live interview with the prime minister because the mayor of Zagreb (now under investigation for serious corruption allegations) considered it “offensive.” The station was punished for publishing (verified) facts on a private company involved in a huge financial scheme with public funds, because the judge found it “offensive” and “not relevant to the public” under the new criminal law on “vilification”—clearly a worrisome development.

At least one indicator has a positive trend: there have been no physical attacks on journalists for a while. This is by all means good, and it even called for a satirical twist: as Saša Leković, a freelance investigative reporter, said, “There’s no need for physical attacks on journalists. Conformity and self-censorship are more efficient in disciplining the media.”

# CROATIA at a glance

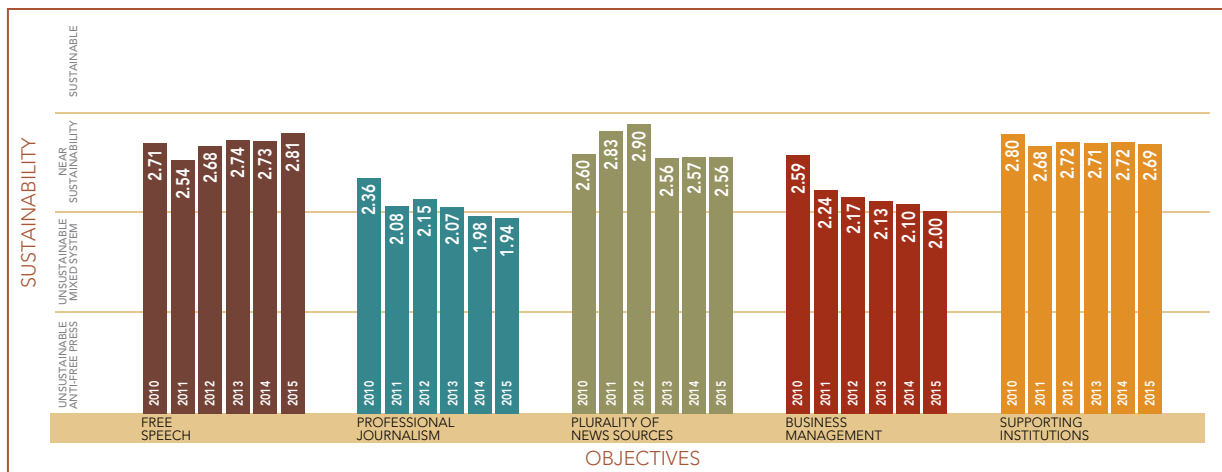
## GENERAL

- > Population: 4,470,534 (2014 est., *CIA World Factbook*);
- > Capital city: Zagreb
- > Ethnic groups (% of population): Croat 90.4%, Serb 4.4%, other 4.4% (including Bosniak, Hungarian, Slovene, Czech, and Roma), unspecified 0.8% (2011 est. *CIA World Factbook*)
- > Religion (% of population): Roman Catholic 86.3%, Orthodox 4.4%, Muslim 1.5%, other 1.5%, unspecified 2.5%, not religious or atheist 3.8% (2011 est. *CIA World Factbook*)
- > Languages: Croatian (official) 95.6%, Serbian 1.2%, other 3% (including Hungarian, Czech, Slovak, and Albanian), unspecified 0.2% (2011 est. *CIA World Factbook*)
- > GNI (2013-Atlas): \$57.12 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$20,830 (World Bank Development Indicators, 2014)
- > Literacy rate: 98.9% (male 99.5%, female 98.3%) (2011 est. *CIA World Factbook*)
- > President or top authority: President Kolinda Grabar-Kitarović (since February 19, 2015)

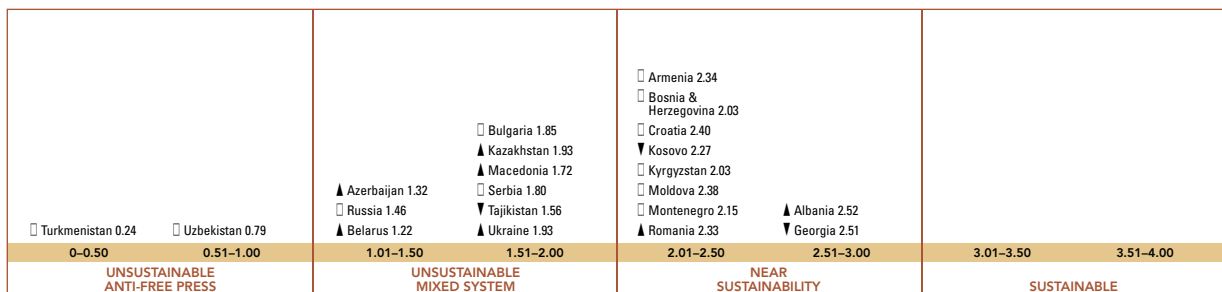
## MEDIA-SPECIFIC

- > Number of print outlets, radio stations, television stations: 10 major daily newspapers; four major political weeklies; Radio: 158, 6 of which are national; Television Channels: 31, 10 of which are national, 119 web portals (as of June 2013)
- > Newspaper circulation statistics (total circulation and largest paper): The total circulation of daily papers is estimated at 300,000 copies a day, the top 3 being tabloid *24 sata* (circulation 80,000), *Večernji list* (circulation 55,000), and *Jutarnji list* (circulation 40,000); the highest circulated political weekly is *Globus* (8,000 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 \$310,000,000
- > News agencies: HINA (public), IKA/Croatian Catholic News Service
- > Internet usage: 2.234 million (2009 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: CROATIA



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (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: 2.81

Is EU membership an ultimate guarantee that issues related to media freedom are leaning irreversibly toward the highest standards? Not at all. Before Croatia joined the EU, one could say of its newly-minted EU neighbors: “Look at Hungary or Slovenia; their media freedom has deteriorated recently.” After Croatia’s EU accession in July 2013, can one say: “Look at Croatia?” According to the MSI panelists, this is not yet the case, as Croatia’s score in Objective 1 remains roughly unchanged compared with last year. Yet signs that this could be the case marked events in 2014.

It is not about the basic standards of freedom of speech and the legal framework: Croatia recognized freedom of speech as a cornerstone of democracy a long time ago—first as a model, in the early to mid-1990s, which it began to implement in the late 1990s and early 2000s. The long and exhaustive EU negotiation/accession process additionally shaped the framework and aligned it with EU standards (*acquis communautaire*). The constitution, media, and media-related legislation clearly define and protect freedom of speech. Professional associations and NGOs are alert when it comes to any violations of free speech. Freedom of speech has become a truly internalized value, and it is almost impossible to imagine any state of emergency that

### 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.

Leković asked, “Why would anyone beat a journalist when so many subtle measures to control them abound?”

would deny it. But, the overall impression is that there is a certain fatigue when it comes to media freedoms as a process; it is not a goal to be achieved (or even, already achieved). Indeed, in a time of almost painful economic and social crisis, it is not easy to get the general public to focus on the miniscule details of media freedom issues.

But it is more than that. Paradoxically, many indicators in Objective 1 are rated better than in previous years, but the overall feeling is that this objective, along with Objective 2, is the main reason for serious concern over the state of the media.

“The government has obviously decided to keep and even intensify repressive measures against journalists,” said Boris Rašeta, a journalist for the minority paper *Novosti*, referring to the new criminal law on “vilification.” “Even if it were only about a mindset, it is highly disappointing,” he added.

Croatia’s minimal licensing requirements apply only to broadcast media that use a limited public good (radio and television frequencies). Formally, the licensing body is the Agency for Electronic Media, commonly referred to as the Regulatory Agency. Unlike the 1990s and early 2000s, when frequency allocation fell under either direct political control or, in the later phase, under the political and/or business lobbies’ influence, for some time now frequency allocation can be described as transparent enough. However, according to Viktorija Car, a professor at the Faculty of Political Science/Study of Journalism, appointment of Regulatory Agency members is still not completely immune from political influence. Still, Jelena Berković, an activist and spokeswoman for the watchdog NGO GONG, said, “The main obstacle no longer concerns control or any other undue influence. Nowadays, it is about the Regulatory Agency’s lack of expertise or understanding of the media sector. However, the consequences are the same—frequencies are still denied to those who deserve them.” For example, the regulator still prefers mainstream commercial radio to alternative radio stations, which operate predominantly in the form of web radio. This is not about any political affiliations; it only reflects the regulator’s opinion that alternative radio stations cannot survive on the market, when at least in the capital city there should



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be room for one or two alternative (in terms of music and values) radio stations. However, the agency processes broadcast licensing applications in a timely manner, and there is an appeals process in place as well. Other media (print/electronic) are required only to register themselves and disclose their ownership structure.

When it comes to taxation and market entry, “the media industry is in a better position than other businesses,” said Ante Gavranović, a senior media analyst. Indeed, there are no special requirements in terms of founding capital or taxation for media entrepreneurs interested in entering the market. On the contrary, some media sectors (daily newspapers, for example) enjoy a super-reduced VAT rate of five percent (the standard VAT rate for most other products and services is 25 percent), which raises a legitimate question: Why only print media—and if only print, then why only daily newspapers? Although the overall impression is that this indicator stands relatively strong, there is still room for additional improvements, especially given the dire position of the media industry in general.

Crimes against journalists in Croatia declined over the past few years. “More good news is that judges now take verbal threats against journalists a bit more seriously as well,” said Duka. For example, a court in Croatia’s second largest city, Rijeka, sentenced a drug dealer to eight months in prison for a death threat against a local journalist last October.

But the panelists’ predominant view is that the pressure on journalists must be seen in a different light. Leković asked, “Why would anyone beat a journalist when so many subtle measures to control them abound?” Gabrijela Galić, a journalist and former trade union activist, added, “Isn’t the complete uncertainty of jobs and salaries more dangerous when it comes to journalists’ integrity than a physical attack or threat?”

Most of the panelists remember well the late 1990s and early 2000s when a number of international experts, with all of their collective experience and goodwill, worked on models to transition the state television to a public service. Protecting editorial independence was, of course, at the top of the agenda, along with restructuring the massive apparatus into an efficient and manageable entity. Emil Havkić, a lawyer specializing in media issues, was involved in the process, and commented, “We have tried many models. Something was always missing.” It is not easy to define this “something,” but now, many years later, it seems quite possible that a “best model” simply does not exist. So many locally specific ingredients are needed, as well as general replacement of the “best model” concept with “best

practices.” As an EU member state, Croatia has accepted all basic elements defined by *acquis* in securing an editorially independent position of the public service.

Still, MSI panelists identified a number of serious objections to the current Law on Public Television. Berković thinks that legal stipulations concerning the appointment of a general manager expose public television to potential political influence/pressure. “We have suggested the introduction of a two-thirds majority of the MP votes for appointing a public TV general manager. But, the ruling party prefers a simple majority. This has made the public TV more vulnerable to political pressure,” she said.

Public television in Croatia enjoys a very high (almost 96 percent) collection rate of the subscription fee/tax levied on the public. Regardless of the considerable drop in advertising revenue (from 40 percent of the overall budget five or six years ago to less than 15 percent today), the current budget should be enough to allow stable operation. Public television’s financial viability is much more about internal non-transparent budget spending and “uncoordinated usage of available resources” (as Sanja Mikleušević Pavić, a public television editor, rightfully pointed out) than about any “outside” pressures. Public television is not necessarily (or by legal stipulations) a desirable communications channel. “But it is only logical that public TV would get information easier than a small local station. It is not about discrimination; it is simply about reaching every household in the country,” said Tena Perišin, a public television editor and professor of journalism at the University of Zagreb.

Most aspects of indicator 6 are in line with higher expectations, but one specific detail spoils the picture. Namely, libel has been a civil issue for a while. However, as of January 1, 2013, the new criminal offense of “vilification” was introduced (defined as “systematic and deliberate” defamation of a certain person, institution, or legal entity). The year 2014 saw the first charges for “vilification.” As mentioned in the introduction, a well-known investigative reporter was fined (although the case may be appealed) for “vilification” after she presented facts on a business entity involved in a financial scheme, simply because the judge decided that these facts were not of public interest. In other words, a journalist can be prosecuted even if reporting only verified facts if the judge thinks that the published facts are not “in the public interest.” This is a clear and worrisome act of regression, the panelists agree. “We reacted almost immediately and asked the legislature to amend this article using fast-track procedures,” Duka said. “But the legislature

obviously has no intentions to do it.” “Actually, it is sad to see that not only daily practice, but a legislative framework as well are ever further away from our own vision of media freedoms,” said Milan Živković, adviser at the Ministry of Culture.

There are no legal regulations that would favor one media outlet over another in terms of access to information. As mentioned under indicator 5, it is, for example, only logical that a bigger, national media outlet has better access to information than a “small,” local media outlet. But, the problem is a more general one. Right of access to information is well-defined, but it takes the government or governing on all levels to be responsive and responsible to make this right function properly. Although some panelists have seen improvements in the government’s communications with the public, the main problem is that the administration does not see the public as a fully-fledged partner in a democratic process. “The government wants to reduce the public down to the passive recipient of information on the decisions made, rather than to treat and involve it as an active partner in the process,” Berković said. The prime minister, too, often refers to himself as a “statesman,” another panelist said. “Apart from any kind of applied psychology, I see it more as a message from ‘above’ saying, ‘We know better what’s good for you; if you interfere or criticize, you might spoil the big design,’” he added.

Access to local, national, and international news sources is open and unrestricted. Internet service is available and ever more affordable—even for rural areas. A quality Internet signal covers 99 percent of the territory. In relation to this indicator, the panelists noted problems only with respect to intellectual property and copyright standards. Although the EU accession reinforced these issues, in practice Croatian media fall short of international standards.

No license is needed to enter the journalism profession. The government has no means to exclude anyone from reporting or practicing journalism, or to influence and/or control entrance to journalism schools. The accreditation process should be more efficient, but the panelists could not name any attempts to deliberately prevent a media professional from reporting.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Croatia Objective Score: 1.94

An anonymous, internal survey conducted by the Ministry of Culture in July 2014 that some panelists had seen showed that 42 percent of journalists believe they have “less time to collect information and prepare stories” than at any other time in their experience. In addition, 47 percent feel that media freedom is “in decline,” while an alarmingly high 76 percent reported that ethical standards are “less respected than before.” Sixty-one percent of journalists described the influence of big advertisers as constantly rising; 86 percent see a direct link between media owners and certain business lobbies, while a staggering 90 percent admitted to facing pressure to “fabricate” stories. These sentiments are mirrored by panelist scores in Objective 2 over the years, as Croatia has been on a slow downward trajectory.

Combined with the utter insecurity of jobs and the fact that 68 percent of employed journalists report working overtime without pay, a picture emerges that leaves little room for optimism. In short, journalists have no time, no money, no incentives, and, very often, not even the inner drive required to produce good journalism.

### JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

#### PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well-sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption 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).

**“We call it ‘Google Journalism.’ But there is something even worse: younger journalists usually do not even ‘dig deeper’ than opening one or two Google pages,” said Dražen Klarić, managing director of one of the leading daily papers in Croatia.**

“Most journalism today is superficial, sensationalist, tabloid-style, and copy/paste,” said Mikleušević Pavić. “There are still a number of good journalists and investigative reporters, but they mostly belong to an older generation of media professionals. That is not only because it takes experience to become a good reporter. It is because younger generations of journalists are not following professional standards,” she added. “We call it ‘Google Journalism.’ But there is something even worse: younger journalists usually do not even ‘dig deeper’ than opening one or two Google pages,” said Dražen Klarić, managing director of one of the leading daily papers in Croatia. “I can’t remember the last time a journalist called me to verify and check any information in relation to my field of expertise,” said Anja Picelj-Kosak, a media specialist at the U.S. Embassy in Zagreb. Perišin added that the situation is worsening, commenting, “If you happen to read daily papers at some European airport and then Croatian papers back home on the same day, it would be like two different worlds,” she added. “Only seven percent of Croatian journalists have ever tried to obtain an official document from a local or central government. To me, that says much more about the quality of journalism than [does] any other qualitative or quantitative indicator,” said Leković. “Recently, I read the following sentence in papers: ‘The prime minister and his government have passed the law.’ How can I trust journalists and editors who do not differentiate between the executive and legislative branches?” said Car.

Consulting experts is still standard practice for Croatian media, but typically the same people are quoted over and over again. “Experts are chosen mostly to confirm the position of the journalist, not to offer a variety of opinions,” said Perišin. “When you see the name of the expert, you know what the author wants to say,” she added.

The Code of Ethics developed by the CJA is considered to be one of the best-elaborated documents of its kind. The leading international professional association recognizes it as such, and it is often used as a point of reference for drafting codes of ethics in other “new democracies.” Some of the bigger media have their own codes of ethics, aligned with the best examples of leading global publishers. “It is impossible to have one approach to this issue,” said Klarić. “There has been a notable progress in, for example, protecting children and minors’ rights in media, respecting dignity of victims or, for example, not disclosing names of protected witnesses. But the level of defamation and hate speech on the web is beyond any acceptable standard,” he added. “I know it may sound blasphemous or contradictory to the principles of free speech, but I wouldn’t mind criminal prosecution of these journalists, or so-called journalists. After all, it is really not about journalism; it is about the deliberate promotion of hate speech,” Leković said.

“We should be aware that a minority of journalists today are either not aware of more elaborate ethical standards, or they simply do not care about them at all,” said Duka. But it is not only about breaches of basic elements of the ethical code. “The level of advertorials has become really worrisome,” said Car.

Just weeks before the MSI panel, a major publisher in Croatia changed ownership, handing the reins to a wealthy Croatian lawyer. The media announced the change almost immediately. Only a couple of days later, the front page of the leading media company’s daily paper featured a huge photo of the mayor of Zagreb, Croatia’s capital, “celebrating his birthday modestly, with only his closest friends.” What is missing in the picture? Only two important details: The mayor of Zagreb had just been released from custody (under allegations of a multimillion-dollar corruption scheme) after paying \$4 million bail, paid privately by his lawyer, who holds lucrative contracts with the city of Zagreb and had just become the owner of the paper in question.

This is a pretty obvious example of mixing ownership and editorial policy (or more precisely, using editorial policy only as a long arm of the owner). It is the key to understanding indicator 3 on self-censorship: journalists and editors, as the survey showed, are painfully aware of the business interests of their owners and their connection with different lobbies and pressure groups and are increasingly trying to anticipate the interests of media owners. Politicians are second-class players in this game.

"The media cover all key events—provided they do not concern the church, war veterans, or the biggest advertisers," said one panelist, with sarcasm. Indeed, mainstream media are not so fond of these topics (that still "divide the audience," as they would say), but this does not mean that there is a list of forbidden topics. "If not mainstream media or public TV, some other media will pick it up. It is impossible to sweep any issue under the carpet," Picelj-Kosak said. "True, but for me, the fact that mainstream media do not recognize these topics as important is alarming," said Car. "There is almost no space for international politics in our print media, apart from the agency news," added Rašeta. Indeed, the times when a publisher had eight or nine correspondent offices around the globe are long gone. Now, it is mostly about covering Brussels, but even this is done without any in-depth analysis of EU policies relevant to Croatia. "Croatian media correspondents in Brussels typically wait for our prime minister so they can ask him, in front of the EU institutions, about domestic policy," said Perišin. The panelists agreed that Croatian media are still mostly reactionary on events, missing opportunities to open serious public discussion on important social and political issues, such as the very low percentage of usage of EU funds, bankruptcy law, high unemployment, depopulation of Croatia, or lack of a consistent foreign policy. Tens of web portals and social media platforms are alert to jump on any wrongdoings, but a lack of detailed background information and a relatively low audience limit their reach.

In 2014, journalists earned about 20 to 25 percent lower than in 2007-2008. Journalists' salaries, relatively high for decades, are now just in line with salaries in other comparable professions, such as health care and education. However, salaries for other professions (e.g., government institutions, health, or education) might be a bit lower than in media, but they are regular—whereas journalists, especially in local media, sometimes go unpaid for months.

Standard monthly salaries now fall in the \$1,000 to \$3,000 range, while an average of \$1,200 could be considered an industry standard. Some journalists and editors make far more, but many journalists, especially in local media, make less than \$1,000 per month; some earn only \$500 to \$600. "Young journalists are in an especially dire position. They are exploited to the maximum but cannot even raise their voice for fear of being instantly replaced by those willing to work even harder for even less money," Berković said. Furthermore, nowadays it is practically impossible to earn a living as a freelancer.

**"If not mainstream media or public TV, some other media will pick it up. It is impossible to sweep any issue under the carpet," Picelj-Kosak said. "True, but for me, the fact that mainstream media do not recognize these topics as important is alarming," said Car.**

Generally speaking, there is a balance between news/information programming and entertainment. The leading private broadcasters in Croatia recognize news production (though not necessarily high-quality news production) as commercially viable and attractive to audiences. In addition, all commercial broadcasters are legally obligated to produce news. But, national commercial television stations are not legally obligated to present 45 minutes of news during prime time. They do, however, because they know it is marketable. Also, giving credit to public television, it introduced a new public channel that broadcasts 24 hours of news, favoring the active balance between news and soft programming.

Facilities and equipment for gathering, producing, and distributing news are efficient and easily available. Quality Internet services are available and becoming more affordable.

As for specialized reporting, Leković commented, "It seems that no media need quality specialized journalists anymore... Even business and culture pages are slowly disappearing from the mainstream media, which would have been unimaginable only a few years ago," he added. "The lack of specialized reporting has a devastating impact on our profession. There are no specialized journalists among younger generations. Quite often, they rely on expert opinions not to improve the quality of reporting, but to cover up their own incompetence," said Klarić. Indeed, investigative reporting has almost disappeared from mainstream media, keeping its presence mostly due to some internationally financed projects. The journalism community missed opportunities to provide investigative reports on topics such as corruption, or at least the nontransparent use of public funds in the health system. "Investigative reporting is expensive, it takes time, and it's risky for media owners. It is on its way to extinction," continued Klarić.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Croatia Objective Score: 2.56

A plurality of news sources seems guaranteed, with 158 active radio stations (152 local and regional radio stations and six radio stations licensed nationally), 31 television channels (21 local and regional and 10 national), more than 800 registered print publications (among them, nine national dailies and about the same number of relevant weekly and biweekly publications), 170 registered web portals as of December 2014, 1.4 cell phones (predominantly smart phones) per person, and almost 60 percent of the population on Facebook and Twitter. Indeed, Croatia's score in this objective has held steady over the recent past and is nearly identical to last year.

Despite that, Car observed, "Plurality of media does not necessarily extend to plurality of news." Different opinions do not necessarily improve the quality of public discourse; the merit of issues discussed is part of the equation, too. Živković agreed, with an additional argument: "The most visited web portals simply mirror print news content. This is not about plurality of news; it is more about plurality of media and communications platforms," he said.

Most other panelists disagreed, however. "We do have a choice of news and information throughout the political and societal spectrum—from left to right, from liberal to conservative, from mainstream to alternative. All points of view are covered. Even if I were to advocate that the Earth is

flat, I'd find the media to cover it," Klarić said. "I don't even have to move from my armchair to get all the news I want," added Havkić. "Newspapers are a bit expensive, but there's enough available information on free-to-access platforms for any type of interest," he added.

Indeed, Croatia has one of the highest percentages of households using IPTV platforms in Europe, which have recently become available via satellite in all rural and remote areas (see Chapter 4). "News follows you wherever you go," said Krešimir Dominić, a public relations specialist. Social media networks are well established, with an already rich history of social engagement—namely, the first "Facebook" protest in Croatia (organized by high school students) took place back in autumn 2008. Locally organized Facebook protests successfully helped remove corrupt politicians, as in Sisak County. Two of the most successful political projects in Croatia in 2014, involving mostly young people, were "Orah," based on ecological issues, and "Živi zid," social movement against evictions and the power of banking and other financial lobbies.

In terms of citizens' access to domestic and international news, there are absolutely no restrictions. That has been the case since the late 1960s and early 1970s, when most of the western part of the former Yugoslavia (e.g., Slovenia and Croatia) watched Italian and/or Austrian television channels. International broadcasters (BBC World Service, Voice of America) have been allowed to broadcast freely since as early as the mid-1950s. International press, available since the late 1960s, began serving millions of foreign tourists, but later turned into a legal and legitimate source of information for local readership. The government does not block or restrict Internet access, VOIP services, or social networks in any way. After all, any such initiative in an EU member state would simply be unimaginable. New regulations (as explained under Objective 5, indicator 8) have efficiently erased any substantial differences between accessing news in urban and rural areas.

It would be difficult to find a single media consumer in Croatia who is satisfied with the public television (HRT) service. Objections run from allegations of partisan reporting, a lack of flexibility in breaking-news situations, and excessively high monthly subscription fees (1.5 percent of the average salary) to a lack of sports and commercial programming. "We are aware of these objections. It is hard, if not impossible, to meet the demands of such a heterogeneous audience. In my opinion, our biggest problem is lack of management coordination in using our own resources," said Mikleušević Pavić. Regardless of the shortcomings detailed above, HRT is still seen in Southeastern Europe (and even beyond, including Hungary, Slovenia, Slovakia, Czech Republic, and Poland) as a model

#### 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 a successful transition from a state-controlled to a public-service media with respectable audience ratings and even financial stability.

Despite oft-repeated allegations of “politically charged” reporting on public television, the panelists do not find it obvious. “Politics is, of course, always present, but more as a background than as an intention. My impression is that this government is perhaps not interested, but definitely not capable, of controlling public service,” said Klarić. “It really comes down to different lobbies and fractions within the public TV itself, rather than to any serious attempts to control it by one single political option,” said Perišin.

As a credit to the public service, the launch of the commercial-free 24-hour news channel definitely shows that the public service wants to play its public-interest role, even though it is not always sure of the best approach.

There is only one general service news agency in Croatia (HINA), aside from the Catholic news agency (IKA), which is predominantly oriented to its own market niche. “To my surprise, HINA is becoming more flexible and market-responsive in the services it provides,” said Živković. The development seems to be a consequence of HINA’s exposure to market conditions, after years of being financed exclusively by public funds. Although struggling with financial problems, HINA offers its services to media (especially local media and smaller newsrooms) at very competitive and affordable prices (basic service starts at as low as \$30 per month). But, the competition is tough: bigger publishers have launched their own news and photo agencies, while local radio stations have turned more to radio networks as sources of information. Foreign news services are available under no restrictions whatsoever but are prohibitively expensive even for most major national media.

A specific stipulation in the Croatian Electronic Media Act obliges all local and national private commercial broadcasters to produce their own news programming. So, the answer/comment on indicator 5 could be a short and straightforward “yes.” But usually, there are more layers to be unfolded. National private broadcasters have found from the very beginning of their Croatian presence that the news programming is not only mandatory, but that the news also could be commercially profitable and used as a tool to attract the audience. News production (on national commercial television stations) is closer to the definition of infotainment indeed, although they keep the public service under a constant pressure to be more accurate and more flexible (especially in live onsite reporting). “Commercial television stations offer news that is oriented more to

“We do have a choice of news and information throughout the political and societal spectrum—from left to right, from liberal to conservative, from mainstream to alternative. All points of view are covered. Even if I were to advocate that the Earth is flat, I’d find the media to cover it,” Klarić said.

attractive and crisp presentation than content quality, necessarily. But they are encompassing bigger audiences than the public service. Whether the overall impact is positive or not, it is still too early to say,” Car commented.

Unlike national broadcasters, local radio and television stations have not identified commercial potential in news programming. “Why should we as local commercial broadcasters be obliged to a certain quota of news production?” asked Miljenko Vinković, owner of a local television station. But his comment did not draw many nods from the MSI panel. Most panelists think that broadcasters—whether national or local, private or commercial—as users of the finite public good, should have a certain responsibility toward the public, including news production. “This is part of their license contracts, not something imposed on them,” said Toni Gabrić, publisher of the web portal H-alter.

Online media do not depend heavily on big advertisers and/or political lobbies, and some actively produce their own content. But the majority of online media outlets and bloggers do not have the capacity to produce their own news. A limited number of bloggers and online media outlets, however, are more open in exposing wrongdoings.

Indicator 6, on media ownership transparency, is a bit too complex for any straightforward answer. In October 2014, the European Commission organized a consultative conference on the transparency of media ownership, and Croatia was held up as an example of “good practice” in this regard. Still, most of the panelists would give rather low marks to this indicator. “Plurality of news exists, but nontransparent media ownership compromises it. Audiences cannot check whether the information is balanced against the interests of the owner of the media that published it,” said Mikleušević Pavić.

In fact, both impressions are correct.

Disclosure of the ownership structure is mandatory for all media, and this information is available to the public (online for electronic media or in the public registry with the Chamber of Commerce for print media). However, transparency of ownership as such has its own limits. The panelists agree that it is absolutely important to insist on this legal norm but think that this definition is already obsolete. "Nowadays, it is more important who controls the owners than who nominally owns the media," said Živković. Indeed, two or three major (foreign) banks are keeping the most relevant print and some electronic media in Croatia afloat on their will and can cut the financial lifeline at any given moment. Does the public have the right to this information? The panelists think that such vital financial data, as well as a list of nominal owners, should indeed be made publicly available. When it comes to foreign capital investments in the media industry, the panelists think that foreign investors have deserved credit for consolidating the Croatian media market and trade standards (although not contributing much in terms of quality of content), as well as for making a clear line of division between politics/politicians and editorial policies.

Issues related to social, sexual, and ethnic minorities are relatively well-covered in mainstream media, although still primarily in relation to certain events (such as the Pride Parade, which puts LGBTIQ issues in the limelight). Unfortunately, this (along with reporting on national minority issues) usually brings a burst of hate speech, which is not always or necessarily limited to marginal web portals. Minority-language media in Croatia (or specialized content/productions on minority languages) are well-established, with elaborate mechanisms for subsidizing this sector (from direct government financial support, support from respective foreign governments, and the so-called Fund for Pluralization of Media, alimented by three percent of the subscription fee to the public television service).

Some minority-language media are almost exemplary among their own kind, such as the daily paper in Italian, *La voce del popolo*, which has continued for 70 years, or the weekly magazine *Novosti* (published by the Serbian National Council in Croatia), which has become one of Croatia's leading weekly papers, content-wise, and goes well beyond its "minority" mandate.

## OBJECTIVE 4: BUSINESS MANAGEMENT

Croatia Objective Score: 2.00

"Recently, I've met representatives of a group of local media. They told me that they were operating on a basis of three-month financial plans. No more strategic planning; now, it is about mere survival," said Berković. Indeed, there isn't much left of the glory days of the late 1990s and early 2000s, when some of the "home-grown" media companies, started in the late 1980s or early 1990s and based more on enthusiasm and vision than on financial investments, were rightfully considered as proud examples of the successful Croatian entrepreneurship, well beyond the media industry. The score for Objective 4 this year is the lowest for Croatia since the MSI began there in 2001, and it is down to a 2.00 from a high of 3.39 in 2005.

Now, Croatia is poised to enter its seventh year of a recession that has literally halved circulation figures and advertising income (Živković estimates the total daily sold print circulation at some 300,000 copies, which is merely a third of what it used to be in late 1990s). Since 2007, the print media industry, as already mentioned, has lost 40 percent of its jobs. The end of the crisis is not in sight: in 2015, zero growth would be considered a success, while even more optimistic analysts do not foresee reaching 2006-2007 figures (in terms of revenue and employment) before 2025. "Such a persistent crisis in the media sector is a result of a combination of a contracted advertising market and media management incapable of coping with a new 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.

environment. In the initial phase of the crisis, some print media managers had tried to fight the downward circulation trend by trivializing the content, which resulted in the loss of trust in media and a further drop in circulation," said Gavranović. "Most Croatian media do not have crisis management; they are managed by crisis," said Rašeta.

Media in Croatia do generate income from a multitude of sources, although these sources are more and more reduced in their overall volume. "Sales figures for print media have dramatically declined, but the share of sales in comparison to advertising revenue has increased. This alone shows how low the advertisement income has dropped," said Gavranović. In practice, this means that less money can "buy" more content or minutes of programming—and more influence than ever before. "The media have become more dependent on advertising income, making the sector more exposed to direct or more subtle forms of pressure," said Gabrić. "The only serious advertisers in Croatia are retail chains, pharmaceutical and cosmetics industries, and mobile phone operators. They have a status of 'untouchables' in the media. Who dares to criticize them? Only marginal web portals with no real influence, and with no advertising at all," said Leković. Last year, the panelists elaborated on the "pyramid of fear" phenomenon. Because 2014 only accelerated the process, it is worth repeating what the "pyramid" refers to: *Journalists fear they will lose their jobs. Editors fear they will lose their positions with owners. Owners fear losing advertising income.* Taking into account (unfortunately) realistic expectations about the stagnation of the Croatian economy and financial sector not coming to an end before 2020, the positions of the biggest advertisers remain strong—at the expense of editorial independence.

Croatian legislation has some country-specific elements that are designed to provide local media with the financial resources needed for their public function. As mentioned, three percent of the subscription fee for the national public radio/television service goes to the so-called Fund for Promotion of Plurality and Diversity of Electronic Media, which supports "productions of public interest" on local commercial radio and television stations. The Fund has an annual budget of some \$6 million to \$7 million, providing project support of up to \$120,000. The model was initially designed to promote quality productions, employment, and self-sustainability of local commercial radio and television stations but has since become sort of a lifeline for a major part of local broadcast media. As Miljenko Vinković, owner of a local television station and representative of the National Association of Television Stations, put it, "Should the Fund cease to exist tomorrow, we would be out of business the next day." ("Out of business" refers to broadcasting any content other than purely cheap/

**"Most Croatian media do not have crisis management; they are managed by crisis," said Rašeta.**

commercial material.) The fund is partially based on "positive discrimination," giving an advantage to media or specialized productions in minority languages.

Local governments are still involved in the ownership structure of a significant percentage of local media. It is obvious and almost self-explanatory that media with a local government ownership structure (which usually includes benefits such as free-of-charge or under-market prices for office/newsroom space) are generally not considered to be prone to criticism toward the authorities they live off—even though this type of criticism, along with providing local service information, should be their core activity. The same goes for most of the local media, including those that are 100 percent privately owned: most local broadcast media, regardless of their ownership structure, have contracts with local authorities that subsidize, or entirely finance, some of the local information production. The financial crisis has nearly devastated small and medium-sized businesses and service providers and—consequently—dramatically affected the local advertising pool. In 2014, for example, local radio stations claimed a loss of almost 80 percent of the advertising income generated in 2007.

Public radio and television can thank well-elaborated regulations and fee collections for its steady income. A relatively efficient control has been established over the public fund's spending, which allows more transparency than before. For example, public television is not permitted to use public funds to purchase purely commercial content; public money is primarily aimed at supporting/buying productions in the "public interest," while commercial revenue is free to be used to purchase any type of commercial production or sports rights. However vague this definition may be, it has brought much more transparency to the way in which public money is spent. It has contributed to a more balanced market as well: only recently, public television did not manage to get the rights to broadcast the world handball championship (one commercial television station had a better offer). A few years ago, that would have been an unimaginable situation: public television would simply match (with public money) any offer by a commercial station. Such market distortions are less frequent than before.

The biggest international advertising agencies, such as McCann Erickson, BBDO, and Grey, have dominated the Croatian advertising market ever since the mid-1980s and

early 1990s, building on local expertise and an openness to the concept of advertising that dates back to the 1960s. Advertising agencies efficiently cover media by type (print, broadcast, web, and, increasingly, social media) and coverage area (local, regional, national). Taking into account the dire financial situation of most local and national media, one could say that the advertising agencies (and, for that matter, public relations agencies as well), regardless of the almost dramatic contraction of the overall advertising volume, have actually increased their influence on the market. “It is not always easy to access the media. Once you do it, the media will do whatever you ask them to do,” said Dominić.

Advertising revenue as a percentage of total media income remains in line with international standards. “On average, print media make some 55 percent of their income from advertising and around 45 percent from sales. This is, in general terms, in line with international standards,” said Gavranović. “But distribution of the advertising market is different. Globally, the television market consumes about 40 percent of advertising, while in Croatia this percentage goes up to 75 percent,” he added.

This is also the main reason for the still relatively strong market (and financial) position of national commercial television channels. “They do not make as much as they did before, but they are not in the red, which allows them to invest in production,” Gavranović said.

Private media do not receive government subsidies or subsidies from any other public source, aside from the support already mentioned from the Fund for Pluralization of Media or some minor funds from the Ministry of Culture. Some other regulations (for example, a stipulation that at least 15 percent of the advertising budgets of public companies and government campaigns should go to local commercial media) would intentionally also contribute to the local media budgets, although this stipulation has not been fully—if at all—respected and implemented.

“Most media are simply desperate to feel the pulse of their audiences. They would do everything to adjust their content to what they see as the market demand,” Dominić said. Although surveys follow higher industry standards, it matters more how media “decode” these findings; nonetheless, fine-tuning of their content, as a result of hard facts or “decoding” of them, usually brings out more trivia and infotainment than quality productions.

Leading international companies in the field of surveys and ratings (such as AGB Nielsen) have been present in Croatia for years and have set standards for all market participants. Broadcast ratings are reliable and precise. “But they are hideously expensive and therefore available only to a small number of financially viable media,” said Mikleušević Pavić.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Croatia Objective Score: 2.69

Objective 5 scores have held steady in the past several years, although they are lower than in the first half of the last decade when international funding supported local institutions at a higher level and Croatian media were better able to support them financially. Still, Croatian organizations play a vital role in the media ecosystem.

The CJA is more than one hundred years old (more precisely, it marked its 104th birthday last December). As such, it represents an almost unparalleled continuity in defending basic principles of the profession—whether keeping the media freedom torch lit in times of authoritarian and dictatorship regimes or promoting higher professional standards in, at least by definition, a plural and democratic environment. The panelists paid their respect to MSI Croatia veteran panelist Gavranović, whose role as CJA president in the early 1990s was crucial in preserving the Association’s unity and avoiding divisions along political, ideological, ethnic, or any other lines. This was of the utmost importance, making the CJA much more than a journalists’ association. Throughout the turbulent 1990s, CJA was an efficient and internationally respected combination of professional association, trade union, and human-rights watchdog organization.

### 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.

But what about today? Has CJA managed to keep its pivotal position in times when basic professional standards are once again at stake—not as a result of dramatic, tectonic political and geopolitical changes, but rather as a consequence of a merciless, enduring financial crisis?

“CJA promptly reacts to each and every instance of journalists under pressure or attack. But we have to face the reality: there are ever fewer independent media, driven with the public interest as their only agenda. The profession is in crisis, not so much due to external factors, but generated predominantly by the media sector itself,” said Duka, the CJA president. Not all of the panelists agreed. “CJA has failed to offer journalists support when they needed it the most. Hundreds are losing their jobs, while the Association remains silent. Why don’t you offer free legal assistance to your members as you did in 1990s?” Berković asked. “It is not that easy anymore. In the 1990s, we had a clear set of goals,” said Gavranović. “This time, the crisis has been generated primarily by the market itself and unparalleled changes in the way the media content is consumed. It’s about a global change; it would be rather unfair to blame CJA or any other media professional or trade association for that,” he added. “CJA is what we as members make out of it,” Klarić concluded.

Going back to figures, the fact is that the CJA’s membership has been in decline for the past five or six years. This period coincides with the shrinking professional base (as mentioned, the print media industry has lost 40 percent of its jobs), but also with a steady rise of journalists working part-time or on vaguely defined contracts—therefore, not meeting CJA’s membership standards. With the younger generation of media professionals, those lucky enough to get full-time employment are painfully aware of the transitional nature of their jobs and are not interested in joining any professional organization. “‘Trade union’ is an unknown term to them,” said Galić. “This makes both sides weaker: journalists, because their rights are not protected, and the trade union, because it has fewer members,” she added.

But it is not only about CJA. “We should not forget that other professional or sub-professional associations have been very efficient in promoting the interests of their members. The Association of Publishers has successfully lobbied to adopt a super-reduced VAT rate for daily papers, for example,” said Gavranović, one of the founders of the publisher’s association. Local commercial television stations are coordinating their lobbying activities under the National Association of Television Stations, and local radio stations and other media outlets are coordinating their activities through the Croatian Association of Radio and Newspapers (which has just celebrated its 50th anniversary). National

“CJA has failed to offer journalists support when they needed it the most. Hundreds are losing their jobs, while the Association remains silent. Why don’t you offer free legal assistance to your members as you did in 1990s?” Berković asked. “It is not that easy anymore. In the 1990s, we had a clear set of goals,” said Gavranović.

commercial television stations have their own association, while web portals have organized themselves as well—and actively lobby for their interests. In general terms, professional associations are well-organized, and their activities are well-elaborated.

The moderator’s impression is that the panelists tended to be a bit more critical discussing indicator 3, which focuses on NGOs, than they should have been. Indeed, interaction and cooperation between the media and NGO sector is not as active as it was, for example, 15 or 20 years ago. The democratic deficit in the 1990s logically set the lowest common denominator for the majority of media and human-rights NGOs—that is, in the promotion of higher standards of human rights and media freedoms. There were no problems in reaching consensus on that point. Nowadays, the situation is much more complex. “There are more than 50,000 registered NGOs in Croatia, covering the whole spectrum—from leftist anarchists to the extreme right,” said Berković. “Reaching consensus, even on basic, substantial issues, is simply not possible anymore,” she concluded. In addition, many of the former heroes of the independent media have compromised their position, making the question legitimate: ‘If the supposed controllers of the power turned into the power of itself, who will then control the controllers?’”

For example, Europa Press Holding, Croatia’s biggest publisher, had an important role in democratic changes in Croatia in the late 1990s and early 2000s, only to collapse recently as a victim of oversized ambitions. Radio 101 had a cult status in the 1990s, only to become a standard commercial radio station as a result of a murky privatization process.

Still, the CJA had, and still has, a pivotal role in supporting media’s professional standards. NGOs such as Gong and B.a.B.e. are still active in promoting higher media standards. Without going into the complicated details of such an issue,



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it could be concluded that Croatia's NGO sector is active in drafting, amending, and reviewing media legislation, access to information regulations, and other media watchdog activities. However, this symbiotic media-NGO relationship is no longer unconditional, as it used to be in 1990s. After all, this is yet another indication of a more mature democracy and a more complex interplay of different interests.

As for educational opportunities, schools are churning out more graduates than the field can absorb. "The media industry simply cannot absorb any more of our 'production' of journalists," said Perišin. Some panelists consider the situation, in which a profession that offers fewer and fewer jobs seems to attract more and more students to enroll in studies of journalism, inexplicable. "Where are they going to work? For what other purpose can they use the acquired knowledge if they don't find jobs in media and/or public relations—and the likelihood is that they will not?" asked Rašeta. "We have good degree programs and a lot of practical training offered on student radio and television stations, but this is not what employers want. Most of them want disposable copy/pasters, not educated journalists," Perišin said.

Short-term training opportunities are available, but it has become increasingly challenging to obtain permission from editors/owners to participate in the trainings. The situation is even more complex with the local media, where newsrooms are composed of one or two journalists. "Our last training was on video journalism. Many local media owners expressed interest in sending their staff, but I'm afraid it was only because the video journalism concept offered them an opportunity to reduce the number of employees," Dominić said.

Printing facilities, sources of newsprint, media equipment, and other parts of the production and supply chains are apolitical, privately owned, and managed exclusively by a profit-making business model. None of the panelists could remember a single occurrence of declining services due to political criteria or any criteria other than business-related ones, at least not in the past 15 years. Quality print presses in neighboring countries (e.g., Slovenia, Bosnia and Herzegovina, Serbia) are open for cooperation, often offering lower prices for services than print presses in Croatia, which also has contributed to favorable market conditions. In addition, the total capacity of print presses and other services in Croatia surpasses market needs, which also puts the market more in favor of clients.

Regardless of the form of media, distribution of content is unrestricted and open to all under standard market and exclusively business-based conditions. Internet, IPTV, cable television, mobile phone operators, transmitters, and similar services are owned mostly by large international IT and communications business conglomerates and offer professional and efficient access to all interested parties. In addition, as an EU member state, Croatia must implement standard EU regulations in this field, making any political, arbitrary, or non-business influence in this segment highly unlikely.

Yet, there is a problem in the field of print distribution. Namely, the most important national print distributor (which easily falls under the term "monopoly," because it covers almost 90 percent of the market) is owned by Croatia's wealthiest individual, who owns the country's biggest private company, Agrokor. Not only is Agrokor the biggest advertiser, but it also owns the biggest advertising agency. Clearly, attaching the word "biggest" to just one individual does not bode well for market plurality. There has been no indication that the individual in question is using this situation for any kind of political pressure (rather, cynics could say, the individual in question is dictating his terms to politicians, not vice versa). But there are some worrisome "market-related" decisions that are detrimental to the print industry. "Print circulations and the overall volume of sold copies are lower month by month, but the distribution network wants to keep its profit at the same level, raising the profit margin even up to 50 percent. The print industry, faced with lower cover price income and lower advertising revenue, simply cannot stand it anymore. Distribution is suffocating the print industry," Duka said.

Information, communications technology infrastructure, and potentials offered to the market are sufficient to meet the needs of the media industry. Also, the installed capacity of communications platforms is sufficient to meet customers' content and communications needs. Internet streaming of audio and video content, digital broadcasting (99 percent of households have been "digitized" so far), podcasting, content distribution via mobile phones, and so forth are standard and regular market services, introduced in Croatia simultaneously with the global market. Rural areas so far have been a bit neglected when it comes to access to high-tech communications, but the situation has significantly improved. "New regulations require at least one Mb/sec of Internet bandwidth in all areas," said Dominić. "This efficiently erases all the differences in ICT terms between urban and rural areas," he explained.

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Prices of IT services have become more affordable as well. The complete IT family package (flat Internet, IPTV, land phone) is available at the initial level of some \$40 per month. This should be considered a fair deal, even when scrutinized under new, crisis-shaped criteria. It is likely that market competition (in combination with mandatory EU regulations) will additionally lower the entry-level costs for access to IT services. As one panelist commented, that is at least one tangible benefit of Croatia's status as an EU member state.

## List of Panel Participants

**Jelena Berković**, spokesperson, GONG, Zagreb

**Viktorija Car**, professor, Faculty of Political Science/Study of Journalism, Zagreb

**Krešimir Dominić**, public relations specialist, Zagreb

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

**Toni Gabrić**, journalist, web editor/blogger, Zagreb

**Gabrijela Galić**, journalist/trade union activist, *Novi list*, Rijeka

**Ante Gavranović**, founder and former president, Croatian Associations of Publishers, Zagreb

**Emil Havkić**, lawyer, media legislation specialist, Zagreb

**Dražen Klarić**, managing director, *Styria/Vecernji list*, Zagreb

**Saša Leković**, freelance investigative journalist, Daruvar

**Sanja Mikleušević Pavić**, editor, Croatian Television; president, Croatian Council for Media, Zagreb

**Tena Perišin**, editor, Croatian Television; professor of journalism, University of Zagreb, Zagreb

**Anja Picelj-Kosak**, media specialist, U.S. Embassy, Zagreb

**Boris Rašeta**, columnist, *Novosti*, Zagreb

**Milan Živković**, media advisor, Ministry of Culture, Zagreb

*The following participants attended the panel discussion but did not submit a questionnaire*

**Martin Mayer**, media specialist, EU Representation Office, Zagreb

**Miljenko Vinković**, director, SRCE TV; deputy president, National Association of Local Television Stations, Čakovec

*The following participant submitted a questionnaire but did not attend the panel discussion*

**Gordana Simonović**, member, Agency for Electronic Media, Zagreb

## Moderator & Author

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

*The panel discussion was convened on December 15, 2014.*

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*Although the reporter did not reveal his source, testing the recently adopted Law on the Protection of Journalism Sources, he nevertheless faced enormous pressure by EULEX not to publish the story.*



KOSOVO

At first, the results of the 2014 national elections in June seemed to promise little disruption to the political status quo, as the Democratic Party (PDK) won the elections for a third time in a row. Yet, a very surprising turn ensued. Four major parliamentary parties (LDK, AAK, NISMA, and VV) joined in a post-election coalition bloc, creating a parliamentary majority to form the government and undermine PDK. On July 17, the coalition parties appointed Isa Mustafa, the leader of LDK, as the speaker of the national Assembly, in a session that PDK boycotted. The Constitutional Court later struck down the appointment, on the grounds that the largest parliamentary group should propose the candidate, as the constitution stipulates. A political deadlock followed, dragging on for six months. Finally, in December, PDK and LDK reached a new power-sharing agreement, and eventually the Assembly appointed Mustafa the new prime minister.

The political deadlock that started on May 7, when the Assembly was dissolved, and ended when the new government was appointed greatly affected other political developments in Kosovo, including the delay of certain key reforms toward EU integration. The European Commission Office and the European Union Rule of Law Mission in Kosovo (EULEX) represents the EU in Kosovo. The Mission, which is supposed to fight corruption, became a target of a corruption scandal itself. The scandal erupted when the Kosovo daily *Koha Ditore* published a story—based on leaked information—about top EULEX officials taking bribes to block prosecutions, colluding with criminal suspects, and giving classified information to Serbian intelligence service, among others. EULEX suspended one of its prosecutors, Maria Bamieh, on the grounds that she leaked the information to the newspaper—a charge that both the newspaper and Bamieh denied. Although the reporter did not reveal his source, testing the recently adopted Law on the Protection of Journalism Sources, he nevertheless faced enormous pressure by EULEX not to publish the story.

Sinking MSI scores demonstrate the deterioration of Kosovo's media sustainability in 2014. The year proved dangerous for journalists, too; the Association of Kosovo Journalists (AGK) registered about 25 attacks on journalists and declared 2014 the worst year for journalists on record. One journalist nearly died after a man entered his office and attacked him with a knife. The panelists detailed a number of threats to the safety of journalists in Kosovo.

Although Kosovo has done quite well developing the legal and social protections of free speech, ensuring the basic pluralism of the media landscape, and creating independent media regulatory bodies, the journalists' well being leaves a lot to be desired. Although a number of indicators across the five objectives suffered losses this year, by far the biggest was indicator 4 (attacks on journalists) in Objective 1; it dropped by more than a point and is a big part of the loss of 0.27 in overall score, down to 2.27 compared with last year's 2.54.

# KOSOVO at a glance

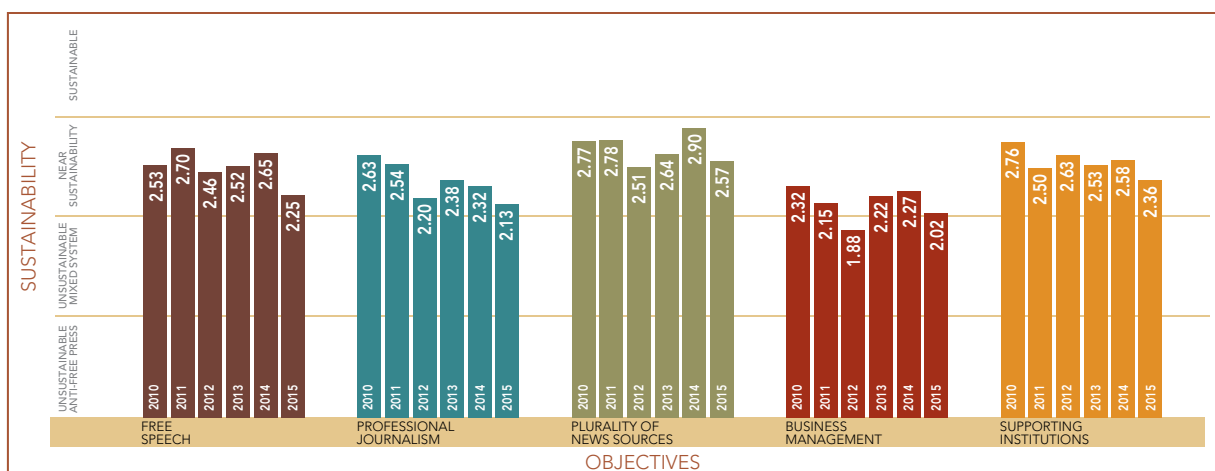
## GENERAL

- > Population: 1,859,203 (July 2014 est. *CIA World Factbook*)
- > Capital city: Pristina
- > Ethnic groups (% of population): Albanians 92%, Other 8% (Serb, Bosniak, Gorani, Roma, Turk, Ashkali, Egyptian) (*CIA World Factbook*)
- > Religions: Muslim, Serbian Orthodox, Roman Catholic (*CIA World Factbook*)
- > Languages: Albanian, Serbian, Bosnian, Turkish, Roma (*CIA World Factbook*)
- > GNI (2013-Atlas): \$7.193 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-Atlas): \$9,090 (World Bank Development Indicators, 2014)
- > 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, November 2014)
- > Broadcast Ratings: RTK 22%, KTV 24%, RTV21 30%; Radio Dukagjini 29%, Radio Vizioni 10%, Radio Kosova 8% (Index Kosova, November 2014)
- > Annual advertising revenue in the media sector: N/A
- > News agencies: Kosovo Live, Kosovo Press
- > Internet usage: 85% of households have Internet access (INDEX Kosova, November 2014)

## MEDIA SUSTAINABILITY INDEX: KOSOVO



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (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 defined 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\\_msiscor.xls](http://www.irex.org/system/files/EE_msiscor.xls)



## OBJECTIVE 1: FREEDOM OF SPEECH

Kosovo Objective Score: 2.25

Freedom of expression in Kosovo is firmly guaranteed, from a legal perspective. Fisnik Korenica, a legal expert and executive director of a Kosovo CSO, Group for Legal and Political Studies, backed up the notion that there is a solid legal basis that guarantees free speech and protects media organizations. The licensing and registration process of media is fairly regulated, since there are no legal restrictions for media organizations to enter the market. Even more, media organizations enjoy certain tax privileges, compared with other non-media businesses.

What really concerns the panelists is journalists' safety. Although no journalist has been killed recently, the panelists said threats and physical assaults are escalating. Such crimes against journalists come mostly from businesspeople and rarely from government officials directly.

Apart from the constitutional guarantees of freedom of expression, other laws significant to the journalism field include the law on access to public documents; the law on protecting news sources, copyright, and related rights; the law on prohibition of defamation and insult; and more. In addition, there are specific laws regulating the media working environment, such as the law on the public broadcaster and the law on the Independent Media

### 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.

Commission (IMC). However, as some panelists pointed out, there is still no law on media, although they could not clearly articulate what such a law should address. Anamari Ragic, from public television (RTK), said that while the legislation is sound overall, it lacks mechanisms for implementation—especially with the many threats to the freedom of speech from politicians, businesspeople, and others.

The law on protecting news sources, adopted in 2013, emboldened a daily newspaper reporter to take a stand to protect his sources this year in the infamous EULEX case.<sup>1</sup> EULEX, the EU's largest crisis mission, includes a staff of over 1,600 policemen, judges, and prosecutors. In this case, Vehbi Kajtazi, a *Koha Ditore* investigative reporter, refused to reveal his sources despite intense pressure from EULEX officials. The newspaper's editor-in-chief said later that the officials threatened Kajtazi, warning, "Life could become difficult for him" and that he could face criminal prosecution if he published the story. Kajtazi's story, involving allegations that a high-level EULEX official took a bribe, became a major investigative case within EULEX and a topic of discussion in the European parliament. AGK later awarded Kajtazi its top honors for his anti-corruption article and publicly condemned such threats against journalists.

The body in charge of licensing broadcast media is the IMC. Appointments to the IMC board, which is composed of officials who are appointed by members of the Assembly, is finally complete. The IMC board had been without a quorum since last year, when the Assembly fired three IMC members. The panelists expressed their concern that some of the newly appointed members came in as back door appointments, which questions the whole institution's independence of political control.

Online media, on the other hand, do not have to pass any licensing procedure, and the number of news portals has increased. Besa Luci, editor-in-chief of the blog Kosovo 2.0, believes that many people have created websites and presented them as media but at the same time do not abide by any professional standards at all. Although they should be free to register, there should be some mechanism to encourage such media to apply journalistic ethics, Luci added. Many of those news portals publish materials in a copy-paste model, often violating copyrights.

Media organizations are registered as businesses, and market entry is free under the law. Imported media and working materials are exempt from the value-added tax.

<sup>1</sup> For more information on the case, see a partial version of the newspaper article in question here: <http://koha.net/?id=27&l=30922> (it was not published fully in the online version; it was published as a series of articles). More information is also available at, e.g., <http://www.hrw.org/news/2014/12/15/letter-high-representative-eu-foreign-affairs-and-security-policy-and-vice-president>.

In this case, Vehbi Kajtazi, a *Koha Ditore* investigative reporter, refused to reveal his sources despite intense pressure from EULEX officials. The newspaper's editor-in-chief said later that the officials threatened Kajtazi, warning, "Life could become difficult for him" and that he could face criminal prosecution if he published the story.

Private media are registered as businesses at the Kosovo Agency for Businesses, where owner names are listed, but the challenge is determining who really stands behind the owners, according to the panelists.

Media owners tend not to treat journalists very well, and poor implementation of the labor law across all sectors is common. Zekirja Shabani, president of the Association of Professional Journalists of Kosovo, said that a large number of journalists work without any written contracts (which is against the law) and their rights are not fully respected. This is also a result of the inefficiency of the labor inspectorate, Shabani said.

There is a specific law that regulates Radio Television of Kosovo (RTK), the public broadcaster in Kosovo. As requested by the law, RTK now operates with four television channels, including the Serbian-language RTK 2, which launched in 2013. Currently, RTK 2 is only available on cable and does not reach all of the Kosovo Serb population, especially in the North. Here cable providers have refused to include RTK 2, because they consider it a Kosovo government product and many in the Serb population are uninterested in it. Ragic blames the IMC for failing to ensure that RTK 2 broadcasting, as a public medium, spans the entire territory of Kosovo.

The state financing of the public broadcaster jeopardizes its editorial independence, the panelists believe. According to the law, a new model, whereby citizens would pay directly for the public broadcaster, should be implemented by 2015. RTK also provides programs in the language of minorities, such as Serbian, Turkish, Bosnian, and Roma, as specified by the law.

Gazmend Sylja, editor-in-chief of TV KLAN Kosova, said that the law favors the public television station over commercial television stations for the exclusive right to broadcast live Assembly sessions. Other stations can broadcast this content only with the RTK logo, said Sylja. RTK board members are appointed by Assembly members, and there is a wide

perception that board members are politically influenced—an impression shared by some of the panelists about the top management level of RTK.

The panelists agreed that 2014 was a difficult year for Kosovo reporters, who faced persistent threats, ranging from political pressure to physical threats, assaults, and attempted murders. AGK alone listed over 25 cases of assaults and threats against journalists; for example, two reporters were attacked by people protesting against plans for a "park" that would essentially function as an ethnic barricade at the main bridge across the Iber River in Mitrovica.

Yet, there are no clear statistics to facilitate a comparison of cases during the years, assess the reaction of institutions to attacks against journalists, or evaluate the prosecution of journalists.

The attempted murder of TV KLAN Kosova reporter Milot Hasimja was the most serious crime of 2014. Hasimja was repeatedly stabbed in the head and neck while he was sitting at his desk. The perpetrator, Sovran Sylja, attacked him over a story Hasimja wrote four years ago on the topic of Viagra use. Sylja later asked Hasimja to remove the story from YouTube, and Hasimja's refusal angered Sylja. Sylja was later arrested and is serving his jail time. Local and international journalists and human-rights associations, as well as the Kosovo government, condemned the attack. After this case, AGK organized a peaceful demonstration demanding a safer environment for journalists and better protection from law enforcement, especially the judiciary, which tends to prolong cases involving threats against journalists. Gazmend Sylja, the news editor at TV KLAN Kosova, expressed appreciation, however, for the wide solidarity that the public showed for his reporter.

In another attack on a journalist, the owner of *Tribuna* physically assaulted his former employee, Shabani. The assault came after Shabani publicly threatened to sue his newspaper for violating his work contract and delaying his salary for months.

Journalists who have criticized religious leaders also reported threats from religious extremists in the past year. In 2014, over 40 people and 12 imams have been arrested for participating, recruiting, or encouraging Kosovo citizens to fight alongside ISIS, although the law does not expressly prohibit such things. One journalist claimed that he received anonymous beheading threats for his critical tone against religious groups.

Libel is regulated by the civil code in Kosovo and not punishable with prison terms. According to Kosovo's legal standards, though, the burden of proof falls on the defendant. Kreshnik Gashi, a journalist with the Balkan

Investigative Research Network (BIRN), said that so far no journalist has been found guilty of libel and no notable cases went forward last year. It is typical for politicians/businessmen to threaten to sue the media when they are accused of corruption, but they rarely move forward with an actual lawsuit. Journalists may also be sued for defamation by judges and prosecutors.

Trial processing is very slow and inefficient and fails to project a clear message that the rule of law is guaranteed in cases of intimidation of journalists and media employees. Remzie Shahini-Hoxhaj, a journalism lecturer at the University of Prishtina, believes that due to the high volume of cases submitted to the courts and the long time that it takes cases to be processed, many people are discouraged from suing someone when affected by libel.

The law guarantees access to public information; its implementation, however, leaves a lot to be desired. In a recent study, BIRN<sup>2</sup> noted that out of 300 requests for public information, only 30 percent received a full answer, Ropic said. Ardian Collaku, from Gazeta Blic, said that access to more sensitive public documents is simply not possible. He said Gazeta Blic had sent more than 10 different requests to various institutions and never received a response. He mentioned cases involving two major government tenders, involving construction of the national highway and that of selling the energy network and supply. In both cases, the government never provided the media access to review the contracts.

Luci also expressed concern that a large number of journalists lack awareness of this law, which is used mostly by investigative reporters. Gashi added that the law on the protection of personal data has created some confusion and problems for journalists attempting to gain access to public documents, as some public officials, citing this law, have refused to provide certain information to journalists. But in cases when the Agency for Protection of Personal Data has been consulted, it has confirmed that the law does not prohibit the publication of such information, said Gashi.

The panelists pointed to the government's failure to designate an official spokesperson for the past four years as another problem that may be leaving it in contempt of its obligations to the public. Bloggers and reporters from local media outlets face even more difficulty in accessing official information, because public officials face few consequences for refusing to collaborate with them, according to Luci. However, public officials regularly use Facebook and Twitter.

<sup>2</sup> Balkans Investigative Reporting Network (BIRN). Report on Access to Public Documents 2013-2014. June 2014. Available at [http://www.drejtisianekosove.com/repository/docs/report\\_on\\_access\\_to\\_public\\_documents\\_2013-2014\\_824655.pdf](http://www.drejtisianekosove.com/repository/docs/report_on_access_to_public_documents_2013-2014_824655.pdf) (accessed March 4, 2015).

In 2014, Twiplomacy ranked the former foreign minister of Kosovo, Enver Hoxhaj, among the top 25 world leaders most active on Twitter. Politicians also use Facebook frequently to communicate with the media and public.

Nevertheless, the law does not restrict access to or use of local and international news and news sources, and entry into the journalism profession is free. The government imposes no restrictions or licensing requirements upon individuals practicing journalism.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Kosovo Objective Score: 2.13

The overall score for Objective 2 shows that, like freedom of speech, the level of professional journalism has deteriorated. The panelists pointed out a number of issues related to professional standards; for instance, while reporting generally appears to be fair and objective, there are many stories based on anonymous sources. A code of ethical standards is in place, yet media organizations do not effectively enforce them. As online news portals remain unregulated—and regularly breach copyright standards—they detract from media professionalism. Self-censorship is practiced mostly at the editorial level and stems mostly from the perceived fear of losing commercial benefits. Pay levels for journalists remain low, especially in the print and local media. However, journalists tend to cover key events and issues, technical facilities for gathering and distributing news are quite efficient, and entertainment programming does not eclipse news and information programming.

### 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).

Another piece revealed corruption among some cardiologists, including mistreating patients and re-routing patients from public hospitals to their private clinics for profit, and led to the arrest of some of the doctors.

Reporting in general is fair and objective. Most reporters adhere to professional standards in terms of respecting key principles, such as fact checking all information they present, consulting different sources, and including comments from experts. However, reporters sometimes lapse and draw criticism from the Press Council of Kosovo—a self-regulatory media body to which most newspapers, news agencies, and news portals subscribe. In 2014, investigative reporting produced certain changes. Many stories in the print media contributed to some changes; for example, a story about plagiarism at the University of Pristina led to the resignation of the rector. Another piece revealed corruption among some cardiologists, including mistreating patients and re-routing patients from public hospitals to their private clinics for profit, and led to the arrest of some of the doctors. Another example of investigative work involved stories about Kosovars fighting in Syria, which led to the arrest of alleged recruiters.

Most media organization adhere to ethical standards put forward either by journalists' organizations or individual media outlets. The Press Council's code is considered the most advanced, according to Gashi. Gashi explained that his media organization strictly prohibits reporters from accepting any gifts—or even a drink—from people related to their story. RTK has its own code of ethics, while IMC regulations also speak about ethical standards for broadcast media.

However, the panelists expressed serious concern about the hate speech disseminated by online portals, either through the reporting itself or uncensored, un-moderated, anonymous comments by readers. The panelists see the deterioration of journalism professional standards as a result of the rapid rise of online news portals, which are not legally regulated and remain outside the control of state regulatory media bodies, like the IMC. Some portals are controlled by business companies or political groups and are used to advance their own interests, said Shabani. The emergence of many portals, according to the panelists, has created a chaotic situation. However, it is the market that will determine which survive and which drop out. Shahini-Hoxhaj pointed out another dangerous trend used

by many portals: making headlines from the Facebook or Twitter status of a politician, without bothering to further investigate such topics.

Self-censorship among journalists and editors persists. While journalists tend to self-censor because they fear for their safety, on the management level the main reason tends to be a fear of losing certain business interests. Some media organizations are linked with certain types of businesses, but it is difficult to get clear information about this influence because no media publicly acknowledge that they draw support from business interests. The panelists said that self-censorship is also practiced in such cases where people with high-profile media jobs, such as publishers or editors-in-chief, join a political party. For example, the owner of the daily *Kosova Sot*, Margarita Kadriu, left the newspaper last year to join PDK, the largest and then the ruling political party. In such cases, reporters are afraid to (negatively) report on their former boss.

Pay levels for journalists are low in general, except for those working for the public media or international media. The average reporter does not earn enough to make a decent living, according to the panelists. Furthermore, most reporters work long hours, and most media outlets do not provide paid maternity leave for their female reporters—despite the fact that the labor law guarantees this right. Such working conditions render this profession unattractive, and this is the reason why many journalists leave for other positions, such as government jobs.

A new trend is the outflow of journalists from private to public media, mainly due to better salaries and benefits. In commercial television, only close relatives of the owner or the star journalists enjoy relatively good salaries. In most cases, interns are not paid, and the probation period for beginners may last several months—and they may not be paid at all. Salaries in commercial media are non-competitive. Some private media pay reporters as low as €150 per month.

Despite this, journalists cover key events and issues. Covering protests remains a challenge, though, as seen in the attack on two reporters during a protest in Mitrovica (mentioned above). In that case, the police still have not managed to identify the perpetrators.

Entertainment programming does not eclipse news and information programming, and with the advancement of cable and online media, people can get information when they need it. Informative programs have their audience, especially the evening news edition, but Turkish television series are almost equally popular. Facilities for gathering, producing, and distributing news are modern to an extent. Digitization poses some challenges in terms of equipment,

though. Local media are in a less favorable position to buy the newest technology. Given the fact that the media are preparing for digitalization, most resources are directed toward it, at the expense of program content.

Investigative reporting is evident in the mainstream media, and there are media that specialize entirely in it, such as BIRN. However, the panelists highlighted the need for more extensive specialized training of journalists. Gazmend Sylja said that editors and publishers do not sponsor many investigative reports, due to the long time commitments involved. Low salaries are another reason why reporters refrain from engaging in such activities. Most newspapers lack specialized editors, as well as specialized reporters in specific fields; most reporters are generalists.

### OBJECTIVE 3: PLURALITY OF NEWS

Kosovo Objective Score: 2.57

Objective 3 has typically received the highest score from the panelists. Although the overall score dipped a little from last year, possibly because another newspaper closed due to financial constraints, the panelists emphasize that there is still a plurality of public and private news sources. With regard to public media, RTK has further increased its channel offerings, from two to four. Private television also contributes to the multiple viewpoints, especially for stories against governmental practices, where the public media tend to hold back. With expansive Internet offerings

#### 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.

Ardita Zejnullahu, executive director of the Association of Kosovo Independent Electronic Media, mentioned the evaluation of the European Observation Mission, which stated that during the pre-campaign period in the national election, RTK gave more coverage to PDK (ruling party) in the evening news edition.

as well as cable services, citizens' access to domestic and international media has widened, too. Independent news agencies gather and distribute news for media outlets according to subscription agreements, although private media usually also produce their own news. The question of the public media's independence from government influence, as well as that of new media ownership transparency, represent two challenges identified by the panelists, as elaborated below.

There are many news sources—television stations, newspapers, radio stations, and online media—that offer opportunities to check one source against another. Overall, the media cover the various political viewpoints. The number of private media, especially online media, has been increasing over the years. Kosovo is seeing the opposite trend with newspapers, though, as almost every year another newspaper cuts out its print version. In 2014 it was *Tribuna*, which is now only an online news portal. Its closure left most of its reporters and editors jobless.

News portals rarely produce their own news anymore. They simply copy-paste news from newspapers and television stations. The content of online portals differs from that of websites of established television stations, newspapers, or news agencies, which produce their own news.

Social networks are also a news source, but blogs are not very popular. Foreign media are available, and the Internet and cable networks broadcast a wider range of media (national, regional, and international). The problem is for people living in rural areas, which do not receive terrestrial broadcast signals, forcing residents to pay for cable services.

The law does not restrict citizens' access to domestic or international media. However, to some degree, people's income levels affect their ability to buy newspapers. The most expensive newspaper costs €0.50, while cable and the Internet are not very cheap, either. Lately, cable and the Internet also have spread heavily across villages



and smaller towns. With the advance of cable, satellite is less and less common. Cable providers offer various local and international channels in all languages of Kosovo communities.

The panelists expressed concern that direct financing of the public media from the state budget is jeopardizing their editorial independence. Ardita Zejnullahu, executive director of the Association of Kosovo Independent Electronic Media, mentioned the evaluation of the European Observation Mission, which stated that during the pre-campaign period in the national election, RTK gave more coverage to PDK (ruling party) in the evening news edition. RTK is well favored, compared with other private television stations, because it has the right to generate its own profit from advertising, apart from the state budget. However, it is restricted to six minutes per hour, compared with the 12 minutes allotted to commercial television stations. According to Ragic, the public media are, by law, forced to be independent of influence, and so far they are fulfilling their mission. Public media are open to different viewpoints, but nonetheless they are still often accused of pro-government bias and are insufficiently critical, said Ragic. Collaku also believes that public television spends a predominant amount of time reporting on government activities. Since 2008, when PDK came to power, most of the information time was dedicated to this party. Also, even when there were more important daily stories, RTK's first stories in its news edition were about the prime minister, Collaku said.

Public media are legally obligated to provide educational and cultural programming. However, when comparing programming, it is difficult to tell whether public media provide better-quality or more in-depth reporting than private media.

News agencies, like Kosovapress, also serve as a good source of information for Kosovo media. There is no selective distribution of news from the news agencies; it all depends on subscription agreements. Gent Efendia, editor-in-chief of Kosovapress, explains that the monthly subscription for Kosovo media is €250. There are some online portals that do not subscribe but still take Kosovapress stories and publish them as their own news. Efendia said that they have sued some of those outlets. Kosovapress employs over 70 people. National media can afford to buy news content from international news agencies, such as AP, Reuters, and AFP, but that is out of reach for local television stations because their financial situation is not strong enough. Private media and community media produce their own news.

Transparency of media ownership is well regulated for broadcast media; however, newspapers and online portals are less transparent.

The mainstream media support a wide range of social interests, but not consistently. For example, the Roma community does not attract much media attention. Minority media exist within RTK and as local private media, too; they are available to all citizens since most of them are included in cable packages.

Local television stations provide enough news about their hometown, as well as national and international news. Nexhmedin Spahiu, the owner of local television station TV Mitrovica, said that his station constantly reports about minority groups. Local television stations tend to provide more in-depth reporting about local news, compared with national media television stations, which report only the most important stories related to rural areas. Local blogging is not developed in rural areas, while SMS alerts do not exist. Citizen reporters nowadays provide a good source of information, thanks to the widespread use of smart phones and 3G Internet coverage.

## OBJECTIVE 4: BUSINESS MANAGEMENT

Kosovo Objective Score: 2.02

Objective 4 traditionally receives the lowest score of all objectives, and this year, too, the panelists agreed that Kosovo's media are not very well-managed enterprises. The poor financial climate for local media, the public media's inability to secure financing apart from the state coffers, the lack of market research, and the lack of credible broadcast rating and circulation figures all conspire to keep the scores down.

### 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 panelists said that some media are facing large sums of debts or are on the verge of bankruptcy. Some can barely meet their annual expenditures or pay the salaries of their staff. Most media hire specialized staff for accounting and marketing, but most have no business plans or strategic plans for growing their business. Despite the financial challenges, national and local television stations have managed to stay in the market for over 15 years now.

There are exceptions. The largest media organizations, which include the national television stations, some private television stations, and most newspapers, operate as efficient and well-managed media. They prepare and follow business plans that help them secure financing. The public media are in a better financial position than others, mainly due to the security that comes with state funding. Minority media, in contrast, face the most difficult situation—they are neglected by advertisers, who tend to concentrate on the national media.

Most media, including local media, rely primarily on advertising, while subscriptions work only for cable providers and some magazines. Companies that use advertising, which is sometimes the only source of revenue for the media, have increased, but not significantly.

Commercial banks, telephone companies, supermarkets, and private universities are some of the biggest advertisers. Due to the small overall advertising market, the price that advertisers will pay has declined. However, the advertising companies do a reasonably good job, as ads are generally quite professional, the panelists agreed. The government is another advertiser. Although it tends to be selective, according to the law the government must give priority of advertising to those media with the highest viewership/circulation. But the lack of reliable data on such figures has given the government more flexibility to advertise in various media. The law restricts public media advertising to half of the time allowed for private media, so as to not impede the development of the commercial media sector. Private media oppose this practice, because public media already have secure funding and therefore should not take away advertising opportunities from other media, some panelists commented.

Media outlets have discovered that soap operas attract large audiences, thus helping to boost the volume of advertising when they are part of the strategy. In general, news and information content does not get lost at the expense of

Market research is rarely used to formulate strategic plans or enhance advertising revenue. Although there are companies that conduct market research, most media organizations simply cannot afford their services.

advertising. However, the situation changes during the election campaign period. Political marketing is prohibited; it exists only during the election campaign. Gazmend Sylja said that during election campaigns, though, the large number of ads and promotional activities of political parties usually change programming schemes. The panelists pointed out that some private media have a private company behind them, which secures the basic funding, and then they use advertising time to promote their products. Since most of the media are also online, they have created opportunities for online advertising.

Public institutions often punish media that report against their activities. Collaku mentioned the case of Gazeta Blic and the Ministry of Agriculture. Gazeta Blic uncovered a scandal at the Ministry, which allegedly bought a tractor to give to a farmer in the form of a subsidy at double the market price. The Ministry reacted by buying ad space in all the rest of the media, hoping to stop them from further investigating or reporting on the scandal. Gazeta Blic was left out, said Collaku.

The government has stopped providing subsidies to local and community media, yet it remains an important advertiser. In the past, both the government and businesses have stopped advertising with a media outlet that has been critical.

Market research is rarely used to formulate strategic plans or enhance advertising revenue. Although there are companies that conduct market research, most media organizations simply cannot afford their services. A related problem is the lack of reliable broadcasting rates or circulation figures. In some cases, individual media have sponsored such research, and they secured the top spot. This has damaged the credibility of such ratings. (Anecdotally, for years it has been widely perceived that soap operas are the most watched programs in the evenings and that RTK's evening news is the most watched of all news editions.)

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kosovo Objective Score: 2.36

The panelists have praised the existence of supporting institutions. Trade associations are very active in representing and promoting private media owners' interests. Journalists have their own professional associations, too, which in 2014 were very active. The relationship between NGOs and media organizations is fairly strong, as the former always support the principle of free speech. The number of journalism degree programs has increased, but their quality remains a challenge. Sources of media equipment, such as newsprint and printing facilities, are apolitical and not monopolized.

The Association of Independent Electronic Media of Kosovo (AMPEK) represents private television stations, and in 2014 AMPEK actively provided input on the new national strategy for digitalization, an IMC initiative. Zejnullahu, who represents AMPEK, mentioned some of its key lobbying activities recently to protect the interests of private broadcasters. She said AMPEK lobbied the Assembly to fire three IMC members for violating the law. It also stopped the bill on digitalization because its content could jeopardize the diversity and freedom of media in Kosovo and it managed to suspend a new IMC regulation that would have increased the licensing fee for Kosovo broadcast media.

The public broadcaster is part of the Regional Association of Public Broadcasters, in cooperation with the European Broadcasting Union (EBU). Journalists working for RTK

have their own trade union. The Association of Kosovo Journalists (AGK) is the largest professional organization that represents Kosovo journalists, including reporters, photographers, and cameramen. AGK's reputation suffered a blow after some of its board members resigned in a show of disagreement with the policies of its chief. Eventually, the head of the organization resigned as well. Shabani, who is the new head of the organization, said that AGK has been very active in promoting journalists' rights and has even organized a protest in the case of the attempted murder of Milot Hasimja. The panelists praised Shabani's courage for publicly condemning his own media for delaying his salary, suing it for breach of contract, and calling on all media employers to pay their staff's salaries.

However, Kosovo journalists have not managed to create a trade union that would lobby for their labor rights. Trade unions exist only with the public broadcaster. There are no legal restrictions on the registration of associations, as long as unions respect the law on trade unions. Journalists' associations also provide training and free legal assistance for their members. AGK includes all sorts of journalists—investigative reporters, bloggers, economic reporters, etc. Membership is free, so AGK's activities depend heavily on the funding provided by foreign donors. The new leadership now is in the process of updating its membership list. Another, less active, association is the Union of Kosovo Journalists.

Some media organizations organize in-house training for their staff. Gashi said that almost every month BIRN organizes a training on specific topics, such as covering demonstrations, reading financial tables, reporting from the court, etc.

NGOs actively support the media and freedom of speech, but few NGOs deal directly with media issues; they are more oriented toward good governance, protection of human rights, and public policy. However, local NGOs always react to freedom-of-speech violations, they protest if there is an attack on journalists, and they participate in drafting laws that relate to the media. GAP Institute, GLPS, Indep, and BIRN are all local NGOs that are very active during the drafting of media legislation. Other NGOs supported the protest organized by the AGK to demand a safer environment for journalists after the Milot Hasimja case. Registration of NGOs is very simple and cheap.

The panelists praised the existence of journalism degree programs, offered both by the public and private universities, but expressed concerns about their quality. They said that the programs do not provide sufficient practice-oriented training. Overall, the number of graduates at the state level exceeds the market demand.

### 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.

There are many opportunities for students to study journalism abroad. Mainly foreign organizations or foreign state governments provide such scholarships. USAID, for example, offers 185 scholarships for master's degrees and 160 certificate scholarships, including journalism. However, the volume of opportunities to send Kosovo journalists abroad for training has slowed in comparison with the years right after the war, when many donors supported such trainings. Nowadays, the media themselves appear to be reluctant to send their staff away for a few days because it creates a vacuum at home.

There are no government restrictions on media to import media equipment or commodities, such as newsprint, video cameras, or transmission equipment. On the contrary, the government has exempted the media from customs duties when importing such equipment. Printing houses are privately owned companies, and they provide equal opportunities for all media outlets. The government does not interfere with the channels of media distribution, such as kiosks, cable, and the Internet. Such services are not apolitical, not monopolized, and not restricted.

The current ICT infrastructure meets the needs of the media industry. However, with the digitalization process (which is expected to start in 2015), there will be a need to upgrade the technology. Kosovo is late with digitization, and thus the whole infrastructure is in question. The panelists believe that this will be a challenge for local television stations and that the government's intervention in the form of subsidies will be necessary.

## List of Panel Participants

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

**Zekirja Shabani**, president, Association of Professional Journalists of Kosovo, Pristina

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

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

**Fisnik Korenica**, legal expert and executive director, Group for Legal and Political Studies, Pristina

**Gent Efendia**, editor-in-chief, KosovaPress, Pristina

**Ardian Collaku**, editor-in-chief, Gazeta Blic online news portal, Pristina

**Gazmend Sylja**, editor-in-chief, KLAN Kosova Television, Pristina

**Anamari Repic**, deputy director, Radio Television of Kosovo (RTK2), Pristina

**Nexhmedin Spahiu**, general director, Radio Television Mitrovica, Mitrovica

**Remzije Shahini-Hoxhaj**, professor of journalism, University of Prishtina, Pristina

## Moderators

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

**Jeton Mehmeti**, research director, GAP Institute for Advanced Studies; lecturer of journalism, University of Pristina, Pristina

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**Jeton Mehmeti**, research director, GAP Institute for Advanced Studies; lecturer of journalism, University of Pristina, Pristina

*The Kosovo chapter was coordinated by, and conducted in partnership with, the Institute for Advanced Studies (GAP). The panel discussion was convened on December 15, 2014.*



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*There was one short-lived attempt to start a new daily, Politiko, with an editorial tone strongly critical of the government, but it failed after only seven issues, reportedly due to abysmal sales and lack of public interest.*



## MACEDONIA



Early parliamentary elections were held in April, resulting in another win for the incumbent coalition of VMRO-DPMNE and DUI political parties. The opposition accused the ruling parties of serious abuses of the electoral process and decided to boycott the parliament—a boycott still in effect at the time this MSI study was written. Incumbent President Gjorge Ivanov won the presidential elections held in April as well.

Macedonia again retained its status of candidate for EU membership, but endured the most critical European Commission Progress Report to date. The report highlighted many serious issues that the country must address to start membership negotiations, including problems related to the freedom of expression and media freedoms—especially the government’s efforts to establish control over the leading national broadcasters, and the independence of the judiciary. The longstanding dispute with EU-member Greece over Macedonia’s name remains unresolved.

The economy, after a prolonged period of crisis, is now growing at a rate of 3.5 percent per year and Macedonia reported the second highest GDP growth in Europe after Ireland. However, in view of the low starting levels, experts say that the current and projected growth rate is not enough to improve significantly standards of living, and the unemployment rate stands at 27.9 percent. Foreign investments grew, thanks to tax relief and subsidy programs, but companies that have established production in Macedonia have failed so far to deliver the expected higher salaries, better protection of labor rights, or local advertising that would benefit media.

New media legislation—the Law on Media and the Law on Audio and Audiovisual Media Services—came into force at the start of the year. The latter has already been amended several times, introducing provisions that could offer new opportunities to channel state funds to the pro-government media. There was one short-lived attempt to start a new daily, Politiko, with an editorial tone strongly critical of the government, but it failed after only seven issues, reportedly due to abysmal sales and lack of public interest. Finally, a new law that obligates payment of full pension and health insurance benefits on service contracts provoked a huge uproar, led to protests, and is expected to have a huge impact on the media and media professionals.

Macedonia’s long-term prospects for media sustainability are still in doubt, but MSI scores this year improved across the board. Overall the country improved from 1.40 last year to 1.72 this year. Although this is still firmly within the “unsustainable, mixed system” scoring definition, it is a step in the right direction.

# MACEDONIA at a glance

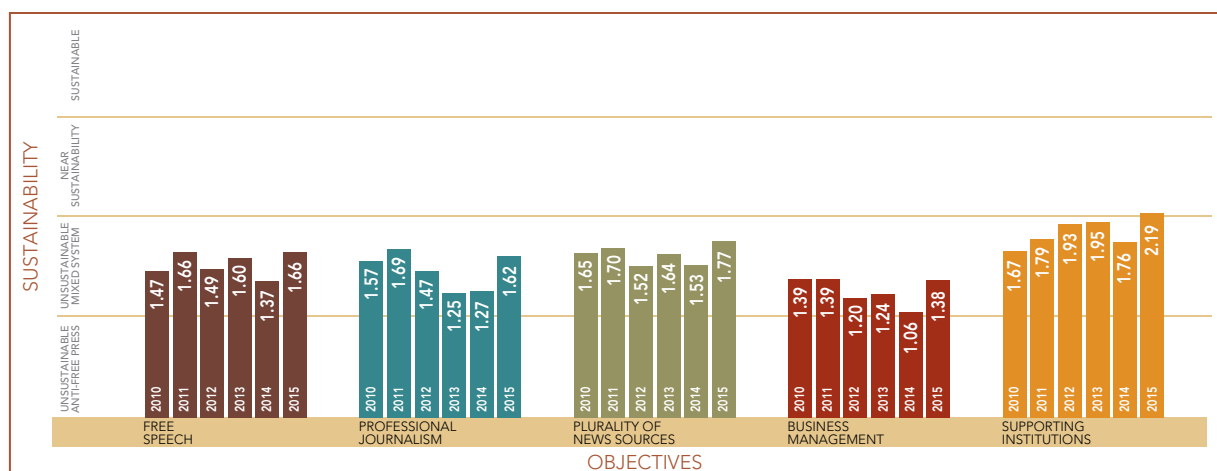
## GENERAL

- > Population: 2,091,719 (July 2014 est. *CIA World Factbook*)
- > Capital city: Skopje
- > Ethnic groups (% of population): Macedonian 64.2%, Albanian 25.2%, Turkish 3.9%, Roma 2.7%, Serb 1.8%, Other 2.2% (2002 Census, *CIA World Factbook*)
- > Religion (% of population): Macedonian Orthodox 64.7%, Muslim 33.3%, other Christian 0.37%, other and unspecified 1.63% (2002 census, *CIA World Factbook*)
- > Languages (% of population): Macedonian 66.5%, Albanian 25.1%, Turkish 3.5%, Roma 1.9%, Serbian 1.2% Other 1.8% (2002 Census, *CIA World Factbook*)
- > GNI (2013-Atlas): \$10.26 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$ 11,520 (World Bank Development Indicators, 2014)
- > Literacy rate: 97.4% (male 98.7%, female 96%) (2011 est. *CIA World Factbook*)
- > President or top authority: President Gjorge Ivanov (since May 12, 2009)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: 6 dailies (five in Macedonian and one in Albanian), 5 weeklies, 1 bi-weekly, 6 monthlies (AVMS registry); Radio stations: 3 Public Broadcasting Service (MRT) and 78 commercial radio stations (including 3 non-profit community stations affiliated with the 3 state universities) (AVMS registry); Television stations: 3 Public Broadcasting Service (MRT) and 63 commercial; 30+ online news sites (no official registry)
- > Newspaper circulation statistics: Top three by print circulation (data on copies sold is not available): *Vest* (32,000, private), *Dnevnik* (25,000, private), *Sloboden pečat* (13,600, private)
- > Broadcast ratings: Sitel TV (28.6%), Kanal 5 TV (12.8%), MRT1 (6.6%)
- > News agencies: Macedonian Information Agency (MIA)
- > Annual advertising revenue in media sector: €30 million (est., marketing365.mk website)
- > Internet Users: 1.057 million (2009 *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: MACEDONIA



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

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

**Unstable, 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.

**Unstable 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: 1.66

Macedonian society and its predominantly conservative values are not really conducive to the freedom of expression. The government has little patience for any dissenting or, for that matter, different opinions, with public debate on many important issues being reduced to a bare minimum, usually of a predominantly formal nature. Loyalty to the state and its institutions is considered paramount and is actively encouraged, starting in elementary school civic education textbooks.

On paper, the constitution guarantees and protects the freedom of expression and Macedonia is a signatory to several international treaties and declarations that affirm this freedom. The practical implementation of those legal guarantees, however, leaves much to be desired, and the panelists noted that political and/or economic centers of power, and especially media owners, are able to silence freedom of expression at will. Panelists noted that the ruling party seems to impose its own editorial policies through the appointment of party-sponsored editors and journalists who then act as political commissars. "On paper, everything is all right and in line with Western democratic standards. In reality, however, everything is strictly controlled through

### 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.

"We have sent a number of requests for access to information. We do not receive any answers and even when we receive it, the information is so minor and insignificant that we cannot really do anything with it," said Ajdini.

self-control of the media," said Bekim Ajdini, editor and journalist at *Koha* daily.

Panelists noted that the newly adopted media legislation—the Law on Media and the Law on Audio and Audiovisual Media Services entered into force on January 4, 2014—included many weaknesses. For example, the Law on Media excludes online media and bloggers and does not promote self-regulation or pluralist journalism and media. The law does offer provisions on the protection of sources in line with international standards. However, the questionable definitions of "media" and "journalist" in the Law on Media do not ensure that bloggers and journalists working for online media enjoy the right to protect their sources. The panelists pointed to the case of Tomislav Kežarovski, a crime beat reporter who was sentenced to four-and-a-half years in prison for disclosing the identity of a protected witness. Kežarovski, in their opinion, was sentenced primarily because of his refusal to disclose the names of his sources in the prosecution office and among the police that were instrumental in his investigation of abuses of the witness protection program.

In January 2015, the Skopje Court of Appeals reduced Kežarovski's sentence to two years—but ordered him to serve the remainder of his time in prison (he had been serving his sentence under house arrest). He was transported to the Skopje Correctional Facility the same night that the court announced its verdict, only to be temporarily released because of his poor health—leaving the final outcome up in the air.

The new Law on Audio and Audiovisual Media Services provides for two types of broadcasting licenses: licenses to broadcast linear television or radio programs over the digital terrestrial multiplex (a limited public good) for which a public call for applications is mandatory, and licenses for transmission over cable and satellite. The latter are perceived as to be allocated automatically, although applicants need to present the same documents and information to the regulatory authority, the Agency for Audio and Audiovisual Media Services (AVMS). The procedure is legally designed to be impartial and objective. However, suspicions have been voiced publicly that a series of new regional terrestrial

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broadcasting licenses have been allocated in a procedure that was designed so that the frequencies would go to owners close to the ruling VMRO-DPMNE party. At the end of 2014, AVMS announced a public call for renewal of existing licenses. The process was not concluded by the writing of this report, but it will be monitored closely in the coming year.

There is no obligation for licensing of print or online media. However, the new Law on Media requires print media to register with AVMS, which keeps a registry of print media and has powers of administrative supervision and oversight over the work and operations of print media on a limited number of legally prescribed issues. One panelist, a representative of the Association of Privately Owned Media in Macedonia, noted that some form of regulation of online media is necessary to control the current situation in which “very cheaply, one can set up a website, employ people without necessary qualifications and, without any sort of editorial policy, start informing the public.”

Market entry is fair and equal for all interested parties, at least according to what is prescribed by the law. Most new entries in the market are online, although there was a failed attempt to establish a new daily; as mentioned above, the Politiko project, which was expected to be strongly pro-opposition/anti-government, folded after only seven issues, citing extremely low sales. The Law on Media explicitly defines as media only those outlets that are also registered as either a commercial company or as a civil society organization; one or the other is required in order to comply with the national payments system. Tax authorities and other inspectorates apply the same approach and treatment to media outlets as companies in other industries. The panelists, however, would like to see some tax relief put in place to facilitate better functioning of the media. Also, panelists felt, tax authorities and other agencies are likely to provide preferential treatment to pro-government media.

Last year, there were no reported cases of physical assault against media professionals and journalists. Verbal abuse is quite common, though, and the feeling of persecution of critical media and investigative journalists remains. Journalists who chose to raise their voice in protest or publicly expose the pressure, or voice opinions in opposition of government policies, are subject to intensive smear campaigns and outright hate-speech directed against them, with little reaction by the authorities to protect them. The Association of Journalists of Macedonia (AJM) has registered several cases where the authorities prevented journalists from reporting freely at protest rallies and other public gatherings. That lack of institutional protection of their freedom of expression and right to hold opinions results in

great mistrust of government institutions by journalists and the media.

While the legislation provides for editorial independence of the public broadcasting service, Macedonian Radio and Television (MRT), in actuality MRT remains largely a mouthpiece for government policies, as it has been throughout the better part of the last two decades. The government promised, at the time of adoption of the new legislation, that it will propose changes to the Law on Audio and Audiovisual Media Service to ensure full financial and editorial independence of the public broadcasting service within six months from its entry into force—and yet no such changes have been presented to the public. Also, the parliament has yet to appoint the members of the new Programming Council of MRT, the internal body charged with directing programming aspects of the public service broadcaster, in spite of the fact that all legal deadlines have long expired. The legal provisions on the composition of the Programming Council introduce another problem: it now provides fewer representation of diverse social groups and civil society while increasing the number of politically appointed members, which may be another source of political influence over the editorial policies of MRT.

The general perception is that the decriminalization of defamation has failed to achieve its purported goal: to reduce the number of defamation lawsuits filed against journalists and media outlets. Panelists noted that defamation lawsuits are used to put pressure on the media and journalists through the judiciary, which has demonstrated a tendency to apply double standards—with one approach reserved for cases in which high-ranking political and government figures are involved as litigants, and another in cases in which journalists are sued by ordinary citizens—to the extent that the same judge has given opposite verdicts in cases with very similar merits. In that context, the courts also do not apply the principle that public officials should be held to a higher standard, given the public interest for oversight of their work. In a high-profile case involving the head of the Macedonian Administration of Security and Counterintelligence as a plaintiff and *Fokus* weekly magazine, the court ruled against *Fokus* in spite of the fact that the offending portions of the *Fokus* article were clearly the opinions of interviewees. The damages that *Fokus* was ordered to pay presented a serious threat to the magazine, but the weekly eventually managed to raise the funds through a solidarity initiative launched by fellow journalists from the AJM. Another problem is the fact that there is a growing number of defamation action lawsuits filed by journalists against fellow journalists.

The implementation of freedom of information (FOI) legislation continues to be marred by the same problems

reported in previous MSI reports. The holders of public information continue the practice of waiting until the last possible moment before the expiration of the legal deadlines to respond to FOI requests. Also, as noted by the panelists, the information ultimately provided is only in the most general terms related to the actual request. "We have sent a number of requests for access to information. We do not receive any answers and even when we receive it, the information is so minor and insignificant that we cannot really do anything with it," said Ajdini. The legislation on the classification of documents is also abused to deny access to documents that the authorities do not want to see released to the public. Journalists are directed to seek the information they want through the public affairs offices of the relevant institutions, rather than file proper FOI requests.

Panelists noted that critical media face many difficulties in securing information, whether under the provisions of the FOI legislation, or in terms of securing statements or comments from public officials. "The information is given only to the media perceived as fit to publish that information," said Uranija Pirovska from the Helsinki Committee for Human Rights of Macedonia. The negative practice of government and state institutions treating journalists from independent and critical media as somehow "black-listed" continues, and spokespersons and officials do not return their calls or respond to requests for statements or interviews. Also, the practice of so-called "subject specific" press conferences continues, with government officials refusing to respond to questions outside the declared topic to be discussed in the press conference.

There are no legal restrictions to either local or international news and news sources. Quite the contrary, online media, in their coverage of world events, entertainment, show business, or sports, rely on the abundance of online sources. One issue of concern is that only a handful of media outlets—the leading national broadcasters and daily newspapers—can afford to use the services of foreign or international news wire services or agencies. The situation is especially critical in the online media, which are pressed to provide as many daily posts as possible, and sometimes rely on plagiarizing of foreign online news—with near total disregard for copyright laws. One positive development was the initiative, launched by the local Media Development Center, to negotiate and agree on a set of principles for fair use of other media's reporting by online media. The principles have been accepted and endorsed by a dozen or so of the leading online news sites and portals in the country.

Entry into the journalism profession is unrestricted and no licenses or specific qualifications are required for a person to become a journalist. One possible source of problems in that area may be the definition of media in the law, which

excludes online news sites and bloggers. While so far there have not been any situations in which a reporter from an online news site has been prevented from covering an event or an issue on the pretext that s/he was not really working for a media outlet and cannot, therefore, be considered a proper journalist, the danger is that the new law opens up that possibility. Bloggers and citizen reporters are not recognized as proper journalists by the law or by the members of the journalism profession, and the rights of journalists, for example, in terms of protection of sources of information, are not extended to cover their work. The government has repeatedly announced its intent to regulate the online media, and such announcements have met with opposition by journalist associations because they believe it will be done solely in an attempt to place them under government control, too.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Macedonia Objective Score: 1.62

The almost total division in the Macedonian media scene into two larger groups of critical and pro-government media continues to prevail. Both sides of this divide have adopted an uncompromising stance and there is little willingness to sit down, discuss, and resolve the many problems that the journalistic profession faces in the current political situation. The situation is especially serious in the pro-government media, where journalists have been pressed or have willingly accepted the role of being an outright mouthpiece of the government. Facts and statistics are tampered with 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).



**“We start to focus on the trivial issues. We see the big issues, we see the big story but we pretend that we do not see it. The biggest success of all past governments, including especially this current government, is that people are afraid to write, to say something,” said the representative of the Association of Privately Owned Media.**

conform to propaganda goals, and it is often difficult to make the distinction between pure reporting of facts and presentation of personal opinions of the journalists. It is still possible to get to the core information of issues, but it takes increasingly more effort and consultation of many sources to get all the aspects of a given story: usually, it requires readers to consult at least one pro-government and one critical media outlet to get all the details.

Panelists noted the increasing trend of media publishing unverified information, and it is increasingly difficult to make the distinction between reporting and commentary, which are freely mixed in a single article or story. The media tend to present just one side of the story on any contested, or even uncontested, issue. Headlines, leads, and the choice of consulted experts are all skewed in favor of the preferred political and ideological positions of the given media outlet. Investigative journalism, which has never been a strong point of Macedonian media, has suffered from the prevalent self-censorship, strongly encouraged by the powers that be. On the other hand, the practice of “churnalism” is taking hold, with journalists, especially in online media, increasingly relying on the publication of press releases, wire stories, and other prepackaged material in response to the pressures of time and the need to cut operational costs without any sort of further research or investigation on a given subject. Available evidence, such as news reports and commentaries appearing simultaneously on several news sites, only to be carried later by television newscasts, suggests that for many pro-government media there is an outside editorial office that produces the bulk of what is presented as in-house reporting.

Depending on which side of the existing divide they stand, the media and journalists are usually limited to just one group of sources, usually those that support the position or policy promoted by a given media outlet. Government and state officials often refuse to talk to critical and pro-opposition media, while pro-government media

consult almost exclusively sources in government and state institutions and seem uninterested in independent opinions and the views or positions of officials of the opposition parties. “The pro-opposition and pro-government media, in essence, adhere to the letter of journalism. There is source 1 and source 2, while the two sources can be reduced, in fact, to a single source,” said Ajdini.

While in previous years cases of disregard for the standards of professional journalism were more common on the Internet, this last year the trend has taken hold in the traditional broadcast and print media, too. There is a Code of Ethics, fully in line with international standards, that is not applied by all media. Under the auspices of the newly established Media Ethics Council, talks were started to change and amend the existing Code of Ethics to make it more acceptable across the media landscape. There are no known cases of media that have adopted internal codes of conduct or ethical codes and made them known to the public. On the other hand, the public service broadcaster MRT has not yet fulfilled its obligation to adopt and publish its internal code of conduct and professional standards.

The AJM has its own Council of Honor, a body charged with arbitration on reported violations of ethical and professional standards of journalism. It continues to suffer from low visibility and outreach, as well as the fact that it is disregarded and unrecognized outside AJM membership. One positive step in that area, according to the panelists, was the creation of the Media Ethics Council, a self-regulatory body that has initially managed to cross the existing lines of divisions—on political or ethnic grounds—in the media scene. Its Complaints Commission has only been fully functional for the last two months of 2014, and it is too early to make any assessment of the effects of its work. However, it has been evident that it has been a target of serious efforts to undermine and sabotage its work, even by media outlets that supported its creation.

As noted by the panelists, the prevalence of fear has turned self-censorship into a common practice. Journalists and editors fear the loss of their jobs, while media owners fear a loss of advertising revenue in a situation in which the government and state institutions—the so-called “government ads”—dominate the advertising market in Macedonia. Journalists have learned what they can cover and how far they can go in their investigations. “We start to focus on the trivial issues. We see the big issues, we see the big story but we pretend that we do not see it. The biggest success of all past governments, including especially this current government, is that people are afraid to write, to say something,” said the representative of the Association of Privately Owned Media.

The Law on Civil Liability for Defamation has also emerged as an instrument of pressure that pushes the media towards self-censorship. The relatively high damages prescribed by the Law, if awarded, present a serious risk of impoverishing media already on the brink of folding. As a result, as pointed out by several panelists, journalists pause first to consider whether their reporting could expose them to a defamation lawsuit before they decide if they will report on a given issue.

Journalists and media cover the key events and issues. However, most media approach them in a biased and politically motivated manner, and in effect tend to extend coverage only to the events favorable to their political affiliation. They effectively downplay events organized by political entities on the other side of the divide, applying a selective approach to placement of such news reports in the newscasts and on the pages of newspapers. Pro-government media, but also the politically dominated public broadcasting service, has almost fully ignored a series of protest rallies held on a number of issues at the end of 2014. The limited coverage they offer amounts to efforts at political spin to alleviate the effects and downplay the importance of the protests and to engage in smear campaigns against organizers and participants in the protest rallies.

Journalists' salaries, averaging about \$290 per month, are well below the national average salary of approximately \$395. Salaries of senior editorial staff are higher than the average national salary, particularly in broadcast and print media with pro-government editorial policies. National print and broadcast media tend to pay higher salaries than the local or online media. Salaries are especially low in critical and independent media with very limited access to the already limited advertising market, which is dominated by the government's advertising and promotional budgets.

Changes to the labor legislation introduced in 2014 and entering into force at the start of 2015 will mandate that social benefits (pension and health insurance) be charged on service and part-time employment contracts. This will effectively lower salaries further, since media owners are expected to charge pay these taxes on journalists' and reporters' gross salaries. The Independent Trade Union of Journalists and Media Workers has fought the changes to the legislation and has demanded, together with other trade unions, that their implementation be postponed until an acceptable solution is found.

The panelists commented that fewer people are leaving journalism for other jobs, usually in public relations departments in the corporate or the public sector—not because the situation has improved, but because

**“In the effort to secure the widest possible audience, or because of a perceived need to shock or scandalize, even the newscasts increasingly rely on more entertainment. On the other hand, even entertainment talk-shows usually invite politicians as guests,” noted Darko Buldioski, expert in online advertising.**

the economic crisis has resulted in shrinking public relations departments, too, simply leaving more journalists unemployed.

Journalists with full-time employment contracts, on the other hand, live in constant fear that they may lose their jobs. Many journalists work for several media outlets, usually combining work in broadcast or print media with engagement for an online news site, or work for a local broadcaster and also as correspondent for national media, in an effort to boost their earnings. There are also journalists in pro-government media who are expected to contribute to news websites controlled by the government. Media reports, based on findings presented by opposition parties, claim that some editors and journalists, or their close relatives, in high positions in pro-government media are awarded government contracts as compensation for their “services.” Such reports have already led to a number of defamation lawsuits by journalists against fellow journalists.

The trivialization of media content at the expense of serious reporting continued this year. Most media move towards infotainment newscasts and populate the prime-time hours with soap operas and reality shows. “In the effort to secure the widest possible audience, or because of a perceived need to shock or scandalize, even the newscasts increasingly rely on more entertainment. On the other hand, even entertainment talk-shows usually invite politicians as guests,” noted Darko Buldioski, expert in online advertising. Panelists noted cases in which exotic dancers or clairvoyants have been invited and appeared in the central newscasts of one national broadcaster.

During the process of the renewal of broadcasting licenses that was under way at the time this MSI study was being prepared, most national television broadcasters allegedly chose to apply for a change of their licenses to predominantly entertainment general format licenses. There are unconfirmed rumors that several owners of

pro-government national broadcasters would gladly get rid of their information and news programs altogether, but are not allowed to do so by those in power.

The technical capacities of the media are constantly improving, as prices fall for even the highest quality equipment. The situation is somewhat worse in the local media, which continue to rely on older, occasionally outdated equipment. Traditional media are still slow, or unwilling, to fully utilize the opportunities offered by the emergence and rapid development of the Internet and newer technologies. Their websites are mere copies of the content they offer on their traditional platforms. At least one broadcaster has announced plans to move towards an integrated newsroom at the start of 2015, and that process will be monitored. The media are also reluctant to use the services of citizen journalists. Several media outlets, especially on the Internet, make attempts to incorporate user-generated content, but the content is mostly focused on entertainment.

The situation regarding the technical standards for the facilities and offices is far more questionable. As noted by the panelists, the AVMS has changed its rulebook on spatial standards for television broadcasting, relaxing the standards well beyond international standards and European Broadcasting Union regulations. "It is a matter of unfair competition, really. Television stations that have operated for 20 years should have, by now, adapted their studios to meet international standards. Now, they are allowed to air programs in spite of the fact that they do not meet the standards," said Goran Gavrilov, manager of the national radio broadcaster Kanal 77.

Specialized journalism, already a rarity in Macedonia, is on the decline in the traditional media. Traditional media maintain the traditional divisions into departments, but increasingly, the pressure of shrinking newsrooms and the 24-hour news cycle means that everybody is expected to cover any issue he or she is assigned. On the Internet, however, several news websites have appeared that cover information technology, business, and economic affairs. The biggest national broadcasters still produce specialized economic programs, but economic reporting in general continues on a downward path. Entertainment and show business, on the other hand, receive great attention and show strong specialized coverage. For sports coverage, the audiences increasingly turn to specialized regional sports channels. The audiences also see specialized leisure, lifestyle, and other programs and contents on foreign channels available on IPTV or cable networks, or on foreign websites.

### OBJECTIVE 3: PLURALITY OF NEWS

Macedonia Objective Score: 1.77

The Macedonian media landscape is oversaturated with a huge variety of broadcast, print, and online media. In theory, that should provide enough opportunities for citizens to obtain different views and opinions and compare the coverage and the manner of reporting in different media. That multitude of media outlets does not really mean that there is true pluralism of the media. Traditional media are almost completely dominated by pro-government editorial policies, as a result of the active efforts of the ruling parties to establish control over the leading broadcast and print media. Only a handful of traditional media, broadcast and print, offer views and positions that differ from pro-government editorial policies.

The situation is slightly better online, with the Internet emerging as the primary venue for media diversity and pluralism, but there the stratification along political lines is strong and one needs to consult several sites that follow editorial policies of the left and the right sides of the political spectrum to get a somewhat complete picture of reality. However, in spite of its constant expansion, there is still the feeling among the panelists that the Internet is something for the young and the educated, still lagging behind broadcast media in terms of ratings and coverage of the population. "We remain primarily, so to say, a TV nation, and the public still creates its perceptions of reality based

### 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.

on television information programs and newscasts, where diversity and variety of reporting is absent. Those that use the Internet, we can say that they have a choice of different sources of information and diverse views and opinions,” Darko Buldioski said.

Social media channels (Facebook remains by far the most popular, with Twitter a distant second) are increasingly used as sources of information or, to be more precise, as a channel to direct people towards important information or news available elsewhere. All media outlets that have online versions offer the option to view their websites on mobile devices. They do not, however, offer other types of mobile news services, like SMS notifications and personalized news services.

There are no legal restrictions on the reception of foreign television; most people actually watch some of the great variety of foreign television programs available on the local cable networks. Foreign newspapers and periodicals are available on the newsstands, mostly from neighboring countries, and there are no restrictions on imports of foreign publications. Urban areas, both smaller towns and bigger cities, enjoy better access to different media than the populations of rural areas, which largely have to rely on over-the-air broadcast media and, to some extent, print media. Cable network operators rarely venture beyond urban centers, which means that rural populations have no access to many local broadcasters that have chosen to broadcast exclusively on cable due to the prohibitive costs of the digital switchover (which took place in June 2013). Falling purchasing power and the emergence of affordable Internet, at least for the majority of the population, have resulted in large numbers of people giving up on buying papers, turning instead to the online versions of their favorite daily newspapers.

The law guarantees the institutional autonomy and independent editorial policy of the public broadcaster, and the government has announced publicly plans to introduce legislative changes to ensure full financial and editorial independence. As noted earlier in this report, although announced for the first half of the year, nothing concrete was proposed as of the time this report was written. The public broadcaster is also legally obligated to present different views from the political and social spectrum. However, its coverage of events strongly reflects the viewpoints of the government and the ruling parties. The activities of the opposition, when reported, are pushed to the back of the newscasts. Activities of the civil society organizations are largely ignored, and whatever coverage there is of their activities is pushed back towards the end of the newscasts.

“We remain primarily, so to say, a TV nation, and the public still creates its perceptions of reality based on television information programs and newscasts, where diversity and variety of reporting is absent. Those that use the Internet, we can say that they have a choice of different sources of information and diverse views and opinions,” Darko Buldioski said.

The public broadcaster offers educational and cultural programming, and the quality of it has improved slightly with the latest program redesign efforts—but it is still far from truly satisfactory. Such programming is also used to promote the conservative positions and policies of the ruling party on a variety of social issues. On the other hand, the public broadcaster increasingly dedicates its prime-time slots to popular sitcoms, drama, and action features, while significantly reducing debate programs and current events shows. The public broadcaster increasingly acts as a competitor to the private commercial media, at the expense of its public interest role.

The primary news agency for the Macedonian media is the state-owned Macedonian Information Agency (MIA), which offers text-based news and photo services. Panelists expressed many reservations about its content. “MIA is not independent; it is a state agency that totally neglects the fact that it is financed from the state budget. At its head is a former member of parliament for the ruling VMRO-DPMNE, which speaks volumes about its impartiality and objectivity. It offers content that originates in governmental offices,” says Sefer Tahiri, professor of journalism at the Southeast European University in Tetovo. Furthermore, it seems that only the pro-government media use MIA’s services.

Other news agencies, like the privately owned Makfax, have transformed into ordinary news websites, while several online operations that designate themselves as online news agencies are de facto news sites (e.g., meta.mk, netpress.com.mk). Only a couple of media outlets use the services of foreign news agencies—most commonly Reuters, AFP and AP—but in the current economic climate such services are increasingly unaffordable. Only a handful of media have the financial resources to pay permanent correspondents stationed abroad, usually in the major capitals of the world and in the neighboring countries.

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The national and regional television broadcasters mostly produce their own news, to the extent that production is allowed by the shrinking newsrooms and limited resources. National dailies and broadcasters have sufficient human resources to produce their own news, and rely on news agencies and online sources for coverage of events abroad. Gavrilov noted that after the start of 2015, news programs are expected to virtually disappear from radio and that his own radio station will seriously reduce its newscasts, thanks to the introduction of an integrated newsroom that will also include the radio's website. Local media, on the other hand, make efforts to provide the local news with far more limited resources, and mostly rely on national news to fill their newscast slots, with exception, to some extent, of those media located in the larger urban centers. The panelists noted that the political parties primarily set the news agenda, and the coverage in privately owned media is very similar to the news coverage offered by the public broadcaster.

The new media and news websites produce their own news and content, and for them the rule that the size of the newsroom dictates the volume of production is also valid. They, however, rely very much on other news sites for republication of news and reports, as well as on news agencies—which they rely on heavily. While plagiarism is still rampant, over the past year several “gentlemen’s agreements” were reached between the leading news sites to use each other’s contents with proper attribution. An initiative led by MDC resulted in the endorsement and acceptance, by about a dozen leading online news sites, of a set of principles for fair use of copyrighted works in their reporting. Panelists noted the problem that online media, especially pro-government portals and websites, increasingly depend on news and reports that seem to originate from a single source and are then distributed around for republication. “You will find the reports, in terms of their textual contents, on important events aired by private broadcasters to be almost identical with the reports aired by the public broadcaster, which I believe is very strange. Even the leads are identical, and that is all the comment I will give in that regard,” said Tahiri.

Media ownership is regulated by Macedonian legislation in line with international standards and with clear limitations in terms of shares of ownership that a single person can own in different media. It aims to prevent unwanted media concentration and it prohibits elected and appointed officials from holding shares of ownership in media outlets. Media ownership, especially for the traditional media, is nominally transparent, although in many cases listed owners act as proxies for what are, *de facto*, media owned by high-ranking officials of political parties. Therefore, after the digital switchover and the introduction of regional

broadcasting licenses, ruling party officials have acquired several local broadcasters that promptly procured new equipment and were issued regional broadcasting licenses.

Transparency of ownership of online media is a cause of concern. Early in 2014, an investigative report by the MediaPedia project found that many online news sites and portals, usually applying pro-government editorial policies, have been acquired by companies registered in tax havens, which makes it almost impossible to determine the true owner. The prevailing fear is that such offshore businesses are used to hide the fact that people very close to the leadership of the ruling party own many news sites.

The media largely neglect the needs of the vulnerable groups in society. Again, the pro-government media’s conservative and family oriented values and editorial policies pay little attention to gender issues or the rights and needs of sexual minorities. Stereotypes are commonplace, as are patriarchal and masculine views that objectify women in an effort to please the public and attract larger audiences. Hate speech in traditional media has almost been eliminated and can be seen in the work of only a handful of columnists and late night talk-show hosts. On the Internet, the situation is quite the opposite, with rampant hate speech and stereotypes present in many online news sites and social networks. “The NGO sector cooperates with several independent media, most of them online and with smaller shares of the audience. On the other hand, they have a more stable editorial policy that adheres to the accepted standards,” said Pirovska.

There are national, regional and local broadcasters that air programs in Albanian, and there are regional and local media in Romani and Bosnian languages. Such media focus their programs on issues of relevance to their respective communities. One notable problem is that, with few exceptions, like nationally broadcasting AlsatM TV, the media have largely neglected their task to nurture social cohesion among different groups, whether those groups and communities are defined along ethnic lines or otherwise. National minorities can freely access foreign programs, usually through cable networks that commonly stock their catalogues with numerous channels that broadcast in the countries of Southeast Europe.

Media with national coverage are focused primarily on national news and their local coverage is focused mostly on Skopje. Local news from townships and municipalities outside the capital has been reduced to the bare minimum. Financial difficulties have forced many media to lay off local correspondents, to the extent that the AJM has demanded legal changes that would introduce an obligation for national coverage media to operate at least six regional



correspondents' offices. It remains to be seen if the newly established regional broadcasters, both radio and television, will manage to fill in the void and start providing quality local news coverage. Local Internet news sites, usually controlled by the respective local administrations, exist in most municipalities. Several independent news sites outside of the capital city have gained prominence, however, but they are seriously underfunded and understaffed.

The media present global and international news and make an extra effort to secure a domestic focal point to the coverage. The bulk of international coverage is supplied by international news agencies.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Macedonia Objective Score: 1.38

The media sector in Macedonia is financially unsustainable, the result of a combination of factors, including the poor economy, the oversaturated market, the low purchasing power of citizens, the lack of developed managerial and administrative skills, and the lack of viable business models. Only a couple of the biggest national television broadcasters are not constantly on the brink of bankruptcy. Panelists noted that the quality of managerial and administration skills of management play an insignificant role in the level of success or sustainability of individual media, because access to the advertising market and available advertising budgets depends on other external factors, notably the political dictate of the ruling parties. "Regardless of one's managerial skills and the level of organization, it is not about the access to the

#### 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.

market, but the access to the actual advertising budgets that decides the success. There are small television stations all over Macedonia that report huge earnings, in spite of having limited capacities, and there are well-organized national radio stations that report losses," said Gavrillov.

A large majority of the media, including almost all of the largest privately owned national broadcasters and print media, are actually part of larger entities and cannot be considered the core business for their owners. The owners use them instead to promote their core activities, as a tool to use against competition, and as a bargaining chip in negotiations with authorities when core businesses are under pressure. Last year, there were reports that two national broadcasters were targeted for takeover, but ultimately nothing materialized. In at least one of those cases, the proverbial grapevine has it that the national television station was offered by the owner after his main business venture was the target of a hostile takeover attempt.

Among regional broadcasters, the opposite situation is more common, where broadcasting is the core business and then owners are forced to expand laterally into other activities to ensure some sustainability. At the local level, a majority of the media depend greatly on contributions from local administrations, for which they have to surrender most of their editorial independence.

The majority of Macedonia's traditional media rely on advertising revenue, which, on average, accounts for more than 90 percent of their total revenue with the remaining coming from various sponsorship deals. Panelists have noted that it is only formally so, having in mind the distortions of the market due to the government interference through its promotion and advertising budgets. One panelist, with long experience in print media, noted that some pro-government print media actually finance their operations with government contracts to print textbooks and other administrative documents and forms.

Advertisers still prefer traditional media over new media. Of the total advertising market, estimated at about \$35 million, over four-fifths goes to television, while three to four percent (the official estimate is less than one percent) go to online and mobile advertising. Panelists pointed out that the share of advertising revenue that is spent on online media is too small for online media to be able to survive. Political influence over the distribution of the national advertising market has been the bane of the media sector. The domination of political considerations that dictate advertising operations is well illustrated by what transpired during the presidential and early parliamentary elections held in April 2014. An opportunity eagerly awaited by all media worldwide to make some money was

“Private businesses face pressure from the government to avoid advertising their products and services in the critical and independent media. There are also the dumping prices—pro-government television stations lower their prices to the extent that they are cheaper than the advertising space in the print media,” said Zoran Dimitrovski from *Fokus* magazine.

squandered when the media, under political domination by the government, decided to cut their prices from €4.5 to just €1.5 per second of airtime, to be able to fit as much advertising time into the legal limit of €50,000 on campaign contributions by corporate entities.

The stability of financing of the public service broadcaster, seen as a crucial requirement for its financial and editorial independence, remains unresolved and direct contributions from the state budget have been increasing as a share of its total annual budget—in spite of the relatively stable and high collection rate of the monthly broadcasting fee (set at about \$3.25 per household). That significantly undermines its editorial independence and pushes it towards editorial policies favorable to the government. The public broadcasting service is allowed limited airtime for advertising, but the law seems to offer it enough leeway for it to represent serious competition to the commercial broadcasters. Non-profit media are allowed to sell advertising, much to the dissatisfaction of profitable media enterprises.

The online news sites receive only a fraction of the total advertising that goes to new media, which is not sufficient for any sort of sustainability. In fact, considering that the bulk of advertising revenue of pro-government news media comes from the government’s advertising and promotional budgets, most of the online media depend on donations, whether they come in the form of grants from foreign foundations or as indirect subsidies from the government. Online media have been reluctant to try alternative sources of revenue, due to a lack of human and financial resources and the uncertainty of the outcome, but an initiative implemented by a civil society organization is testing diverse sources of income and revenue-generating activities that the Internet, as a platform, offers.

The international corporations and the big Macedonian companies are the only ones with any sort of systematic approach to advertising, with set advertising and marketing budgets, and they usually do their media buying through the advertising agencies. Car dealers, food and confectionary industries, and telecommunications companies are the leading buyers of airtime and space. Small and medium enterprises usually lack the human and financial resources for proper marketing departments and usually rely on smaller local media with lower prices that can ensure them greater amount of airtime for their money.

Advertising agencies continue to serve as “budget keepers” for the major advertisers and they usually have some autonomy to decide on the actual media buying, although they usually get the media plans from the advertisers with the set distribution to different types of media. According to the panelists, advertising agencies truly run the market and have consistently brought down prices through their insistence on a system of discounts that ensure they get the vast majority of the available advertising budgets. Data available from the AVMS shows that in 2013, the broadcast media sold airtime worth approximately €312 million, calculated using their pricelists, but collected a total of slightly over €20 million, which illustrates the problem of agencies’ discounts and its negative effects on the advertising market. The media buying and spending of advertising budgets is also under great political influence. As noted earlier, the government was the second largest advertiser in the country in 2013 (Procter & Gamble was the top advertiser for the year).

For several years in a row, the government has been in the top five advertisers in the country. In addition, the government plays a role in deciding how public enterprises, other state institutions and, according to unconfirmed reports, even private companies, spend their advertising and marketing budgets. “Private businesses face pressure from the government to avoid advertising their products and services in the critical and independent media. There are also the dumping prices—pro-government television stations lower their prices to the extent that they are cheaper than the advertising space in the print media. As a result, businesses do not see any need to advertise in the print media,” said Zoran Dimitrovski from *Fokus* magazine.

In addition, one of the several sets of amendments to the Law on Audio and Audiovisual Services prescribe that the state will subsidize, with up to 50 percent of total production costs, domestic production of documentary and feature films produced in the languages of communities in Macedonia. The law prescribes a procedure that includes

a commission, composed primarily of representatives of government ministries, that will decide on the distribution and allocation of such subsidies, which offers a possible opportunity and another instrument to channel public funds towards pro-government media.

AGB/Nielsen provides the main ratings measurements in Macedonia. However, there is a lot of mistrust in its ratings, which some media outlets regularly dispute, and they are not really used, for example, in the government's decisions on media buying for its advertising campaigns. While the Law on Audio and Audiovisual Media Services prescribes that a national system for ratings and audience measurement of the broadcast media shall be set-up, media owners and managers have expressed fears that it will be rigged in favor of pro-government media so that government could justify its media buying decisions. The first steps towards the set up of such a system were made with the creation of an association of national television broadcasters—the Macedonian Media Association, under the auspices of the Macedonian Chamber of Commerce, and it was advertised as the starting step towards the creation of a joint industry committee that would regulate the relations on the advertising market.

There is no independent system that gathers circulation data of print media, which continues to be treated as a closely guarded secret. The few figures that circulate on the sales of print media are very rough assessments made by advertising agencies. The AVMS, which has the authority to conduct administrative supervision of the work of the print media, has issued orders to several daily and weekly publications to start printing their circulation numbers in the mastheads, which is their legal obligation. Panelists noted that, although the data is known only for the print and not for sold circulation, even if the numbers of copies sold were presented and available, there is little likelihood they would be used for media-buying related purposes, because the decisions on where to spend advertising budgets is primarily political.

Online news media once mainly used Google Analytics as their audience measurement tool, and many of them still rely on it. However, after some early problems, Gemius, the leading online ratings and analytics firm in the region, has finally established its presence and provides measurements that offer more detailed information about numbers of visitors and audience demographics. On the other hand, their prices have proven to be prohibitively high for many online news sites, which have not yet moved to fully utilize Gemius's services.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Macedonia Objective Score: 2.19

There are two media trade associations in Macedonia: the Association of Privately-Owned Media of Macedonia (APMM) and the Association of Macedonian Internet Portals (AMIP). Also, at the end of November 2014, the new Macedonian Media Association was created gathering five national over-the-air television broadcasters, which is seen as the first step towards the creation of a joint industry committee for the broadcasting media market in Macedonia. Significantly, it has strong support by the AVMS and the Ministry of Information, which were both present at the press conference that announced the creation of the association.

The trade associations have low visibility and only appear when significant new developments affecting their operations emerge. Their ability to lobby the government is restricted by the government's inaccessibility and unwillingness to hear proposals that deviate from its own intentions and policies. The trade associations depend on members to volunteer to support their activities given the unwillingness of media owners to finance them, which has already proved to be a decisive weakness in the past with the dissolution of the earlier Association of Private Electronic Media after the end of donor support. "Until we get to the situation in which there is a real need for existence of a trade association and its members know what they want and what they will get from it—and it absolutely has to be

### 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.

“Until we get to the situation in which there is a real need for existence of a trade association and its members know what they want and what they will get from it—and it absolutely has to be professionalized—until then we won’t have a true trade association,” Gavrilov said.

professionalized—until then we won’t have a true trade association,” Gavrilov said.

Of the two professional associations—the AJM and the Macedonian Association of Journalists (MAN)—the former is perceived to be the legitimate representative of journalists and professional standards of journalism. MAN, on the other hand, is seen as instrument of the government to balance AJM’s protests against the pressure directed at the journalism profession. AJM has remained a strong advocate for independence of the media and journalists. However, its standing in the profession has suffered somewhat because they are perceived as having endorsed the new media legislation, albeit after a prolonged effort to fight the bills. At AJM’s annual convention in December 2014, the incumbent leadership won another four-year term. A major issue is the unwillingness of the two journalist associations to sit down and discuss the problems of the profession and attempt to find common ground in the interest of the profession.

The Independent Trade Union of Journalists and Media Workers (SSNM) also fights persistently for journalists’ labor rights. It faces constant obstructions from media owners, who have prohibited union activities in their newsrooms, and from smear campaigns in pro-government media. SSNM provides free legal assistance to journalists involved in work-related litigation.

Two main NGOs work on media-related issues in Macedonia. The Macedonian Institute for Media (MIM) provides training and programs for the professional development of journalists, while the Media Development Center (MDC) works in the areas of media policy and legislation and monitors the work of regulatory bodies and other institutions. In addition, MDC provides free legal assistance and court representation to journalists involved in defamation lawsuits. Several other NGOs work on various media or freedom of expression issues: the NGO Infocenter conducts regular monitoring of media reporting on a wide range of issues; the Center for Civic Communications works on issues related to freedom to access information; and

the Youth Educational Forum and the Helsinki Committee for Human Rights of the Republic of Macedonia fight hate-speech both in online and in traditional media. The Front for Freedom of Expression is an informal group of about a dozen NGOs and individuals that are very vocal in support of the right to freedom of expression.

Three state universities, in Skopje, Tetovo and Štip have journalism schools. MIM also has its own school of journalism and there are media and communications studies in several other privately owned higher education institutions, such as Southeast European University in Tetovo. The main problem with journalism schools, in the view of the panelists, is that there is too much focus on theory and too little practical work. Panelists also report falling interest in the journalism profession among the young to the point that MIM’s School of Journalism and Higher Education is considering the possibility to not enroll new students for the next academic year.

“The schools that we have here mostly base their curriculum on theoretical aspects and concepts of journalism. Very little attention is paid to practical skills and practical work. The numbers of students enrolling in journalism schools is dropping everywhere, in state and private universities, and journalism as a profession is not interesting to the young people anymore. The people see what is happening and nobody wants to join a profession that is exposed to attacks and pressures from so many sides,” said Tahiri.

Although fewer in number, there are still available short-term training programs, while in-service training programs have almost completely disappeared. Panelists commented that it was largely due to the unwillingness of media owners and managers to invest in their young journalists without guarantees that they will stay with the respective media outlet for a longer period of time. One panelist noted that while there may be fewer short-term training programs, those that are available are of higher quality and more focused and topical. The short-term programs provided by MIM were noted for their quality and availability for all media.

There are no restrictions on importing or procurement of necessary materials and equipment for media production, such as paper, ink, or editing and recording equipment. In fact, several panelists said that, if anything, the prices of technology, especially for broadcast media, are falling constantly and are increasingly accessible to both professional outlets and the general public.

Print media face the problem of distribution, which is monopolized by the largest newspaper company, MPM. Attempts to diversify the distribution through large supermarket chains has led to owners of such chains who

are politically affiliated with the ruling parties refusing to sell critical or pro-opposition newspapers and periodicals. Also, small grocery stores often refuse to sell critical or independent dailies and weeklies for fear of reprisals by government inspectors and tax authorities.

Television distribution is not monopolized, with several companies that operate DVB-T, IPTV, and cable networks. The problem with the virtual monopoly over the DVB-T broadcast signals held by ONE telecommunications company has not been resolved. It remains uncertain what the effects of the recent merger of ONE (owned by Slovenian Telecom) and Austrian-owned VIP may be on digital broadcasting in Macedonia.

Another problem mentioned by the panelists is the fact that the “must-carry” provision for cable network operators covers only the public service broadcasters, allowing cable operators to choose which channels they will carry and which not. For a second year in a row, one cable operator, Telekabel, refuses to carry the bilingual AlsatM national broadcaster (broadcasting in Albanian and Macedonian languages), citing low interest of its subscribers.

In general, ICT infrastructure capacities satisfy the connectivity needs of the newsrooms. Competition in the telecommunications sector leads to constantly falling prices, although possibly not at the desired rate. One major problem remaining is the low purchasing power of the population, which means that mobile Internet access remains somewhat prohibitively expensive for significant segments of the population. In addition to the rural/urban divide, the age gap still remains with young people and adults below 50 years of age far more likely to use Internet and mobile technologies. Older people stick to television as their media of choice.

## List of Panel Participants

**Sefer Tahiri**, professor, Southeast European University, Tetovo

**Bekim Ajdini**, journalist and editor, *Koha*, Skopje

**Goran Gavrilov**, executive manager, Kanal 77 Radio, Skopje

**Darko Buldiovski**, online marketing and advertising expert; blogger, *NewMediaMK*, Skopje

**Uranija Pirovska**, executive director, Helsinki Committee for Human Rights of Macedonia, Skopje

*The following participants submitted a questionnaire but did not attend the panel discussion:*

**Zoran Dimitrovski**, editor and journalist, *Fokus*, Skopje

**Dragan Sekulovski**, executive director, Association of Journalists of Macedonia, Skopje

*Although the media environment has improved since last year, when all panelists remained anonymous due to harassment for their candid comments in 2013, five out of the 12 panelists nonetheless requested anonymity.*

## Moderator

**Biljana Bejkova**, executive director, NGO Infocentre, Skopje

## Author

**Dejan Georgievski**, president, Media Development Center, Skopje

*The Macedonia study was coordinated by, and conducted in partnership with, Media Development Center, Skopje.*

*The panel discussion was convened on December 12, 2014.*



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*Numerous public services (two national and dozens of local outlets) enjoy government support while still enjoying advantages on the advertising market, thus threatening private media's survival.*



# MONTENEGRO

The pace of EU and NATO accession, Montenegro's ties with Russia amid political and military conflict in Ukraine, and local elections in 12 Montenegrin municipalities drove Montenegrin political debate in the past year. The Annual Progress Report on Montenegro's EU accession noted limited success. However, it criticized the slow pace and mistakes in establishing the rule of law, sustainability of public finances, and inherited and new problems in the media sector. Brussels urged the authorities to resolve cases of violence against journalists and alleviate pressures on press freedom. It also encouraged local journalists to honor professional accountability and their adopted ethical rules.

The same negative trends persist in the media sector. Media heavily influenced by the ruling DPS (*Pobjeda*, Montenegrin Radio, and TV-RTCG) clashed openly with the most influential private print media (*Vijesti* and *Dan*). Just as in previous years, local elections made their relationship even worse, and the systemic inequality of the public (state-owned) and private media sector continues. Numerous public services (two national and dozens of local outlets) enjoy government support while still enjoying advantages on the advertising market, thus threatening private media's survival.

With Montenegro's economy still reeling from recession, economic inequality is growing, and the country must implement deep structural reforms in this area to create a more enabling environment for businesses, including media businesses—long a risky and unprofitable investment. The bankruptcy of the oldest Montenegrin daily, *Pobjeda* (in circulation since 1945), serves as a telling illustration of this negative trend. The last state-owned print media company, *Pobjeda* went bankrupt despite constant financial support from the government, leaving 200 employees jobless.

An incident involving libel accusations against one of the leaders of Montenegro's NGO sector led many media professionals to question their stance against the criminalization of libel. The private daily *Informer* targeted Vanja Čalović, the head of Network for NGO Sector Affirmation and a strong critic of the government, by publishing fuzzy, dimly lit photos and attempting to implicate her for zoophilia. The case stirred fierce political and public debate regarding abuse of press freedom and the boundaries of decency. The campaign, obviously intended to discredit Čalović, did not result in a clear court decision. However, on the request of the Supreme Prosecutor's Office, some of the issues were subsequently withdrawn from circulation.

It is clear that media sustainability in Montenegro is still fragile, and the media community is still highly politicized, prone to internal conflicts, and lacking solidarity to address threats to the freedom of speech. Furthermore, the media still suffer from a lack of professionalism, displayed in tendentious editorial policies, hate speech, and poor protection of personal data.

# MONTENEGRO at a glance

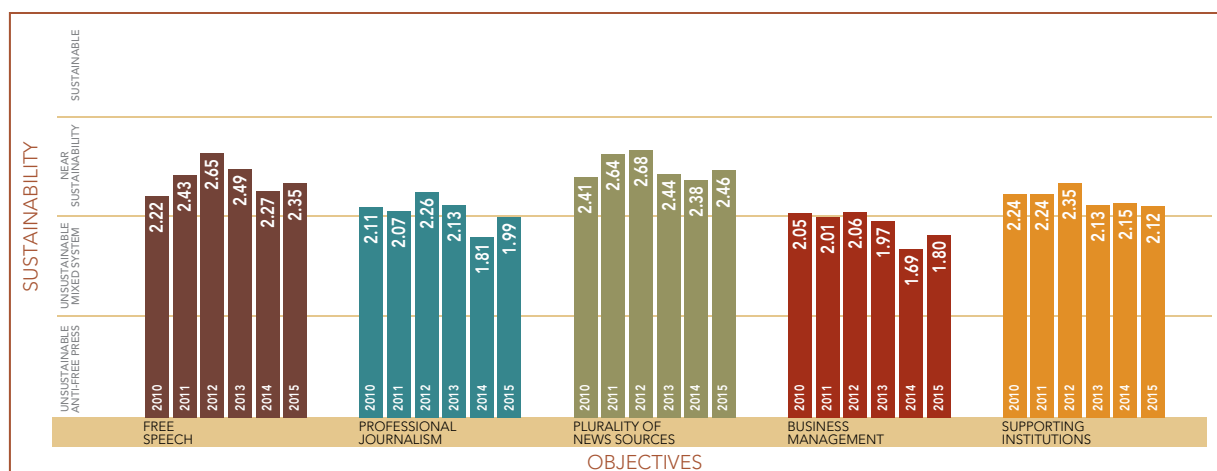
## GENERAL

- > Population: 650,036 (July 2014 est. *CIA World Factbook*)
- > Capital city: Podgorica
- > Ethnic groups (% of population): Montenegrin 45%, Serbian 28.7%, Bosniak 8.7%, Albanian 4.9%, Muslim 3.3%, Roma 1%, Croat 1%, other 2.6%, unspecified 4.9% (2011 est. *CIA World Factbook*)
- > Religions (% of population): Orthodox 72.1%, Muslim 19.1%, Catholic 3.4%, atheist 1.2%, other 1.5%, unspecified 2.6% (2011 est. *CIA World Factbook*)
- > Languages (% of population): Serbian 42.9%, Montenegrin 37%, Bosnian 5.3%, Albanian 5.3%, Serbo-Croat 2%, other 3.5%, unspecified 4% (2011 est. *CIA World Factbook*)
- > GNI (2013-Atlas): \$4.505 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$14,410 (World Bank Development Indicators, 2014)
- > Literacy rate: 98.5%; Male 99.4%, Female 97.6% (2011 est. *CIA World Factbook*)
- > President or top authority: President Filip Vujanović (since April, 2013)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: 5 dailies, 3 weeklies, 30 monthlies; Radio Stations: 52; Television Stations: 23; Cable operators: 10 (2014, Agency for Electronic Media of Montenegro)
- > Newspaper circulation statistics: *Vijesti* (circulation 6,500, private), *Dan*, (circulation 8,000, private), *Dnevne Novine* (circulation: 6,500, private), *Pobjeda*, (circulation 2,000, state-owned), *Informer* (circulation 2,000, private), (2014 est., Direct Media Ltd.)
- > Broadcast ratings: N/A
- > News agencies: Mina News Agency (private)
- > Annual advertising revenue in media sector: €9–€9.5 million (2014 est., Direct Media Ltd.)
- > Internet usage: 369,220 (56.8% of population) (June, 30. 2014, Internet World Stats)

## MEDIA SUSTAINABILITY INDEX: MONTENEGRO



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (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: 2.35

For years now, the panelists have agreed that media legislation in Montenegro is quite acceptable, legally solid, and largely aligned with international standards. Montenegrin media legislation (Media Law, Electronic Media Law, Digital Radio Broadcasting Law, Law on Public Radio-Broadcasting Services) protects and promotes freedom of the press, and its normative framework is aligned with international standards for both print and electronic media. The panelists agree that media laws and regulations are generally good and pose no obstacles to professional, free, and accountable work by the media companies. However, every year the panelists describe serious concerns when it comes to implementation of rights and compliance with media rules, underlining in particular the status of media within our society, the realistic impact of a free press, and practical obstacles. As Duško Vuković, an independent media analyst and researcher, pointed out, “The whole society is in the throes of a partycratic and clientelistic system that functions largely contrary to the public interest, and as such blocks the enforcement of laws and the constitution. The question is whether or not we have the right atmosphere within our society to support the legislative framework. Montenegrin society does not have the potential to develop

### 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.

itself as a free and open society, and the ruling class is unwilling to take that path—as seen by recent political and public initiatives for adoption of legal norms that would enable banning of media, which I oppose.”

Along those same lines, Jadranka Rabrenović, a journalist for *Pobjeda*, said, “We have a constitution protecting media freedom, but there is also a tendency for regression. The opposition is now asking for criminalization of libel and the reintroduction of censorship. I am against criminalization of libel. I think that these initiatives, coming from part of the opposition and NGO sector, are directed at suppressing media freedoms and introducing media bans.” Sonja Drobac, editor-in-chief of national TV Prva, added, “The constitution guarantees media freedoms. Therefore, the initiatives to change the Media Law in the direction of media censorship are unacceptable. It is astonishing that since the decriminalization of libel we haven’t gotten a single court verdict in this area. There is simply no effective litigation procedure. Several civil suits are still ongoing, but no case has resulted in a verdict yet, to my knowledge.”

Complementing these views, Rajka Raičević, a journalist for *Dan*, said, “Bearing in mind numerous court verdicts against *Dan*, the daily with the biggest circulation in Montenegro, but also verdicts against independent media, such as *Vijesti* and *Monitor*—where the courts were adjudicating in favor of the plaintiffs with links to authorities—it is obvious that in Montenegro we have a problem with independence of the judiciary.”

Mihailo Jovović, editor-in-chief of *Vijesti*, agrees that while the legislation is acceptable, law enforcement is questionable: “In many cases, laws are being used as a cover-up to suppress media freedom. There are legal gaps enabling media abuse. On the other hand, we practically have no guilty verdicts in any of the cases involving violence against journalists.”

The panelists’ comments point to an obvious discrepancy between sound legal and institutional solutions and problems in practice, and they emphasized that constitutionally proclaimed freedom of speech is often deformed, abused, and limited in practice. They feel that private media sometimes write about people without respect for personal privacy. On the other hand, state-owned media often are not open to offering a platform to opposition ideas or critics of the government.

Furthermore, the panelists said that depending on editorial policies, as well as corporative and political interests, media are prone to avoid covering certain issues and are often poorly dedicated to issues of public interest. For example, pro-government media sometimes avoid writing

Vuković said, “Media do not feel free to investigate cases of organized crime and corruption, especially cases with apparent links between authorities and criminals. That fear is exacerbated because of all those cases of murder and beating of journalists and attacks on the assets of media companies in recent years that the authorities failed to investigate.”

about corruption cases in governmental institutions, while independent media avoid writing about a lack of transparency regarding funding for some opposition parties. The dominant opinion of the panelists is that press freedom is being limited in practice, compounded by a shortage of accountable and professional journalists.

The panelists feel that any obstacles with regard to media licensing are a relic of the past. Nevertheless, institutional complexity and overly onerous procedures are still a problem in this arena, as two national regulators (the Media Agency and the Agency for Electronic Telecommunications) must be involved. Still, Drobac commented, “The main problems are high license prices, as well as prices of services related to the broadcasting of television programs.”

Media have free access to the market, and from a legal standpoint, media business is not a privileged form of business in Montenegro in any way. Valid business legislation is equally applied to both media companies and companies operating in other economic sectors. The same goes for tax treatment of media companies, which are treated just like other companies, except for print media, which for years now have paid a lower value-added tax (VAT) rate of seven percent. When it comes to media businesses, Vuković pointed out, “Government-friendly media—or those under its control, directly or indirectly—are often excused if they fail to meet legal requirements, such as paying taxes. However, that is not the case with media critical of the government.”

In the past couple of years, there have been physical attacks on journalists. The most recent incident occurred in Nikšić, where several young men physically attacked and badly injured a *Dan* journalist. The men were arrested and

punished with jail time. Court proceedings showed that a local businessman, angered by articles written about his alleged criminal activities, was behind the attack.

The attacks have been directed mainly at journalists who work for media that criticize the government or criminal activities, such as *Vijesti* and *Dan*. Vuković said, “Media do not feel free to investigate cases of organized crime and corruption, especially cases with apparent links between authorities and criminals. That fear is exacerbated because of all those cases of murder and beating of journalists and attacks on the assets of media companies in recent years that the authorities failed to investigate. Specifically, I am thinking about the murder of the director and editor-in-chief of *Dan*, the beating of journalists working for *Vijesti* and *Monitor*—Tufik Softić, journalist Mladen Stojović, *Vijesti* journalist Olivera Lakić, *Dan* journalist Nataša Nikčević, and the attack on *Vijesti*'s assets.”

All the panelists concluded that court proceedings in cases of violence against journalists are slow and ineffective. Drobac noted that the cases are brought before the courts but that the pace of court proceedings is very slow. Samir Rastoder, director of *Dnevne Novine*, agreed and added, “There are several ongoing cases before the courts related to attacks on journalists, and the accused are mainly people with criminal records. These cases are intensively covered by the media, but the main objection is that they drag on too long.” Gordana Borović, a managing member of the Media Self-Regulatory Board, claims, “In Montenegro, we witnessed several attacks on journalists, and the general impression of the public is that investigations implemented were rather confusing and inadequate; additionally, we are not sure that the right people were criminally prosecuted for these attacks.” As Jovović concluded, “There are practically no final verdicts in cases of violence against journalists, and only journalists working for professional and critical media are exposed to this kind of pressure.” The panelists’ general impression, which ongoing court cases confirm, is that the Montenegrin judiciary is ineffective at solving cases of violence against journalists. This stimulates insecurity and frustration among the media community, putting at stake the credibility of our legal order and threatening press freedom.

The laws do not pose obstacles for the editorial independence of public national and local media services. Nevertheless, the general public, as well as political and NGO circles, are highly critical of the news and political programs of these services. Most people believe that public



media services are either under the influence or control of the ruling parties (i.e., that their editorial policies do not protect the public interest)—even though public media board members are appointed impartially, and funding of public media is transparent and distributed in a fair manner that does not undermine editorial independence. For example, Vuković claims, “State-owned public media are almost entirely dependent on the ruling structures, and their editorial independence can be detected only in traces.” Other panelists, such as Dragan Markešić, agreed: “There is little editorial independence in state-owned/public media, and quite often it is easy to see that they are one-sided. However, even in the private media we do not see much deviation from their general political directions.” Suzana Ganić, a journalist for the local television station, Teuta, said, “The difference between private and state media is quite visible. Public services are prone to censorship, primarily because of the way in which managerial structures select ‘suitable’ journalists.” However, some of the panelists think differently, such as Rastoder, who said, “When it comes to the editorial policy of the public service, it is definitely more balanced with respect to previous years and now comes very close to being considered professional.” Still, a majority of the panelists felt that public national and local services are politically manipulated and abused.

In Montenegro, libel and insult are not criminal offenses punishable with prison time. After the decriminalization of libel, these issues are now resolved in civil litigation cases. Some panelists objected, though, saying that in some cases of libel and insult, Montenegrin courts are too soft on libelers. That was the reason why political and NGO circles, regarding the case involving NGO activist Čalović, argued that a media ban could be justified in extreme circumstances. However, the problem with this demand is that it is contrary to the Montenegrin constitution, which prohibits censorship and guarantees press freedom. Still, it is evident that court verdicts in civil litigation cases are resulting in low fines, thus provoking a negative reaction from the public and opening the question of reforming the case law of Montenegrin courts. As Raičević said, “Libel is now in the domain of civil law, and that is why we have a situation where, due to the fact that there is no more criminal liability, basic constitutional principles and professional standards are being violated. Public insults and multiple incurred damages for libeled persons cannot be compensated with such small fines. That was the case with Čalović—one of the rare examples where criminalization of libel would actually make sense.”

The experiences with enforcement of the Freedom of Information Act since its adoption nine years ago are contradictory and subject to numerous public challenges—particularly from NGOs and the media community. The panelists described some of the problems they face communicating with the public relations officers of public institutions. Ivan Mijanović, director of Radio Cetinje, said, “Although a great deal has been done when it comes to accessing information from public institutions, some administrative bodies are still selectively releasing information to certain media, and often media or journalists representing the political opposition or simply critical of the government cannot obtain information.” Borović said, “Every public institution should have a PR officer. However, I think that existing PR officers hide more information than they release. One agency that does a particularly poor job communicating with the public is the Ministry of Health. That is why media rely on independent sources.” Sanja Novaković, a journalist with Radio Antena M, said, “The rules of the game are set, but we do not want to play that game. The majority of official institutional press releases are bureaucratic and unusable. We do not have a single PR officer who has a position or opinion on anything. PR services are often very slow, so you have to rely on unofficial sources.” Rastoder agreed, adding, “We have been waiting for a reply from one ministry for five months now ... I have no good examples of a PR officer actually releasing good and correct information.”

However, Tanja Ašanin, a journalist with TV Vijesti, said that blaming the PR officers is pointless; they lack integrity and simply reflect the way that government bodies operate overall, with a selective approach regarding media contact. For example, on the occasion of a tragic accident in the Bijelo Polje hospital (leading to infections and the death of babies), TV Vijesti tried to contact those involved, but they were out of reach. Furthermore, she added, agencies’ practice of giving statements to one media outlet and avoiding others is unacceptable.

Jovović agreed, saying, “Accessibility to information usually depends on the management of a given institution. My daily [newspaper] encounters many problems communicating with government bodies. For example, when traveling abroad to important meetings, our officials bring journalists from privileged media with them—those financed from the national budget. That is why journalists are forced to obtain information from unofficial sources.” Persistent difficulties accessing public information in the past decade

stem from selective and poor enforcement of the Freedom of Information Act.

On the other hand, Montenegro's lack of legal issues or real limitations regarding access to either international or local news—without censorship—signifies an important step forward in terms of media freedom. Online journalism (portals, blogs, etc.) continues to grow. Half of Montenegrin citizens hold Internet accounts, and the country is fully engaged in the dynamic development of Internet culture and communications. Overall, the Montenegrin media market is free as far as access and usage of available local and international news sources is concerned. In addition, a consistent, defined standard for fair use and protection of intellectual property exists through the Law on Intellectual Property Rights, which offers protection in accordance with European standards.

Montenegro has never required licenses or special permits for journalists, and media alone determine recruitment requirements for new journalists. At the same time, there is no doubt that the lack of restrictions has resulted in lower-quality journalism and that this kind of liberalism has brought about inflation of journalists. Furthermore, professional journalist associations take no steps to pressure media employers to introduce some reasonable professional restrictions. From time to time, these issues trigger debate within the media community on the possibility of licensing journalists, just as doctors, engineers, or lawyers need licenses. However, although there are strong arguments in favor of licensing journalists, there are also convincing reasons to doubt the odds of making the licensing process credible and generally acceptable. The panelists expressed both viewpoints. Vuković said, "I am against the licensing of journalists. Vocational training and acquired professional skills are more important than studying journalism. The Montenegro Media Institute offers a good example of how our society can reject and destroy an excellent institutional idea." Rabrenović, on the other hand, said, "I am in favor of licensing journalists. If engineers and doctors can be licensed, why not journalists? The current situation in our profession is catastrophic, with a general trend of downgrading the profession. Licensing is needed to protect it."

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Montenegro Objective Score: 1.99

This year the MSI panelists again confirmed that the state of their profession is being downgraded and that, irrespective of a handful of exceptions, the overall trend veers negative. Marina Vuković, editor-in-chief of the state public service, RTCG, is extremely critical of journalists' professional credibility. She commented, "This is the twilight of professionalism. We are to blame for putting our journalism in the 'quicksand'; we need to change our profession and devote ourselves to its improvement." Jovović, however, said, "I disagree with the notion that journalism is in the 'quicksand.'" He does not believe that is true of his daily, *Vijesti*, but said, "We can talk about the crisis of certain media. We are also fighting our own weaknesses; *Vijesti* has its own ombudsperson. I am convinced that the authorities have a strategy to stultify press freedom. The main problem is that we do not have a generally accepted system of self-regulation in Montenegro." Other panelists also take a critical stand on the issue. Mijanović pointed out, "The majority of media in Montenegro are still politically biased, so while public media journalists are reporting on the activities of the government with a certain dose of subjectivity, the same principle applies to the so-called independent media." Drobac added, "We often see biased reporting that does not meet journalism standards. There is

### 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 lot of spinning, manipulative headlines, and things being taken out of context.”

Montenegrin journalism has had its own Code of Ethics for a decade now, yet still the rules of the profession are often violated. Vuković explained, “There is a journalists’ Code of Ethics that was drafted a decade or more ago, with the help of foreign experts, which all the media outlets and journalists in the country accepted. However, the attempt to establish a credible self-regulatory body in charge of ethical norms enforcement has failed. At the moment, there is one collective self-regulatory body, gathering media that are under direct or indirect control of the government.” He went on to explain that so far, this body has acted more like a quasi self-regulator, because it deals more with those media outside its membership. Furthermore, he continued, the NGO Action for Human Rights from Podgorica has produced reports in the past two years that clearly demonstrate an arbitrary hand in interpreting ethical norms in a number of cases. Several influential media (the dailies *Vijesti* and *Dan*, TV *Vijesti*, and the weekly *Monitor*) responded to this questionable self-regulatory practice by establishing an ombudsperson to protect readers’ rights. On the other hand, Borović said, “As a member of the self-regulatory body, unfortunately I have to say that journalists do not comply with recognized and accepted Code of Ethics standards. Every round of media monitoring we orchestrated recorded a huge number of code violations, and we recorded only the serious breaches. The fact that our self-regulatory council is limited only to the press poses a specific problem. We still have no verdicts for libel. I am convinced that civil litigation is a good model to deal with libel; the problem is in the case law of the Montenegrin courts.”

Regarding dilemmas related to the work of this partially accepted self-regulatory body, Rabrenović concluded, “I believe that we need a journalists’ chamber to take care of the quality of our profession.” Predrag Zečević, a journalist for the online portal *Analitika*, agreed that journalists’ professional credibility is unsatisfactory. However, he still thinks that the main problem is media’s political alignment: “Media are reporting professionally most of the time, except during electoral campaigns, when we see alignment of media with opposing political blocks.”

Clearly, the panelists concluded, Montenegro still faces a problem regarding enforcement of the professional rules of journalism, and it is additionally hindered by the fact that there is discord within the media community regarding

Drobac added, “We often see biased reporting that does not meet journalism standards. There is a lot of spinning, manipulative headlines, and things being taken out of context.”

the establishment of a single self-regulatory body. The issue of establishing an adequate self-regulatory body that would reflect the will and interests of the entire media community is still unresolved, primarily to the detriment of the journalism profession.

All the panelists admit that, irrespective of motives and personal reasons, self-censorship is still very much present in Montenegrin media. Although the reasons differ—ranging from the absence of professionalism, the poor financial status of journalists, weak legal protection of journalists, pressures and influences both external and within editorial teams, corruption, etc.—the self-censorship phenomenon continues to persist in Montenegrin journalism.

According to Ganić, “Montenegrin media cover all the key events and issues. There are a lot of media companies, so no event can remain hidden.” This position is quite close to reality in the field. Journalists report on the key events and issues within society, so it is practically impossible for any crucial event to go unnoticed by the press—especially with the openness of online journalism and the presence of numerous local and international news sources. How media comment on certain events, what kind of political connotation they attach, and to what extent reporting on events is selective or underreported is another question altogether.

Journalists’ incomes in Montenegro are poor and insufficient to encourage the development of the journalism profession. According to Borović, “Journalists’ salaries are absolutely inadequate to retain qualified staff.” In Montenegro, journalism is still one of the lowest-paying professions.

Few journalists receive decent salaries (above €1,000 per month); the average journalist’s salary in Montenegro is about €480, and beginners earn as little as €300. Although Montenegro now has more journalists with university degrees, their education has not improved their financial status, so the overall social status of Montenegrin journalists is low. The poor trade union and associations of journalists

further aggravate the situation, freeing employers of the pressure such associations would bring, to the detriment of journalists.

The low financial status of journalists opens the door to corruption, some panelists feel. Markešić commented, “Salaries in journalism, just as in other sectors in our country, are rather low, making journalists prone to corruption. It is becoming obvious that journalists with more years of professional engagement prefer to join the ranks of public relations officers.”

A majority of electronic and print media in Montenegro focus heavily on commercial, entertainment, musical, and sports programs, while just a few are capable of producing their own news or political programs. The lure of easy profit, social opportunism, and media commercialization dominates the media community. On one hand, only a few media owners are dedicated to the idea of a free press and professional journalism, while at the same time a growing number appear exclusively interested in lightweight commercial and entertainment programs. Public interest comes second, and commitment to public issues is suppressed. Those media that do not run afoul politically or dig too deeply into current social problems win government favor. This is especially true for private media, but negative trends are visible in the public services as well. On the other hand, there are private media that take great care to address sensitive social issues and serve the public’s need to be properly informed in a timely manner.

Montenegro is just launching its long-awaited digitalization of the leading public service (RTCG). According to the plan, the main public service should be digital by the end of 2015, thus completing the digitalization process at the major broadcasters. Some private, national broadcasters with adequate equipment and modern technology went digital some time ago (TV Vijesti, TV Pink, Prva TV, TV Atlas). At the same time, a growing presence of online media portals (Vijesti, CDM, Analitika) in Montenegro use modern communications tools and already compete with traditional media.

The long-entrenched lack of specialized reporting in Montenegro for now seems unsolvable. There are few examples of professional reporting. Drobac said, “In the majority of media companies, we do not have specialized reporting, because most outlets cannot support that kind of reporting financially.” Borović agreed, adding, “We absolutely lack quality specialized reporting, and there are fewer and fewer journalists with expertise in certain areas. For editors, it is simply too costly to support specialized reporters.” Jovović

concluded that investigative journalism is utterly lacking in public media and insufficient in private media.

The panelists agreed that the absence of investigative and specialized journalism is a huge problem in Montenegrin journalism. Given the limited financial resources and negative media trends (commercialization and tabloidization of media), it is clear that this particular issue is sidelined—a fact that definitely diminishes journalists’ overall professional credibility.

### OBJECTIVE 3: PLURALITY OF NEWS

Montenegro Objective Score: 2.46

Montenegro does feature strong media pluralism and great diversity in media channels and news sources. The growing influence of social networks in recent years is clear from the more than 300,000 Facebook accounts opened in Montenegro. This growth is significant not just in terms of communication among citizens but also in political campaigns and public appearances. Zečević said, “We are reporting politicians’ statements taken from social networks. The opposition is more into social networks. SMS communication is also widely used. Furthermore, we see that more than 60 percent of the people online also use Facebook.”

### 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.

Novaković cautioned, however, “Social networks are often used for manipulation.” He said, “One should be skeptical with respect to information coming from these networks.” Jovović maintained that social networks are not diminishing media’s impact, noting, “The problem is with our main public service. Nobody trusts our public service. For example, I was in Sweden, and the rating of public service there is 80 percent. All the public services in the region are ahead of our public service. This is not financial but rather an issue of editorial policy.”

Montenegro, with just 620,000 residents, has more than 70 media companies—a ratio that exceeds European standards. Furthermore, it is quite atypical to have five national dailies (*Vijesti*, *Dan*, *Pobjeda*, *Dnevne Novine*, and *Informer*) and five national television stations (TV *Vijesti*, RTCG, *Prva TV*, *TV Pink*, and *TV Atlas*). In addition, there are also more than 50 different electronic media, both at the local and regional level. However, the panelists generally conclude that this diversity and media pluralism have not resulted in higher-quality media outlets and enhanced credibility of journalists.

Citizens’ access to local and international media is not limited, and in this respect, Montenegro is a free country. There are no legal or physical barriers that prevent citizens from getting information from local or foreign news sources. Montenegro’s big international telecommunications companies are beneficial for the development of the Internet, cable television, mobile telephony, and social networks, leading to a quite open and diverse media environment.

Just as in previous years, a majority of the panelists feel that national and local public services are under the influence and control of the ruling parties, which, irrespective of sound legislation, undermines the proclaimed media objectives and adopted legal standards. Both the opposition and NGO sectors say that public services do not reflect diverse or opposing political positions. Therefore, they serve the political interests of the ruling party, rather than implementing their public mission and proclaimed objectives. Vuković said, “The national public media are under the direct control of the authorities and are just barely meeting their objectives as public services. The same goes for local public services as well.”

The panelists feel that inherited political tendencies aim to corrupt the very idea of public service and discredit the Law on Public Service. This narrows political pluralism and distorts the concept of public interest in media, which are supposed to implement that public interest in line with the law.

Vuković said, “The national public media are under the direct control of the authorities and are just barely meeting their objectives as public services. The same goes for local public services as well.”

Montenegrin media use information from both local and foreign news sources. A majority of the media have either their own sources or are using information that has already been published in local or foreign media. Local agency sources are less common, because Montenegro is at a disadvantage with just one private news agency (MINA), which has rather limited resources. That is the reason why local media often use foreign news sources, including globally reputable agencies and influential regional agencies.

The most influential electronic and print media (*Vijesti* and *Vijesti TV* and web portal, RTCG, *Dan*, *Dnevne Novine*, Radio Antena M, CDM, *Analitika*) constantly produce their own original news. Unlike national media, both electronic and print local media are smaller news producers, due to their limited financial capacities. However, in recent years a democratization trend of Montenegro’s media scene emerged, reflected in solo initiatives (bloggers, Facebook, Twitter) and online news production.

Public registries (company and media registries) are easily accessible and subject to scrutiny. Therefore, it is not difficult to identify formal media owners, although there are signs indicating that the true owners remain hidden. Particularly in the case of political conflicts, it happens that media dispute the authenticity of registered ownership of other media companies. When it comes to ownership concentration, Montenegro does not have a single case of unlawful media concentration. So far, the Regulatory Competition Agency has not published any statements indicating unfair competition or abuse of a dominant market position.

The media do not reflect, at least to a sufficient degree, a broad spectrum of different social interests, according to the panelists. Ganić said, “Information in minority languages is a problem in our country. We have that kind of media; for example, *TV Teuta* from *Ulcinj* broadcasts 80 percent of its program in the Albanian language. However, the government appears indifferent with respect to this, and I think that the government should be more proactive in solving the problem of a lack of information in minority languages.”



Currently, political and economic power centers keep a firm grip on editorial policies, which additionally marginalize those segments of the population with little political or economic clout. Still, the media do publish/broadcast information on various social issues. However, it is clear that not all social interests are promoted adequately and that issues concerning some social or ethnic groups are sidelined. On the other hand, in a few positive exceptions, private media work in cooperation with the NGO sector to promote issues involving marginalized social or ethnic groups.

The panelists agree that Montenegrin media put effort into reporting news and information of local, national, and international importance. Local media do report on all key issues, in line with their editorial policies, and keep the Montenegrin public informed.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Montenegro Objective Score: 1.80

On the business side, Montenegrin media always seem to teeter on the brink of sustainability, although there are numerous electronic and print media outlets. However, a huge discrepancy persists between the number of media and their profitability, because many focus on commercial and entertainment programs that are not costly to produce—and also because the most influential media owners draw on their own funds to keep their media afloat. Overall, economic circumstances deteriorated in the past year; the sinking advertising market hit media business and directly affected the quality of the press and adherence to professional standards. Ganić emphasized, “Media are less and less viable. The situation within the media community is hard, but still human resources policies should be better.” The overall situation in media business is reflected in unemployment, with a decrease of jobs in media of 10 percent in the past two years. For example, this year, after almost 70 years of operations, huge debts forced the Montenegrin state-owned daily *Pobjeda* into bankruptcy. The general assessment is that private media companies face serious trouble, while public services survive thanks to budgetary support and assistance from central and local authorities.

When it comes to revenue, media companies manage to make ends meet in different ways. Basic revenue for private media companies is linked to the advertising market and direct financial support from their owners, while the public services rely less on advertising and more on budgetary support.

For years now, the Montenegrin advertising market has been quite modest—one of the weakest in the region. Its annual valuation dropped 10 percent this year from the previous one, leaving the total advertising market around €9,000,000. The record annual advertising market in Montenegro in the past decade was around €13,000,000. In addition, more than 80 percent of advertising is taken by dominant advertising agencies, and the remaining 20 percent is the result of direct negotiations between advertisers and media companies. As a professional in the advertising field, Markešić commented, “Advertising is still not fully developed, because all the prerequisites are not yet met. For example, we are still missing broad-spectrum surveys. With respect to the size of the market, we have a huge number of advertising agencies. Telecommunications operators are the dominant advertisers, and they, just like a majority of other clients, advertise in line with their objectives.” He continued to explain that local media are largely left out of the market, an understandable consequence of the methods and priorities of advertisers. Branch offices of the big regional advertising chains dominate the market.

Just as in previous years, advertising agencies focus predominantly on private national media and not so much on the national public service, while advertising revenues for local media companies are marginal.

As already mentioned, advertising revenues fall below regional and European standards. Although private media depend on circulation and advertisers, they still survive, thanks mainly to financial assistance from their owners (recapitalization) and to a lesser degree from foreign

#### 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.

donors. Advertising revenues are clearly not sufficient to ensure sustainable operations of private media companies. And, as in the past, public media represent unfair competition to private media on the advertising market, as they also receive budgetary support from the government and local councils. Markešić said, "We can, of course, assume that advertisers are always exercising pressure on media to have as much of the advertising space available, primarily in the form of different and new communications channels. The advertising market decreased from €10 million to €9 million. Government (national and local) budgets are not relevant on the advertising market, though, because the government cannot compete with big advertisers (80 percent of the market is covered by private companies). Twenty percent are small advertisers, and public media receive the small share of this market." Furthermore, regional market mergers are shrinking the Montenegrin market, while big advertisers have a tendency to link Montenegro to Macedonia and Albania.

Markešić added that while the government is far from being an important advertiser on the market, "government budgets intended for advertising are usually directed to government-friendly or government-owned media, and they do it by avoiding public tenders." Therefore, it is easy to conclude that government advertising is not fair; it is driven by the political interests of the ruling parties, and the same goes for local councils. National and local authorities most frequently advertise in media they own (public services), or they promote government-friendly media both at the national and local level.

The use of market surveys to formulate sound media business policies is still rare in Montenegro. Furthermore, given their low profitability and operational losses, media companies are unable to hire advertising agencies that specialize in market research. Often, commercial and program planning are based solely on occasional surveys conducted by NGOs.

As in the past, the public casts a skeptical eye on data that the media publish regarding their own market ratings or, for print media, the number of copies sold. Print media do not publish their circulation numbers, but electronic media occasionally broadcast self-financed rating surveys. From time to time, specialized NGOs publish surveys regarding public confidence in media or their ratings. However, most of the panelists agree that publicly posted data on media ratings or their circulation are sorely lacking. According to Borović, "Data on media ratings, audience numbers, or numbers of sold copies are totally unreliable. Print media hide their numbers, and television stations manipulate viewer ratings data."

As a professional in the advertising field, Markešić commented, "Advertising is still not fully developed, because all the prerequisites are not yet met. For example, we are still missing broad-spectrum surveys. With respect to the size of the market, we have a huge number of advertising agencies."

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Montenegro Objective Score: 2.12

Media owner associations continue to weaken, and they now exert only marginal influence. It is clear that no spirit of professional solidarity buoys the poorly organized media business community. Poor networking between media businesses in Montenegro has become habitual, negatively affecting their survival prospects, although there are some networking initiatives at an individual level.

The situation is no better when it comes to journalist associations, which fail to effectively protect journalists. While Montenegro has a couple of journalist associations (the Association of Journalists of Montenegro and the Association of Professional Journalists of Montenegro), they

### 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.

Vuković said, “There is a journalism department at the Faculty of Political Sciences, but its curriculum is outdated and dominantly theoretical. We used to have a quite good, practical, hands-on training program at the Media Institute, but it has been shut down.”

seem to exist only on paper and perform no significant activities. Borović said, “It is quite clear that none of them meet the needs and interests of journalists.” Vuković added that their impact is very limited, both in terms of protecting journalists and improving professional standards. There is also a lack of progress in boosting trade union protection of journalists, resulting in professional disintegration of the journalist community.

The panelists recognize the important role that NGOs play in this environment, such as the Center for Democracy and Human Rights (CEDEM), the Center for Civic Education (CGO), Civic Alliance, and the Network for NGO Sector Affirmation (MANS). According to Ganić, “The NGO sector actively supports free speech and serves as a very reliable partner to the media. Cooperation between the media and the civil society sector is strong and high-quality.” Novaković agreed and said that the media have no problems with NGOs, while Jovović noted, “NGOs are essential for our society and deserve support, although even within the civil sector we have credibility issues with some of the NGOs (primarily related to capacity and professionalism).”

In the past decade, Montenegro managed to develop a relatively influential NGO sector, marked by serious engagement in a number of important social issues, but also by its criticism of government policies and the local political class. Part of the NGO sector is involved in issues directly related to the media community and the role of a free press in a society, and this is the reason why we see frequent collaboration between NGOs and the media. The media, in turn, cover NGO activities to a great extent and also try to publish and promote every important civil society project.

Training of journalists is practically reduced to academic teaching at the Faculty of Political Sciences—Department for Journalism at the State University of Montenegro. Hands-on journalism training is getting weaker, as programs

offering practical journalism training are being shut down. Instead, journalists are forced to acquire their practical skills on the job. The marginalization of the Media Institute, following the withdrawal of donor support, further worsens the situation. For years, the Media Institute was the key educational facility for young journalists. Vuković said, “There is a journalism department at the Faculty of Political Sciences, but its curriculum is outdated and dominantly theoretical. We used to have a quite good, practical, hands-on training program at the Media Institute, but it has been shut down.”

When it comes to the academic education of journalists, certain progress has been achieved, but education has regressed in terms of practical journalism skills. Journalists nowadays have fewer possibilities to attend good training programs to perfect their theoretical knowledge and modernize their profession. There are not many opportunities for journalists to study or train abroad, except for some training programs and internships offered by international associations and foreign embassies (generally from the United States and western European countries).

The declining options for institutional and vocational training of journalists in Montenegro is having a direct negative impact on the quality and professionalism of journalists, especially younger generations.

There are no limitations or monopolies when it comes to sources of printing equipment for media. However, three print media outlets (*Vijesti*, *Dan*, *Dnevne Novine*) currently have their own printing presses, another example of irrational concentration of printing equipment in the print media market.

Distribution companies are privately owned. Aside from print media, which are destined for a single, dominant distributor (distribution of press via chains of press kiosks throughout Montenegro), all other market segments have competition and openness of distribution channels.

IT and communication technology infrastructure is improving and meets market needs. With the completion of the digitalization process at the national public service (radio and television) in June 2015, this infrastructure will only grow and become accessible to households still not covered with a digital signal, as well as new potential users. Markešić noted, “The level of development of information-communication technologies is satisfactory. Soon we can expect the completion of the digitalization process, which means that even a small segment of households still using analogue platforms will switch to digital, thus reinforcing

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the new technology. Internet penetration is very high, and mobile telephony covers almost the entire territory of Montenegro.” He added that 80 percent of electronic media have already gone digital—55 percent in the north of the country and 100 percent in the south—making Montenegro a regional leader.

We can conclude that the Montenegrin telecommunications network is modern, well-developed and definitely one of the better networks in Southeast Europe. Citizens increasingly use different telecommunications channels (Internet, mobile telephony, cable and digital television), allowing them to access different local and international media sources.

### List of Panel Participants

**Sanja Novakovic**, journalist, Radio Antena M, Podgorica

**Tanja Asanin**, journalist, TV Vijesti, Podgorica

**Marina Vuković**, editor-in-chief, RTCG, Podgorica

**Predrag Zečević**, journalist, PortalAnalitika.me, Podgorica

**Mihailo Jovović**, editor-in-chief, *Vijesti*, Podgorica

**Suzana Ganić**, journalist, TV Teuta, Ulcinj

**Dragan Markešić**, general manager, Direct Media Montenegro, Podgorica

**Jadranka Rabrenović**, journalist, *Pobjeda*, Podgorica

**Sonja Drobac**, editor-in-chief, TV Prva, Podgorica

**Ivan Miljanović**, editor-in-chief, Radio Cetinje, Cetinje

**Gordana Borović**, member, Board of Directors, Media Self-Regulatory Board, Podgorica

**Samir Rastoder**, director, *Dnevne Novine*, Podgorica

**Duško Vuković**, independent media analyst, Podgorica

**Rajka Raičević**, journalist, *Dan*, Podgorica

### Moderator

**Vladan Simonovic**, partner, Media Ltd, Podgorica

### Author

**Rade Bojović**, executive director, Media Ltd., Podgorica

*The Montenegro study was coordinated by, and conducted in partnership with, Media Ltd., Podgorica. The panel discussion was convened on November 28, 2014.*

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*Events in 2014 exposed the links between the media, politics, and dubious businesses.*



# ROMANIA



Romanians experienced a dramatic presidential election in 2014. The campaign was harsh, and the much of the national media were polarized with the exception of a few outlets that tried to maintain objective coverage. Much media coverage violated a number of regulations. For example, The National Broadcasting Council fined television station Antena 3 and imposed a sanction on Romanian TV for allowing unsubstantiated attacks on one candidate by allies of the other.

The elections also were marred by significant problems that prevented thousands of expatriate Romanians from casting their votes. Social media were a conduit for public outrage, exposing the issues around out-of-country voting in cities such as Paris, London, Munich, and Rome. Following the first round of elections, Foreign Minister Titus Corlatean resigned after thousands of Romanians, politicians, and several media outlets called for him to do so. His replacement, Teodor Meleșcanu, resigned after eight days after the same problems plagued the second round of elections.

For Romanian media, 2014 was equally troubling. The US-based Central European Media Enterprises (CME), owner of the main commercial television station, Pro TV, appointed a new general director, Aleksander Cesnavicius. In early January, a number of executives, staff, and journalists were let go. Most of the staff were welcomed by the station's competitors (Antena 1 and Antena 3), which are controlled by the Intact Media Group. Still, Pro TV managed to maintain its lead in the broadcast market. Cesnavicius is the first non-Romanian general director of Pro TV since its creation in the early 1990s. His appointment came after Adrian Sârbu, the founder of the media trust, left CME. Sârbu, who introduced commercial television in Romania and owned the Mediafax Group, was arrested in early 2015 after being accused of committing tax fraud. His group filed for insolvency in late 2014.

Events in 2014 exposed the links between the media, politics, and dubious businesses. In August, Dan Voiculescu, a former senator and founder of the Intact Media Group (currently owned by his daughters), received a 10-year prison sentence for money laundering. Dan Adamescu, owner of Romania *Liberă newspaper*, was investigated in an insurance and insolvency case and placed under house arrest in August. Marcel Păcuraru, co-owner of Realitatea TV, was sentenced to four years in prison for fraud. Laura Georgescu, chair of the Romanian Audiovisual Council (CNA), and Narcisa Iorga, a CNA member, are both parties in an investigation regarding corruption in the licensing of broadcasters.

The year also brought several investigations against famous journalists accused of corrupt practices. Sorin Rosca Stanescu, the former head of *Ziua* newspaper and a former senator, was sentenced to four and a half years in prison for misusing funds and insider information and participating in criminal activity. The head of the Romanian Intelligence Service, George Maior, admitted that his institution has infiltrated newsrooms. He resigned two days later, under public pressure. However, some journalists—as well as part of the public—considered this an act of patriotism.

# ROMANIA at a glance

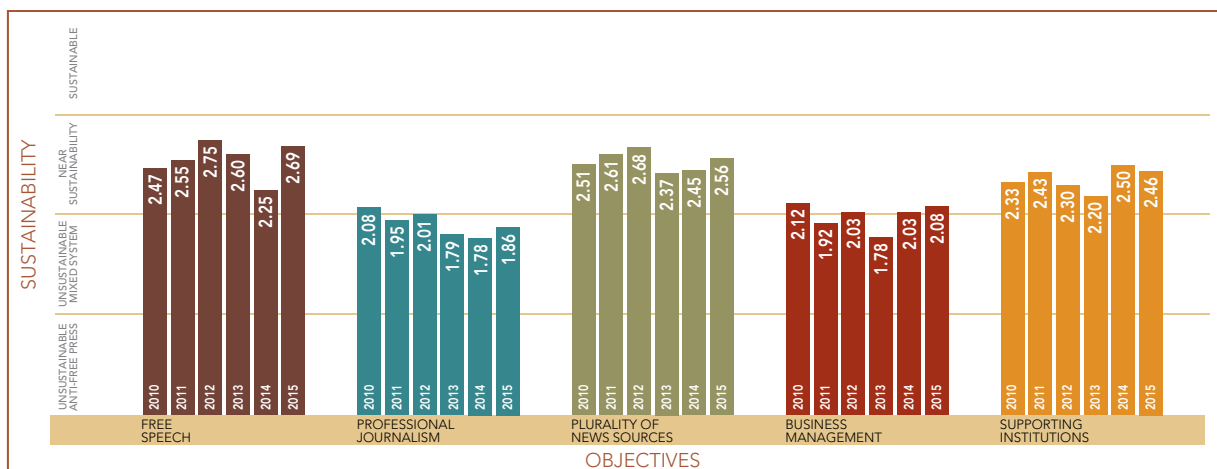
## GENERAL

- > Population: 21,729,871 (July 2014 est. *CIA World Factbook*)
- > Capital city: Bucharest
- > Ethnic groups (% of population): Romanian 83.4%, Hungarian 6.1%, Roma 3.1%, Ukrainian 0.3%, German 0.2%, other 0.7%, unspecified 6.1% (2011 est. *CIA World Factbook*)
- > Religions (% of population): Eastern Orthodox (including all sub-denominations) 81.9%, Protestant (various denominations including Reformed and Pentecostal) 6.4%, Roman Catholic 4.3%, other (includes Muslim) 0.9%, none or atheist 0.2%, unspecified 6.3% (2011 est. *CIA World Factbook*)
- > Languages (% of population): Romanian (official) 85.4%, Hungarian 6.3%, Romany 1.2%, other 1%, unspecified 6.1% (2011 est. *CIA World Factbook*)
- > GNI (2013-Atlas): \$180.8 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$18,410 (World Bank Development Indicators, 2014)
- > Literacy rate: 97.7% (male 98.3%, female 97.1%) (2011 est. *CIA World Factbook*)
- > President or top authority: President Klaus Iohannis (since December 21, 2014)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: total number unknown, 115 publications (audited by BRAT); Radio Stations: 614 (licenses for terrestrial broadcasting), 30 satellite broadcasting (CNA Annual Report 2013); TV stations: 606 licenses (terrestrial, cable, and satellite), Internet news portals: number unknown, (35 news portals audited by SATI).
- > Newspaper circulation statistics: Top three by circulation *Click* (circulation 109,423, daily private tabloid), *Ring* (circulation 100,000, daily private tabloid, free), *Libertatea* (circulation 65,956, daily private tabloid).
- > Broadcast ratings: Top three television stations PRO TV (3.65%, national), Antena 1 (2.99%, national), Kanal D (1.68%, national) (paginamedia.ro, ianuarie 2015).
- > News portals traffic: main news portals: www.stirileprotv.ro (575,915 unique visitors/day), www.adevarul.ro (433,989 unique visitors/day), www.romaniatv.net (408,444 unique visitors/day).
- > News agencies: Mediafax (private), Agerpres (state-owned)
- > Annual advertising revenue in media sector: an estimated of €306 million (€17 million print market, €193 million TV market, €18 million radio market, €50 million Internet, €27 million OOH).
- > Internet Usage: 8.9 million (2013, Gemius Research)

## MEDIA SUSTAINABILITY INDEX: ROMANIA



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (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: 2.69

Freedom of speech is by and large guaranteed by Romania's constitution, in addition to special legal provisions; however, the lack of adequate enforcement continues to threaten the independence of the press. Răzvan Martin, of Active Watch, noted that the government made several attempts to pass restrictive legislation aimed mainly at imposing stricter regulations on surveillance, or legislation that limits access to information might embarrass politicians and decision-makers—for example, access to criminal files or information that may expose corruption cases. "In the eyes of politicians, everybody is presumed guilty," said Cătălin Moraru (Monitorul de Botoșani). Therefore, the panelists agreed that it is important to continually monitor the enforcement of free speech in Romania.

The National Audiovisual Council of Romania (CNA) is an autonomous body that controls broadcast licensing and enforces broadcasters' legal obligations; it is formally under parliamentary control. According to the CNA's website, its role is to "ensure that Romania's TV and radio stations operate in an environment of free speech, responsibility, and competitiveness." Its 11 members are appointed by the government and parliament, and their terms do not coincide with the political elections. In 2014, the CNA lost its legally mandated quorum, as the mandates of

four members expired and were not renewed in a timely manner by parliament due to political interests. Thus, the CNA was not able to function during part of the election, and the panelists noted that many aggressive tactics were employed that went unpunished during the campaign period, although some did, as noted in the Introduction to this chapter. Television stations allowed moderators and their guests to use inappropriate language, make allegations without proof, and manipulate public opinion, favoring the candidate they were supporting. For example, when the polls closed on the day of the second round of elections, the two candidates presented polls that showed they had an equal number of votes. However, Mihai Gâdea, one of the most prominent moderators from Antena 3, asked viewers to go out and vote to defend "the party machine of Băsescu." In Romania, the audiovisual legislation forbids campaigning on voting day, as well as presenting exit poll data before voting has concluded.

The CNA has been perceived as a politicized institution for most of its existence, despite its role as a regulatory body in Romania. In the past two years, the council itself has become embroiled in a political feud that has affected the CNA's capacity to effectively monitor television and radio programming. Costin Juncu noted that the CNA takes advantage of some legislative ambiguities to play "a postponing game," that is, to delay the release of its decisions, especially when it comes to licenses or sanctions. Media Sud Europa, the publisher of *Gazeta de Sud* regional newspaper in Craiova, tried several times to obtain a broadcasting license from the CNA for a television station named GDS TV. The council refused to grant the license the first time, in November 2013, claiming that the name was similar to that of a NGO based in Bucharest—The Group for Social Dialogue (GDS)—despite the fact that Media Sud Europa registered the GDS trademark on its name. In January 2014, Media Sud Europa reapplied for a license, this time using a new name—Gazeta de Sud TV. The company still was not successful, but in this second instance, the CNA did not even offer an explanation for its refusal. Finally, the third time, in February 2014, Media Sud Europa received the broadcasting license from the CNA. According to Martin, the political hues that characterized the members "infected the whole institution," and many of the decisions the council made were influenced by the interests of the political party or institution that appointed the members. Freelance journalist/media analyst Iulian Comănescu agreed, adding that under the mandate of the current chair, Georgescu, the institution "went amok." Georgescu is currently under criminal investigation for allegedly taking a bribe to facilitate a license.

### 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 agreed that there are no special market entry conditions for the media in Romania, but they also agreed that the media do not, and have not, enjoyed any particular fiscal incentives. On the contrary, media analyst/blogger Petrișor Obae noted that the implementation of the fiscal law is left at the discretion of the local fiscal authorities. As Obae noted, larger companies are often treated more favorably. Nadina Dogioiu, editor at Ziare.com, agreed that this is a deliberate policy, ensuring that “the bigger the debt” a company has to the state, the easier it is for the government to control “the respective medium.” Moraru was adamant in stating that the authorities do not support the local media and do their best to limit their growth. “There is a constant preoccupation on the part of the authorities” to ensure that “local media disappear,” said Moraru. He explained that the state-owned companies, such as the Romanian Post, the main distributor of print media, are bearing down on local newspapers, asking for higher and higher commissions. “In the villages, our newspapers and the national TV channels are the only media [outlets],” Moraru explained, and if these outlets disappear, then local citizens will not be informed of what “the local authorities are doing.” Daniel Dincă shared his views, adding that it is no longer an issue of political parties wanting their own media outlets, but rather their desire to have “no local media at all.” The few local media that remained independent are the only sources of information for people interested in how the local authorities do their work. In an environment full of controlled media outlets, very few of them are presenting corruption cases, the illegal or inappropriate use of public money, or the abuses committed by local politicians.

Crimes against journalists are few and far apart. The most serious cases were those of journalists attacked by protesters who felt that the media outlet did not share their views. In one such case, the attack happened live on camera. Law enforcement officials did not react until later, when a criminal investigation was launched against the aggressors. In another case, a journalist was unduly held and harassed by policemen because he photographed an act of police violence that he witnessed by chance. Thereafter, the police launched an investigation of the officer who allegedly committed the violence. The panelists noted that “character assassinations,” though not physical, have been used as a way of harassing journalists. For example, Cătălin Tolontan, the editor-in-chief of a sports newspaper, was “exposed” for pocketing “too much money”; the publication of Tolontan’s tax form (a document that should have been protected under the personal data law) indicated that all owed taxes were paid. The document was conveniently published on Facebook by a journalist at the time when President Băsescu was attacking Tolontan and his journalists for conducting an

inquiry into the fraudulent finances around the organization of the International Professional Boxing Gala, with the involvement of Elena Udrea, a close political ally of President Băsescu. In February 2015, Udrea was prosecuted and placed under house arrest on accusations of bribe-taking and abusing her public function.

The public media’s editorial independence is protected under the functioning laws of public radio station SRR, public television station TVR, and news agency AGERPRES. While political control over these institutions is maintained, via politically appointed board members, the effects on the content are not very visible. For example, during the electoral campaign, TVR invited the prime minister (a presidential contender at that time who ultimately lost) to appear live on shows dedicated to agriculture or Romania’s relationship with the Republic of Moldova. The CNA analyzed the programs and stated that, while questionable, the prime minister’s presence was in no way illegal and decided not to apply any sanctions.

Libel is no longer a criminal offense in Romania and is protected under the civil code. In cases of libel, the plaintiff is exempt from paying taxes that are required when demanding other times of reparations. In 2014, Romania saw several cases where journalists or even media companies were brought to justice by other journalists. For example, Antena 3 talk-show moderator Oana Stancu sued Robert Turcescu, a moderator from B1TV, for his declarations that she used some of her television shows as blackmail. Martin said that in other cases, as part of the punishment, the convinced journalists had to publish the entirety of the court decision in two or three newspapers. Because such a decision may contain 20 to 30 pages, publishing it is extremely expensive. “I don’t think it’s a matter of ill will, but rather of ignorance about how media work on the part of the judges,” said Martin. He added that most of the courts’ decisions are in line with the decisions of the European Court of Human Rights and that the sentences against journalists are rather rare and well-grounded.

Access to public information is governed by Law 544/2001, which grants access to any individual’s information that is produced or held by public institutions. Journalists enjoy special treatment, as their questions must be answered on the spot or within 24 hours. Despite these generous legal provisions, the panelists agreed that the law is largely unobserved. While the maximum term for releasing information is 30 days, “one can wait for two months before receiving [information]—if ever,” added Silvia Vrânceanu, editor-in-chief of *Ziarul de Vrancea*. The lack of response from the public authorities was noted as the main

problem in accessing public information. In some cases, the authorities do not release any public information to the media institutions that they consider too critical. For example, the mayor of Craiova, Olguța Marinescu, declared in a press conference that the journalists from *Gazeta de Sud* would not receive any public information from that moment on. In other cases, the authorities have a problem releasing sensitive information, such as public expenditures, official decisions, and environmental or city planning documents.

According to the panelists, several attempts have been made to restrict the media's access to sensitive information by amending the law or prison terms for those who disclose such information. The panelists noted the case in which *Epoch Times* journalists were refused access to cover the meeting between Romanian and Chinese officials. Despite the paper's permanent accreditation and access to the government building, its journalists were not allowed to attend the press conference during the Chinese vice prime minister's visit, as it is one of the few publications that closely follow evolutions in China. The Romanian local website of the international *Epoch Times*, based in New York, also has a Chinese version that offers alternative information about events in China.

There are positive developments, however, as Romania is part of the Open Data Partnership. Through this partnership, more than 100 sets of open-format information have been made available to the public and are free for re-use. Although the Open Data Partnership has wide civil support, the process is marred by public institutions' reluctance or lack of capacity.

Access to information from foreign sources is in no way restricted, but copyright issues persist and material from the Internet is often published without the requisite citation of sources.

Entry to the journalism profession is free, and there are no special provisions or conditions that restrict or prevent citizens from becoming journalists. The only problems posed are by public institutions that require accreditation in order to allow journalists to access their premises, including parliament, the government, the presidency, local councils, etc. Accreditation is often granted to journalists who work for media companies and who possess a press card. The accreditation process is more complicated for bloggers and freelancers, as they must produce a document from a professional association or a dossier containing published materials.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Romania Objective Score: 1.86

The panelists unanimously agreed that the quality of reporting in Romania is worsening, especially on television. Obae noted the distinction between general television channels, where the newscasts are more or less of decent quality, and news channels that focus on engaging audiences around the clock. "Speed is all that counts," added Alina Mătiș, foreign news editor at *Gandul.info*. Toni Hrițac, editor-in-chief of *Ziarul de Iași*, said that what is mostly missing in the newsrooms is the mid-level management required to ensure quality production. According to Moraru, there is no interest in quality, and "the omnipresent commentaries cast a shadow over the objectivity of news."

The panelists shared the same skepticism with regard to ethical standards. Basic rules, such as interviewing all parties involved, presuming innocence, and protecting minors, are quite frequently ignored. While a number of outlets have adopted a code of ethics (all broadcasters are legally obligated to adopt such a code and share it with the public, perhaps via their website), their implementation is quasi-non-existent. No such codes exist "within the newsrooms," said Mătiș. She added that an academic study she conducted the previous year showed that journalists would reject even the idea of adhering to a code. Some journalists believe that ethical rules would prevent them from producing timely and attractive journalism and that ethics are just a topic for seminars, while real-life journalism works according to different rules. Obae explained that

### 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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ethical norms are known to both journalists and editors, but they deliberately choose to ignore them. Vrânceanu added that from time to time, her newspaper receives complaints about the way journalists have reported a certain issue; however, the more controversial a story, the higher the readership. Plagiarism is frequent, as is a lack of reference to sources. This is due partly to the general opinion that whatever is on the Internet is public and therefore free for taking. Another cause is the pressure put on journalists to produce a certain number of articles a day and to cover all the topics their competition is covering. With reduced staff, some newsrooms cannot afford field reporters and instead rely on already published material.

The panelists agreed that the CNA played a role in the erosion of journalism standards for television. The political disputes among the council's members are reflected in its decisions; for example, violations were punished differently, depending on how close stations were to the ruling coalition. These disputes prevented the council from functioning at all, as members belonging to various factions refused to attend the meetings, at times delaying the decision-making process. For most of the year, the CNA was dysfunctional and indolent—one notable example was the CNA's lack of action when Antena 3 launched a fierce campaign against the lead anti-corruption prosecutor and the magistrates who were judging the case against Antena 3's founder, Voiculescu.

The panelists noted that self-censorship is still frequently practiced. Journalists fear their owners and therefore do not address topics or personalities that could compromise their company's interests and eventually cost them their job. Martin said that in public television, for example, the station's manager will interrupt a television show on air or decide not to air a program that was already announced to the public if he or she feared it would disturb government officials.

During the election, thousands of Romanian citizens living in cities across Europe staged anti-government protests due to complaints over the poor organization of overseas voting. Many of these voters were unable to cast their ballot despite queuing for hours. According to the panelists, these events were not covered by certain media outlets. Television stations close to the prime minister, a contender in the presidential elections, tried to either minimize the story or diminish the number of disgruntled citizens abroad by shooting from angles that showed short lines in front of embassies or not mentioning the issues raised by the protestors. In another case, a local newspaper was so displeased with the result of the run-off that it did not announce the winner of the presidential elections.

According to the panelists, scandals involving political figures are not covered by television stations close to their parties. For example, while Voiculescu was being prosecuted, his television stations did not cover the topic. When he was sentenced and sent to prison, the stations victimized themselves, claiming that they were subject to censorship, and did not reflect objectively on the sentence. However, given the multitude of media outlets in Romania, there is a vibrant online sphere where all topics can be discussed.

Reporting on minorities has not evolved. Such topics are still marginal and marred by stereotypes. The Roma minority is still depicted in mostly negative terms, while the LGBT community is almost absent from the public discourse (with the notable exception of the annual Gay Pride Parade). Moreover, even when the topics are addressed in a balanced and fair manner in the online media, the public's comments are full of derogatory terms, hate speech, and instigations of violence.

Comănescu noted that the media do not set the agenda anymore: "Private and public institutions, political parties, and national and local authorities organize a wealth of conferences, meetings, and events daily. Understaffed media have nothing to do but report on these PR events instead of investigating." Thus, Comănescu explained, the public agenda is dictated by these entities and not by journalists.

According to the panelists, journalists' salaries have been on a downward slope for the past few years. The average salary is around \$300 to \$500 per month, but many journalists work for even less. Labor taxation is high in Romania; income taxes, Social Security taxes, and pension and unemployment funds paid by both employees and employers amount to 50 percent of salary. Therefore, employers prefer to use other forms of contracting, which place the tax burden on journalists, leaving them vulnerable. To cope with this, many journalists accept compromises, censor themselves, or take on additional jobs in communications (e.g., public relations or media consultancies for politicians and businesses) that sometimes create a direct conflict of interest with their editorial tasks. Natalia Milevschi, a lecturer at the University of Bucharest, said that her students are particularly vulnerable in this market. "Students accept small salaries. They are easier to control and are not equipped to resist censorship," she added.

According to Hrițac, more experienced journalists who do not accept compromises often choose to quit their jobs, resulting in the industry's loss of key experience and talent. Vrânceanu agreed, stating that she has worked with her

newspaper “for years” and that if she left, there are no other independent mediums in the city where she could work. She added that the “labor market is crowded.” Obae concluded that market is indeed “competitive but not meritocratic.”

As a rule, salaries in the capital city are higher than those in the provinces, and those in television are higher than those in print. The online media are hardly economically sustainable, and apart from some “stars,” bloggers cannot live off the proceedings of their blogs.

Adrian Valentin Moise, vice president of Mediasind, noted that the collective labor contract for mass media expired in January 2014, leaving all journalists totally unprotected. A new collective contract cannot be negotiated until a representative owners’ association appears, which is unlikely in a foreseeable future.

Entertainment programming is king in Romania, according to the panelists, with these programs garnering significant audience ratings. Obae said that “news is entertainment” and cited several cases in which serious and important news has been “dramatized” (with music included) to stir public emotions.

Modern technology is available to most media and journalists, with the exception of small local operations who have not invested in technology. For example, they prefer to rely on old fax machines instead of the otherwise omnipresent e-mail. But computers, smart phones, and digital cameras are regular tools for most journalists. The economic crisis has forced many newsrooms to cut costs, however, which has resulted in reduced communications, including limited Internet access. Journalists have also resorted to using municipal transportation or their own cars to cover stories.

Niche reporting is considered valuable but a luxury that newsrooms can no longer afford. Matîş noted that she worked with “one of the biggest newspapers in Romania” as an international news editor and was the only one in the newsroom who specialized in foreign policy. She added that despite her expertise in foreign policy, she was expected to write stories on the weather, economics, social issues, internal politics, and education because no other journalists were available to do so.

The online sphere compensates greatly for the niche reporting that is absent in traditional media. Almost every interest, even the most marginal or esoteric, finds its expression on the Romanian Internet. Most of these publications rely on translations or citations of other sources and on a wealth of individual interpretations of facts. Very few actually create original news.

### OBJECTIVE 3: PLURALITY OF NEWS

Romania Objective Score: 2.56

Romanians have access to a multitude of information sources, as the numbers of radio and television licenses range in the hundreds. Each county capital has at least two or three newspapers, but local bloggers and online publications seem to struggle. Still, the panelists agreed that the quantity of sources does not reflect diversity in opinions or views. According to Comănescu, there are “two opposite discourses” that align with the “two major political blocs,” and “non-affiliated” audiences “seek information on the Internet.”

The panelists also agreed that the number of information sources will continue to grow as mobile technology evolves and becomes easily accessible to Romanians. Still, this trend is not necessarily good news for the media, according to the panelists, as consumers are less sensitive and loyal to brands when they get information online. Also, Internet users surf from platform to platform and outlet to outlet, and it is common to hear such comments as, “I read this on the Internet somewhere, but I don’t know exactly where” or “I learned this on Facebook.”

At the end of 2014 in Romania, Facebook had 7,400,000 users, Twitter had 260,000 users, and YouTube had little more than 770,000 accounts. Twitter is not very popular in Romania and is used mostly by professionals. Facebook is the

### 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.

Transparency of media ownership of broadcasters is guaranteed under the law, and the CNA regularly publishes a list of media companies' shareholders. There is no similar provision for print media, but most newspapers declare their publishers. The situation is more difficult for online publications and blogs, where anonymity is the rule.

main source of news for members of the general public who use social media to get news.

Romania's public radio and television services function under the same law. However, their economic profiles are rather different. Public television station TVR has major financial problems, accumulating debts of over €40 million. Massive layoffs (600 out of 2,900 employees) have eased the burden slightly, but the debt continues to hamper TVR's capacity to invest sufficiently in program production. The panelists agreed that viewers can find decent programs to watch and that the political pressure on TVR is less visible. The station covered the electoral campaign, with a small bias toward Prime Minister Ponta. For example, he was invited to appear as a guest on the most-watched program that targets the rural audience. The two main candidates in the presidential elections met face-to-face to debate on two occasions, which were not aired on public television. The debates were organized by private television stations Realitatea and B1 and were rebroadcast by most of the private television news stations. This was the first time in 25 years that public television lost the opportunity to air national debates, which reflects the institution's diminishing value in the eyes of politicians, according to the panelists. The politicians did not consider the public television station to be a relevant platform, as it has a limited audience and inspires very little trust.

Public radio, however, has fared better financially but has been subjected to conflict-of-interest accusations brought forth against members of its board. For example, in April 2014, the Bucharest Appeals Court found that President General Director Ovidiu Miculescu was also a member of SRR's board, as well as a manager for the National Radio Communications Company (SNR). According to the law, a person cannot hold these jobs simultaneously. Also, the board was found to be in violation of Law 41/1994, which states that opposition parties are not allowed to appoint

candidates according to mandated quotas. Notwithstanding, public radio remains less affected by political turmoil. The panelists agreed that the tone of public radio has softened and that some covered events, such as political attacks of the opposition against the ruling party or corruption cases involving high-profile politicians, are not given the prominence they once enjoyed. According to the panelists, politics is generally covered less, which is seen as a new editorial policy meant to attract a greater audience, especially youth, or as a subtle form of censorship to protect the government.

The year 2014 was an intense one for the major independent news agency Mediafax. The Mediafax Group to which the agency belongs was subject to several investigations involving tax evasion. Several senior managers were arrested, and employees were invited for questioning. By the end of the year, the Mediafax Group declared its insolvency, and the general manager left after eight years in the position. The public quarrel between Prime Minister Ponta and Mediafax Group owner Sârbu only amplified the investigation surrounding the Mediafax Group. Ponta accused Sârbu of leveraging Mediafax to pressure the prime minister for financial gain, while other rumors suggested that Ponta's crony, Sebastian Ghiță, a businessman who also owns a television news channel, was interested in a takeover, as well as in Sârbu's media holdings. Over the past decade, Sârbu's media operations (he previously owned and managed Pro TV) have been quite balanced in reporting and have not given much visibility to political developments.

The problems that Mediafax faced become more relevant if one considers its dominant market position. The only other relevant news agency on the market is the state-owned AGERPRES. The agency is making a much-needed comeback, modernizing and diversifying its services. It has the unbeatable advantage of a rich historical archive of stories and photos that it can monetize. It also has the most extended network of local correspondents across Romania and can provide, via partnerships with other national news agencies, news from across the world. Parliament appoints the general director of AGERPRES (the current one, a former head of the media bureau of the ruling PSD, was appointed in 2013), and its employees have a public-servant status.

Broadcasters produce their own news, but the quality of the newscasts varies greatly from company to company. As mentioned before, most national television channels may decide to ignore or minimize information or facts that are inconvenient for their political allies.

Transparency of media ownership of broadcasters is guaranteed under the law, and the CNA regularly publishes a list of media companies' shareholders. There is no similar provision for print media, but most newspapers declare their publishers. The situation is more difficult for online publications and blogs, where anonymity is the rule. Still, the panelists agreed that the increase in ownership transparency did little to change the public's attitude. Two media moguls were imprisoned in 2014. Sorin Ovidiu Vântu, former owner of Realitatea TV, was sent to prison for two years in January 2014 but was eventually freed on probation in November 2014. It was Vântu's second sentence. In 2012, he was sentenced to one year in prison for blackmailing his former business partner, Sebastian Ghiță (himself a media owner and MP). Vântu had been freed in May 2013. In February 2015, he received another sentence—six years and four months for embezzlement (the sentence is pending the appeal). In August, Intact Media Group creator Voiculescu was sentenced to 10 years in prison, and in 2015, Dan Adamescu, the owner of the respected *România Liberă* newspaper, was sentenced to four years and four months in prison for bribing judges. Despite the public nature of these sentences, the media outlets that these people owned have not lost credibility or seen a drop in viewership. The panelists agreed that simply guaranteeing transparency of ownership does not change the public's media consumption habits.

Romania's media programs and articles reflect a diversity of interest and a combination of local, national, and international news. The Internet is excelling at providing niche topics for audiences, while traditional media focus more on general-interest news. National news prevails on television and radio because local stations have joined the big national networks in order to survive. This move has resulted in a serious reduction in local content. The panelists noted that sometimes the only local content consists of ads for local businesses aired during commercial breaks. The situation is likely to worsen with the digital switchover, which is scheduled for June 17, 2015. The local television channels have shown very little interest in the digitization process, either because of ignorance or a lack of financial means to adjust to digital broadcasts. It is not known how many local television stations will continue to air after June 17, 2015.

By law, the national minorities should have media outlets in their national languages, supported by the state budget via the Culture Ministry. Still, the funds for such publications are insufficient. The Hungarian community has the biggest

The local television channels have shown very little interest in the digitization process, either because of ignorance or a lack of financial means to adjust to digital broadcasts. It is not known how many local television stations will continue to air after June 17, 2015.

number of outlets (print, radio, television, and online) functioning as commercial operations, followed by the German community. The Roma community does not have an outlet in its language, as all attempts to establish one died very soon after starting because of a lack of funding.

Although access to international media is not restricted and major cable operators carry up to 100 channels, including news, entertainment, sports, and children's programming, some panelists noted that rural residents struggle with the unaffordable costs of Internet connections and satellite services. News is often limited to the European Union and the United States, and in the most recent period, Ukraine and Russia, given that Romania shares a common border with Ukraine and the conflict there is of interest to the public. The rest of the world is underrepresented in newscasts and almost missing from newspapers, but, once again, the Internet provides access to information for interested users.

The digital switchover process is extremely delayed in Romania. The bid for multiplexes was eventually concluded in January 2015, less than six months from the final switch-off. Only five of the 40 regional multiplexes and 19 local ones have been bid for and allocated (in Ploiești, Iași, Râmnicu Vâlcea, Sibiu, and Satu Mare), leaving most of the country totally uncovered. Two of the five available national multiplexes were allocated in 2013 to the state-owned SNR. While the percentage of households that still depend on analog terrestrial broadcasting is low (5 percent), they are among the already vulnerable population in rural or remote areas. There is a serious risk of even more local stations discontinuing their operations, depriving the local population of information. The process has been largely delayed because of a lack of political will and interest from broadcasters.

## OBJECTIVE 4: BUSINESS MANAGEMENT

Romania Objective Score: 2.08

According to the panelists, Romanian media are more financially vulnerable than ever to outside influence, which continues to affect their editorial independence. Few outlets manage to make a profit and sustain their activities and have incurred “debts to state budgets” and various other providers, including “copyright bodies,” according to Daniel Dinca, editor-in-chief of Radio Semnal. Hrițac added, “Media companies do not live a healthy life. Most of them depend on capital from their owners, generated through other businesses.” Hannelore Acârnușeși, editor-in-chief at HunedoaraMea.ro, shared his views: “Only those who receive money from outside their media operation can afford total editorial independence.” Comănescu underscored the fundamental paradox, explaining, “Editorial independence is more likely to be safeguarded in the commercial [sphere] of the media,” for example, tabloid publications and commercial programming, where content is “not politically relevant.”

While there are a number of revenue sources for Romanian media, advertising sales are declining and the market is down by 50 percent. Internet-based media do not generate enough revenue to be sustainable. The situation is even more complex for local media outlets. The agencies work more with the national media, and the ad money reaches the local stations mainly through the networks’ account. “They do not deal with every local station separately,” said

### 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.

Dincă. In his opinion, “The national media conglomerates push the local stations to bankruptcy via their unfair competition.” Acârnușeși added that in her county, Hunedoara, the agencies are used only as intermediaries between the public advertising budgets and specific media outlets and that part of this money is returning, as black money, to the heads of the institutions that offered the contact. In 2014, the Competition Council concluded a two-year investigation of 11 agencies accused of price cartelization, ordering fines totaling €3.2 million.

The panelists noted that political interests influence advertising budgets. Public advertising money is funneled into “easy-to-buy media,” and authorities “put pressure on journalists using public money,” said Vrânceanu. She and the other panelists agreed that the allocation criteria for the advertising contracts follow political lines. According to the legislation, the public authorities are free to allocate contracts under €30,000 without organizing any public bid. These contracts usually go to media that are friendly, belong to allies of the local leaders, or are willing to positively represent the paying authority. For higher sums, the public authorities must organize public bids and can allocate the contract to the lowest bidder, without any consideration of circulation or advertising.

Some media companies rely on classified ads as their main source of revenue; others use printing services to keep their businesses functional. There are cases in which owning a printing operation is not an option due to the local political context (i.e., the mayor can forbid local businesses to work with a certain company that is on a blacklist [one that usually also owns the critical newspaper]). The revenue from daily fees is a small part of the entire budget; the relevant revenue usually comes from monthly subscriptions.

State advertising has become increasingly important given the declining state of Romania’s private advertising market. According to a report issued by the Center for Independent Journalism (CIJ) in 2014, state advertising contracts worth €76 million were offered for bidding in 2013. This is the equivalent of some 25 percent of the total advertising market. Out of this budget, €35 million have actually been allocated; the rest of the bids have either not been issued or were annulled because of procedural errors. The overwhelming majority of these funds (90 percent) are allocated for promoting the European Union’s contribution to various non-refundable projects. This makes the European Union the biggest single advertising client for Romanian media.

Public contracts are allocated under the rules of public procurement, but the provisions for state advertising



(including EU money) have relaxed over the past few years. As a result, public authorities can distribute contracts under €30,000 through direct allocation mechanisms, and larger contracts can be issued to the lowest bidder, without review of the criteria related to the number of people reached or cost per person. "It's money wasted," according to Moraru, who added that there is "no concern" for cost-effectiveness and that "more than once" the money has been informally set aside for "certain" outlets. Vrânceanu added that this money is so precious to local media that they are eager to sacrifice their editorial space just to satisfy their advertising customers. "It's not rare to see newspapers full of 'congratulation notes' for Christmas or Easter or even minor holidays paid for by city hall instead of articles," she noted.

Market studies are rare for local media. The panelists who represent the local media outlets explained that they do not have enough resources to conduct studies and that there are no incentives to do so. "Advertising clients do not ask for audience figures; they simply give money to the newspaper or the TV station affiliated with the local party leader," said Acârnușesei.

However, the situation is different for national media outlets. Juncu pointed out that assessing audience figures for national outlets is conducted independently and is in line with international standards. The company performing the measurement is selected via public bid every four years by a commission composed of five representatives of the television stations, five representatives of the advertising agencies, and five representatives of the NAC, with an audit performed by foreign independent companies. For example, the latest audit (2013) was performed by Ernst & Young's Tampa, USA, office.

By contrast, the print media industry has developed robust instruments to assess circulation figures for print publications. The circulation audit is performed by the Romanian Audit Bureau of Circulation (BRAT), a well-established nonprofit body recognized within the industry. The bureau performs circulation audits every six months (data are publicly available), a National Readership Survey (SNA), an in-depth study containing socio-demographic figures of readers per publication, a Study of Internet Audience and Traffic (SATI), as well as a Monitoring of Investments in Advertising Study (MIP), whose results are available to members and third parties who pay.

The panelists perceive the value of such studies differently. Some claimed that the audit figures are not correct because of flawed methodology or the dishonest practices of some publishers who declare larger circulations than the real ones. Others said that even if the methodology is good, it does not do justice to local broadcast media because of the small

statistical samples used. Still others said that advertisers no longer pay attention to circulation or audience figures, as they direct their budgets to "preferred" outlets. In the case of local media, audience figures are too small to attract big advertisers, who prefer national outlets. Therefore, investing in such expensive measurements is no longer justified. When it comes to online media, many publications prefer the less expensive Traffic.ro measurement to the professionally done but expensive SATI.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Romania Objective Score: 2.46

Professional associations for the media exist in Romania, but as in past years, they are weak and divided. "The profession is politically divided," said media analyst/blogger Mihnea Măruță, adding that these associations possess virtually no power in the eyes of media owners. However, he believes that a press law may be useful because self-regulation has failed and "political and financial interest groups" have discovered that they can "control the game." He is one of the journalists who feel that there is a need for a media law that will protect journalists and impose the standards of the profession. Other panelists rejected the value of a press law, fearing that any kind of legislation would further restrict journalists rather than protect their interests. "We don't need a press law. We have every legal protection we need in the current legislation already. The problem is the implementation," said Ioana Avădani, executive director of the CIJ. According to Măruș, there is no real

### 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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professional solidarity among journalists and media owners. She explained that there are “no common interests” that bind journalists together to fight and that media NGOs are responsible for what has been achieved.

Trade unions for media professionals exist (for example, Mediasind) and are well connected to European and international platforms. These external organizations have voiced their concerns about Romania on various occasions. The situation involving trade unions and journalists in general took a turn for the worse in 2014, when the collective work agreement for mass media expired. Due to changes in the legislation, the media sector was assimilated into “Culture,” meaning that now journalists and trade unions should negotiate alongside actors, librarians, musicians, and such, making it very difficult to find a common denominator in terms of labor conditions. Moreover, the owners’ associations are weak and cannot gain the requisite legal representation to participate in the collective bargaining process. As a result, journalists lost the legal protection of the collective work contract and have no prospective of gaining another contract in the foreseeable future.

There are just a handful of NGOs that defend journalists’ rights. The CIJ and ActiveWatch—Media Monitoring Agency are the most active. “On many occasions, the authorities have backed off under the criticism of these organizations,” said Moraru. These NGOs are the only organizations that advocate for journalists, added Acârnuțesei. Still, the panelists agreed that these NGOs are active mostly in Bucharest or in the big cities. Journalists in smaller towns are not in contact with media advocacy groups and NGOs. Despite their efforts, the work of NGOs is not easy. “The efforts of the NGOs to formulate and monitor professional standards or to offer professional training are met with indifference by most broadcasters and print and online editors,” said Comănescu. The independent media struggle to survive, having no money or enough personnel. Although some managers would like to send their journalists to trainings or allow specializations, there are usually only three or four people in the newsroom to cover all the fields, so a missing person would burden the others. In the daily fight for survival, maintaining professional standards is seen as the lowest priority. On the other hand, in the politically controlled media, editors do not need good professionals but rather journalists who obey orders. Thus, they consider journalistic standards to be inventions of the NGOs to justify their existence.

There are 20 journalism programs offered by both state and private universities in Romania. Over 2,500 young journalists graduate every year. “The future of journalists’ education is very poor,” according to Măruță, who was

valedictorian of her journalism school. She believes that the teachers lack the practical know-how of everyday journalism and rely on experiences garnered during communist Romania. She added that she accepted a position to teach a pro bono seminar on editing at the University of Bucharest, her alma mater. “The worst candidates for the jobs I offer are consistently journalism graduates,” added Moraru. Acârnuțesei agreed, explaining that “journalism graduates make the worst reporters. They cannot tell facts from opinion.”

Local and international organizations offer lifelong learning opportunities to working journalists, but they are not necessarily appreciated. There are very few on-the-job courses offered by the media companies, said Măruță, who added that the courses that benefited her the most “came from independent sources.” Moraru said that such opportunities are no longer interesting, as “almost nobody wants or can afford such training.” The lack of interest in such courses is due to the fact that newsrooms are understaffed, so it is difficult to allow a journalist to seek professional development for even a couple of days. Such courses are more of a personal issue for journalists, as the acquisition of additional skills is not necessarily appreciated by the public or by employers (in the form of increased salaries). “There is no incentive for professionalism, other than the journalists’ own willingness and determination,” said Avădani, adding that some of the trainees in the CIJ courses are asked to take leaves of absence to attend professional courses. Only rarely do employers (even partially) cover the costs of such courses.

Măruță considers sources of media equipment, newsprint, and printing facilities apolitical, unrestricted, and non-monopolized. However, he said that “distribution is one of the reasons why the print media” are facing financial problems. Măruță added that the time between the actual sale and transfer to the publisher is significant and that it is weakened by the “financial stamina of the media.” Other panelists believe that the state bears the main responsibility for issues involving distribution, as the state-owned distribution company Rodipet was poorly managed and fraudulently privatized in 2003. Rodipet declared its insolvency in 2009, and its network of kiosks is now in ruins. The kiosks are also problematic for other distributors. In some cases, the mayors prohibited the placement of kiosks owned by “unfriendly” publications or withdrew the licenses of street vendors. “Our sales depend too much on the mayor’s will,” Vrâncănu asserted. “Reducing the number of kiosks damages the circulation figures and, in the medium term, diminishes the survival chances of the traditional media,” said Măruță.

Cable operators play an equally important role in securing access to media products, and the panelists consider the major operators to be politically neutral. The cable market is dominated by two major players: RCS-RDS, with a 60 percent market share, and UPC, with a 30 percent market share. These companies can decide what local television stations they carry. Thus, some local television stations have complained about RCS-RDS's refusal to carry their programs, as RCS-RDS has its own local stations (Digi TV) and does not want to encourage competition.

According to Dinca, the organizations that manage copyrights and represent artists also play a significant role in the media market. "They force radio stations to buy only certain broadcast software, even if they are not the best or the cheapest," he said, adding that this measure places a burden on smaller stations. Dinca explained that royalties are the same regardless of how big the stations are. This is difficult for local stations and sometimes forces them into bankruptcy.

Internet infrastructure is omnipresent in Romania, mainly in the urban areas. There are 3.9 million fixed broadband connections in Romania (with an average of 2.7 persons per household) and 10 million mobile connections. Still, Internet traffic on mobile connections amounts to only one percent of total Internet traffic. The Internet penetration rate per household remains at 47.4 percent (national), with a 61.1 percent penetration rate in urban areas and 29.7 percent in rural areas. The penetration rate of Internet mobile connections remains at 52.1 percent of the total population.

## List of Panel Participants

**Adrian Valentin Moise**, vice-president, Mediasind, Federation of Journalists' Trade Unions, Bucharest

**Alina Matiș**, foreign news editor, Gandul.info, Bucharest

**Catalin Moraru**, editor-in-chief, *Monitorul de Botosani*, Botosani

**Costin Juncu**, managing director, Romanian Association for Audience Measurement, Bucharest

**Cristi Godinac**, president, Mediasind, Federation of Journalists' Trade Unions, Bucharest

**Daniel Dincă**, editor-in-chief, Radio Semnal, Alexandria

**Hannelore Petrovai**, editor-in-chief, HunedoaraMea.ro, Hunedoara

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

**Iulian Comanescu**, freelance journalist and media analyst, Bucharest

**Laura Frunzeti**, executive director, The Romanian Advertising Council, Bucharest

**Mihnea Maruta**, media analyst/ blogger, www.mihneamaruta.ro, Cluj-Napoca

**Nadina Digioiu**, editor, ziare.com, Bucharest

**Natalia Milewski**, lecturer, University of Bucharest, Faculty of Journalism and Communication Studies, Bucharest

**Petrisor Obae**, blogger and media analyst, Paginademediam.ro, Bucharest

**Razvan Martin**, program coordinator, FREEEX Active Watch, Bucharest

**Silvia Vranceanu**, editor-in-chief, *Ziarul de Vrancea*, Focsani

**Silviu Ispas**, owner, MIDAS Media Company, Bucharest

**Ștefan Voinea**, director, *Gazeta de Sud*, Craiova

**Toni Hrițac**, editor-in-chief, *Ziarul de Iași*, Iași

## Moderators and Authors

**Ioana Avădani**, executive director, Center for Independent Journalism, Bucharest

**Cristina Lupu**, communications and project manager, Center for Independent Journalism, Bucharest

*The Romania study was coordinated by, and conducted in partnership with, the Center for Independent Journalism, Bucharest. The panel discussion was convened on December 15, 2014.*

*The post-election landscape coupled with the economic environment has had an adverse effect on the media, with an extension of control and censorship, including an increase in self-censorship, which pervades the media industry: critical reporting is deemed seditious.*



## SERBIA

In the past year Serbia held parliamentary elections, experienced significant flooding, found itself again in between Russia and NATO, and received an economic reform package from the government in response to the worsening economic environment. Despite these issues, the government ensured that citizens and voters were informed of their limitless promises for a better life, amidst criticism by the media community that believe the government exerted greater pressure and censorship.

The parliamentary election was held on March 16, 2014. Aleksandar Vučić's Serbian Progressive Party won the election, taking 48.35 percent of votes and securing 158 seats in the 250-member Serbian National Assembly. Only three other non-ethnic lists surpassed the 5 percent threshold: the Socialist Party of Serbia, the Democratic Party, and the list led by former president Boris Tadić. The Democratic Party, which led Serbia until 2012, barely passed the 5 percent threshold necessary to get into parliament, securing 19 seats. The results of the election provided a comfortable foothold for Vučić and the Serbian Progressive Party.

The severe floods—deemed by many as the worst natural disaster in the region in the past century—destroyed several towns, impacted the economy, and called into question the capacity of the government to deal with national disasters.

Moreover, the worsening economic environment resulted in an economic reform package that cut pensions and salaries, which was met with discontent as it impacted primarily lower income groups. The government's reduction of salaries was challenged in the face of continuing government subsidies to state owned companies operating at a loss. All the money saved from reduced salaries and pensions is insufficient to cover one year's operating loss at a state owned company that has incurred large debts.

Major points of discussion over the past year were the role Serbia should play between Russia and NATO countries and the country's preparation for the EU accession process.

The post-election landscape coupled with the economic environment has had an adverse effect on the media, with an extension of control and censorship, including an increase in self-censorship, which pervades the media industry: critical reporting is deemed seditious. There was also further unwillingness by the authorities to improve freedom of expression and access to information. Moreover, the financial situation in the media sector worsened, and attacks on journalists and the media did not decrease. In the past year, 12 physical attacks on journalists were officially recorded and registered. Journalists especially in local areas are exposed to the unpredictability of local politicians who can obstruct the activities of journalists. Several important political shows on television were canceled and informative Internet portals were repeatedly brought down after publishing information deemed politically unfavorable.



# SERBIA at a glance

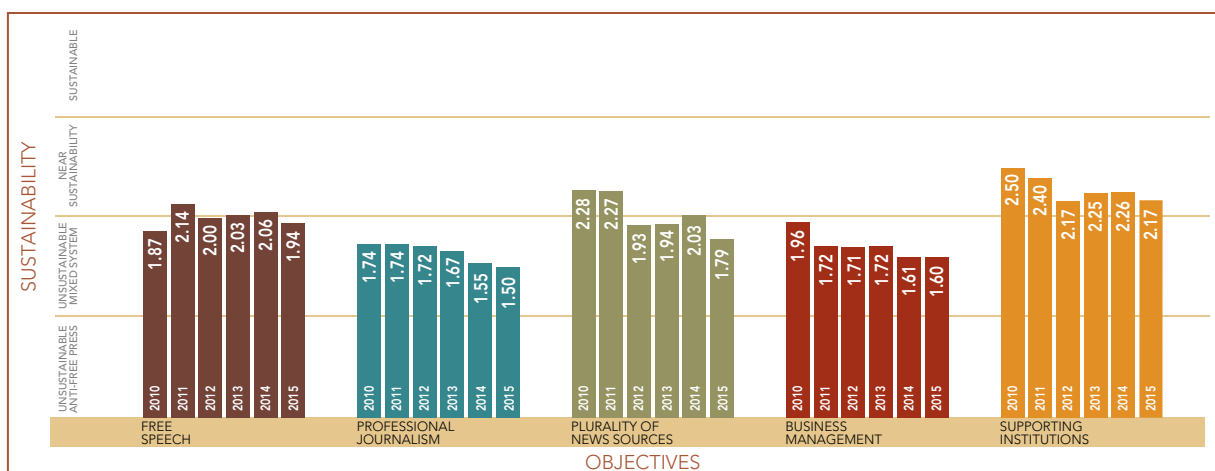
## GENERAL

- > Population: 7,209,764 (July 2014 est. *CIA World Factbook*)
- > Capital city: Belgrade
- > Ethnic groups (% of population): Serb 83.3%, Hungarian 3.5%, Romany 2.1%, Bosniak 2%, other 5.7%, Unknown 3.4% (2011 est. *CIA World Factbook*)
- > Religions (% of population): Serbian Orthodox 84.6%, Catholic 5%, Muslim 3.1%, Protestant 1%, atheist 1.1%, other 0.8%, Unknown 4.5% (2011 est. *CIA World Factbook*)
- > Languages: Serbian (official) 88.1%, Hungarian 3.4%, Bosnian 1.9%, Romany 1.4%, other 3.4%, Unknown 1.8% (2011 est. *CIA World Factbook*)
- > GNI (2013-Atlas): \$43.34 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$12,480 (World Bank Development Indicators, 2014)
- > Literacy rate: 98%; male 99.2%, female 96.9% (2011 est. *CIA World Factbook*)
- > President or top authority: President Tomislav Nikolić (since May 31, 2012)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: 744 (Agency for Public Registers); Radio Stations: 334 (Regulatory Authority for Electronic Media); Television Stations: 116 (Regulatory Authority for Electronic Media); Internet News Portals: 227 (Agency for Public Registers)
- > Newspaper circulation statistics: Not Available. Top four dailies by readership *Blic, Kurir, Novosti, Informer* (Ipsos)
- > Broadcast ratings: Top four TV stations: RTS1 (Public, 21.8%), TV Pink (19%), TV Prva (13.1%), TV B92 (7.2%) (2014, Nielsen)
- > News agencies: Beta and Fonet (private), Tanjug (state owned)
- > Annual advertising revenue in media sector: €155-€160 million (2014 est., Nielsen)
- > Internet Usage: 4.107 million users (2009 est. *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: SERBIA



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (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: 1.94

On August 2, a set of three new media laws was adopted by Parliament, which was positively assessed by the panelists. The laws include the Law on Public Information and Media, Law on Electronic Media, and Law on Public Media Services. However, contention arose around the bylaws, which were to be prepared 200 days after the adoption of the laws (after the MSI panel convened). Siniša Isakov, counselor at Radiotelevision (RT) Vojvodina, stated, "In spite of new laws we now need a new media strategy. New laws did not resolve actual dilemmas; they are left for bylaws and we have to wait another 200 days." Panelists criticized the method of approving the new laws, as only seven days were given for public input and discussion of the final drafts.

The New Law on Public Information and Media introduced the principle of public interest not contained in previous legal frameworks and not observed by the media. The new principle failed to define obligations of state institutions and regulatory bodies and did not define basic concepts and terms. On the other hand the new law enabled the practice that distributor of media content can at the same time be a producer of media content.

### 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.

Kocić explained, "Journalists are still exposed to different kinds of threats, especially when investigative stories are published. Though the law calls for sanctioning of such acts, in practice, legal protection of journalists is practically nonexistent." Kocić added that there is inadequate reaction from colleagues from other media outlets and the public "is also indifferent."

Vanda Kučera, chief governance officer at McCann Erickson Group in Belgrade, said, "The new Law on Electronic Media has incorporated the European Union Audio Visual Directive, but it is waiting for bylaws to explain the application in practice." All panelists agreed that the efficacy of the three laws will depend on practical enforcement.

For the first time in Serbia a law on public media was adopted. The law abolishes obligatory subscription and introduced a new obligatory tax on public media services, but only after the end of 2015. Until then, public service media will be financed from the state budget, enabling further state control. The state finally agreed to privatize all media, but only future outlets will be privatized. Isakov added that after the first few months since the law was enacted all the reasons against budget financing became evident. Compared with last year, RT Vojvodina finally received financing from the state budget, but the amount is determined arbitrarily with no indication of how much money both public services receive from the next year's budget.

The law also promotes a model that enables members of the managing board of both Serbian public services to be "prominent experts from different areas that are important for public services" rather than media professionals. The program board is elected by Parliament and there is the obligation that members of parliament (MPs) must be program board members (currently at RT Vojvodina 7 out of 19 members are MPs).

Nevena Simendić, editor-in-chief of TV Pančevo, stated, "Political influence in state owned media financed from the state budget is obviously strong." The supervisory boards that replaced managing boards this year brought no changes. Those supervisory boards have only three members so adequate democratic representation could not be realized. Thanks to that general directors and editors-in-chief of state owned local media are often

political representatives of ruling authorities in given municipalities, Simendić added. Nedim Sejdinović, president of the executive board at the Independent Journalist Association of Vojvodina, explained, "After this year's election the general directors and editors-in-chief in Vojvodina's local state owned media [outlets] were removed." Dragan Kocić, executive manager of City Radio in Niš, added that the law insists on ending state ownership in media, but this year proved politicians are not showing good will to realize that principle. According to recent practices, there is doubt over the capacity of local authorities to obtain financing from municipal budgets for the local media.

The panelists pointed to the fact that the law on advertising is still not adopted and said this is a serious obstacle for legal protection of media activities. Kučera noted that this issue resulted in "different TV stations and the government forming a working group for preparation of a new advertising law."

In spite of the adoption of these new laws, during the year there was continuous infringement on media freedom in Serbia. The freedom of speech is highly valued in principle, but there is no adequate response to violations against the media. In the past year, the most popular political programs on several television stations that fostered public debates were canceled. TV B92's very popular show *Impression of the Week* and *Mental Exercise*, TV Studio B's *Sarapa's Problem*, and Radio B92's *Brakus Talk Show* all were taken off the air. The government did not confirm its involvement, but the clear consequence is a lack of popular critical political discourse on television. Today, the critical discussions are limited to social networks, yet television is the most influential media platform, with more than 90 percent of people watching television. Authorities have also been reportedly favoring tabloids and newspapers that provide salacious content.

Moreover, according to the panelists, there has been unprecedented censorship of social networks on the Internet. In May and June, websites commenting on the reaction of the government to the floods were taken down. The popular site *Pescanik* crashed after announcing that part of the Minister of Police's doctoral thesis was plagiarized. Individuals who were publishing data about events regarding the floods on social networks were arrested. In Belgrade alone, 15 people were investigated by the police including one journalist. Nine of them were indicted on criminal charges for causing panic. During their stay in prison, those arrested were mistreated by prison guards. Maja Divac, an editor with the Independent Production Group *Mreža*, noted that in the first half of the year, during the floods, freedom of expression was undermined given the criminal charges and treatment of bloggers and journalists.

Kocić explained that although "a set of new media laws was adopted, freedom of speech has never been so low."

Darko Bročić, chief executive officer at Nielsen Audience Measurement, stated, "In 2014 there was a whole saga on [creating] a new national TV frequency but nothing happened." The Republic Broadcasting Agency—since last summer called the Regulatory Authority for Electronic Media (REM)—requested bids for one national television frequency. Before publishing the call, REM did not analyze the media market to assess whether one more national broadcaster is needed and sustainable in the saturated Serbian television market.

Kocić explained that regulatory institutions only work effectively when collecting arrears from broadcasters. Their independence and neutrality was questioned, as REM allows for the creation of local radio broadcasters that provide national coverage contrary to provisions in the law. It is an open secret, according to Kocić, that there is a strong lobby within regulatory institutions representing the interests of certain media groups, and "It would be naive to believe that such developments happen without political influence."

A lack of transparency around licensing practices exists at the local level too. In the area of Niš, one frequency was awarded to a broadcaster whose owner is affiliated with the local ruling party, despite the fact that he did not meet the minimal conditions for radio production. The absence of criteria and consistency is also an ongoing problem with the regulatory body.

The panelists asserted that REM's criteria for frequency prices are questionable. "The state is backing such predatory way of price determination," Slobodan Kremenjak, attorney with the Živković/Samardžić Law Office, explained. The REM's practice of issuing high prices for frequencies resulted in a shock to the industry when in 2014 the biggest private television station, TV Pink, unregistered its 50 television channels and transferred them to a better regulatory environment in neighboring Bosnia and Herzegovina. "This trend will continue, as a cheaper regulator is more attractive," Kremenjak added.

Though there is no formal difference in market entry and registration of media companies, broadcast media have a larger tax burden compared with other entities. In Serbia, broadcast media have to pay for licenses and author's rights. The problem is that prices of these services are determined without clear and reasonable criteria. Broadcast media pay author taxes to the Serbian Author's Agency on the basis of their income, which raises a question around double taxation. The arbitrary nature of the Serbian Authors Agency is evident given the number of cases in court the Agency has lost against media

organizations who have the time and resources to take on the Agency.

The tax authority is used as an instrument of pressure for media deemed unfriendly to the government. The print publication *Kikindske* was harassed by the tax authorities for a month-and-a-half during 2014. In December the tax authority blocked the account of *Kikindske* for not paying taxes that had been incorrectly calculated to be 200 times higher than what it should have been. As a result *Kikindske*, the newspaper for years known as critical of any government, and for years under heavy pressure by local authorities, had to stop publishing for the first time in 16 years of existence. Conversely, SBB, a big commercial cable company that has a monopoly of the market, had amassed a significant tax debt to the Serbian state. The state simply tolerated SBB's delinquency.

This year again a number of threats against the media and journalists were recorded, for example the ultranationalist movement NASI published a list of "Serbian traitors," which included well-known journalists. In June, a journalist with the Fonet agency was brutally beaten by three attackers, who the police never identified. The case was further complicated by the fact that the journalist who was attacked was also subjected to insults around his Croatian nationality. In June, the court in Niš exonerated three individuals who directed serious threats to Predrag Blagojević, the editor in chief of the online portal Južne vesti, and a panelist in this study.

Kocić explained, "Journalists are still exposed to different kinds of threats, especially when investigative stories are published. Though the law calls for sanctioning of such acts, in practice, legal protection of journalists is practically nonexistent." Kocić added that there is inadequate reaction from colleagues from other media outlets and the public "is also indifferent."

Decriminalized libel has been in place for a number of years. However the courts from time to time make mistakes or render strange verdicts. Judges in Serbia have finally understood that politicians must have thicker skins regarding the media's treatment of their personalities, and this year there were far fewer court verdicts with high fines in favor of politicians. The mistakes now stem from the disregard judges have for the law that states that the media cannot be responsible for publishing or rewriting official statements of a state institution. New laws have improved the wording and will hopefully help judges to understand the law's intention.

There were no fines for Internet providers, but there were however direct pressures placed on owners of blogs. In some areas Internet providers were pressing bloggers to withdraw

some content from their blogs due to pressure exerted by politicians on providers.

Public institutions and public enterprises are introducing different methods to limit access to information for journalists. In most cases only directors and public relations officers are authorized to contact journalists and in many institutions, employees operate under a strict ban on public engagement or appearances. The enormous problem for local media is obtaining information from local affiliates of state government ministries and institutions. Ministries forbid employees to disseminate any kind of information, so journalists are forced to wait for several days for written approval from headquarters in Belgrade.

Another example of the rigid structures is how many public enterprises communicate with the public and media only through press releases. Simendić explained, "The problem for media in Serbia is that information is centralized by all government institutions." Južne vesti sent a record number of requests to the Commissioner for Information of Public Importance, even more than the previous year. In spite of the existence of a commissioner to oversee requests, it is increasingly difficult to obtain relevant information. Panelists saw this development as great leap backward.

In certain municipalities the local authorities forbid the presence of specific media or journalists at legislative sessions. For example, on December 3, 2014 the mayor of Grocka threatened the website Naša Grocka. He publically announced that he would forbid Naša Grocka journalists from attending sessions of the local parliament, even if he had to pay a fine.

Entry into the journalism profession is in principle free with no specific restrictions imposed. Bloggers or journalists from online media generally receive the same treatment in terms of accreditation as other media.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Serbia Objective Score: 1.50

There are a diminishing number of media outlets in Serbia that meet professional norms and standards. Consequently there are also fewer and fewer journalists who report according to professional standards, as journalists are obliged to adapt to the requests of their editors. In Serbia, media with commercial interests are dominant, thereby treating content as a commodity to sell and not something that has cultural or public value. According to Sejdinović, there is a "dominance of declarative journalism, journalism that is exceptionally biased."

Kocić explained, “The new generation of formally educated journalists fulfills their ambitions by working in an industry under political control where their work boils down to holding microphones or acting as PR [agents] for the current authorities.”

Journalists in Serbia are confronted with the arrogance of politicians, according to the panelists. Simendić added that few editors or journalists protest against the behavior of politicians. Given the environment and circumstances, the quality of journalists in the last several years is worsening due to a lack of motivation. Kocić explained, “In 2014 [the quality] of reporting experienced further degradation compared with the previous year.” Kocić explained, “The new generation of formally educated journalists fulfills their ambitions by working in an industry under political control where their work boils down to holding microphones or acting as PR [agents] for the current authorities.”

Very often the media publish information from blogs and social networks without consulting additional sources or checking the truth of the information. Kocić noted, “High quality interviews are more and more the exception to the rule and Serbia is faced with shrinking newsrooms.” Journalists cite as the root problem the pressure to publish information fed to them by the government and other interest groups and that this state of affairs is not what they would prefer.

#### 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).

Kocić summarized the situation: “Professional journalism is losing the battle against sycophancy and PR activities with one goal of glorifying the ruling political parties interests rather than the public’s interest.” Kocić added, “This is equally true for local, regional, and state media and is a consequence of the poor economic situation of media and the exhaustion of media that used to be progressive.”

Formal written ethical standards exist but are not enforced. Journalists know these standards superficially, according to the panelists, but do not consult the standards when working. Everyday there are examples of journalists reporting contrary to ethical norms and standards, especially in tabloids. Transgressions include misleading photos or improperly revealing identities. Sejdinović explained, “The press council’s efforts to foster professional standards are important, but the fact is that the implementation of ethical standards is getting worse.” Kocić added, “In 2014 we witnessed a number of violations, especially by journalists from tabloid media. The cases of the murders of the young girls Tijana Jurić and Ivana Podražić, when dailies *Kurir*, *Alo*, and *Informer*—and number of electronic media too—were competing to publish unreliable sensational details was often very painful for the families of the victims.”

Plagiarism is on the increase due to the availability of information on the Internet. According to the panelists, television stations copy texts from Internet portals and publish them without quoting the source and without paying the authors.

Self-censorship continues to pervade the industry, and the panelists agreed that the self-censorship in fact is on the rise in the last few years. Kocić noted that even journalists and editors previously brave “decided to ignore investigative stories” due to financial constraints or being obliged to do so. Panelists noted that there is also the misinterpretation of the public’s interest. Isakov said, “Self-censorship is present at all levels of the media and editing and creating media content is exposed to very mild criticism by professionals and the general public.” Simendić noted, “In Serbian media there is an obvious lack of strategic and vital economic and social themes and critical programming, deemed undesirable compared with commercial programs during primetime.”

This year, a number of relevant media outlets lost their integrity, as key information does not reach the public or is published without analysis and remains on social networks. Therefore, some local portals have started to distribute stories from several professional sites such as *Pescanik*, *Južne vesti*, and *BIRN*. The problem is that the visibility of good programs and news is limited only to social networks, yet a majority of media consumption is through television as a main source of information. For example, in Niš, not a single



media outlet covered news on corruption published by Južne vesti, at the same time, town authorities are seemingly permanent fixtures on three local television stations financed by the state budget. Sejdinović however noted that the Independent Journalist Association of Vojvodina received interest from young journalists who wanted to undertake investigative research on local issues, as these young journalists cannot express themselves within their own outlets.

As in past years, the salaries of journalists have worsened. Panelists believe that journalists' salaries are lower than those in other sectors. Isakov added, "Salaries in RT Vojvodina have not changed since 2008 in spite of inflation." Isakov explained, "The consequences are clear: three of the best young journalists are leaving for another television station that is paying better despite the outlet's investment in a number of professional courses and providing young journalists with experience and practice." In another case, Isakov noted that the program director left the profession altogether due to an offer of a higher salary. These cases underscore an environment that promotes self-censorship and corruption.

Another disappointing trend for panelists is that, contrary to previous years, commercial entertainment programs are eclipsing news. Young journalists are therefore unable to learn more about informative journalism. Bročić noted, "In previous years there were too many news programs, however, entertainment programming has taken over." The economic position of media, especially small outlets, is catastrophic. Their newsrooms have been decimated, so to maintain news programming, they collect most information from citizens and social networks.

Isakov explained, "Media in Serbia do not have funds to acquire new technology platforms and communication services, even for simply renewing depreciated equipment." For most television stations, Isakov said "The biggest problem will be how to send a signal to the head-end of a digital multiplex and how to pay for digital broadcasting to a public company." The panelists noted that the moment of truth will happen as soon as television will be obligated to transition to digital broadcasting. "Only a small number of TV programs are in HD quality and on digital networks such as KDS and IPTV. Only 20 percent out of million KDS connections are digital and only 60 percent of households are watching television on a digital signal, all others have still analog antennas."

Good investigative journalism requires funding to be successful and strong backing by independent editors and media owners, therefore investigative reporting is rare in Serbia. There exist exceptions such as CINS, BIRN, and

others who produce good investigative stories and data. For example, their stories examined how money from the solidarity tax is used, or the 12 wrong steps to take in preparation for catastrophic floods, or how through electricity bills citizens pay politicians. However, the issue is that investigative reporting is missing from traditional media; these stories are more present on social networks and online.

### OBJECTIVE 3: PLURALITY OF NEWS

Serbia Objective Score: 1.79

Bročić noted, "Quantity doesn't give birth to quality." Despite the more than 1,000 media outlets that exist, most provide similar content. However, there is a spectrum of information available but this information fragmented and insufficient in main stream media.

Topics are more freely debated on social networks according to the panelists, and local media and online media outlets are freer in principle. Different political attitudes are not equally represented, a trend especially visible in the last two years. Sejdinović explained, "Those who use the Internet have an approach to data and information, but there is a huge difference between professional media and Internet media. Formal plurality exists but most influential media outlets are not carriers of plurality." Blagojević added, "The fact that we have 1,300 media outlets could be seen as a guaranty for plurality. But the recent trend of ex-professional media transitioning

### 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.

Blagojević added, “The fact that we have 1,300 media outlets could be seen as a guaranty for plurality. But the recent trend of ex-professional media transitioning to extreme commercialized outlets has had very negative consequences, as a number of citizens still believe [these outlets] are professional.”

to extreme commercialized outlets has had very negative consequences, as a number of citizens still believe [these outlets] are professional.”

Isakov noted, “A weak opposition and equally pale public scene are not offering various political viewpoints or attitudes. The media, due to self-censorship, are not investigating reasons for different public dissatisfaction—the strike of Belgrade students, long term strike of attorneys, and similar events. Therefore public debates and polemics are more excesses than a rule.” However, RT Vojvodina introduced a new program that tackles economic issues. Kocić explained, “The key problem, especially in local areas, is that the activities of politicians are seen as public interest.” Therefore, a number of themes important for local social development are still marginalized in his opinion.

There are no formal obstacles for citizens to access domestic or international media, including access to the Internet. There were cases however of attacks on websites of online activists, even individual political parties have teams that attack content that do not align with their interests. For years this practice of attacking sites has existed, but up until now not one attacker has been identified by the police. Crashing sites happens continuously and the main problem is not technical in nature.

State and public media services are only partly open to alternative views and comments, but not sufficiently as much less attention is devoted to opposition views. There are not enough programs to confront divergent opinions or to foster public debate and there are no real political talk shows, as discussed before, given the cancelation of recent programming. There is little coverage of controversial social themes, and shows for children, such as educational and science programming, are needed; those programs are not priority for commercial television. In regards to private electronic media, until recently only B92 TV had the quality to compete with public services, but since the drastic

change that ushered in a commercial editorial policy, B92 lost this quality.

There is an important difference in quality of public services offered by RTV and RTS. RTV is much more professional and presents public interest content, while maintaining a neutral approach. Local media under state ownership unfortunately lack professional standards and are viewed as political instruments. Financing influences editorial practices, underscored by the latest research conducted by the Media Center Niš under the auspices of the OSCE Mission in Serbia, which organized their research two weeks before and two weeks after the election, pulling data from four outlets: two television stations, one online portal (*Južne vesti*), and one daily (*Narodne Novine*). The results indicated that Niška Television in a period of two weeks before the election did not provide any information on the opposition and none of the program time was devoted to critical coverage of the ruling authorities. At the same time, all media financed from the state budget were positively portraying the authorities. For example, on the front page, seven days in a row, the photo of the mayor of the municipality was published.

In Serbia three serious news agencies exist: BETA and FONET, which are private, and the state-owned Tanjug. This year the state finally announced the privatization of Tanjug, which will hopefully mitigate discrimination on the market, which was for years in favor of Tanjug. This state agency, in addition to securing income from the market, has support from the state budget, keeping the two private agencies for decades at a permanent disadvantage. International agencies are traditionally present in the Serbian media market, however the percentage of agency news used is growing due to economic issues and the fact that copying news from media websites without quoting the agency as a source is spreading.

During the election campaign, political parties were sending recorded promotional programs to electronic media outlets. They all were then broadcasting identical materials. Today this practice is continuing; political parties are sending, through their public relations agencies, stories for daily news production. In a way, public relations agencies are taking over the role of news agencies.

All national outlets produce their own news but their content is similar. They use domestic and foreign agencies as sources of news, and statements issued by the authorities are similar and usually published without comments or analysis. Local media, including private outlets, also produce their own news but often under the control of local authorities. Due to the economic crisis, most media outlets are using sources from the Internet and blogs, as

they are unable to finance the production of their own news. Most media, especially newspapers, are filled with the same or similar content. Their source is often Twitter, and some television stations broadcast YouTube content. But on the other hand some important information could be found online only, for example on Pescanik, which regularly publishes information critical of the state of affairs in Serbia. The Internet is a space of freedom, but content there often lacks quality because information is produced by individuals who do not possess a background in journalism. Simendić explained, "Private electronic media were broadcasting programs produced by my TV station and I was forced to intervene personally with each one, as there is no official way to stop that practice." Most media outlets do not have any resources for their own production. It is well known that a journalist might be paid RSD 180 dinars (\$2) for a complete television report and even cases where television programs are stolen from the web and repackaged for the radio.

Transparency around media ownership has improved with the introduction of a new law that obliges media owners to publish the names not only of the owner(s) but also of persons connected to the owner(s). However, a new development is a growing number of websites that publish news without giving any insight into their ownership. In principle the general public is very poorly informed on ownership relations in media.

Moreover, the issue around the concentration of media ownership was viewed differently by panelists. One opinion is that there could not be an issue in a country with 1300 media entities; however the other panelists see several conglomerates (especially radio networks) where there is concentrated ownership that has yet to be proved. A recent development is the transparent purchase of the biggest Serbian cable distributor SBB by KKR. Also in 2014, CNN launched a cable program through its affiliate *TV N1*. The authorities also allowed distributors to serve as producers of media programs and in one case allowed one owner to control two (out of six) television stations with national coverage.

The National Minority Councils determine the editorial policy of minority media, resulting in increased content from the minorities' parent countries. Instead of local minority themes, more and more, national themes are being produced on minority media in their parent countries or in editorial rooms of minority media outlets in Serbia controlled by the National Minority Councils. Some panelists noted that the national minority media favor dominant minority political parties with little interest in covering the social interests of these communities. Simendić explained, "Attention should be given also to national minority [communities] in areas where they are less than 10 percent of population, for example Vojvodina and Sandzak."

Simendić added that in these areas, "local media sometimes produce programs in minority languages, but in the news, general themes are presented instead of minority member's problems and news. The problem is in fact that there are no educational programs for journalists who want to specialize in coverage of minority language programs." According to the new law, the National Minority Councils will again be founders of minority media even after the end of privatization process of the media in 2015.

Sejdinović added that according to one research study "in Vojvodina, among school pupils, hatred of LGBT populations was rising strongly in the weeks before the Pride parade. The conclusion was that the way most media were approaching their coverage and programming on that theme was producing such a trend."

National television outlets cover practically the whole of Serbia, providing national and international news, and numerous local stations and newspapers inform citizens of local developments. Internet platforms are widely accessible and cable television programs are spreading all over Serbia. In Vojvodina, 30 to 40 percent of viewers watch foreign programs; in Belgrade it is 20 to 30 percent, according to Nielsen Serbia. Very popular are programs broadcast from neighboring countries that are in principle of better quality than domestic television programming. In 2014, a new phenomenon emerged of Balkan regional programming. Al Jazeera and TV N1 (a CNN affiliate) provide coverage of issues in the whole former Yugoslavia, offering much higher quality news programs and public debates that are increasing their viewership, though these are on cable and online only. Regional media and Balkan media are more and more influential. Kremenjak noted, "The role of foreign media is growing and distributors are dominating the market. Instead of dominant media we have, in Serbia, dominant distributors." Isakov added, "The media from neighboring countries are better than domestic, better equipped, with excellent infrastructure and with bigger funds, so domestic television cannot compete efficiently."

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Serbia Objective Score: 1.60

As in previous years, most Serbian media outlets are not efficient and well-managed enterprises. In a saturated market with 1,300 registered media outlets in a country of 7.1 million people, there are too few resources to support that number. No private or state owned media produce well-crafted business plans, as their income sources for the next year are unclear. The state budget for 2015 was unclear as of November of 2014, as well as municipal budgets that

Bročić added, “In previous years, the most successful advertising agencies are those close to ruling structures, but now, on the contrary, the most efficient agencies are the most successful.”

finance local media. As of 2015, all state owned media have to be privatized; business planning looks like an unnecessary luxury. Private media outlets, especially local outlets, are uncertain about their revenue as advertising money reaching local media is marginal, and reserves and forced savings are exhausted. In such circumstances, a number of Serbian media outlets have fought heroic battles to stay afloat and to stay independent.

Also fair market competition is unknown, as lot of media in the market have state backing and are in a much better position than their competitors from the private sector. Divac explained, “The difficult economic situation is questioning the sustainability of an enormous number of media, especially small private and local media. State owned media still spend money with no transparency.”

Local media complain that they receive little money from advertising agencies and that the price for advertising in local traditional media is humiliatingly low. Kocić explained, “From selling advertising space, local media cannot survive, most of them survive using alternative sources of income (projects, organization of events, concerts, opening media cafes, etc.)” Media owned by civil society organizations in Serbia is a result of the difficult economic landscape.

#### 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 main issue around the saturated Serbian media market is the fact that most of the revenue flowing into the media is still distributed through state institutions and public enterprises. The consequences are a lack of professionalism and independence. State media receive guaranteed revenue from the budget, but that means total political control by the authorities, who elect directors and editors-in-chief. Therefore in Serbia, editors and directors usually stay in their post until the next election. Other sources of income are donations for projects, which are used by a smaller number of better-organized media, since advertising revenue is a marginal source for most local media. Some media organizations receive international funds for specific projects but the EU grants much of this funding.

Regarding the influence of the advertising market on media organizations, the panelists presented different opinions during their discussion. A controversial and very popular attitude is that after the elections, the new advertising agencies, close to ruling parties, are taking most of advertising money. Others doubt this notion, using the example of Direct Media, which was close to the previous government and is still holding important segments of the advertising market. Another controversial claim is that advertising agencies neglect local media or even blackmail these outlets. Bročić noted, “People working with advertisers are of the opinion that local markets in Serbia, with its low purchasing power and small media, could not expect to survive on advertising.” Blagojević added, “Online media in Serbia are slow in recognizing their own advertising capacity. Most managers of online media are not capable enough to communicate effectively with advertisers and also have an enormous number of technical problems to publish advertisements. Lately, several local online media have formed a consortium, but the agencies are not responding.”

A large number of companies present their brands or corporate values through advertising. Their advertisements are placed on the bases of data from market research and using international tools for planning. During the period of the crisis, the rates were influenced by clients/advertisers in progressive period prices set mainly by the media themselves. Public service media have a limit of six minutes of commercials in one hour, but the fact that public services are in the advertising market diminishes revenue for commercial media outlets that do not have other sources of income. Most advertising agencies are international, franchises of international companies with local capital or in co-ownership with domestic entities. Media outlets actively use the services of advertising agencies, and advertisements are produced professionally and have won a number of international awards including the Lion of Cannes and CLIO awards.

Kučera noted, "The advertising market over the past few years has reached a serious level of development and is in line with world standards. Expertise, quality of services, knowledge, creativity and professionalism are key factors in choosing advertising agency. In that sense, connecting advertising agencies with the authorities as a key factor for selection by the client is an unsustainable practice." Bročić added, "In previous years, the most successful advertising agencies are those close to ruling structures, but now, on the contrary, the most efficient agencies are the most successful." Direct Media is good example; it is among the most successful in spite of the fact that the owner is not at all close to ruling structures. Several panelists disagree with this point and maintain that advertising agencies close to authorities dominate the market.

Media managers feel pressed to use more and more advertisements, as other sources of income are rare. During this year, subscriptions were abolished for public services, but subscriptions remain a very important source of income for cable distributors. There is no subscription for print media in Serbia.

With regards to the portion of broadcast programming, time, pages in print or space online consumed by advertisements, the panelists noted that for television stations with national coverage there is a limit of 12 minutes per program. There is limitation on advertising time on other electronic media, but most stations do not adhere to these limits. The inadequacy of REM and the ineffective penalty system is the reason for such behavior.

The government uses subsidies, advertising, and other incentives to exert pressure on media critical of their activities or to reward loyal outlets. The government is among the key advertisers in Serbia, and most panelists see the trend of channeling advertising money from franchise agencies to domestically owned entities as a confirmation of this notion. Sejdinović noted, "The government's control of advertising money and subsidies is the worst problem in Serbian media. It is a key mechanism for influencing editorial policy, which is true for local media too."

Research within the media market has been an industry standard for a number of years. All research techniques are used and the number of well-known international research companies on the market is well experienced and qualified to produce reliable data. Their results are used by advertising agencies and by a few media organizations for analysis of their own program schedules. Several more organized media organizations, mostly those with national coverage, use research data to tailor their program content. There are also several companies on the market that do not follow methodologies that meet international standards due

to their small sample sizes. There are also a number of media outlets that misuse or forge research results.

The main problem with audience measurement is that it is concentrated in urban areas and local media are left out of the equation and are in the dark about the nature of their audience or its true size. These outlets have no funds to finance research on their own. Local media will use website data or information from interactive programming, for example call-in talk shows as a way to estimate their audience.

ABC Serbia conducts print media audits, and Ipsos, Nielson, and other professional agencies measure both print media readership and broadcast media audience. The problem with circulation monitoring is that only a few newspapers have their circulation audited. Data on the circulation of many other newspapers and magazine is clouded in secrecy. Websites are audited, but different international analytics programs supply necessary data. ABC Serbia started this year with web auditing.

Ipsos conducts radio research, but the geographical spread of listenership is limited only to bigger towns. Most local stations do not have the funds to finance local listenership research. Television viewership is measured with people meters by Nielsen. People meter measurement of viewership gives national representative results, but is not precise enough for television stations that broadcast on local and regional level due to small number of peplemeters. Rating terminology is well known to advertisers and most media managers.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Serbia Objective Score: 2.17

There are several trade associations, all independent of the government. ASMEDI represents owners of print media and advertising agencies. Lokal Pres is the trade association of publishers of local print media. ANEM represents owners of broadcast media. They all have faced the same issues, a limited number of members. Trade associations often find themselves not working on concert with journalist associations, since many of the trade associations have as members tabloids or television stations that are not committed to quality journalism and therefore it is difficult to find common ground.

Associations of journalists have existed for years, and are most important for backing media freedom. Professional associations are active, and protect the interests of journalists and react promptly to cases of violations of media freedom. They are active in organizing education and promoting quality journalism. Simendić noted, "Professional



However, Kremenjak pointed out that the authorities closed the printing house of *Tabloid*, which printed other publications as well, resulting in several print publications unable to print.

journalist associations in Serbia are functioning efficiently; their problem is centralization as they treat media problems from the Belgrade and Novi Sad points of view only.” Slobodan Kremenjak explained, “In the last few years journalist associations have succeeded to form a media coalition that was successfully lobbying for new media laws. Now finally as the new laws are adopted, these associations are in a position to look for the new role they should play in the changed media environment.”

The associations should and will concentrate on implementation of the new laws, but also they need to identify new priorities. Sejdinović added, “The problem of all journalist associations is that they do not have more the efficient tools to influence the media sphere.” All three journalists’ syndicates advocate along the lines of collective bargaining agreements and do not recognize the interests of freelance journalists.

There are a number of NGOs in Serbia that seriously advocate for media freedom and at the same time for greater media responsibility and professionalism. A new development is that after project financing of media from the state budget was introduced, some NGOs and media

see themselves as competitors for potential funding. During the year there were several individual cases of excellent cooperation between the media and NGOs in Belgrade and in local areas.

Divac noted, “There is not enough practical education [offered to journalists],” but that there has been improvement from 10 years ago. Universities that have a journalism department have introduced practical education, and there are also short courses organized by private organizations such as the TV Academy. However, most panelists believe that university-level programs are unsatisfactory and the media do not have money to invest in the professional education of their journalists. With shrinking editorial rooms in most media organizations, there is no time for training on more specialized courses. Simendić added, “There is no organized form of education in editorial rooms.” Foreign contributions for the education of journalists have practically disappeared and fee-based courses are inaccessible, especially for young journalists. Moreover, local authorities are not interested in financing the education of journalists, so only sporadic cases of journalists self-financing their ongoing training are improving this grim situation. Isakov explained, “Today, in given circumstances, the average media in Serbia cannot absorb new graduate journalists. Media owners and management are losing interest in educated journalists due to the general media environment, and the spread of self-censorship and extreme promotion and dominance of commercial content.”

Access to printing facilities and media equipment was for years completely apolitical, unrestricted, and competitive. However, Kremenjak pointed out that the authorities closed the printing house of *Tabloid*, which printed other publications as well, resulting in several print publications unable to print. It is a common belief that political pressure was behind the closure and that the authorities wanted this to be hidden from the public. “Therefore instead of *Tabloid* itself being [closed], its printing house was disabled,” he said. This case reminded the media community of the Milošević period when printing companies were forbidden to print oppositional titles.

In principle media distribution channels are apolitical, but there are monopolies in print media distribution and in the cable television and Internet markets. Cable Internet operators are authorized by the new law to not only distribute but are also allowed to produce media content, which could lead to them prioritizing their content. So far this has been mostly limited to sports programming and regional advertisements. The distribution market is still dominated by one operator, SBB, with a market share higher than 50 percent. SBB is also an important Internet provider.

#### 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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Online media outlets and bloggers are free to choose software and platform options. Distribution over the Internet is restricted only in rare and extreme circumstances. Simendić noted, "The case of TV Pancevo shows that cable operators and Internet providers are not treating all media equally. TV Pancevo bought its own equipment for transmission of digital signal, but it is not present in digital and D3 range of SBB. We are still present only in analog form."

On September 1, 2014 simultaneous broadcasting (simulcast) of analog and digital television signals began. Deactivation of analog broadcasters will start in Belgrade and Vojvodina in February 2015, meaning that 5 million viewers will be excluded from the analog network. Serbia is no in the middle of a campaign to inform citizens about the switchover process and has offered to help socially marginalized citizens. The "digital stamp" has been adopted but requires a lot of work on building pillars and transmitters and acquiring set-top converters for low-income citizens. Unfortunately there has been no debate on how to use the analog frequency spectrum once the conversion to digital is complete.

Internet streaming of audio or video content, podcasting, content via mobile phone networks (SMS and/or audiovisual MMS) is freely available and of good quality throughout most of the country.

## List of Panel Participants

**Nevena Simendić**, editor-in-chief, TV Pančevo, Pančevo

**Maja Divac**, editor, Independent Production Group Mreža, Belgrade

**Gordana Janković**, director, Media Department, OSCE, Belgrade

**Vanda Kučera**, chief governance officer, McCann Erickson Group, Belgrade

**Dragan Kocić**, executive manager, City Radio, Niš

**Nedim Sejdinović**, president of Executive Board, Independent Journalist Association of Vojvodina, Novi Sad

**Siniša Isakov**, counselor, Radiotelevision Vojvodina, Novi Sad

**Darko Bročić**, chief executive officer, Nielsen Audience Measurement, Belgrade

**Slobodan Kremenjak**, attorney, Živković/Samardžić Law Office, Belgrade

**Predrag Blagojević**, chief executive officer, *Južne Vesti*, on line daily, Niš

## Moderator

**Dragan Kremer**, media program coordinator, Open Society Foundation, Belgrade

## Author

**Goran Cetinić**, independent media consultant, Belgrade

*The panel discussion was convened on December 9, 2014.*



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*Edgar Vardanyan of the Armenian Center for National and International Studies commented on the potential for abrupt changes in media freedoms. “I would not say the probability is high, because of several factors. People’s culture, mindset, behavior, and civic awareness have changed, and you can’t just strike it out at once—that is very hard to do,” he said.*



# ARMENIA



Signaling a major shift underway for Armenia, President Serzh Sargsyan signed an agreement to join the Russian-led Eurasian Economic Union (EEU) of Russia, Belarus, and Kazakhstan on October 10 in Minsk, Belarus.

The EEU entered into force on January 1, 2015, but debate over the possible implications for the country's foreign policy, economics, sovereignty, and citizens have already consumed Armenians. Emotions aside, people tend to feel unsure about the union's merits, experts say. Questions swirl surrounding the compatibility of different taxation, customs, and other vital systems. However, some experts and officials portray the move as a breakthrough achievement that could guarantee Armenia's social, cultural, and political well being, as well as the safety of Armenia and the neighboring Nagorno Karabakh republic. Even EEU opponents tend to agree that the union will make Armenia safer.

The Armenia panelists said that they have not yet noticed major shifts in media freedoms after the EU-to-EEU integration shift. But they also said that the Armenian media landscape, like other sectors, will most likely gradually adopt more of an EEU approach. Edgar Vardanyan of the Armenian Center for National and International Studies commented on the potential for abrupt changes in media freedoms. "I would not say the probability is high, because of several factors. People's culture, mindset, behavior, and civic awareness have changed, and you can't just strike it out at once—that is very hard to do," he said.

The switchover from analog to terrestrial digital broadcasting, slated for July, will bring more change for the media, and more channels for residents—up from two or three to nine, and up to 18 for residents of the capital, Yerevan. Many panelists expressed pessimism about the prospects for successful implementation, despite assurances that the infrastructure will be ready. Most Armenian residents do not yet have digital television sets, so will either have to buy one—which many cannot afford—or buy a decoder, which the government claims will be affordable. How affordability will be calculated remains undetermined, but the socially and economically vulnerable will need to receive them free in order to stay connected to broadcast television.

Two amendments to media laws passed in 2014. The first lifted the ban on television advertising of strong alcoholic drinks, which can now be advertised during limited hours. The second amendment, to the law on radio and television, banned public television from broadcasting advertisements. While purportedly to use public funds more responsibly by funneling the funds into the commercial sector, stopping unfair competition with the private media, many in the media community said that the amendment just allows for shifting money to other government-friendly channels.

# ARMENIA at a glance

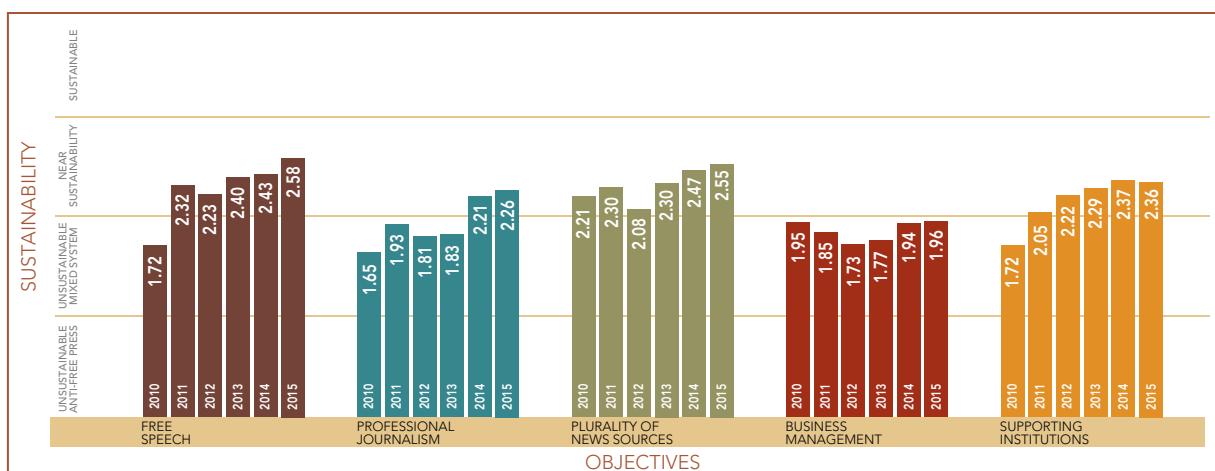
## GENERAL

- > Population: 3,060,631 (2014 est. *CIA World Factbook*)
- > Capital city: Yerevan
- > Ethnic groups (% of population): Armenian 98.1%, Yezidi (Kurd) 1.1%, Russian 0.5%, other 0.3% (2011 est. *CIA World Factbook*)
- > Religions (% of population): Armenian Apostolic 92.6%, Evangelical 1%, other 2.4%, none 1.1%, unspecified 2.9% (2011 est. *CIA World Factbook*)
- > Languages (% of population): Armenian (official) 97.9%, Kurdish (spoken by Yezidi minority) 1%, other 1% (2011 est. *CIA World Factbook*)
- > GNI (2013-Atlas): \$11.32 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$8,180 (World Bank Development Indicators, 2014)
- > Literacy rate: 99.6%; Male 99.7%, Female 99.5% (2011 est. *CIA World Factbook*)
- > President or top authority: President Serzh Sargsyan (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: 13 stations in Yerevan, 3 Russian relay channels; 26 television stations in regions; Internet news portals: over 200
- > 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 users (2009 est. *CIA World Factbook*), over 700,000 Facebook users (Facebook, Nov. 2014)

## MEDIA SUSTAINABILITY INDEX: ARMENIA



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (increase greater than .10) □ (little or no change) ▼ (.10 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\\_msiscsres.xls](http://www.irex.org/system/files/EE_msiscsres.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Armenia Objective Score: 2.58

Not much has changed over the years with respect to enforcement of Armenia's constitutional provisions that guarantee free speech. They are largely harmonized with international human rights and freedom of expression standards. Independent courts and the executive branch, however, fail to genuinely protect the freedom of speech. Society increasingly places a high value on freedom of speech and media freedom, but that has led to little change.

The law respects the confidentiality of sources, albeit with some limitations, and generally people are not imprisoned for safeguarding their sources. Armenia's Law on the Dissemination of Mass Information stipulates that journalists and media outlets should not be obliged to disclose their sources. The exception is in the case of court decisions, if the crime in question is of a serious enough nature, if the public interest of law enforcement outweighs the public interest of protecting the sources of information, and if all other means to protect the public interest are exhausted. In such cases, the journalist can demand that the court hearings not be made public.

However, the Special Investigations Service (SIS) pressed two outlets, *Hraparak* daily newspaper and *ilur.am*, to reveal their source for a story on an Olympic wrestler assaulted

**"Obstruction of journalistic duties is more widespread and frequent than violent crimes against media professionals; however, it never occurs to the authorities that obstruction is not normal, either," Martirosyan said.**

by a police official in Gyumri, Armenia's second largest city. The outlets refused. SIS then filed a claim with the first instance court, which ruled in favor of the claimant. An appeals court later upheld the ruling. The two outlets then applied to the cassation court to try to overrule the previous court rulings; at the time the MSI was prepared, they were awaiting the decision.

Staff members at *Hraparak* and *ilur.am* said that they did not believe that the crime was serious enough to warrant the disclosure of sources; therefore, it was at the court's sole discretion to determine the gravity of the crime. "In a way, this was unprecedented, because even if before there had been attempts to urge outlets to reveal their sources, these claims had not been taken to court," said Gayane Saribekyan, a reporter for *Hraparak*. The panelists could not recall a case of a reporter being imprisoned for concealing a source.

Samvel Martirosyan, a blogger, mentioned the lack Internet regulation as another indirect restriction of freedom of expression. He described the case of *Delfi AS v. Estonia*, regarding the news portal's liability for third-party comments made on its website, as setting a negative precedent in this sphere. Estonian courts found *Delfi AS* guilty of failing to prevent insulting comments from appearing on its website, and the European Court of Human Rights later ruled in favor of the Estonian government as well.

Although no licensing competitions were held this reporting year, the panelists characterized the licensing body, the National Commission on Television and Radio (NCTR), as highly political. "I believe that the licensing is vastly dependent on the will of political authorities and is not objective—and it is no accident that the Internet and broadcast sectors are completely different," Vardanyan said. The Internet, he added, features a "diversity of opinions, differing political views, debates, and coverage of critical issues," while quite the opposite is true for broadcast media. Some panelists argued that today viewers can see some television content from political parties aside from the ruling party. Examples include *Kentron* television, which is perceived as a Prosperous Armenia Party (PAP) channel; and *Yerkir Media*, which is perceived as an Armenian Revolutionary Federation (ARF) channel.

### 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.

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Market entry and structure for media are fairly comparable to other industries. Print media continue to enjoy a slight tax break, being exempt from value-added tax for distribution.

Crimes against media professionals occur, but offenses surrounding the obstruction of journalists' work (during rallies, demonstrations, etc.) are more common than the brutal attacks of earlier times, when journalists sometimes suffered beatings in dark alleys. "Obstruction of journalistic duties is more widespread and frequent than violent crimes against media professionals; however, it never occurs to the authorities that obstruction is not normal, either," Martirosyan said. Although journalists file complaints whenever crimes are publicized, usually courts close cases for a lack of substantive evidence, and the crimes go unpunished.

The panelists described one assault on a journalist that occurred in September 2014. The head of the National Assembly security service hit Marine Khachatryan, a journalist from A1+, on her arm, forcing her to drop the tablet she was using to record members of an art group protesting in front of the National Assembly. The head of the security service justified his actions by saying that Khachatryan failed to identify herself upfront as a journalist. Although the police can be harsh during rallies, panelists noted that four to six years ago, even filing a complaint was not possible—and the crimes were much fiercer.

Panelists said that public support for the media is not based on the type of outlet (e.g. viewing bloggers less seriously than newspaper reporters). It is based on the perception of whether the journalists are balanced and professional or provocative like activists. The panelists acknowledged that some journalists are behaving more like protestors, thus provoking the police.

Gayane Mkrtychyan, a reporter at armenianow.com and iwpr.net, said that during a demonstration against the rise in electricity rates, law enforcement officers went overboard and behaved harshly toward reporters. But in line with comments from other panelists, Martirosyan said, "The police also complain that this is often due to the fact that they cannot tell media professionals and protestors apart." Photolur photo news agency owner Melik Baghdasaryan said that in most circumstances, "if you wear a [media] badge, police treat you differently, but the law doesn't function during the demonstrations." Sometimes, the journalists and protestors know laws much better than [low-ranking] police officers, he added.

Steadily over the years, panelists have asserted that the state/public media are in no way independent from those in authority, despite the legal protections on paper for their editorial independence. "It is becoming more apolitical by drifting away from covering political issues, which creates

the illusion of truly public, apolitical media, but in reality, it just avoids the political field," Vardanyan said.

To illustrate, Anna Satyan, the deputy editor-in-chief of *Novoye Vremya*, a Russian-language newspaper, said that when an important political event is underway, public television news might broadcast a charity banquet of Armenian diaspora in Los Angeles as the prime news piece, relegating the important political event to a tiny coverage slot close to the end of the newscast. Such examples show that the public media is far from independent of government influence, according to Satyan.

However, Armenia has no media laws that explicitly favor state/public media over private media.

Libel in Armenia is a civil law issue. Today it is more often used to threaten an outlet to publish a disclaimer or apology before the case would appear in court. For example, *Aravot* published a story about a nightclub in one of Yerevan's underground passages. The article implied that the nightclub is, in essence, a strip club, and the adjoining bar a "motel" frequented by prostitutes, to the annoyance of the residents. The club owners sued the newspaper for libel and demanded a total of AMD 3 million (roughly \$6,400)—AMD 1 million from the journalist and AMD 2 million from the newspaper. The first hearing was on December 5, and the court ruled that the burden of proof should lie on the plaintiff.

However, Martirosyan noted that even if the claims are preposterous sometimes, the court so far has not ruled in favor of these large amounts. If it is proven in court that a story is true, journalists or media typically incur no further fines (e.g., for inflicting damage to someone's reputation). Satyan also mentioned that even the threat of such litigation can be costly. One case against her paper *Novoye Vremya* was withdrawn, but the company still suffered by having to pay legal fees. The panelists noted one upside to the law: journalists have become more responsible about what and how they write.

Access to public information varies by government sector. "Public information, although accessible in general, in particular cases may be quite difficult to obtain, due to technical and subjective factors," said Vardanyan. According to Nelli Babayan, a reporter at *Aravot*, some sectors make it either impossible or extremely difficult to obtain information, while others are more transparent—such as the Ministry of Agriculture, the Ministry of Healthcare, the Ministry of Education, the Ministry of Social Welfare, and the police. Less open are City Hall, the Ministry of Transport and Communications, and the State Revenue Committee. "I think in some sectors, it is prohibitive and unnecessary to send the formal written inquiry forms for trivial questions and explanations," Satyan said. "There should be someone

available to answer your questions right away, in case it is an urgent issue.”

The panelists all agreed that personal ties with the information provider often prove paramount, despite the law. Satyan also noticed that the rank of the media professional often makes quite a difference as well, with reporters having less ease than editors, deputy editors, or famous journalists. Arevhat Amiryanyan, editor of *Vorotan* in Sisian, described her experience of having to sue a kindergarten that had failed to release requested information. She won the case. When testifying, the kindergarten director said that he just did not know the procedures, but Amiryanyan maintained that it was because he was told specifically by the municipal officials not to give her any information.

As described in previous MSI studies, the law does not restrict media outlets or citizens from accessing or using local and international news and news sources. Individual media outlets sometimes prescribe ethical codes for fair use that protect intellectual property but allow for discussion of others’ works or reports. This practice takes the place of having consistent, defined standards to which all Armenian outlets adhere universally. More often than not, intellectual rights are still ignored or deemed unimportant.

Last year’s MSI underscored the amendment to the law of copyright and adjacent rights as a step forward, but noted that it remained to be seen whether original content would replace the copied content. The improvement is happening, albeit slowly and inconsistently. This year’s panelists complained that plagiarism has not been fully or largely weeded out by the law, and said that they hope to see improvements to the law.

Entry into the journalism profession is free; there are no restrictions and any interested person can become a journalist.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Armenia Objective Score: 2.26

Many reporters have started verifying and fact-checking the information they present, with some motivated after facing libel suits.

“Now it is not respectable to just write ‘according to our sources,’” Saribekyan said. “You have to mention other sources, too, to appear professional—which was not the case even a year ago.” Babyan agreed that when journalists write “according to our sources,” now they also attempt to track down other sources. The panelists also noted that the new standards have diluted some outlets’ “yellow” tone,

displayed by a focus on intrigues, rumors, and name-calling. The more professional editors now require fact checking and strive to come up with credible and trustworthy sources. The majority of the panelists also agreed that the changes have not led to self-censorship, but rather to a higher degree of responsibility, ethical standards, and professionalism.

Martirosyan summarized that poor quality journalism remains a major issue despite more professional journalists working to shape a community that strives to uphold high standards. The field is still rife with those who do not verify, fact check, or consult a wide variety of relevant sources, rarely obtaining all sides to a story. Some present the different articles featuring the opposing sides, but very seldom are both sides presented in the same article. Such reporters seldom conduct the necessary background research and interviews for a story. Vardanyan said, “The questions [of the interviewers] most often do not derive from the previous answers, or past answers [from previous years]. They lack any analytical component, [and] are rather ‘template’ questions that the interviewer need not ask in person, [and] could just as well print out on a sheet of paper and hand it to the interviewee and just let him go over the list and write the answers back.”

A number of professional journalists do consult technical experts. However, sometimes that proves costly, because the experts are not willing to just give short answers, preferring instead to write analytical stories for a certain fee, which can be quite prohibitive for some outlets.

The panelists also complained about the quality of journalists attending press conferences. “The editors just

### 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).



As for receiving money for a certain type of coverage, one of the panelists, wishing to remain anonymous, said, “I was offered a certain amount of money for a series to cover as if upon my own initiative, so that the editor did not suspect anything—but of course I refused.”

send the newly graduated reporters to the press conferences just to type in the text,” Gevorgyan said.

As stated over the years by different panelists, the ethical standards and codes are usually the domain of individual outlets. Some outlets have these standards in written form, others uphold unwritten standards, and the rest do not bother. Panelists from *Novoye Vremya* and *Hraparak* mentioned that they have unwritten ethics codes, while *armenianow.com* and *Aravot* panelists said that they have developed more formal, written codes. Satyan added, “The ethical standards also come from editors. If they are decent, educated people, their qualities also spread to their journalists.”

The journalistic associations in Armenia have developed ethical standards that overall differ little from international norms, but the panelists said that outlets do not adhere to them widely or effectively. “To me, these ‘universal’ codes of ethics do not make sense [in Armenia], because I do not see any effect or attempt at enforcement after an outlet violates any of the points of the code,” Satyan said. “Therefore, what is the sense of having this [general] code?”

The panelists also raised the question of whether it is ethical to use nicknames of public figures. Mkrtychyan asserted that her outlet’s editor does not let its journalists use nicknames, while Vardanyan argued that it is at the discretion of the outlet—but the journalist should word it properly and ethically.

Few media outlets make clear distinctions between news reporting and “advertorial” placements, and only sophisticated readers realize this. As for receiving money for a certain type of coverage, one of the panelists, wishing to remain anonymous, said, “I was offered a certain amount of money for a series to cover as if upon my own initiative, so that the editor did not suspect anything—but of course I refused.” A different panelist, Satyan, recalled a case in which one of her outlet’s trusted journalists was sneaking in a series of stories that favored a certain person, but

he was busted finally on the third attempt. The panelists mentioned the counter-models, too—the unethical journalists that write or publish critical stories about a certain official, businessperson, or public figure and later blackmail the person for compensation in exchange for not publishing the article.

Journalists and editors do practice self-censorship. However, the degree and the nature depend vastly on the specific outlet type (broadcast, online, etc.) and any perceived, real, or disguised political or business affiliation. “Sometimes you can concentrate even on one single word ... whether it is going to bounce back at you or not [as backlash],” Gevorgyan confirmed. Babayan also explained that “when journalists see that a certain type of content is repeatedly edited out of their articles, they understand that in the future, similar content will not make its way through, either—and they start to self-censor just to save time and nerves.”

As for photography, Baghdasaryan said, “We are free to shoot everything. It is already up to the editor of the outlet whether and how [and] with what type of caption to use our photographs. We have an internal policy for the photographers: ‘Don’t come and tell what you saw—you show me.’”

The panelists agreed that journalists cover all major events and issues in Armenia. Each media outlet reports on events differently and often will be selective, but citizens can get the whole picture by accessing news from other outlets. Online media usually cover all types of events, and now broadcast outlets might also cover previously taboo events (opposition rallies, meetings, demonstrations, coverage of opposition political/public figures, content critical of government bodies, ruling party figures, etc.). But for all media, the angles, duration, content, and importance given to the event can differ dramatically, depending on political affiliation.

Pay levels for journalists and other media professionals are not sufficiently high to retain qualified personnel. Most journalists must combine working at two or sometimes more outlets, or even unrelated jobs. However, this also applies to the other employment sectors—education, for example, is one sector that pays even less than the media. The disparity in the salary levels has more to do with specific outlets than with the different media sectors. Entry-level salaries are much lower than those of higher-ranked or more experienced journalists and editors.

Previously, entry-level journalists would even work for free, but that is no longer true. As Babayan explained, “No matter how low the pay level is, a decent journalist will never accept money for corrupt coverage, because he/

she is struggling for justice...and besides, the money will be offered to the editors or chiefs, not the journalists.” Saribekyan agreed, saying, “Low salary doesn’t justify corruption, it’s a matter of morality.”

People can get information when they need it, especially with so many online outlets. However, in broadcast media, entertainment does eclipse news and information programming because it sells better. The panelists agreed that the inclusion of more news-related programs would certainly push audiences to switch to other formats.

The panelists agreed that the facilities and equipment for gathering, producing, and distributing news are modern and efficient enough not to affect the quality of journalism in Armenia. Broadcast digitalization, on the other hand, is a challenge that still needs to be faced in the coming year.

Niche reporting and programming exist in Armenia. Some journalists and outlets specialize in investigative reporting, but due to its costly nature, they are very few. Few outlets can afford, time-wise or money-wise, to dedicate the same journalist to investigating a story for days, weeks, or even months. “People are more interested in sensational, low-quality stories, and the substantial investigations are in low demand,” Vardanyan said.

Healthcare programs can be found on television, while ecology, economics, business, and political analysis are more likely to be found in print or online newspapers than on television. However, because of the lack of personnel, few if any journalists specialize in only one area. Analytical stories on sports are also a rarity, because of the lack of journalists with expertise in that field.

### OBJECTIVE 3: PLURALITY OF NEWS

Armenia Objective Score: 2.55

The Armenian market has a plurality of public and private news sources, offering multiple viewpoints. But whether they provide citizens with reliable, objective news is questionable. There are more than enough news sources so that people can check one against another, and some media outlets strive to remain balanced and unbiased and offer multiple points of view in their editorial policies. But most outlets are singular in their point of view because political or business affiliations. Less sophisticated readers/viewers might find it hard to understand events objectively, because the views presented are mostly meant to serve the interests of either side and not to present information neutrally. “Objective information is very hard to get, since the viewpoints [presented by different outlets] are not based

on substantive facts, arguments, and analysis. There are no criteria to judge, and readers start to get disappointed and feel that everything is a lie,” Vardanyan said.

Although a myriad of online outlets vanished after the parliamentary and presidential elections of 2012-2013, others have emerged in their stead, and the overall quantity of media outlets remains almost the same. “Many have come to understand the importance of owning a media outlet, and if five or six years ago we dealt with only government and oppositional media, now every fourth *chinovnik* (minor official) owns a media outlet,” Martirosyan summarized.

In Babayan’s view, no media company is able to report freely. “I don’t believe there is any single outlet in Armenia that can criticize the whole spectrum of events or people. There are always events, people, parties, etc. that outlets feel they have to stay neutral/positive/silent about,” Babayan said.

Gevorgyan gave examples of the bias in television reporting. “During a Parliamentary Assembly of Council of Europe session, I was watching coverage from various television channels. Armenia TV aired only the Republican Party representatives’ speeches, while Kentron TV aired only the PAP and ANC [Armenian National Congress] representatives. Thus, if you watch only Armenia TV, you have the impression that PAP and ANC members did not have time on the floor, and if you watch Kentron, you have the impression that the Republicans had no floor time.”

Overall, viewers can find coverage of the various political viewpoints from different multiple outlets. Blogs in their

#### 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 information is very hard to get, since the viewpoints [presented by different outlets] are not based on substantive facts, arguments, and analysis. There are no criteria to judge, and readers start to get disappointed and feel that everything is a lie,” Vardanyan said.

classical form are very rare in Armenia today, overshadowed by microblogs on Facebook (clearly the most popular) and Twitter (not yet very significant in Armenia). According to Martirosyan’s estimate, more than 1,000 active users contribute through Facebook. Many people, especially in the older generation, still perceive television to be the only respected, legitimate source of information. “They quote television personalities, but the Internet is not yet deemed that reputable,” Vardanyan said. However, Martirosyan noted that for certain types of content, such as live coverage from rallies and demonstrations, the online media garner more than 10,000 simultaneous viewers, whereas previously they might have pulled 2,000 to 3,000.

Vardanyan said that in the past, the government-controlled broadcast media brainwashed people, and opposition media dominated the Internet; now, the government also is trying to influence the minds of a younger generation through an abundant Internet presence. It is mostly that generation that relies heavily on social media channels (primarily Facebook) for news. Twitter is underused in Armenia, while most traffic to YouTube is generated from Facebook. “There is also so much garbage out there, aimed just to garner likes or views, drowning out some events,” Satyan complained. “The situation has gotten worse with the ever-growing number of online and social media.”

The law does not restrict citizen access to domestic or international media. Some panelists contended that buying newspapers regularly might be difficult financially, but others said that these newspapers are also available online. The Internet is becoming more accessible and affordable, though not necessarily more dependable. Regional panelists said that the Internet is becoming more accessible in cities other than Yerevan, but the rural areas still must use highly unreliable wireless solutions. Other types of media available to rural audiences include local television and radio channels (in larger towns like Gyumri, Vanadzor, Sevan, and Hrazdan), and satellite broadcasts. For some smaller or more distant towns and villages, satellite service is the only option aside from perhaps public television.

Several panelists complained about the work of the print media distribution agency, Press Stand, but others said that the problems could be attributed to poor management rather than deliberate hindrance. Overall, the panelists concluded that there are no direct or significant restrictions to domestic or international media. However, the digital switchover, slated for completion by July, might pose challenges in the area of distribution, too.

Foreign media are accessible freely through the Internet, but language barriers still preclude a majority of citizens from being interested in foreign media. However, some foreign outlets (e.g. Deutsche Welle, BBC, Reuters) are also available in Russian, but interest tends to be low because they seldom cover local issues—and most people still turn to local media for international issues, too. People in large cities have greater access to television channels than people in villages and smaller towns. For those who can afford them, satellite dishes are still rural residents’ sole reliable tool for diverse programming.

Over the years, the panelists have always enjoyed reading the title of the MSI’s third indicator: “State or public media reflect the views of the political spectrum, are non-partisan, and serve the public interest.” The reason is that for Armenians, it sounds more like sarcasm. Although the public media has undergone some tweaks to make it look more neutral and non-partisan, all of the panelists agreed that it still remains highly dependent on the government or ruling party instead of following a public-service model.

However, progress has been recorded. Previously, in the extremely polarized climate, viewers never saw oppositional figures or events on public television (or any other outlet)—or if they appeared, it was for the sole purpose of being ridiculed. Today, even public television features opposition news, although diluted and blurred among other non-important events. Public television’s *Parliament Time* program also gives oppositional figures some airtime—sometimes directly, sometimes in the context of parliamentary session coverage featuring opposition speeches. Also new this year, public television has started a series of educational and cultural programming, which is quite rare in private media.

Several agencies for gathering and distributing news still operate in Armenia. They include ArmInfo, ArmenPress, MediaMax, Photolur, and ARKA. These agencies mainly survive through selling exclusive content, financial/business analytical pieces, etc. Outlets also buy unique video footage from international agencies. However, panelists this year reaffirmed that the lines are blurred between online outlet content and classical news agencies. While agencies used to sell news content to media outlets, today that content

is available to anyone online. Martirosyan commented, “Photos still sell, as they are unique, but it is very difficult to sell information about a fact, because it is freely available somewhere else.”

Private media produce their own news and informational programming. Most media, especially broadcast outlets and television in particular, produce their own news programs. Among private outlets, and between public and private outlets, news programming varies in overall professional quality, but the content differs little. Conversely, online media content does differ from that of state media. This difference perhaps allows for wider viewpoints, but is sometimes lacking quality and professionalism.

Regional outlets produce their own content and news programming, since that is their strong exclusive point that sets them apart from national/capital outlets. Only a few outlets can afford to produce international news, however, and dispatch reporters on stories that involve Armenia almost exclusively. Only a few television outlets post reporters abroad—typically one in Russia and one in the United States.

Transparency of media ownership in Armenia remains controversial, with many rumors but few facts. Ownership tends to be relatively obscure, and even when the owner information is public knowledge, the outlet’s financing is less clear. Consumers have often surmised ownership based on content, but this is no longer a reliable indicator. Many outlets now have transcended this primitive stage and are engaged in pseudo-oppositional content production, and sometimes criticize even the perceived owners and stakeholders. As an example, Vardanyan said, “The only thing that I can affirm is that [the online outlet] 1in.am strongly criticizes the PAP, but who it is financed [or] owned by, I cannot say.”

In terms of minority coverage, public radio airs programs in 14 minority languages, including Russian, Kurdish, Georgian, Assyrian, Ukrainian, and Greek. Armenian media also publish Russian, Kurdish, and Ukrainian newspapers. The media also widely covered the massacres of Yezidis in Syria. Society tends to resist the inclusion of issues concerning non-traditional religion or sexual orientation, and that has changed little since the last reporting year.

Citizens are able to find news and information about their hometowns, other regions of the country, and national and international issues and developments. Yet the local newspapers and television stations seldom venture beyond local news to cover capital or federal news. The national outlets generally stick to national and international news. They rarely present regional news, with the exception of loud, resonant cases of crimes of public figures, corruption,

etc. However, news from the regions has become more vibrant compared with previous years, when mainstream media offered little to no news from areas outside of the capital. Competition has also boosted the flow of information from the regions. “If you write only about the capital, your readers are less read than if you also include information from the *marzes* [regional administrative units],” Martirosyan said.

Armenian citizens seldom turn to international sources for international news, mostly because of the language barrier. A majority of citizens do not know other languages (except, perhaps, Russian) well enough to utilize foreign-language media. The more sophisticated readers turn to foreign media mostly through Facebook or Twitter subscriptions, to compare with local coverage of international news.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Armenia Objective Score: 1.96

Little has changed since last year’s MSI in terms of media outlets’ self-sustainability. They rarely operate as for-profit businesses, but rather depend on their (mostly politically-affiliated) benefactors or owners for financial support. They seldom prepare and follow business plans that could help them secure financing or guide decisions on expenditures and personnel.

Accounting and finance practices need to be kept in line with local tax legislation to avoid problems with tax authorities, fines, penalties, etc., so usually media companies hire trained accountants. Accountants are sometimes

## 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.

Most outlets use call-in shows, post-program feedback through calls, and Facebook comments as handy and affordable options. “Professional research is quite expensive and few can afford it,” confirmed Vahe Sargsyan, a moderator at Lratvakan Radio and a freelance journalist.

contractors, not necessarily full-time, in-house employees; and if the outlet is very small, sometimes the editor or owner handles all accounting tasks. Larger outlets might also employ legal experts, human resources staff, and marketing professionals. Normally, television outlets employ advertising agents to bring in advertising.

Very few outlets receive the revenue from multiple sources that would prevent one client or source from exerting undue influence over editorial policy. Some outlets seek to diversify funding purely from the perspective of financial health: if an outlet depends on a sole source and that funding dries up, the outlet might be forced to close. Public media have guaranteed sources of revenue from the state budget, but this does not ensure independence from political interference.

Media advertising is both market-driven and politically influenced. However, the new amendment to the Law on Radio and Television is designed to eliminate advertising from public television so as to not impede the development of the commercial media sector.

But large advertising clients still indirectly influence editorial policies, management, and content of media outlets, which actively avoid offending advertisers with negative or critical coverage. One of the panelists confessed that when she has complaints about a telecommunications provider, she hesitates to write about it, knowing that the company is a big advertiser with her outlet. There is also the phenomenon of officials and politicians owning businesses and at the same time acting as advertisers, thus indirectly influencing the outlets’ coverage of their owners.

Many companies buy media ads. Banks, telecommunications providers, insurance companies, and automobile dealerships have long been the country’s biggest advertisers. Another player has returned to television advertising, after the June 2014 amendment to the Law on Advertising that allows ads for strong alcoholic drinks (more than 20 percent alcohol) to air any time from 10:31 p.m. to 5:59 a.m. Television ads

for strong alcoholic drinks had been banned in a 2002 amendment to the law.

Aside from commercial advertising, regional print and broadcast media run classified ads, holiday greetings, and congratulatory messages to help foot their bills. Generally, advertising agencies work only with broadcast outlets and large newspapers and online media. Their contracting with regional outlets is minimal to nonexistent. Most advertisers ignore local media, opting instead to buy advertising in media with nationwide coverage.

The panelists also voiced their concern over the Media International Service sales house, which has claimed that it will be the exclusive seller to four television channels: Armenia TV, ArmNews, A TV, and Shant TV. The PanArmenian Media Group owns the first three channels and some other media outlets, including two radio stations, a magazine, an entertainment weekly, and an ad agency. The panelists said that they see these two media houses as monopolization of the advertising market, since large advertisers will be funneled to those outlets, leaving others with just medium-to-small, casual advertisers. On the other hand, panelists noted, some media companies have very aggressive advertising agents that can bring in considerable amounts to their respective outlets.

Media managers, mostly broadcast managers, feel pressed to use more and more ads, as they are the only substantial source of revenue for broadcast stations. However, the media managers have been prompted by advertisers to place short—but more expensive—commercials that do not get lost in the myriad of other commercials.

Another factor that might affect advertising effectiveness is that the two triple-play cable providers have technical functions that enable viewers to skip past the commercial breaks. “Whoever has this service is saved; I personally just fast-forward all the commercials,” Satyan said. According to panelists’ estimates, around 50,000 households view television through these IP television cable providers, and these viewers are usually the ones with strong purchasing power. The more sophisticated advertisers have realized this and buy sponsorship spots within the program, or they place the ad in unexpected spots within the program.

With the recent amendment to the Law on Television and Radio, public television is banned from airing advertising. The exception is social advertising or commercial advertising in educational, cultural, scientific, and sports programming, with the number of sponsors to not exceed one per program.

Regional independent newspapers, as well as minority-language newspapers, receive subsidies from the



government, but these amounts are slight and offer very little potential to either subvert editorial independence or distort the market. For the past several years, the editors of *Sevan*, *Vorotan*, and *Tufashkharhi Arorya* in Artik have received AMD 500,000 (\$1,200) per annum.

Media companies seldom use market research for the purpose of tailoring products to the needs and interest of audiences, enhancing advertising revenues, or as part of strategic business planning. Professional, third-party research is hard to find in Armenia, and is rare for media companies to order. Most outlets use call-in shows, post-program feedback through calls, and Facebook comments as handy and affordable options. "Professional research is quite expensive and few can afford it," confirmed Vahe Sargsyan, a moderator at Lratvakan Radio and a freelance journalist.

Babayan described how Aravot collects information informally: "We create a picture of our audiences through observing the popularity of content with certain demographic groups, through feedback under online versions of our articles, and we may adjust the content respectively to better suit the audiences." Satyan said that *Novoye Vremya* also listens to consumer feedback. "Our audience is very compact, and they keep writing and calling us to share their impressions/opinions about this or that article. On our newspaper's twentieth anniversary, we visited one of our long-term loyal readers—an elderly woman who had preserved all of our issues [for] many years." Satyan mentioned that *Novoye Vremya* has younger readers, people ages 30-35, but she lamented that its readership does not go any younger, because the paper is in Russian, which is not spoken widely by the younger generation.

Two ratings companies, AGB Nielsen Media Research and Telemediacontrol (working under the license of GFK), produce regular ratings. They rate only capital-based television outlets, and data are not freely available; television outlets must purchase them. Moreover, advertising agencies that do not have a working agreement with the TAM (Television Audience Measurement) company are not able to access the ratings of those television outlets. IP television (triple-play providers) also are left out of measurements at the moment, although, according to panelist estimates, they constitute around 50,000 potential viewers with mid- to upper-range purchasing power. The panelists said that these ratings are accepted with skepticism.

Armenia has no companies that produce, track, or assess newspaper circulation figures/statistics. The average cited circulation is 2,000 to 3,000 for daily newspapers.

As for tracking online visits, Google Analytics is now used, with the closing of circle.am (the local Armenian tracking company). Armenia has no other widely accepted service. Martirosyan questioned the value of the tracking information: "Even if circle.am had not shut down, numbers alone do not tell us anything. We see 100,000 visits, but who are these people? Maybe only 13 to 15 minors that visited the site thousands of times because a Kardashian photo appeared there."

With regard to television ratings, those who buy, sell, and utilize the data understand the basic analytics terminology. Online media managers might be able to differentiate unique visits and hosts, as opposed to total hits/views, but more sophisticated analytical data (traffic source, time spent, and bounce rates) are not yet well understood or utilized.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Armenia Objective Score: 2.36

Armenia has no trade associations to represent the interests of media owners and managers or provide member services. However, several professional associations strive to assist journalists as much as possible, and work to promote journalism to the public in a positive way. The list is essentially the same as in previous years: the Gyumri-based Asparez Journalists' Club, the Yerevan Press Club, the Association of Investigative Journalists, and the Vanadzor press clubs. The panelists said that they view these groups as independent from the government, as

### 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.

Saribekyan said that her student experience was as such. "I studied journalism for four years at university, and all those four years were not interesting to me. After graduating [and starting to practice journalism] it got very interesting for me."

they support themselves almost solely through grants from international donors, embassies, etc. (as opposed to dues or memberships). Over the years, the government has not imposed legal restrictions to prevent these associations from registering or functioning.

Asparez Journalists' Club is currently working with Open Society Foundations (OSF) to implement the joint project "Media Hub for Civic Activism," aimed at building citizen participation in youth centers and civic activities. The major initiatives include expanding the distribution of *Asparez*; involving reporters from other *marzes*; publishing supplemental inserts that cover social issues such as human rights, ecology, domestic violence, and corruption; and starting up an online radio station that would ultimately reach 24-hour broadcasting and air news, analytics, and other content of public interest.

NGOs in Armenia strive to support free speech and independent media. They include Media Initiatives Center (MIC), Eurasia Partnership Foundation Armenia (EPFA), and OSF. The Alternative Resources in Media project, funded by USAID and jointly implemented by MIC and EPFA, closed in March 2014. These organizations are funded predominantly by international donors. They work in cooperation with the media sector to support freedom of speech and media independence, and respond to media freedom violations. The government does not impose legal restrictions on the registration or functioning of these organizations.

Panelists asserted that Armenia has seen little if any change in journalism degree programs. Quality programs are very rare. Many private and state institutions do have programs, but the quality does not differ much, and most do not provide substantial practical experience or training to prepare aspiring journalists to enter the profession as skilled specialists. Few schools teach modern techniques, such as the use of multimedia. And with so many degrees offered throughout the country, the field is flooded with students and graduates.

Panelists said that media professionals are extremely unhappy with the quality of graduates. Media outlets

mainly regard new graduates as assistants to fill in text during press conferences and perform other "dirty" jobs and assignments. Gevorgyan said that she is dissatisfied with the attitudes of newly hired employees. "They come and think that they should have a standard working day of an office clerk, and count the minutes before it turns 6:00 p.m. so that they can flee." Babayan agreed, saying, "These 'kids' perceive journalism as just doing stand-ups with the microphone in their hands. They don't understand that a journalist is a fighter, a warrior."

The majority of panelists remembered having worked for free, or just for a transportation allowance, when they entered the profession. "One of my students said once, 'I will never write stories for AMD 3,000 (\$7.22),' but I try to explain them that they have to love their profession—it should be their calling. Otherwise, it is not going to bring them a lot of money, unless they are corrupt through and through," said Satyan, who is a journalism lecturer at Slavonic University as well as a newspaper editor.

All the panelists lamented that the previous enthusiasm of graduates has vanished. Satyan gave details of her experience as a professor. "When I started teaching at the university, I hoped I would be able to find promising journalists to hire. But having studied for four years, they get turned off—they just lose interest after so many years [of academics]. The first-year students are just great. I give them assignments, they carry them out with interest, and their inner 'engine' is working vibrantly. But over the course of four years of theoretical and often unrelated disciplines, they just get discouraged, disappointed, and tired. And I think this problem is true for all the other institutes as well." she said. Saribekyan said that her student experience was as such. "I studied journalism for four years at university, and all those four years were not interesting to me. After graduating [and starting to practice journalism] it got very interesting for me."

Short-term training seminars and programs exist and are accessible to practicing media professionals. Some editors encourage participation in training programs; others prefer to keep their working journalists on the job, producing more articles and stories under the conditions of severe competition by volume and speed. Training programs are mainly organized by international NGOs or local NGOs (such as the Yerevan Press Club or Asparez Journalists' Club) with international donor funding, making them free for participants. The most popular and necessary offerings are training programs on new using media tools and social networks and developing multi-media skills. Other types of programs that address the professional needs of the other departments—advertising, marketing, management, etc.—

are rare today. "For me, these seminars are of little use if they do not have a practical component," Satyan said.

International media offer short-term training opportunities abroad, which journalists search and apply for independently.

At the moment, the government places no undue restrictions on importing or purchasing the materials that media or journalists need to produce their work. Armenia has enough commercial, private printing houses to turn to if any one decides to discontinue cooperating, but the panelists said that such a change would not be based on political interests.

This year as well, the panelists recorded no major impediments regarding media distribution channels. Some panelists complained about Press Stand, stating that, for unknown reasons, their newspapers sometimes fail to reach readers in distant villages or other small towns. Other panelists ascribed this to poor management rather than malice.

The switchover from analog to digital should take place in July, and the infrastructure should also be ready by that time. How digitalization is going to affect television distribution has yet to be observed. It is envisioned that after rollout, regional residents will be able to watch up to nine free channels instead of the previous two or three, and residents of the capital are going to be able to watch up to 18 free channels. However, many panelists were pessimistic about a successful launch and further implementation. Most Armenian residents do not yet possess digital television sets and will either have to buy one (which many cannot afford) or buy a decoder. Decoders will be available at an affordable cost (although it is unknown how affordability will be achieved) for the general population, and free of charge for the socially vulnerable.

Television stations have access to cable networks, U!Com and Rostelecom, which include all the 13 capital-based channels in their basic packages. Rostelecom is also available in Gyumri, the second largest city, and offers two additional local channels: Tsayg TV and Shant TV.

Overall, ICT capacity satisfies the existing needs of media outlets and consumers. Internet accessibility and affordability is improving every year, with Internet of reasonable quality penetrating the regions little by little. However, Rostelecom has not yet saturated Gyumri or other smaller towns, and U!Com has not yet reached Gyumri. Neither provider can give specifics on approximately when that will happen. Rural area residents mostly depend on a wireless USB card Internet provided by all three telecommunications providers, but they come with traffic limitations and are mostly unreliable.

## List of Panel Participants

**Gayane Saribekyan**, reporter, hrarak.am and *Hraparak*, Yerevan

**Nelli Babayan**, reporter, *Aravot*, Yerevan

**Armine Gevorgyan**, journalist, haynews.am and Armenian Public Radio, Yerevan

**Samvel Martirosyan**, blogger, IT security expert, Yerevan

**Vahe Sargsyan**, moderator, freelance journalist, Lratvakan Radio, Yerevan

**Pap Hayrapetyan**, editor-in-chief, *Sevan*, Sevan

**Anna Satyan**, deputy editor-in-chief, *Novoye Vremya*, Yerevan

**Gayane Mkrtychyan**, reporter, armenianow.com and iwpr.net, Yerevan

**Edgar Vardanyan**, expert, Armenian Center for National and International Studies, Yerevan

**Arevhat Amiryan**, editor-in-chief, *Vorotan*, *Sisian*

**Melik Baghdasaryan**, owner, Photolur photo news agency, Yerevan

**Anahit Nahapetyan**, owner and editor-in-chief, *Tufashkharhi Arorya*, *Artik*

## Moderator and Author

**Artashes Parsadanyan**, independent media consultant, Yerevan

*The panel discussion was convened on November 25, 2014*

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*On December 3, the head of the president's administration, Ramiz Mehdiyev, published a 60-page manifesto describing journalists, several publications, and NGOs as a "fifth column" plotting revolution.*



## AZERBAIJAN

The year 2014 witnessed an unprecedented crackdown on independent media and civil society in Azerbaijan. Many of the country's prominent public figures and journalists were arrested, persecuted, and harassed. Ten journalists were imprisoned, including fearless investigative journalists Khadija Ismayilova, Rauf Mirqadirov, and Seymur Hazi. Celebrated rights activists crucial in organizing public defense for political prisoners such as Leyla Yunus, Intigam Aliyev, Rasul Jafarov, Anar Mammadli and others were also imprisoned. Those subjected to arrest were handed bogus charges and given little opportunity to defend themselves in court due to the absence of an independent judiciary coupled with harassment of their lawyers.

The crackdown led to an exodus of vocal opponents of the government, although many activists were unable to leave due to travel bans or went into hiding like the director of the Institute for Reporters Freedom and Safety, Emin Huseynov, who sheltered at the Embassy of Switzerland in Baku.

Observers believe that President Ilham Aliyev's latest crackdown on media and NGOs was out of fear that foreign-backed organizations could be plotting a revolution in Baku, modeled after the Arab Spring or the mass street protests in Ukraine that toppled that country's president, Viktor Yanukovich, earlier in February. On December 3, the head of the president's administration, Ramiz Mehdiyev, published a 60-page manifesto describing journalists, several publications, and NGOs as a "fifth column" plotting revolution.

Azerbaijan's most influential newspaper *Zerkalo* was forced to close. The announcement came after weeks of police raids, testimonies at the Ministry of National Security, and arrest of its prominent journalist Rauf Mirqadirov on April 19th. In a matter of weeks, the government-controlled advertising market and distribution networks deprived the newspaper of necessary income to maintain operations. Another popular media outlet, *mediaforum.az*, closed at the end of 2014 as it was unable to use its foreign grants. The news agency has unambiguously underscored on its website that the reason for its closure was not a lack of funds but because the government did not allow the organization to use these funds.

More than 20 large local NGOs and a number of international NGOs including IREX, IFEX, NDI, and Oxfam had to halt their work in Azerbaijan. Since 1998, IREX, the publisher of this study, had conducted programs in Azerbaijan to support educational exchange, build professional media, and extend access to the Internet throughout the regions. The decision to close its Baku office was due to pressure from the government of Azerbaijan, including freezing bank accounts, police raids, and a vague criminal investigation.

*Due to the restrictive media environment, participants in the Azerbaijan study will remain anonymous. An Azerbaijani journalist developed this chapter in December 2014 after a series of structured interviews with colleagues in the media sector.*



# AZERBAIJAN at a glance

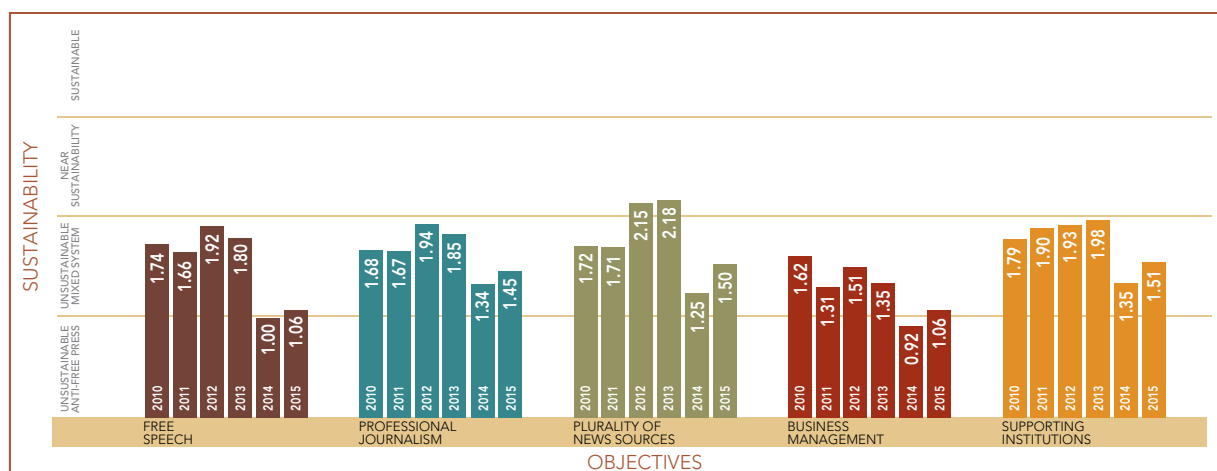
## GENERAL

- > Population: 9,686,210 (July 2014 est. *CIA World Factbook*)
- > Capital city: Baku
- > Ethnic groups (% of population): Azerbaijani 91.6%, Lezgian 2%, Russian 1.3%, Armenian 1.3%, Talysh 1.3%, other 2.4% *note*: almost all Armenians live in the separatist Nagorno-Karabakh region (2009 est. *CIA World Factbook*)
- > Religions (% of population): Muslim 93.4%, Russian Orthodox 2.5%, Armenian Orthodox 2.3%, other 1.8% *note*: religious affiliation is still nominal in Azerbaijan; percentages for actual practicing adherents are much lower (1995 est. *CIA World Factbook*)
- > Languages (% of population): Azerbaijani (Azeri) (official) 92.5%, Russian 1.4%, Armenian 1.4%, other 4.7% (2009 est. *CIA World Factbook*)
- > GNI (2013-Atlas): \$69.19 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$16,180 (World Bank Development Indicators, 2014)
- > 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 publications are the opposition newspapers *Yeni Musavat* and *Azadliq*
- > 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); Azertaj (state-owned)
- > Annual advertising revenue in media sector: Newspapers: about \$1 million; Television: approximately \$30-\$40 million (author estimates; figures are not publicly released)
- > Internet usage: 2.42 million users (2009 *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

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

### Azerbaijan Objective Score: 1.06

Although the Azerbaijani constitution guarantees the freedoms of speech, thought, and media, in reality citizens continue to be sent to prison for expressing their views. Freedom of speech and the state of media has deteriorated drastically in the past two years. With an unprecedented crackdown on independent media and Western-oriented NGOs, the parameters of free speech narrowed considerably. Panelists agreed that it was a year of serious setbacks since Azerbaijan gained its independence in 1991. “We always knew that there were some limitations, like we wouldn’t joke about the first family, etc., but we were also proud for our achievements. Our neighbors in the region, Central Asian countries and others, looked up to us. We had pluralism, an independent press, and opposition press. It was a matter of pride for us. But now I don’t see much difference between the Azerbaijan and Tajikistan media.<sup>1</sup> We gave up the most precious thing we had: our right to know,” according to one panelist who preferred to remain unidentified.

The arrest of well-known journalist, Rauf Mirqadirov, on April 19th signaled the start of a closing media space

<sup>1</sup> Editor’s note: Indeed, Tajikistan received an overall score of 1.56 this year, in the same range as Azerbaijan’s 1.32.

## 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 Azerbaijan. Known for his analytical pieces in the independent *Zerkalo* newspaper, Mirqadirov was based in Turkey. When the Erdogan administration extradited him to Baku he was arrested upon his arrival. Mirqadirov was accused of espionage on behalf of neighboring Armenia. The prosecutor general’s office issued a statement alleging that since 2008, Mirqadirov relayed social, political, and military information, as well as state secrets, photographs, and diagrams for use against Azerbaijan. Independent media ridiculed the charges saying that Mirqadirov could not reveal state secrets because he could not know them. “I attended Rauf’s trial. I monitored what prosecutors had to say. There is no essence, no evidence, no proof whatsoever in these accusations,” an independent journalist affirmed.

A couple of weeks after the arrest of its employee, *Zerkalo* newspaper announced their closure. Following police raids and interrogations at the Ministry of National Security, the leading independent newspaper was forced to halt publishing because the government-controlled advertising market and distribution networks deprived the newspaper of the income it needed to keep operating.

Another media organization that was forced to close in 2014 was the popular website *mediaforum.az*. Created under the auspices of Internews Azerbaijan, the agency had to halt its activities after it was denied approval by the Ministry of Justice, which is necessary to continue to use its bank account. In its last editorial in January 2015, it announced that after 10 years of service, it was closing due to problems caused by the authorities: “We want to highlight that we have no financial problems. Our problem is that the Justice Ministry prevents us from using our funds.”

On December 28, police officers raided the offices of the U.S.-financed Radio Free Europe/Radio Liberty (RFE/RL) in Baku—known locally as Radio Azadliq—confiscating computers and documents and sealing the premises. A dozen RFE/RL employees were detained and questioned. “Azadliq is the last island of free speech in Azerbaijan and now it is under frontal assault,” added one journalist. The government has accused the station and its employees of espionage.

On December 3 the head of president’s administration, Ramiz Mehdiyev, published a 60-page manifesto describing journalists, publications, and NGOs as a “fifth column” plotting a revolution. “Today, disguising their true intentions, various international rights watchdogs, American and European think tanks, and simple non-governmental organizations pretend to work for human rights, democratic values, and market economy and have established a strong network of its branches across the world,” wrote Mehdiyev.

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One panelist working for a news agency believes that one of the goals of this manifesto was to further promote self-censorship among journalists in Azerbaijan. Another panelist who is an independent journalist noted that this manifesto proved to be a powerful message for all journalists and NGOs who were still free. "Everyone got the message. If you work as a non-governmental organization and NGOs are described as a fifth column working for enemy, you understand that it is time to stop what you are doing and leave. And this is what happened. Those who were not already closed down by the government halted their activities." Opposition leader Isa Gambar wrote in his editorial in *Yeni Musavat* on the occasion of international NGOs leaving Azerbaijan: "Do not fool yourselves. They are not leaving; they are forced to leave."

By the end of the year, ten journalists remained in prison, including well-known, award-winning, investigative journalist from RFE/RL Azerbaijan Service Khadija Ismayilova. The prominent journalist stands accused of allegedly pushing a former colleague to attempt to commit suicide. The charge follows a series of exposés by Khadija Ismayilova of corruption among members of the presidential family and other senior officials.

In 2014, new escalation of tension along the Line of Contact between Azerbaijan and Armenia resulted in the killing dozens of soldiers on each side and pushing the countries closer to open war; this also further worsened access to information. Unofficial censorship was introduced following the death of 15 Azerbaijani soldiers in August, which made it unclear what is and what is not state secret. Journalists specializing in covering military affairs were subjected to pressure.

Head of a local watchdog group, Jasur Mammadov Sumerenli, speaking from self-exile in Germany, recalls when he was summoned to the Ministry of National Security three times over his analytical pieces on military reforms. "I was threatened with arrest if I didn't stop writing on military issues. I was told that any writings that concern the country's military have to be pre-approved by the military authorities."

Observers believe that unofficial military censorship was also used as an excuse to foil reports on abuse and bribery in the national army. Thousands of peaceful demonstrators took to the streets of Baku in 2013 demanding an end to violence and corruption in the military forces. Replacing Defense Minister Safar Abiyev did not change the situation in the army. By introducing new regulations on military information the government was able to somewhat curb publicity on dozens of soldiers who have died in non-combat related deaths, including suicides and shootings, according to the "Doctrine" Journalists' Military Research Center.

Licensing of broadcast media remains unfair and strictly political. The National Television and Radio Council (NTRC) is responsible for the issuance and renewal of television and radio licenses. On February 24, the parliament adopted changes to the Law on Broadcast Media. The new amendments envisioned closure of a television station for two regulatory infringements in a year. New amendments also empower NTRC to suspend broadcasters for up to one month without a court order if they fail to pay license fee or violate license regulations. Previous regulations required a court order and a broadcaster could be suspended only up to seven days. Independent media criticized this measure as undemocratic. A panelist who is a media lawyer explained that the limitation puts large national television stations under pressure as they can easily get sued more than twice a year. He characterized the new amendments as "a serious blow" on freedom of press. Experts believe the toughness of these regulations is intended to keep broadcasters dependent on the government.

Registration of print media is seen as fairer, however 2014 saw some regression in this area as well. Media outlets receiving foreign grants were denied approval by Justice Ministry and had to close like mediaforum.az. Start-up conditions for print media, as well as tax regulations, are considered somewhat fair. Newspapers continued to enjoy 18 percent exemption on taxes for purchase of imported newsprint.

Libel remains a criminal offense in Azerbaijan. Media rights activists continued their efforts to decriminalize libel and abolish prison sentences for defamation, but to no avail. At least four drafts have been submitted to the parliament envisaging changes.

In February, at request of the Council of Europe's Human Rights Commission, Azerbaijan's Supreme Court reviewed Azerbaijan's Law on Libel and Defamation in accordance with European conventions. However the Supreme Court upheld the legislation that stipulates up to three years imprisonment for libel. The European Court of Human Rights criticized the use of imprisonment for defamation as a disproportionate restriction on the right to freedom of expression and emphasized that such a penalty has a chilling effect on journalists and the media.

Earlier in 2013, the existing draconian penalties for criminal defamation and insult were extended to online content, including Azerbaijan's vibrant social networks, and public demonstrations. The permitted length of administrative detention, i.e., detention without a court order, is now much greater for many offences. In 2014, more than 40 suits were filed against journalists, most of them against pro-opposition newspapers and their journalists.

Crimes against journalists are poorly investigated. No crimes committed against journalists in 2014 and before have been successfully resolved and no perpetrators have been punished. Nine years on, the killers of Elmar Huseynov, editor of *Monitor* who was gunned down in his apartment building in 2005, walk free. The 2011 murder of prominent journalist and writer Rafiq Taghi also remains unresolved. None of these crimes have been seriously investigated or prosecuted, resulting in a climate of impunity for their perpetrators and infusing a sense of insecurity and fear among journalists.

Official media continue to enjoy better access to public information than those not affiliated with the government. High-level official meetings and visits are typically attended by only a small number of government-affiliated media, namely the official Azertag news agency and state-run AzTV. All other media rely on agencies that offer biased coverage. No other media are allowed to enter facilities where official events are conducted. Even journalists accredited with the president's office are chosen selectively as to which events can be covered. Public information is easily released for media that favor the government. Opposition media find it difficult to obtain a response to their requests. While there is a growing interest in blogs, bloggers still have a difficult time gaining access to information; they are not given the same rights as journalists in participating in press briefings and events.

Journalists can freely refer to all media sources outside of Azerbaijan in their work. However, republishing negative information about Azerbaijan that is sourced internationally is unlikely to be treated differently than if the local media outlet writes the report itself.

No license is required to work as a journalist. Many practicing journalists do not have formal education in journalism. However proof of higher education, such as a university diploma, is required in order to register as a new media outlet with the Department of Justice.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.45

The panelists had the opinion that significant progress must be made in the areas of professionalism. Media of all political affiliations violate principles of journalism, although only independent and opposition media are sued as a result.

Inspired by European counterparts, journalists in Azerbaijan created and adopted an ethics code, drafted in the spirit of international professional standards and best journalistic

practices. However, the general impression of the panelists is that the code is not implemented in practice. Although the self-regulatory Media Council was established, it is powerless in resolving media disputes without the courts. The Media Council's role in resolving disputes and complaints is minimal: many editors and publishers left the Media Council and considered creating an alternative body. The Media Council's failure to serve as an objective, neutral authority was showcased by its annual award ceremony, when it selected President Aliyev as the guarantor of free media. Independent media ridiculed the decision saying that it was the president's policy that was responsible for the dire financial situation of independent media.

In 2014, the Media Council continued to announce a list of media outlets it considered as "racketeers." The term was used to describe those who used its press credentials simply to blackmail. The Media Council was accused of arbitrarily selecting media outlets and defaming them. One panelist noted that according to Azerbaijan's laws, only the courts have the authority to define anyone as racketeer through due process and called those named in the list to sue the Media Council.

The most common violations of professionalism observed in Azerbaijan include publishing biased information, failure to check accuracy, and publication of questionable sources. The media has been often used to manipulate public opinion. One panelist, a freelance journalist, noted that a number of new media outlets have been created to serve this goal, such as *Bakupost* newspaper that is circulated for free. "We all know how expensive is to print color newspapers in the absence of advertising. But it doesn't bother *Bakupost*. Its

### 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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sponsors' mission is not to sell the newspaper but to sell disinformation," the panelist said.

Ethics are severely compromised at pro-government media. They are often used to conduct smear campaigns. For instance, in 2014 government media outlets targeted rights activists, independent journalists, and foreign public officials for criticizing the Aliyev administration. When presidential spokesperson Elnur Aslanov left his post on March 17 over what was believed to be a power struggle with another administration official, Ali Hassanov, some of the government media outlets were used to defame Aslanov. In a series of lengthy articles, Russian-language haqqin.az described him as CIA agent, a purported sympathizer of the Gülen movement in Turkey, a traitor, etc. Interestingly, the owner the owner of haqqin.az was Eynulla Fatullayev, a journalist who used to be critical of the government and served time in prison for libel and other charges. Panelists believe that Fatullayev gave up his journalistic principles and political views after his imprisonment and is being used by the government to manipulate public opinion.

Framing citizens as foreign agents is a common occurrence within the pro-government media. An independent journalist was sued for criminal libel and labeled as a "foreign agent" by the government press in her interview with *Yeni Musavat* newspaper. "No one among the public believes these bogus charges. People think he or she must have stepped on someone's interests among oligarchs, or the government. There is a witch hunt going on in Azerbaijan. If you are influential and criticize the government, you are 'a foreign agent.'"

Self-censorship is widely practiced. Although official censorship was abolished in 1998, journalists admitted to practicing self-censorship to protect themselves against attacks, lawsuits, and arrests. Panelists agreed that 10 journalists serving time in prison sends a powerful message to the whole journalist community. One panelist explained that this year seriously tested the bravery of journalists in Azerbaijan. "It is now hard to be a good journalist and challenge any wrongdoings in a country when the head of the presidential administration frames this work as treason." Another panelist added that increased levels of self-censorship are felt everywhere. "Everyone censors themselves. If you don't, it won't be just you in trouble, but the whole editorial team. Before editors were acting as guarantors for safety of their staff. Now they are saying if you can't protect yourself, no one can," noted the panelist.

Unofficially all national television stations have been censored by special representative whose full-time job is to

prevent sensitive information from being broadcast. Any information that is critical of the government or could stir a national uprising is removed. News shows are the most affected, and almost all its content is filtered in advance. The censors are believed to have connections with national security agencies and work under direct supervision of the president's office. These censors have access to all newsrooms and enjoy full authority to edit a wide range of materials, from small segments in stories to removing entire programs. For instance, mentioning the names of parliamentarians that are not loyal to the government could be left out; if the tone of the story is seen as challenging the ruling elite, the whole story could be removed. Often news staff find out about these changes only by watching the story on air.

Allowing a censor to work in senior management of its newsroom was one of the government's pre-conditions to reopen ANS TV after it was closed in November 2006. The consequence was quickly noticed by the audience, as the station has seriously compromised its independence.

Generally the media strive to cover important national and international events. However political interference is significant when, for example, networks are covering the Arab Spring or other uprisings. Television stations, all under the control of the government, have been instructed to downplay the significance of the conflict between Ukraine and Russia, fearing a repeat of the public protests that toppled President Yanukovich. Television stations adhere to the guidance by covering Russia-Ukraine events strictly from the point of Western interference in regional affairs.

Media are thwarted in their coverage by a lack of interviews with government ministers. In 2014 ministers rarely chose to speak to the press and preferred the occasional opportunity to take a couple of questions instead at a press conference. Similarly, President Aliyev did not do any sit-downs or in-depth interviews with any local media, instead granting the occasional interview to influential foreign media.

Local media have made great strides in reporting on all national political, economic, and social news. However, gaps persist in terms of investigative journalism. For example, the media missed opportunities to report on the multi-million dollar preparations for the European Games that Azerbaijan will host in June 2015. With a majority of its population living below the poverty line, the government decided to pick up the bill for accommodation and travel for more than 6,000 athletes from 50 competing countries. Local critics said the games were being used to polish the country's tarnished reputation in the wake of the crackdown on freedom



of speech. According to a panelist who is an economic expert, the media had more chances to debate spending on Eurovision 2012, noting, “The European Games involve much more public spending, and yet only a couple of months away from its inauguration we do not have any public debate of the issue at all. Everyone is silenced.”

The Nakhchivan Autonomous Republic remains the most hostile environment for reporting. From the moment of arrival until departure, journalists are accompanied everywhere they go. No independent media are able to open correspondent bureaus in Nakhchivan. In other regions the situation with freedom of media is better, but problems with access to information remain.

The Nagorno-Karabakh peace talks with neighboring Armenia continued to enjoy secrecy in terms of media coverage. Journalists are not able to follow and report on the talks. However, the new U.S. co-chair in the OSCE’s Minsk Group (which facilitates the peace talks), Ambassador James Warlick, tried to break the tradition by starting a Twitter account, posting pictures, and sharing notes from peace talks. Unlike the Azerbaijani government—Deputy Foreign Minister Araz Azimov threatened to demand that Warlick be recalled—the Azerbaijani audience welcomed the new openness.

Journalism remains one of the most poorly paid professions in Azerbaijan. According to the Journalists’ Trade Union of Azerbaijan, the average monthly salary at national television stations, news wire services, and daily newspapers ranges between AZN 350 and AZN 600 (\$333 and \$572), which in Azerbaijan is just enough to make ends meet. It is reportedly 15 percent more than last year. Approximately 5 percent of journalists receive a salary ranging between AZN 700 and AZN 1000 (\$668 and \$954). At regional media outlets, salaries are considerably lower and range between AZN 150 and AZN 400 (\$143 and \$382). Panelists agreed that the salaries of journalists are not equivalent to the high risk job they are doing and responsibility it brings with it.

A recent trend is showing that the low salaries are driving journalists to shift to other careers, taking jobs in public relations with various government ministries, NGOs, etc., or switching to completely different professions.

Panelists suggested that entertainment programs have significantly replaced news and information programs for both radio and television.

Turan Information Agency offers various specialized news content. However, there are few specialized journalists.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Azerbaijan Objective Score: 1.50

There are more than 4,000 registered publications and 50 news agencies in Azerbaijan, but only about 600 of them are active. The Press Council lists around 30 daily and more than 100 weekly newspapers. About 100 newspapers and magazines are published in the regions. One of the most influential newspapers, *Zerkalo*, and the Azeri-language edition of *Ayna* closed in 2014. The largest national television stations are AzTV, ITV (Public Television), Khazar TV, ATV, ANS TV, Lider TV, and Space TV. There are 13 regional television stations.

In 2014 a couple of newly registered news outlets entered the market, becoming quickly popular. These include *oxu.az*, *publika.az*, *axar.az*, and others. These agencies offer a fresh look at events, soft news, and an informal style.

Among newspapers, *Zerkalo* and *Ekho* are seen as the only dailies offering a wide spectrum of political viewpoints. *Yeni Musavat* daily continues to enjoy its popularity and is the most sold newspaper. However its editorial independence has been compromised amid the general belief that an oligarch close to the Ministry of Interior Affairs has taken over ownership. Among television, Khazar TV and ANS TV

### 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.

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stand out for their relative pluralism. Independent Turan news agency and its contact.az site enjoyed the highest ratings from panelists for the credibility of its news. APA news agency grew bigger, starting online television, but is seen as semi-government and lacking balance.

A large number of registered media outlets indicates that there is not a lack of information sources in Azerbaijan; panelists also agreed that the variety of news sources allows representation of different political viewpoints, even if one must do a lot of work to find those viewpoints. All types of media—print, broadcast, and online—have created multiple sources of information. However television remains the major source of news. In many rural areas with still-poor access to the Internet and problematic distribution of newspapers, more than 90 percent of the population still relies on television news.

In most cases, newspapers and magazines are used for political purposes. Many officials and public figures own their own newspapers. They run lengthy interviews with their influential owners and care little about plurality, editorial standards, and journalistic principles. For instance, readers of *Khalg Jabhasi* newspaper know that it is run by parliamentarian Gudrat Hasanguliyev and there is no expectation of pluralism.

There is no legal restriction on citizens wishing to read, listen to, or watch foreign media. Russian and Turkish television channels are widely watched mostly for entertainment programs. Russian broadcasts of Euronews gained in popularity among those who have access to cable television. However, NTRC revoked the broadcast licenses in 2009 for three foreign broadcasters: BBC, VOA, and RFE/RL. Their Azeri-language broadcasts continue online. Among the three, RFE/RL's Azerbaijani Service enjoyed the highest popularity.

Azerbaijan does not block or otherwise restrict access to international social media sites. The growing influence of social networks (Facebook, YouTube, and Twitter) is evident. According to the Ministry of Communications and Information, there are more than 1.25 million Facebook users in Azerbaijan. Social networks are widely used for publicity during elections and other outreach purposes and represent an important forum for the constant exchange of opinions.

There is one public television and radio broadcaster (ITV) and one state television (AzTV). The latter was expected to have closed based on Council of Europe commitments but has not. The dominant public opinion is that local and national public and state-owned media are under the control of the ruling elite, and as a result state and public media spend a predominant amount of time reporting on the government and its leaders. "In ITV, only the word 'public' in its name is public," said one panelist. "Its shows

on culture, history, and music are good, but not enough to make it public. True public television starts with its news policy. They should stop ignoring the political opposition of the country. I see no difference between ITV and [state-owned] AzTV," noted one panelist.

There is only one independent information agency, Turan News Agency.

All broadcast media outlets produce their own news programs. Khazar TV remains a leader for its news programs and its evening news program enjoys the highest ratings. ANS's daily news and weekly analytical program *Hesabat* are also popular. However, some panelists feel that ANS compromised its independence after its last 18-day closure by the government eight years ago.

Despite the fact that broadcasters produce their own news, they also run stories handed to them. All government ministries have a department of media relations. Several ministries expect news outlets to run their stories as prepared. For instance, the National Security Ministry's video on the arrest of people suspected of belonging to radical religious groups was presented by television channels as their own news story, leading to confusion among the audience.

Transparency of media ownership remains problematic. Among commercial television stations, only ANS TV's founding ownership is clearly indicated on its website: Vahid Mustafayev, his brother Seyfulla Mustafayev, and Shahin Agayev. Knowledge of ownership of other commercial television networks, such as ATV, Lider, Space, and Khazar are based on assumptions. It is believed that the president's sister, Sevil Aliyeva, currently residing in the UK, is the owner of Space TV. Manager of Lider TV, Adalat Aliyev, is the president's cousin. Ownership of ATV is mixed: for many years Diaspora Minister Nazim Ibrahimov and his businessmen brothers were considered to be its co-owners along with two high-ranking officials from the president's office, Ramiz Mehdiyev and Ali Hasanov. In early 2012, the brothers Taghi and Namig Ibrahimov were forced to leave the company.

As reported last year, minority-language media exist and mainstream media are tolerant of minorities. Broad information and news can be found in Russian, although less in Talysh, Lezgi, and Kurdish. Talyshi Sado, a Talysh-language newspaper, is not printed now but does have a website. There are some other minority-language media outlets, which are pro-government with a small readership.

Coverage of international news relies mostly on reports from foreign agencies such as AP, Reuters, AFP, ITAR-TASS, Turkey's IHA, Iran's IRNA, and others. Only a few outlets have their own bureaus overseas, due to financial reasons and the fact that most media outlets focus on domestic news.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Azerbaijan Objective Score: 1.06

The advertising market continued to shrink in Azerbaijan. In television, the largest segment of the market, overall volume of advertising decreased from \$102.5 million in 2008 to \$57.7 million in 2014. While overall online advertising increased across the world, in Azerbaijan in 2014, it was half of what it was the previous year: \$3.8 million. Opposition politicians argued that the reason behind this is an intentional effort to curb the media's ability to prosper on its own, ensuring their dependence on the government.

Even the limited advertising revenues are placed selectively, resulting in poor business performance of media outlets that do not toe the government line. Advertisements are placed based on political considerations or business and family ties rather than market principles. A panelist who is the editor-in-chief at a local newspaper added that there is no way for a newspaper to obtain advertising without being on the list approved by the president's office. "I didn't realize it was such a huge problem and is handled in such a centralized way. All our efforts were in vain. Only news 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 reason. But without them our advertising revenues are zero," the editor said. *Yeni Musavat* newspaper is one of those outlets that for years had to sustain itself on sales of hard copies only. Similarly, other pro-opposition outlets also struggled to make ends meet in the absence of any advertising.

### 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.

As a result of the woes of the shrinking advertising market, dependence on government subsidies continues to increase. The number of newspapers and news agencies receiving grants and awards from the State Council to Support Media grew further. In 2014 the Council gave out grants for AZN 2.5 million (\$2.4 million) to finance media projects, AZN 132,000 (\$126,000) for salaries and awards, AZN 29,000 (\$27,700) for social protection of journalists and AZN 98,000 (\$93,500) for journalist competitions. Only the fiercest critics of state support for media refrain from applying for awards and gifts. Over 100 editors-in-chief and senior reporters received awards, medals, cash, and gifts from the Council. One panelist, an editor-in-chief, explained that the Council fails to achieve its major aim of contributing to the development of media. "All it does is gives out money and does not help newspapers to sustain and flourish financially." In 2014, the Council ushered in a new trend by withdrawing funds that had been already allocated to a media outlet when it failed to please the government, as seen with the *Zerkalo* newspaper.

Free housing for media professionals is another tool to increase journalists' dependence on the government. In 2014, new construction was planned to accommodate 150 families. Journalists competed to get on the lists of beneficiaries. Those who already receive similar benefits were reluctant to criticize, and those who are on waiting lists are doing their best to prove their loyalty. An independent journalist explained that it has become a trend that on July 22, the holiday celebrating the media, loyal journalists receive keys to their new homes and independent journalists receive a court summons. He noted that it is "hard to miss the message."

There are no set boundaries between advertisers and media owners. Even though duties and obligations are laid out in signed agreements, businesses often abuse their status as advertisers and intervene with editorial policy. They threaten not to renew or even withdraw their advertising if a media outlet runs a story criticizing them.

Nascent advertising agencies exist, but show no transparency. Media programming that advocates human rights and democracy, or contains investigative reporting, political debates, and analytical journalism stands little chance of receiving business from them. Advertisers want to make sure that nothing in the programming they sponsor will upset the government. Therefore programs that are most likely to succeed are entertainment shows, cooking programs, style and fashion shows, health reports, and singing competitions.

The panelists agreed that market research is insufficient in Azerbaijan. Media companies are either barely profitable

or unprofitable, and therefore lacking the funds to hire specialized, competent research agencies. Media outlets tailor their products based on basic knowledge of needs and interests of their audiences. Outlets have ideas about their readers and audience based on perception rather than research.

Audience measure for television exists, and television networks follow vigorously daily viewership ratings. Only official AzTV shows no interest in having its programs rated. AzTV receives a generous budget from the state and significant advertising regardless of its ratings. Its giant budget on top of its vast advertising revenues has put AzTV in a position where no commercial television station can compete with it. All the other stations routinely follow ratings produced by AGB/Nielson, an international rating service, to attract more advertising.

The public debates energetically about television channels' fascination with ratings. Various interest groups feel that the race for television ratings is to blame for the rise of shallow and at times unethical entertainment shows versus high-quality, educational programming. Others consider that viewership is an important factor to follow.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Azerbaijan Objective Score: 1.51

The panelists expressed the general feeling that professional media associations are poorly developed and weak, with limited capacity to make a difference. The Press Council is seen as being pro-government and several disenchanted media leaders spoke in favor of creating an alternative council.

There are a rising number of press associations nominally representing the interests of media employees, however none of them are in a position to protect and advance interests of journalists, including negotiating for better work conditions, higher pay, etc. There are no effectively functioning trade unions that would represent the interests of individual journalists. Just as in many other sectors of economy, journalists can be fired without good reason.

One of the consistent problems in workplaces is the signing of formal labor contracts. Many journalists, especially those beginning their careers, work with no employment contracts. Most media outlets do not offer their employees medical insurance and other benefits.

Another violation of the Labor Code includes many media organizations registering their employees as individual entrepreneurs in order to avoid paying social benefits. There

are no regulations in place to ensure payment of social benefits for certain work hours. Journalists are expected to work overtime without any extra pay. Some media organizations, like ANS TV still have a six-day work schedule despite the forty-hour work limit in effect throughout the country. Therefore low payment and close to no 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 rise to higher positions with better pay and work conditions, typically not in media.

Panelists agreed that NGOs do their best to attract the public's attention to the problems journalists face. When journalists have been attacked, blackmailed, or harassed, the Institute for Reporters' Freedom and Safety (IRFS) helped them more than anybody else. The Media Rights Institute was seen as a venue to alert the local and international community on upcoming attacks on freedom of the media in a timely manner. Rights activists Leyla Yunus, Mirvari Qahramanli, Arzu Abdullayeva, Saida Gojamanli, Novella Jafaroglu and others served as watchdogs and reacted regularly to violations of freedom.

However 2014 was the year when many NGOs protecting journalists were forced to close down or suspend their activities. IRFS director Emin Huseynov went into hiding in the Embassy of Switzerland. The Prosecutor's Office has since sentenced him in absentia to prison. The founder and chair of Human Rights Club, Rasul Jafarov, was arrested on August 2. He had been compiling a comprehensive list of victims of politically motivated arrests in Azerbaijan and pressing for their release. The arrest of two fearless women

## 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.

activists, rights defender Leyla Yunus and investigative journalist Khadija Ismayil, sent a shocking message to the public that women were no longer exempt from repression. "It was like putting your icon into jail. No sacred values left," said one panelist.

Panelists agreed that NGOs' activities made it difficult for crimes against journalists to go unnoticed. They were quick to organize press briefings, send out news releases, and sound the alarm every time journalists were targeted. Panel members said better coordination between the NGOs would contribute to the improvement in the situation. However, at the end of the year it was unclear how many NGOs are still functioning in the wake of unprecedented crackdown on civil society and free media.

Several universities offer journalism education. As in previous years, journalism students have various options for formal and other informal specialized programs. The panelists explained that universities favor theoretical over practical knowledge. Baku State University and Slavic University have in-house television and radio studios. ANS TV offers journalism courses jointly with the U.S. Embassy in Baku. AzTV also has its own program, the Television and Radio Academy, for its entry-level journalists. The Dutch School of Journalism offered several spots in year-long training courses mostly for print journalists. A couple of Azerbaijani students also took journalism classes at the Caucasus School of Journalism in Tbilisi, Georgia. But the multi-million dollar State Education Program sponsoring the study of Azerbaijani students abroad does not extend to those wishing to study journalism. While Education Ministry officials said only "skills of urgent need" are included, independent experts argue that the absence of journalism, political, and religious studies is not incidental; western-oriented journalists are not welcome in Azerbaijan.

Azerbaijan Printing House remains the most used printing facility. Despite a number of new private print companies, the once state-owned Azerbaijan remains the cheapest.

Media distribution remains restricted and politically driven. There is no reliable delivery of newspapers to the regions. The pro-government Azermetbuatyayim company delivers government newspapers only. Even in Baku, the capital city, there is selective distribution of independent and opposition newspapers, and vendors are barred from selling popular opposition newspapers. The government has directly interfered with distribution of newspapers in the past, confiscating news kiosks of the privately held Qaya distribution company. These kiosks have not been returned despite a 2005 presidential decree ordering their restoration.

On July 19, pro-opposition *Azadliq* newspaper employees held a protest rally in front of Qasid Distribution Company, demanding payment of its debt of AZN 39,000 (\$37,200) for sold newspapers. The newspaper noted that the private company's refusal to pay its debt causes serious financial difficulties for the newspaper and its staff. The newspaper struggled to pay salaries and its bank account was frozen due to a \$30,000 court fine. A journalist noted the development as politically driven and explained that the debt was deliberately not paid and the government was using the distribution company to close the opposition newspaper.

There is no restriction regarding importation and sale of media equipment or mobile and other IT devices. In 2014, there were around 40 Internet service providers in Azerbaijan; three of them (Aztelekomnet, Bakinternet, and Azdatakom) are state companies. According to Delta-Telecom, the major Internet service provider of the country, the largest secondary providers and their shares in the market are as follows: Bakinternet (27.6 %), Aztelekom (17.21%), Uninet (10.7%), Azeronline (7.3%), DataPlus (4.9 %).

In May, Delta Telecom lowered the fixed price for 1 MB of Internet from AZN 50 to AZN 25 (\$48 to \$24) for secondary providers, which positively affected customer prices. The number of Internet users continues to rise: according to Internet World Stats, in 2014 50 percent of the population is using the Internet, making Azerbaijan the leader in the region.

## List of Panel Participants

*Due to the restrictive media environment, participants in the Azerbaijan study will remain anonymous. An Azerbaijani journalist developed this chapter in December 2014 after a series of structured interviews with colleagues in the media sector.*



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*The Georgian National Communication Commission (GNCC), operating without a head for more than one year, finally elected a chair.*



# GEORGIA

Nearly two years after a change in government, and less than a year after presidential elections, 2014 was a year of trials and tribulations for media in Georgia. Members of the media sector began the year full of enthusiasm and expectations, with the belief that the industry could overcome the setbacks experienced in previous years. However, members of the MSI panel stated that the situation in Georgia has neither improved nor deteriorated. These conditions bred a feeling of disenchantment toward the end of 2014, resulting in an overall MSI score that lowered from 2.63 to 2.51, a small decline.

Maestro TV was at the center of media observers' attention, due to an exodus of its journalists. Altogether, 20 journalists officially left the channel between September and December 2014. One significant loss was the firing of Nino Zhizhilashvili (also an MSI panelist), the deputy director in charge of the news service and an anchor of the flagship evening political talk show *Nine*. An additional 19 journalists resigned. In her interview with the MSI moderator, Zhizhilashvili claimed that management told her that the channel's programs must become "ideological" or "pro-Georgian." The case was brought forward to the Media Advocacy Coalition (MAC) to determine if Maestro TV was violating editorial independence or employment rights.

The government initiated several crucial legislative amendments centered on improving the media environment. However, a number of these initiatives did not translate into favorable results. For example, the newly adopted amendments retain the practice of secret surveillance, thereby granting the Ministry of Interior the right to access telecommunication networks. The amendments also have hindered implementation of new regulations for selecting the Georgian Public Broadcaster (GPB) board of trustees. Board selection is still not complete, and some panelists said that they detect political motives.

Panelists remained disappointed with the courts and their inability to effectively deal with lawsuits that involve the media. Conversely, the Georgian Charter of Journalistic Ethics (GCJE) has been inundated with cases from media professionals, public officials, and the general public, proving that GCJE has evolved into an active and respected association tasked with upholding the ethics of the profession.

Despite these setbacks, 2014 saw some positive moments. The Georgian National Communication Commission (GNCC), operating without a head for more than one year, finally elected a chair. A person nominated by the president held this position formerly; it is now filled through an internal election. Moreover, panelists have stated that the quality of journalism and reporting have improved in 2014 compared to 2013 and 2012.

# GEORGIA at a glance

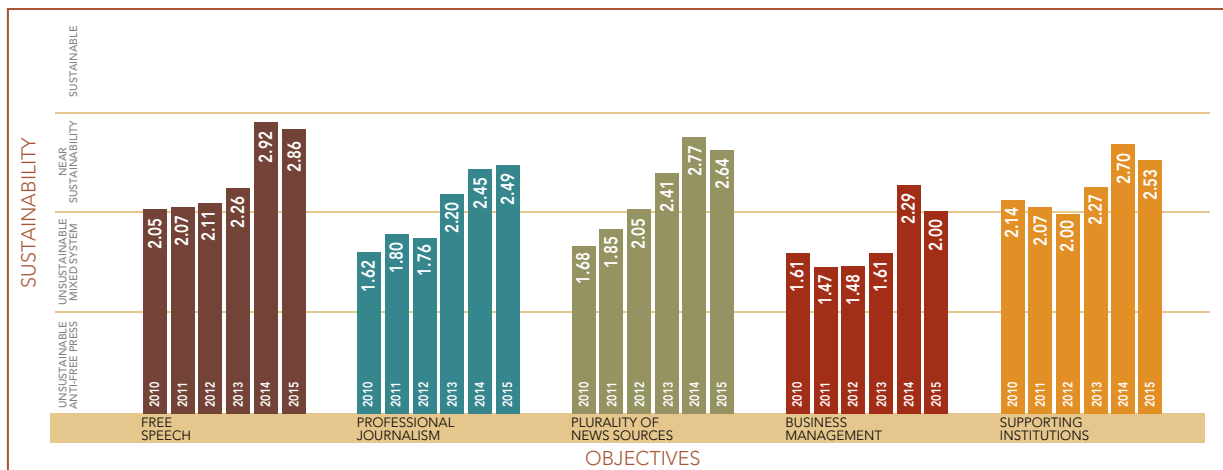
## GENERAL

- > Population: 4,935,880 (July 2014 est. *CIA World Factbook*)
- > Capital city: Tbilisi
- > Ethnic groups (% of population): Georgian 83.8%, Azeri 6.5%, Armenian 5.7%, Russian 1.5%, other 2.5% (2002 census, *CIA World Factbook*)
- > 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 (2013-Atlas): \$15.98 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$ 7,040 (World Bank Development Indicators, 2014)
- > Literacy rate: 99.7% (male 99.8%, female 99.7 %) (2011 est. *CIA World Factbook*)
- > President or top authority: President Giorgi Margvelashvili (since October 27, 2013)

## MEDIA-SPECIFIC

- > Number of print outlets, radio stations, television stations: Print: 311 newspapers (National Statistics Office of Georgia, 2013); Television Stations: 64 (41 terrestrial, 23 satellite) plus 74 cable channels; Radio Stations: 71 (Georgian National Communications Commission, 2014)
- > Newspaper circulation statistics: *Rezonansi* (4,000–5,000 daily), *24 Saati* (4,500 weekly), *Kviris Palitra* (55,000 weekly) (individual newspaper claims)
- > Broadcast ratings: Highest rated television outlets in Tbilisi and six regional cities with population 45 000 and more: Rustavi2, 3.96%; Imedi, 3.11%; Maestro 1.85% (TV MR GE)
- > Annual advertising revenue in the media sector: Television: approximately \$47 million; unknown for print and radio (TV MR GE, 2014)
- > News agencies: info 9, Black Sea Press, Iveroni, NovostiGruzia, Sarke, Interpressnews, Iprinda, ItarTass, Kavkazpress, Media News, Prime Time News, Pirveli, Georgian Business Consulting News, Georgian HotNews, GeoNews, Expressnews, World Sport, ambebi.ge, Business Press News, Droni.ge, epn.ge, Saqinform, Aianews.ge, Kakheti Information Center, Primetimenews.ge, Kvemo Kartli Information Center, Mtkheta-Tianeti Information Center, for.ge, Frontnews, civil.ge ([www.yellowpages.ge](http://www.yellowpages.ge)).
- > Internet subscribers: 577,439 (Georgian National Communications Commission, 2014)

## MEDIA SUSTAINABILITY INDEX: GEORGIA



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

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

**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: 2.86

The overall score for this objective remained almost identical to last year's score. The panelists maintained that the legal environment for media in Georgia remains liberal and the government is enthusiastic about taking steps to improve the country's legal framework. However, the panelists also noted that the government can be unpredictable in its decisions and has introduced a stream of legal amendments. The amendments raise questions over the "uncertainty" of government actions, according to Nino Jangirashvili, the director of the small, privately owned, Kavkasia TV station. She said of the regulatory atmosphere, "Changes were far too intense, taking place almost every month."

The panelists that represented broadcasters worried that despite the tendency of the government to involve media representatives in the policy-making process, the hectic nature of legislative work in 2014 did not enhance operating environment of media. Natia Kuprashvili, director of the Georgian Association of Regional Broadcasters (GARB), wondered "how can [the government] be so inconsistent?" In 2014 alone, five separate changes to media legislation were put forward.

### 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 February 2014, lawmakers introduced amendments to the Georgian election code and the law on broadcasting's political advertising regulations. The amendments changed the way that broadcasters must report on advertising deals. Jangirashvili said that the trickiest part of this amendment was that it was out into force only 52 days before the elections, so "we all missed the reporting deadlines," she said. "The problem was incongruence between different articles in amended laws." One law required the broadcasters to report to GNCC, and another required reporting to the Central Electoral Commission (CEC). This confusion resulted in GNCC filing lawsuits against 15 broadcasters. In 14 of the cases, the court settled the issues without fining the media outlets, while one of the regional broadcasters was fined GEL 1500 (\$675), Kuprashvili said.

On October 31, the Parliament of Georgia passed a bill on the regulation of social advertising (public service announcements). According to the changes, private broadcasters are obligated to air social advertisements free of charge for 90 seconds every three hours. The panelists noted that the amendments essentially granted excessive control to GNCC, and they found the definition of social advertising vague. A coalition of broadcast media members, supported by non-governmental organizations and rights groups, appealed to the Georgian president and members of the legislative and executive branches to temporarily suspend the discussion of the draft law, prior to its adoption. In a statement released by the group, they argued, "Granting an additional function to the Commission would limit the editorial independence of the broadcasters," and therefore run the "risk of using social advertising for political motives during the pre-election period." But Kuprashvili and Jangirashvili said that the views of the broadcasters were not taken into consideration.

Wiretapping conducted by law-enforcement bodies remains a lingering issue in Georgia, despite amendments adopted in November 2014. The Beselia-Popkhadze-Sesiashvili set of amendments has weakened the legislation on protection of human rights, and civil society and rights groups regard the amendments as a step back. The parliament overturned a veto issued by the president and ignored his counter-proposals. Civil society groups criticized this law widely, as it allows security agencies to retain direct access to telecom operator networks, potentially posing a serious threat to citizens' privacy.

The panelists also noted the gravity of the law's implications. "What we ended up with is that surveillance became legal," *Netgazeti* editor Nestan Tsetskhladze asserted. "And most importantly, it is about monitoring the Internet as well. It affects everybody, every journalist. This issue is vitally important. When we speak about the security of the

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journalists, for example, when I talk to my journalists, this law cannot guarantee that the government is not controlling my phone and Internet communication.”

Earlier in May, Rustavi 2 aired conversations allegedly taped by the Ministry of Interior in 2013 to show the extent to which the Ministry was snooping. The airing of the secret recording of a conversation between government representatives, opposition members, and business owners prompted Prime Minister Irakli Garibashvili to lambast the channel. The Prosecutor’s Office launched an investigation in whether sections of the criminal code covering the use of private communications had been violated by Rustavi 2. The Georgian Young Lawyer’s Association provided support to Rustavi 2, arguing that the channel and its administration acted in accordance with the existing law.

Political control of media outlets and their content still plague the sector. At the end of the year, privately owned Maestro TV was shaken by the departure of 20 journalists. Nineteen journalists resigned, and MSI panelist Nino Zhizhilashvili, who served as a deputy director in charge of news programs and the anchor of Maestro’s central analytical daily talk show, was fired a few days after the MSI panel was conducted. She said she was planning to quit her job in the beginning of 2015 because she learned that the state chancellery’s chief communications consultant, Koka Kandiasvili, would host *Tbilisi Speaking*, a new evening program to replace her talk show. “I was also told that the channel’s main analytical talk show has to be more ideological, pro-Georgian,” Zhizhilashvili recalled. “Pro-Georgian means that it shouldn’t be pro-Western,” she added. The 20 journalists are bringing their case forward to MAC to determine if Maestro TV violated editorial independence or employment rights.

This is not the only time Maestro TV has been embroiled in scandal. In May 2014, days after Maestro journalist and anchor Vakho Sanaia aired reports criticizing the government, the government released an official statement reproaching Sanaia for being biased.

In 2014, GNCC granted a long-sought license to the Ninotsminda community radio NORI. Licensing will no longer be required for terrestrial television broadcasters after the digital switchover in 2015. Content producers will be able to start terrestrial television broadcasters after a simplified authorization process, and then can pay a multiplex operator to be included in a free package or in a pay-to-view package.<sup>1</sup>

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<sup>1</sup> Introducing digital terrestrial TV in Georgia—everything you need to know about government’s switchover strategy, retrieved from <http://transparency.ge/en/node/4093>

In February, the Ministry of Economy and Sustainable Development presented the government’s strategy for the digital switchover. The strategy is headed by the Digital Broadcasting Agency, a newly established entity under the Ministry. In June, broadcasting company Stereo + was named the winner of a contest to construct the infrastructure and ensure nationwide dissemination of the broadcasting signal by June 2015.

Most panelists noted that journalist mistreatment was not as common in 2014 as in past years. But when attacks do occur, often such cases proceed with impunity. “In previous years, sometimes they would end up with life-threatening injury,” said Ekaterine Tsimakuridze, a coordinator for the Georgian Media Legal Defense Center at the Georgian Young Lawyers’ Association (GYLA). “Now, there are single cases of ill treatment of journalists, mostly in the form of verbal abuse.”

In June, TV 25, a small channel in Adjara aired an investigative report on the activities of the Deputy of the Supreme Council of Adjara. Soon after the release of the film, Jaba Ananidze, the film producer and a journalist with TV 25, claimed that the president of the Commission of Human Rights of the Supreme Council, Medea Vasadze, contacted him on his personal mobile phone. TV 25 circulated clips of the recording of the conversation, in which Vasadze appears to threaten Ananidze and refer to his sexual orientation. After analyzing the recording, the Chief Prosecutor’s Office of Georgia stated that it did not detect violations.<sup>2</sup>

Nino Narimanishvili, editor of the small regional newspaper *Samkhretis Karibche* in the city of Akhaltsikhe, noted that her journalists have witnessed the pressure of law enforcement bodies and the public. This came along after they published a series of articles on police and community mistreatment of the relatives of a murder suspect. Narimanishvili noted that representatives of the local ministry of interior called the publication several times, asking for changes to the narrative. “The fact that there is impunity is not the only matter of concern; the most alarming issue is that the cases are not even investigated,” added Gela Mtvlishvili, director of Kakheti Information Center.

Mtvlishvili recalled the experience he had while videotaping a Georgian Dream Party meeting at one of the election districts in Pankisi Gorge in June 2014. Participants suspended the session and forcefully ejected Mtvlishvili from the venue. Afterwards, his camera was seized and an attempt was made to erase the recording. “I appealed to relevant bodies, but it didn’t yield any results,” Mtvlishvili concluded.

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<sup>2</sup> Ombudsman requests Adjara Supreme Council to study legality of actions by MP Medea Vasadze, retrieved from <http://www.media.ge/en/portal/news/302855/>



Georgian media members have long mistrusted police investigations and the court system. Panelists said that courts sometimes deliberately slow down the discussion of media cases or just categorize the cases under a different article in the law, to avoid mention of tampering with journalists' work. Tsimakuridze said that in 2013, GYLA filed several cases regarding journalist attacks, but none were investigated. Ia Mamaladze, publisher of *Guria News*, said that investigators contacted her in August to inquire about the cases from 2011 and 2012, but they never followed through.

Georgian law enforcement does not take citizen reporters seriously. Panelists said that authorities seem not to view citizen reporters as credible media professionals. Mtvlishvili noted that it is common practice for law enforcement bodies to interfere with citizen reporters that work without a professional camera or with equipment not bearing a logo from a media outlet.

Mamuka Andguladze, a senior analyst from Transparency International (TI), recalled incidents from September 2014 in which law enforcement officers halted citizens recording police raids. In a TI report released in September 2014, the organization expressed its concern, noting, "Restrictions are applied without any explanation and include prohibition of recording, erasing of recorded material, and in some cases even detention of citizens."<sup>3</sup>

The 2013 amendments to the Law on Broadcasting, largely acclaimed by media and civil society groups, saw major challenges in execution in 2014. After several attempts to elect the board of trustees according to the rules specified in the law, the two-seat quota for minority representatives remains unfilled. While parliamentarians were struggling to strike a deal, the Georgian constitutional court ruled unconstitutional the parliament's decision on pre-term abolishment of the authority of the old GPB board of seven members. Following this decision, parliament was compelled to pass a legislative amendment to keep the members of the old board in place as a separate body with an advisory function but no decision-making authority. Nino Danelia, a journalism professor at Ilia State University and a member of the old GPB board, said, "Now we have two councils—the one that is a decision-maker, and the other that is monitoring the first one." Kuprashvili said that the balance is artificially created, and suspects that the parliamentary majority is passive in electing the remaining two minority representatives because the previous parliament elected the old board.

<sup>3</sup> The government must not restrict citizen journalism, retrieved from <http://transparency.ge/en/post/general-announcement/government-must-not-restrict-citizen-journalism>

In Georgia, libel is an issue of civil law. To the panelists' knowledge, no cases related to libel occurred in 2014. However, Kuprashvili recalled one instance in which investigative journalists in Adjara violated the norms of the ethics charter by circulating untruthful information. The government of Adjara did not take the case to court, and instead appealed to GCJE.

Media representatives continue to fight to gain access to public information, often through the courts. Many governmental bodies employ the tactic of slow processing of public information requests. The panelists had a number of complaints regarding access to public information, naming procedural and bureaucratic practices as a major obstacle. They observed that the situation has worsened somewhat compared with 2013. As part of the project [www.opendata.ge](http://www.opendata.ge), a report monitoring access to public information, the Institute for Development of Freedom of Information sent 493 public information requests to 29 public institutions between October 1, 2013, and March 1, 2014. They reported that 269 (55 percent) of requests for information were answered. The remaining requests either went unanswered, were incomplete, or were met by public officials refusing to provide information.

An online portal, [mygov.ge](http://mygov.ge), operated by the Ministry of Justice for fielding public information requests, is a useful tool for managing and monitoring the process, some panelists noted. In 2011, Georgia joined the Open Government Partnership, an international platform to ensure increasing government transparency and responsiveness to citizen needs. In 2014, the government drafted the Open Data action plan for 2014-15, in which it commits to improving various tools designed to ensure transparency and openness.<sup>4</sup>

Access to public officials is hindered by the competency of public relations departments, some panel members said. "When calling the public relations officers, they do not give you an answer," Zaal Udumashvili said. "Neither do they ease the access to relevant officials responsible for an issue." Tsimakuridze pointed to the general tendency of some bodies to withhold information, which, for media, commonly becomes cause for a court appeal. Most panel members agreed that the Ministry of the Interior and the Prosecutor's Office are particularly notorious for withholding information.

After the 2013 changes in the Law on Courts of General Jurisdiction, GPB was authorized to record audio and video materials of judicial proceedings and also made responsible for the circulation of those materials among relevant parties. The law does not specify how much GPB has to record, and

<sup>4</sup> <http://www.opengovpartnership.org/sites/default/files/OGP%20AP%20GEORGIA.pdf>

usually the journalists of GPB chronicle only those moments that are interesting to them, Mtivlishvili and Udumashvili complained. Maia Tabagari, the head of Imedi News Service, added that circulation of those materials could be accomplished more quickly; often by the time other media receive it, it is out of date.

The panelists noted that access to and use of international and local news is not an issue. The government now imposes no restrictions or regulations, unlike in previous years. Due to tense political relations with Russia, the previous Georgian government had pulled most Russian channels off the air. However, the current government, the Georgian Dream Party, brought back the channels.

The government places no barriers on choosing journalism as a profession. Guria News publisher Mamaladze noted that the government only partially funds journalism students, so this could make a prospective student think twice before choosing to study journalism.

Bloggers and freelancers have difficulty securing accreditation to attend press briefings. Generally, media outlets receive a formal invitation to conferences, together with a request to send out an official list of attendees, signed by an editor. Panel members noted that bloggers and freelancers often are not included on these lists, which precludes them from attending press briefings.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Georgia Objective Score: 2.49

The score for Objective 2 has remained stable for the past two years, reflecting an improvement in the professional standards in the media sector compared with the past. Some panelists noted that the progress is due to the rising competition among media outlets.

The European Commission and UNDP project Mediamonitor, which studies the pre-election media environment, reported considerable improvement in Georgian media coverage in the run-up to the local elections in 2014.<sup>5</sup> But panelists pointed out that there should be more research to monitor media coverage beyond the election period, to provide a clearer picture of how the media perform.

Broadcast media, according to the panelists, are the best in the media sphere for maintaining journalism standards. Conversely, print and online media fail to maintain standards, Jangirashvili said, with the exception of a few publications such as *Netgazeti.ge*, *Tabula*, *Liberali*,

<sup>5</sup> <http://www.mediamonitor.ge/en>

*Batumelebi*, and *Tskheli Shokoladi*. The Broadcaster's Code of Conduct compels broadcasters to follow specific guidelines, and according to some panelists, the code is the reason for the higher standards. But some panel members noted that the values of individual journalists should be considered when speaking of ethical wrongdoings.

The panelists were quick to add that broadcasters continue to present a spectrum of news quality, from professional to rumor-based narratives, and journalists still tend to produce stories that do not distinguish between fact and opinion. Bias, hate speech, plagiarism, and a lack of balance are common across all types of media, some panel members asserted. Zhizhilashvili noted that "even though the media is less polarized now, compared with the previous years," national broadcasters very commonly report with bias.

Panelists said that the practice of self-censorship declined in 2014, compared with previous years. *Samkhetis Karibche* editor Narimanishvili gave the example of the media coverage of a contentious case between Christians and Muslims over a historic building in Mokhi. She said that the Mokhi case received full coverage, unlike a similar case in Chela in 2013, which saw coverage that sidelined the voices of the Muslim community.

Jangirashvili added that in 2014, the media covered various contentious issues related to the Georgian patriarchy with minimal self-censorship, which proves to be a step forward. However, Zhizhilashvili also recalled issues surrounding the coverage of government expenditures. She said that although the topic spurred significant public interest, one leading television station (which she declined to name) did not report on the issue.

## 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 2014, GCJE addressed many cases of hate speech and discrimination on the grounds of ethnicity, gender, and religion. Politicians, journalists, public figures, media outlets and ordinary citizens, lodged an unprecedented number of appeals (60), the panelists noted. For example, Akaki Gogichaishvili, a seasoned journalist and anchor of *Rustavi 2 Business Courier*, organized a “quiz” for his guest, a newly appointed head of national tourism administration. Gogichaishvili pressed him to answer the multiple-choice questions that appeared on the screen, on the condition that he could speak afterwards. After seeing that the respondent was not intending to surrender to his request, Gogichashvili abruptly cut him off the air. The episode spurred criticism from media professionals, and GCJE released a statement<sup>6</sup> saying that Gogichashvili treated the guest unfairly by not notifying him in advance about the program format.

Another 2014 GCJE case was regarding Maestro’s afternoon show, *Otkhi Elementi (Four Elements)*, anchored by four men and featuring a blend of popular culture including sports, lifestyle, gossip, and entertainment along with discussions of human rights, education, literature, and politics. The hosts caused a public outcry after a show on the issue of domestic violence. They appeared to excuse violence by saying that beating a woman is acceptable given certain circumstances. GCJE responded to the case by stating, “The anchors showed inadequate dispositions towards the topic of violence and promoted gender discrimination.”<sup>7</sup> This case was especially sensitive for Georgian society in 2014, due to an unprecedented number of homicides and crimes committed against women by their spouses or ex-partners that year. Many media outlets discussed this issue, with a number of talk shows on a variety of channels dedicating a notable amount of airtime to the dialogue. Nevertheless, Tsatskhadze had the opinion that the media never really asked critical questions to get to the core of the problem.

According to some panelists, key events are covered well in the Georgian media. But Mamaladze said that the “essence” of the news story is always what matters, and Abramia expressed concern because the topics in which large business groups and politicians show little interest fail to garner significant media attention.

There is a discrepancy in the remuneration of journalists across the media sector, as well as between the capital and the regions. Panelists concluded that journalists are therefore compelled to seek alternative jobs that pay higher salaries. After the shift in power with the Rose Revolution in 2003, many journalists sought jobs with the government.

<sup>6</sup> <http://www.liberali.ge/ge/liberali/news/121965/>

<sup>7</sup> A group of citizens against *Otkhi Elementi*, retrieved from <http://qartia.org.ge/?p=2517>

Panelists said that they do not believe that corruption is commonplace among journalists, yet noted the bizarre instance of a former Kavkasia presenter that transitioned into politics. He gained a seat with the Tbilisi Center Assembly, then took a job hosting Maestro TV’s analytical talk show *Subjective Opinion* without relinquishing his assembly seat. Abramia commented, “I personally don’t see a problem with leaving a job and then taking it back...[but] the problem is being in one place and serving the other.”

The panelists’ views diverged on whether, and the degree to which, entertainment programming supersedes hard news. However, in general Georgians interested in finding news content can do so without difficulty.

Facilities and equipment for gathering, producing, and distributing news are modern in wealthier national broadcasters stationed in the capital. Equipment and facilities at regional outlets are often outdated. Panelists noted that eventually, regional outlets will need to invest a significant portion of their earnings in equipment and facilities, rather than on news production, to help improve the quality of their products.

Niche journalism is almost non-existent in Georgian media. Panelists noted that it would not be profitable for media outlets to hire various journalists for the luxury of niche reporting, and that most media outlets have to refrain from niche reporting due to tight financial resources. Jangirashvili underscored the absence of public demand as another reason why neither journalists nor media outlets pursue particular topics. But not all the panelists shared this view. Abramia asserted, “If [niche topics are] reported well, there will be viewers, hence market demand.” She cited poor professionalism as the chief reason such topics are underserved by the media.

Investigative reporting is mostly absent from Georgian broadcast media, and they are unwilling to promote this type of programming, seeing a lack of public interest. Although GPB is obligated by law to air investigative stories, it only started broadcasting its show *Investigative Reporter* in October 2014. Danelia, who is a member of the monitoring board at GPB, said that the program often violates journalistic standards.

Panelists noted that Studio Monitor ([monitori.ge](http://monitori.ge)), a small investigative media company, is the only Georgian group that produces a good deal of short, in-depth investigative content. Maestro TV airs the programs usually once a month. Studio Monitor’s most recent production probed into the case of a disabled female employee fired from the Georgian postal service. The film underscored the issues of employee rights and the rights of persons with disabilities.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Georgia Objective Score: 2.64

Georgia has a multitude of news outlets that provide diverse perspectives, ensuring a plurality of news sources. Yet the overall MSI score for this objective has decreased slightly, from 2.77 to 2.64. Panelists attributed the change to a number of issues within the media landscape, including reports that news agencies receive funding from different public institutions; GPB failing to fill its board of trustees; and the closure of an Armenian language publication.

Television newscasts are the most common way for the general public to receive news. This preference is due to various social, political, technical, and economic obstacles for the development of an Internet infrastructure, along with weak management of newspaper distribution. According to the latest research carried out by CRRG for U.S.-based National Democratic Institute (NDI), 84 percent of Georgians depend on television as a main source of news; 8 percent of interviewees said they get news mainly from Internet; and 1 percent use newspapers as the main source of information.<sup>8</sup> Facebook serves as an important platform for news acquisition and distribution. More than

<sup>8</sup> [https://www.ndi.org/files/NDI\\_Georgia\\_August-2014-survey\\_Public-Issues\\_ENG\\_vf.pdf](https://www.ndi.org/files/NDI_Georgia_August-2014-survey_Public-Issues_ENG_vf.pdf)

#### 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.

half of its members reported that they use Facebook to read newsfeeds, and 26 percent said they use Facebook to post and share information.<sup>9</sup>

Use of social media as a source for information is common. Facebook dominates the intersection of news and social media, followed by YouTube. Web-based news services, such as Civil.ge, Radio Free Europe, and the online news outlet Netgazeti.ge are largely popular. Twitter is gaining a foothold in the country, mostly among a small group of professional media practitioners. According to official Facebook data in 2014, Georgia has 1.6 million Facebook users.

Only a handful of bloggers create quality content and influence public opinion in Georgia. The number of officially registered blogs is an estimated 3,000, which panelists said is low for a country of roughly 4.8 million people.

In the broadcast television study carried out by NDI in 12 major Georgian cities, 86 percent of interviewees said that they watch Imedi TV to receive information, while 84 percent<sup>10</sup> watch Rustavi 2. About 66 percent watch Maestro TV, and 55 percent follow GPB for daily news.

While the shifting political landscape over the past two years has eased pressure on media outlets, problems with accessibility persist due to poor economic conditions, which are felt most strongly in the regions. Fiber-optic Internet is not available widely to people outside the capital, and Internet penetration remains low, as less than half of the country remains offline. Andguladze recounted that Silknet, one of the main Internet providers, attempted to set up its network in Georgia's western Kharagauli region. Despite their efforts and the desire of communities to subscribe, installing a network was not financially viable.

Narimanishvili noted that her office is paying GEL 180 (\$100) monthly to Delta Net for network service, which is too costly for a smaller publisher. According to GNCC's<sup>11</sup> most recent data, the number of registered mobile network subscribers was 4.65 million in 2014 (excluding multiple subscriptions), while the number of mobile Internet users was 1.5 million. Registered Internet users have been increasing steadily, reaching 577,439 in 2014 compared with 490,413 in 2013.

Since the 2014 elections, GPB has improved its news reporting considerably, according to various independent organizations and NGOs such as [mediamonitor.ge](http://mediamonitor.ge). Panelists noted that GPB has changed from previous years and is

<sup>9</sup> Georgians in the Internet Age: The Profile. Retrieved from <http://www.css.ethz.ch/publications/pdfs/CAD-61-62-2-5.pdf>

<sup>10</sup> Imedi TV is the most trusted among the readership, retrieved from <http://www.media.ge/ge/portal/news/302631/>

<sup>11</sup> <http://analytics.gncc.ge/en/statistics-share/?total=total&c=mobiles&sid=64044>

reporting on all stories, but Danelia pointed out, “Still, the interests of the ruling party are explicit in investigative reports aired by GPB.” Kuprashvili concluded that 2014 content analysis data on GPB show better results than 2013, and 2013 was much better than 2012, but the broadcaster still needs to progress.

The Georgian law on broadcasting sets GPB’s requirements and standards for creating programs aimed at different audiences. The board of trustees and a group of many other stakeholders oversee the programming of the public broadcaster. But an enduring crisis regarding the selection of the GPB board had the panelists questioning the efficiency of the board’s actions, and the level of influence it might have on programming. Kuprashvili said that because the GPB board is incomplete (lacking two members), and there is no proper political or technical skill balance, “it is obvious that the board is not able to deal with its responsibilities.” Most panel members agreed that the GPB fails to fill the programming gap left by private television.

The Electoral Code of Georgia obliges broadcasters to air pre-election debates in a non-discriminatory manner, involving all qualified candidates. The code is applied differently from station to station. In the run-up to 2014 municipality elections, GPB satisfied legal requirements and held debates among mayoral candidates of Tbilisi on June 9, where only “qualified” candidates were invited to talk. Unlike GPB, Rustavi 2 aired debates on June 10, which included so-called “qualified” candidates along with “non-qualified” candidates. As elections neared, observers noted that national broadcasters devoted more time to Tbilisi mayoral candidates, almost leaving out the candidates in other Georgian cities.<sup>12</sup>

A number of news agencies provide content to the Georgian media. The agencies offer audio, video, print, and online materials. The content is used either as a background source or is published directly. Nevertheless, a tradition of plagiarism, distortion of facts, replication of materials aired by the broadcasters, and lack of accountability and regulation undermine their credibility. “News agencies remain a black hole in Georgian journalism,” Abramia said. “Agencies, along with online media, have created a certain anonymity, which means that they do not feel accountable towards anything and anyone.” Dimitri Avalini, a journalist at *Tabula* magazine, agreed that it is difficult to fully trust agency materials. “They make mistakes and sometimes even intentionally distort the facts,” he said.

<sup>12</sup> Media Ahead of the 2014 Municipal Elections retrieved from [transparency.ge/sites/default/files/post\\_attachments/Media%20ahead%20of%20the%202014%20Municipal%20Elections\\_0.pdf](http://transparency.ge/sites/default/files/post_attachments/Media%20ahead%20of%20the%202014%20Municipal%20Elections_0.pdf)

Some panelists that are also practicing journalists said that the visibility and credibility of some of the newly established agencies have yet to be determined. It appears to be common for Georgian news agencies to receive funding from the state budget. A report<sup>13</sup> published by Media Development Foundation in September 2014 sought to determine whether state funding is actually trickling into the pockets of the owners of Georgian news agencies. The report stated that “the majority of these ministries (13 out of 18) and the State Chancellery pay the news agencies for such services, which include the coverage of activities in accordance with the requirements of these state entities and the release of information supplied by them, which is an infringement of editorial independence of media outlets.”<sup>14</sup>

Mtivlishvili observed that regional news agencies perform better in producing original content than agencies operating in the capital. In 2014, Mtvlishvili’s Kakheti Information Center won a European Union prize for being the “most informative news agency.” Panelists also concluded that television stations are in better positions to provide original content, as they are required to comply with certain regulations. International news agencies Associated Press, Reuters, and Agence France-Presse continue to provide quality material that Georgian media entities use widely to cover world news.

The ambiguities surrounding the ownership of national broadcasters no longer exist, after the 2011 amendments to the Law on Broadcasting. The new law mandates that broadcasters disclose information on ownership, ensuring greater transparency. According to Andguladze, Georgia’s legislation on media ownership and transparency “is one of the leading in the world,” but Tsetskhladze added that execution of the law is poor.

Panelists noted that even though the owner of Rustavi 2 has been made public, they were not sure if the person named is the actual owner of the company. A report<sup>15</sup> released by TI earlier in 2014 looked into the ownership of Georgia’s 20 national media outlets, analyzing the background of shareholders and their business activities. The analysis concluded that ownership is “now largely transparent... [but] the owners of several media outlets have or had some links with either the ruling Georgian Dream coalition or the current opposition United National Movement.” *Tabula*

<sup>13</sup> Media Receiving Funding from the State Budget Unequal Competition among News Agencies (online media), retrieved from <http://www.mdfgeorgia.ge/uploads//Research/Online%20media,%20State%20Funding,%202013-2014.pdf>.

<sup>14</sup> IBID.

<sup>15</sup> Who owns Georgia’s media: Power networks and corporate relationships behind Georgian media outlets, retrieved from <http://transparency.ge/en/node/4126>



*Magazine* was the only company identified in the report as having owners registered in offshore zones.

Another TI Georgia report,<sup>16</sup> released in June 2014 and analyzing the ownership, operations, and financing of local media outlets, concluded that ownership of Georgian regional media outlets is transparent. This report identified no cases in which media owners had links with offshore entities.

The media sector has made definitively positive moves to empower Georgian minorities through a variety of programming. For example, GPB offers minority-language newscasts, and GNCC granted a broadcasting license to radio NOR, an Armenian-language outlet. Local businesses show almost zero interest in investing in minority-language media, several panelists admitted. According to Mikashvidze, “[International] donors like sustainable projects. It is difficult to imagine a sustainable project in Akhalkalaki.” The small audience in predominantly Armenian regions fails to attract advertisers.

One media setback in 2014 occurred with Samkhretis Karibche, a publisher of Georgian and Armenian language newspapers in the Armenian-populated city of Akhaltsikhe. According to Narimanishvili, it was forced to halt production of the Armenian issue due to a lack of funding and human resources capable of handling Georgian-language content. “We had to translate the content from Georgian into Russian, and from Russian into Armenian, and vice versa,” Narimanishvili explained, which caused both “financial and time constraints.” Later, staff at Samkhretis Karibche started a Russian language website, [jnews.ge](http://jnews.ge).

However, Kuprashvili noted that the regional media market in the Azeri-populated Marneuli region is more attractive to advertisers. “There is more money in the region,” she said, and media outlets can sell their “local language content quite well.”

The panelists were split on the subject of local and regional events coverage. Some argued that certainly more regional stories should be aired by all media outlets, including national, local, and regional. Yet other panelists said that only local or regional outlets only should air such programs. “The national broadcasters cannot cover issues of ethnic minorities on a frequent basis...because what is happening in a certain region cannot be a main story [for the whole nation],” Udumashvili explained. Most panelists agreed that ultimately, regional media have the responsibility to provide detailed coverage of regional news. In reality, national media outlets cover mostly national news, and regional media focus generally on local issues. Original reporting about international events is rare, even in neighboring countries.

<sup>16</sup> Who owns Regional media, retrieved from <http://transparency.ge/en/node/4459>

## OBJECTIVE 4: BUSINESS MANAGEMENT

Georgia Objective Score: 2.00

The environment for operating a media business is changing steadily, bringing new challenges to the market players. The regulations enforced in recent years have restricted political money flow into media outlets—a common practice just two or three years ago. The changes have been limiting media outlets’ revenue sources to advertising money almost exclusively. Media owner money exists in the market, but its influence on the industry can be considered minor compared with previous years.

Also as a result of the changes, the MSI business management objective score declined from 2.29 to 2.00 in 2014.

While many media in Tbilisi have made significant advances in better management practices, this is not the case at much of the regional media. “Most of us have no staff assigned to deal with marketing or human resources tasks. We are very far away from hiring staff like that,” says Nino Narimanashvili, pointing to the lack of financial resources as the reason. This is coupled with the lack of demand on the market side: regional businesses are not developed and do not see the value in advertising and marketing. Big businesses tend to use national broadcasters, with little desire to diversify their strategies to include less populated areas. “[Media] companies lack knowledge on how to attract advertising money,” says Maia Mikashvidze, who further commented that technical assistance should be provided to regional media to help them utilize the full potential of 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.

TV MR GE, a licensee of Nielsen Television Audience Measurement, surveyed the country's advertising market in 2014. Excluding political and state-ordered advertising, the market totaled \$47 to \$48 million. In the beginning of 2014, a TV MR Georgia representative assessed the Georgian media market as very small, especially lacking the presence of international brands, and suffering from a disorganized sales system.<sup>17</sup> Moreover, panelists attributed a stagnant market to an "inactive business sector," passive advertising agencies, and ignorance among managers of media companies.

According to Andguladze, 80 percent of advertising money in 2014 went to two national broadcasters, Rustavi 2 and Imedi TV. Kuprashvili asked, "How can the market be regarded as sustainable if all except two players must make due with only about 20 percent of the advertising spend?"

Some panelists argued that the practice of allocating state advertising money to national broadcasters without tenders has changed. The previous practice led to unfair distribution of advertising revenue, but recent changes in this practice are allowing for government funding to be distributed through open tenders.

Georgian media have seen greater transparency of information on ownership and revenue due to amendments to the Law on Broadcast Media, carried out after the 2012 parliamentary elections. As a result, broadcasters now operate in an environment that is not dominated by political patronage, but national, local, and regional broadcasters must rely heavily on commercial revenues. This structure creates a more vulnerable environment surrounding commercial income.

Among the number of initiatives in 2014 to amend the laws regulating media were new advertising regulations. These regulations have been controversial, as they would limit commercial breaks to 15 minutes per hour. The law also envisages placing limits on sponsorship, product placement, and hidden advertising practices. GNCC has justified the regulations as steps toward adjusting local regulations to mirror European standards, most of which also restrict ads to 15 minutes per hour.<sup>18</sup>

The panelists agreed that the law might force broadcasters, especially national outlets, to increase advertising rates. Industry predictions were estimating a 40 to 50 percent rise in ad prices.<sup>19</sup> The panelists said that they believe that new regulations might alter the way advertising money is disseminated among industry players. While national

broadcasters are anticipating a decline in the number of ad spots and perhaps in revenues, local media are counting on a probable increase. All panelists agreed that the law should include setting a reasonable time for broadcasters to prepare for implementing the new rules.

In March, the audit department of the state revenue service demanded access to a survey of households, as a way to inspect the company resources of TV MR GE, the licensed representative of Nielsen Television Audience Measurement. The survey data contain sensitive information, including the addresses of families that have participated in the research panel. The revenue service eventually fined TV MR GE, in a move seen by many broadcasters as an attempt to exert influence and gain access to television ratings. "If ratings are controlled, the entire media [sphere] will be controlled," said Maestro TV CEO Iliia Kikabidze.<sup>20</sup> Although legal representatives of the revenue service pointed to the law granting them the right to check resources, the incident had political undertones, according to many observers.

Most of the panelists admitted that broadcasters taking an opposite or even milder position regarding this issue would have immediately been accused of adopting a pro-government stance. Therefore, many in the industry, including those who generally have been critical of TV MR GE's services, supported the company in its fight with the revenue service. Due to the political nature of this incident, many broadcasters abandoned ideas of creating an industry committee to invite a new international survey company to the market. "The fear of being labeled as pro-Georgian Dream [Party] or pro-UNM made everyone abstain from enrollment" in the initiative, Kuprashvili said.

Jangirashvili noted that after the incident, TV MR GE did become more transparent, inviting its clients to see how its surveys are conducted. Media representatives were even taken to some of the houses included in the survey. Despite their support for TV MR GE in the fight against the revenue service, almost all panelists remain critical of the company and question its methodology, selection criteria, and representativeness.

TV MR GE does not measure regional broadcast markets, according to the panelists. Regional media outlets want to conduct viable research and use people meters, but survey companies fail to show interest in any collaboration. "How can it be explained when you approach a seller and ask for the price of its product, but receive no quote at all?" Kuprashvili asked. Absence of reliable data also complicates regional media's efforts to attract advertising money.

<sup>17</sup> <http://www.caf.epfound.ge/20116/Sessions>

<sup>18</sup> <http://www.media.ge/ge/portal/news/303277/>

<sup>19</sup> <http://rustavi2.com/ka/news/5832>

<sup>20</sup> Who needs TV ratings [www.radiotavisupleba.ge](http://www.radiotavisupleba.ge)

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Georgia Objective Score: 2.53

There is a lack of solidarity and cooperation within the media sector, according to the panelists. A handful of trade and professional associations work side by side to promote the interests of individual journalists and media companies, but “this function is usually borne by NGOs, and only happens when the case causes great public interest,” noted Zhizhilashvili.

The organizations that have been active for years continue to advocate for better policies and standards and ensuring the development of professional media. These organizations include GCJE, GYLA, GARB, Georgian Regional Media Association, Georgian Press Association, Eurasia Partnership Foundation, and a number of other organizations.

Some panelists stated that job security for journalists, which remained a problematic issue in 2014, is a focus for these associations. Zhizhilashvili pointed out that journalists sometimes work without formal employment contracts.

GARB is a vibrant institution that lobbies for the interests of regional broadcast media. The organization usually is involved in the policy debates surrounding general media legislation and the media environment in the country.

GCJE’s popularity increased notably over the past year, the panelists said. Currently the group has more than 260 members, according to Kuprashvili, who chaired GCJE in

2014. Throughout 2014, more than 60 complaints against media members were submitted to GCJE. Most complaints were lodged by regular citizens, public officials, and media representatives. “Rather than going to the courts, people appeal to us,” Kuprashvili said. “The charter has become a good platform for citizens to launch complaints against the media,” and the media sector is ready to cooperate, she added.

One complaint was brought by a non-governmental organization, The Young Advocates, against Rustavi 2’s evening talk show *Choices*. Rustavi 2 anchor Giorgi Gabunia was accused of linking the activities of The Young Advocates with the Georgian Dream Party and the Ministry of Interior. In another case, the Georgian health insurance company GPI Holding filed a complaint against a journalist for allegedly distorting facts intentionally when reporting on a case related to GPI.

GCJE has broadened the scope of its work by monitoring the state of Georgian media and offering training programs to journalists. For example, in 2014 GCJE completed research on ethical coverage of children in media and conducted a study on Georgian self-government through a gender lens. GCJE also offered classes to producers and editors on ethics and regulations.

As in past years, the GYLA Media Legal Defense Center continues to protect the interests of media companies and individuals in courts, providing them with legal advice. But their activities have subsided slowly due to the lack of funding, according to Tsetskhladze. She said that the services of GYLA and other supporting organizations are critical for media outlets confronted with legal challenges.

The U.S. government and the European Union contribute significantly to the improvement of Georgian media by providing grants and sponsorships for various central and regional media outlets. USAID continues assisting Georgian media through the Media for Transparent and Accountable Governance (M-TAG) project. The key component of M-TAG is developing sustainability among select regional media outlets.

The panelists’ views differed on the quality of journalism education in Georgia. A number of panelists noted that there are more programs for prospective journalists in Tbilisi, while other panelists said that they see no difference in the quality of education offered to young journalists in cities outside of the capital. According to Kuprashvili, some universities are oriented toward instilling the values of yellow journalism in their students. Overall, members of the panel lamented that most young journalists lack the technical and analytical skills required to secure a job. Mtvlishvili said that Kakheti Information Center had

### 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.

difficulty in hiring interns because most applicants failed to pass the test on technical competency.

In 2012, Tbilisi State University (TSU) forged a deal with Germany's Deutsche Welle Akademie to provide journalism students with training on topics such as freedom of speech and media regulations. These classes were extended to TSU professors in 2014.

In general, Georgia has plenty of training courses available for journalists and news outlets. For example, Tsetskhladze's online netgazeti.ge cooperates with France Canal International to provide courses tailored for needs of journalists who publish online. Some panelists expressed the view that this approach is most effective—gearing courses toward a specific audience or the needs of individual companies. Another group of panelists disagreed, and believe that there is an inadequate pool of potential trainees. Nino Danelia said, "Every time I enter the training room, I know who I will see there." Mikashvidze added that there should be training opportunities for all levels, starting with basic skills to classes for more advanced journalists and media managers. Other panelists suggested that there should be more hands-on training programs in blogging and social media.

Most printing houses are owned privately and the print industry is apolitical. Likewise, procuring equipment needed by the media is free of undue interference by the government.

With regard to print media distribution, Mamaladze gave an example of a monopoly attempt by the Press Distribution Association. The association was formed in 2012 as a conglomerate of large publishing companies. According to unverified reports, roughly GEL 1.5 million (\$675,000) was invested yearly in the association. The business was managed poorly, with the association pre-paying the newspapers while not monitoring how many copies were actually sold. This created financial problems in 2014 that resulted in court cases against the staff in charge of daily sales. Ultimately, the association went into debt, and in 2014 started its liquidation process.

According to the recent amendments to the Law on Electronic Communications, one multiplex was granted to Georgian TeleradioCenter free of charge. Georgian TeleradioCenter is obliged to carry the programs of GPB. The Institute for Development of Freedom of Information claimed in its report<sup>21</sup> that 100 percent of the shares of Ltd. Georgian TeleradioCenter belong to the government. Kuprashvili said that this might impact GPB's content,

<sup>21</sup> Regulating Georgia's terrestrial digital broadcasting: Recommendations on recent changes in the law on electronic communications, retrieved from <https://idfi.ge/public/upload/pdf/Research/DSO%20Research.pdf>

although according the law on broadcasting, the channel should be distanced from any political influence.

4G broadband Internet will become available for Georgians in 2015, which will make Internet access in regions less complicated. It will increase speed, coverage, and availability across different devices such as smartphones, PCs, and tablets.

## List of Panel Participants

**Nino Danelia**, journalism professor, Ilia State University; member, Old GPB board

**Nino Jangirashvili**, director, TV Kavkasia, Tbilisi

**Natia Kuprashvili**, executive director, Georgian Association of Regional Television Broadcasters, Tbilisi

**Ia Mamaladze**, chairperson, Georgian Regional Media Association; publisher, *Guria News*, Chokhatauri

**Maia Tabagari**, director, Imedi TV news service, Tbilisi

**Nino Narimanishvili**, editor, *Samkhretis Karibche*, Akhaltsikhe

**Gela Mtvlishvili**, director, Kakheti Information Center, Gurjaani

**Ekaterine Tsimakuridze**, coordinator, Georgian Media Legal Defense Center, Georgian Young Lawyers Association, Tbilisi

**Zaal Anjaparidze**, senior program manager Eurasia Partnership Foundation, Tbilisi

**Maia Mikashvidze**, professor of journalism, Georgian Institute of Public Affairs, Tbilisi

**Nestan Tsetskhladze**, editor-in-chief, Netgazeti.ge, Tbilisi

**Dimitri Avaliani**, journalist, *Tabula* magazine, Tbilisi

**Natia Abramia**, independent media expert, Tbilisi

**Nino Zhizhilashvili**, director of news service and anchor, Maestro TV (at time of panel discussion); dean, Caucasus School of Media, Tbilisi

## Moderator

**Ekaterina Basilaia**, Tbilisi State University, Tbilisi

## Authors

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*The panel discussion was convened on December 20, 2014.*



**RUSSIA AND  
WESTERN  
EURASIA**





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*Although nearly 600 state-controlled media outlets present one point of view largely aligned with the government, public dissent nonetheless flourishes online.*



## BELARUS

The media landscape in Belarus has seen little change as the country has retained its autocratic political system, which maintains control over civil and political life as well as freedom of speech. The government had long kept tight reins on traditional media and is moving to deploy stricter controls over the Internet. Cumbersome and loosely-worded registration and licensing requirements stonewall the print and broadcast media from presenting alternative points of view.

Menacing legal requirements remain in place under the pretext of creating responsible media and disciplining errant journalists. Libel remains criminalized and public officials enjoy greater protection from scrutiny by the media. As a result, the media are forced to continue practicing self-censorship. Barriers around accreditation prevent journalists from reporting on potentially sensitive topics such as corruption or the financial crisis. Meanwhile, division along ideological lines damages standards of accuracy and fairness.

The government controls around 75 percent of the GDP, composed mostly of unreformed state-run businesses that do not see a need to advertise their products or services. Nonetheless, the advertising market grew 6.3 percent to \$116 million over the past year. Meanwhile, the national government's direct funding of state-run media amounted to \$69 million in 2014. State-controlled media organizations also receive funding from the local government and other financial support via tax breaks and subsidized tariffs.

Although nearly 600 state-controlled media outlets present one point of view largely aligned with the government, public dissent nonetheless flourishes online. Around 64 percent of Belarusians use the Internet to receive news and analysis.

In the wake of the financial crisis, and ahead of presidential elections in late 2015, the government decided to tighten its grip on the Internet. Two weeks before the end of 2014, the authorities revised the existing media law to exert even tighter control over online media. Owners of websites will be held responsible for content posted by users on their websites, most notably information deemed to be extremist or capable of harming national interests.

*Note: MSI panelists in Belarus agreed to participate only if they were not named publicly. The Criminal Code contains an article, "Discrediting the Republic of Belarus," which criminalizes providing "false information" to international organizations 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.*

# BELARUS at a glance

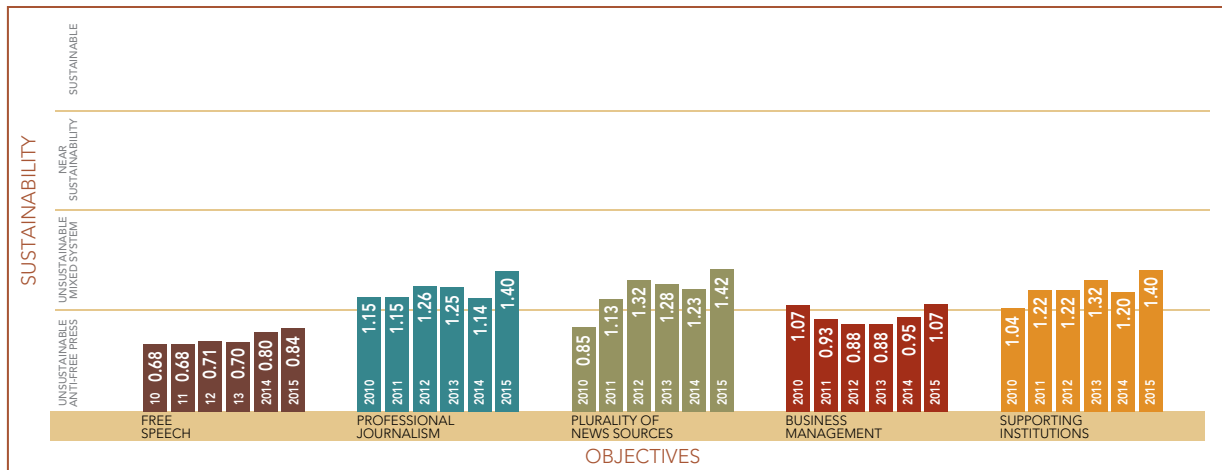
## GENERAL

- > Population: 9,608,058 (July 2014 est., *CIA World Factbook*)
- > Capital city: Minsk
- > Ethnic groups (% of population): Belarusian 83.7%, Russian 8.3%, Polish 3.1%, Ukrainian 1.7%, other 2.4%, unspecified 0.9% (2009 est., *CIA World Factbook*)
- > Religions (% of population): Eastern Orthodox 80%, other (including Roman Catholic, Protestant, Jewish, and Muslim) 20% (1997 est., *CIA World Factbook*)
- > Languages (% of population): Belarusian (official) 23.4%, Russian (official) 70.2%, other 3.1% (includes small Polish- and Ukrainian-speaking minorities), unspecified 3.3% (2009 est., *CIA World Factbook*)
- > GNI (2013-Atlas): \$63.68 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$16,950 (World Bank Development Indicators, 2014)
- > Literacy rate: 99.6%; male 99.8%, female: 99.5% (2009 est., *CIA World Factbook*)
- > President or top authority: President Alexander Lukashenko (since July 20, 1994)

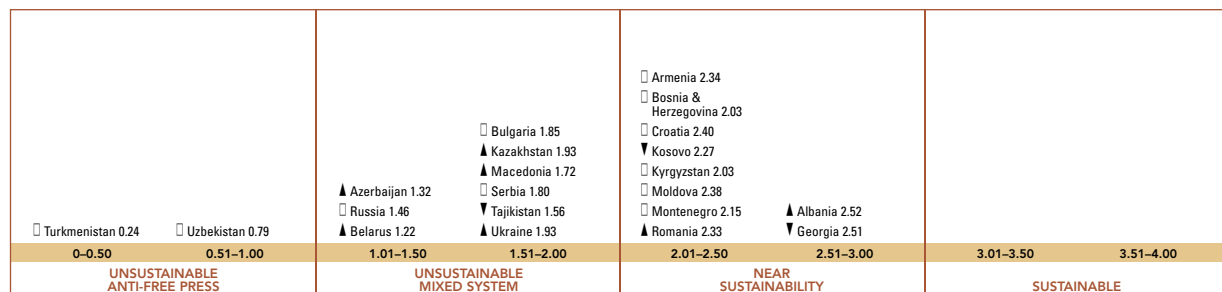
## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: 1,846 (Newspapers: 712, journals and magazines: 804, radio stations: 172, TV stations: 93, bulletins: 42, catalogs: 12, information agencies: 9, almanacs: 2 (October 2014, Ministry of Information); Internet News Portals: 25 (2014, Gemius)
- > Newspaper circulation statistics: Top three by circulation *SB. Belarus Segodnia* (circulation 2,000,000, state-owned), *Komsomolskaya Pravda v Belorussii* (circulation 436,000, private, Russian-owned), *Respublika*, (circulation 160,000, state-owned) (December 2014, Medusa advertising agency)
- > Broadcast ratings. Top three by share: NTV-Belarus—14.8%, ONT—13.97%, RTR-Belarus—13.27% (December 2014, GEVS)
- > News agencies: BelTA (state-owned), BelaPAN (private), Interfax-Zapad (Russian-owned), Prime-TASS (Russian-owned), Ecopress (private), Agentstvo Grevtova (private), Minsk-Novosti (state-owned), Registr Information and Legal Agency (private) (Belarus Ministry of Information, 2014)
- > Annual advertising revenue in media sector: \$116.3 million (\$62.4 million television, \$19.9 million Internet, \$10.5 million press, \$6 million radio) (Vondel Media advertising group, December 2014)
- > Internet usage: 5,204,685 (2013, [www.internetworldstats.com](http://www.internetworldstats.com))

## MEDIA SUSTAINABILITY INDEX: BELARUS



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (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: 0.84

The Belarusian constitution and several laws, including the media law, as well as international treaties ratified by Belarus, guarantee the freedom of speech. Yet what the law actually says is less important than the arbitrary way in which it is oftentimes applied. “In real life, many of these democratic provisions are hardly enforced or ignored altogether,” noted one panelist.

Most notable are the hyper-strict regulatory environment and restricted access to official information. “Laws provide for no ways for a newsroom to file an official request for information, yet there are many situations when a media outlet can be punished for distributing certain information,” another panelist commented.

Moreover, the laws are kept menacing but vague. For example a media outlet may be punished by the government regulator, the Ministry of Information, over a minor technical mistake or for publishing information that turned out to be incorrect, even if there is no harm done.

One of the panelists mentioned yet another absurd case. In May 2014, the ministry issued a warning to the privately-owned weekly *Svobodnyje Novosti Plus*. The newspaper allegedly “harmed public interests” and “was

### 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.

forming a negative attitude towards the World Hockey Championship.” The capital Minsk was hosting the tournament in May 2014. What the newspaper wrote was that the Russian national ice hockey team would have no players that had been part of its (presumably stronger) Olympic team earlier that year. The information was correct on the day the newspaper went to press. Yet on the following day, two more players—who happened to be playing for Russia at the Olympics—were added to the roster. It should be noted that the ministry might shut down a media outlet after giving two such warnings within a year.

Meanwhile in December 2014, the Belarusian parliament adopted amendments to the already restrictive media law that impose stringent rules on online media similar to those traditional media have had to abide by for many years. According to the vaguely worded provisions, any website that distributes information—including blogs and social networks—is considered to be a media outlet. Foreign websites will have to receive permission to be distributed in Belarus. Other provisions allow the ministry to block access to any website if it violates those or other requirements. The new law also bans the distribution of information deemed to be extremist or capable of harming national interests, defined in similarly vaguely a manner as in other laws.

It should be noted that amendments were rather hastily voted through the parliament. On December 18, 2014, the bill passed two readings in the lower chamber, was endorsed by the upper chamber on the following day, and signed into the law by the president a day later. The updated law entered into force on January 1, 2015.

In theory, journalists and the media have the right to seek protection in court, yet “There is an entrenched stereotype that Belarusian courts are far from being independent,” a panelist explained. As for public outcry, violations of freedom of speech in most cases go unnoticed: “The best there could be is some solidarity from the media community,” the panelist added.

Confidentiality of news sources is guaranteed by law, yet may be overridden by a court order or a request from an investigating authority as part of a court hearing or criminal investigation. The panel however failed to recall any cases where a journalist was compelled to reveal his or her sources.

The media law requires registration of traditional media (print, television and radio stations, and news agencies), which according to Western standards is already somewhat of a restriction of media freedom, a panelist noted. Both registration and licensing procedures remain cumbersome and politicized. Applicants need to provide numerous details on the would-be outlet, including topics to be covered, frequency, distribution area, as well as information about



“Foreign journalists are very restricted as far as their accreditation is concerned. There are a number of examples when a media outlet has not been able to receive accreditation for many years,” one panelist noted. “Those outlets that are lucky to win accreditation face a constant problem of whether accreditation of a certain number of their journalists will be extended.”

the sources of funding and the editor-in-chief. The latter should have a journalism diploma and at least five years of work experience as an editor. There should also be a company or a non-profit organization to act as publisher or a broadcaster.

On the positive side, amendments to the media law adopted in December 2014 exempt online media from registering with the government. Internet media nonetheless must abide by all other stringent regulatory requirements.

There is no equal access to the frequency spectrum, and state-owned media undoubtedly receive preferential treatment a panelist said, as the National State Television and Radio Company—a conglomerate of four television and five radio channels and five regional television and radio companies—as well as broadcasters founded by the president or the Council of Ministers—receive frequencies without a bidding process.

Meanwhile, in accordance with the law, frequencies are allocated via a tender administered by the Republican Commission on Television and Radio Broadcasting—the nine-member body of government officials headed by the Minister of Information. Applicants need to provide detailed information, most notably on what kind of programming the station will be offering. Successful bidders are then required to receive a license from the Ministry of Communications and Informatization to use that frequency. “Just to sum, all these licensing procedures are used to impose constraints [on the freedom of information]” a panelist explained.

With few exceptions, market entry for media outlets is the same as for businesses in other sectors. Most notably, the media law restricts foreign ownership of broadcasters and publishers to 30 percent. New amendments to the law

further lowered that cap to just 20 percent. Separately, publishers and broadcasters cannot be registered as sole proprietors. Media receive no tax breaks, although state-owned television and radio networks have been exempt from VAT and profit taxes for years.

Physical crimes against journalists remain rare. Just like previous years, panelists only spoke of cases of police interference with working journalists, usually during demonstrations. In a somewhat positive development, the Belarusian Association of Journalists, a domestic press freedom watchdog, reported about 29 counts of short-term arbitrary detentions of journalists in 2014, down from 45 a year earlier.

One of the panelists referred to the blocking of several news websites critical of the government in December as a sort of cyber sabotage or crime. Two of the websites pulled are run by officially registered media outlets and hosted on servers inside Belarus. The state-owned telecom monopoly, Beltelekom, stated its infrastructure had come under DDoS attack on the day those website were blocked. The law enforcement agencies apparently failed to hold anyone accountable for these incidents. “There was a crime and there has been no investigation, at least at this moment,” added the panelist.

The law guarantees editorial independence of all media outlets, either private or state-owned (Belarus has no public media). The state-run media organizations however depend heavily on government paychecks and subsidized tariffs. More importantly, their editors are appointed by the government, with editors of key national outlets appointed by the president himself. Quite common are “coordination meetings” with editors of state outlets where they receive guidance on how certain affairs should be covered in order to maintain a consistent official line.

Libel remains criminalized in Belarus, punishable by up to six months in prison. Yet there were no reports of libel cases lodged against journalists or media outlets in 2014. Meanwhile every year Belarusian media face dozens of civil defamation suits. In such cases, a plaintiff does not have to prove actual damage to reputation and the burden of proof rests on the defendant. In cases our panelists were familiar with, plaintiffs sought around \$5,000 (the country’s average annual salary) in damages.

As noted above, the law does not hold government officials to a higher standard with regard to proving damages. According to Belarusian laws, “insult of a representative of the authorities” is punishable by up to six months in jail. The penalty for “insulting the president” is up to two years in

prison and “calumny toward the president” is punishable by up to four years.

In accordance with 2009 Internet regulations, publishers and hosting providers enjoyed protections that allowed them to avoid litigation if they took material down following an initial complaint. Those protections however were dropped in the amended media law adopted in December 2014. Even before those amendments many news websites adopted some sort of pre- or post-moderation policy to avoid potential legal implications.

The Belarusian government has sustained a culture of secrecy and many government agencies keep as much information as possible behind closed doors. Although the 2009 Law on information, informatization and protection of information guarantees access to, and distribution of, public information, it also allowed many exemptions. Almost 60 state agencies, regional governments, and state-run companies have the right to qualify their information as secret. Furthermore, government officials are only allowed to talk to the press after the go-ahead from their bosses. Government public affairs officers (in many cases still named ideology officers) have been imposing more barriers onto journalists’ reporting practices in recent years.

A journalist’s right to information is no different from any other citizen. Before 2009, media requests for information required a response within 10 days. After the revision of the media law, the only way to seek disclosure of public information is via the 2011 law on requests by individuals and legal entities. It requires an organization (or a government agency) to reply within 15 working days (30 days when additional inquiry is required).

Privately-owned media outlets, especially those that criticize government policies, have the most trouble receiving public information. In many cases government agencies refuse to release certain information (usually statistical data) on the grounds that it takes too long to retrieve it. Sometimes fees are charged for fulfilling an information request. Increasingly requests from private media are dismissed on the grounds that such information has already been given to state-owned outlets. A largely unregulated system of accreditation is another tool to keep critical reporters away: private outlets are sometimes denied accreditation on the grounds that a sufficient number of other outlets (in most cases state-run) have already received accreditations and can offer sufficient coverage.

The government does not restrict access to and use of both domestic and foreign news sources. Affordability is more of a limiting factor, especially using foreign newswire service,

the panel said. Copyright-wise, the 2011 law gives a vague definition of what is fair use of copyrighted materials. Many news organizations borrow stories from other outlets without even rewriting them, although in many cases credit is given to original sources. Use of pirated photos is widespread and poses a somewhat bigger legal threat. The panel however failed to recall any copyright infringement lawsuits against media outlets.

Entry into journalism remains unrestricted. Still, the media law defines a journalist as a staff member of an officially registered domestic news outlet. Citizen journalists, bloggers, and freelancers are considered non-journalists and lack those very few benefits their official status might have given them. One of those is fewer problems with law enforcement agencies during newsgathering. People using professional photo and video equipment in the streets might expect to have their press credentials checked by the police. Another is access to events that require accreditation, which one receives from an officially registered media outlet.

Reporting for a foreign news outlet requires accreditation with the Ministry of Foreign Affairs. “Foreign journalists are very restricted as far as their accreditation is concerned. There are a number of examples when a media outlet has not been able to receive accreditation for many years,” one panelist noted. “Those outlets that are lucky to win accreditation face a constant problem of whether accreditation of a certain number of their journalists will be extended.”

In April 2014, the Belarusian government moved to tighten its grip on journalists who work for foreign broadcasters. The Belarusian Association of Journalists reported that in 2014 eight journalists in different parts of the country were fined between \$250 or \$500 for 11 counts of “illegal production and distribution of media products.” Some of them were fined several times. Ales Zaleuski, who works for Belsat, a Poland-based satellite television channel that targets Belarus, received three fines. Andrei Mialeshka, a reporter with Poland-based Radio Racyja, was fined twice. Similarly, a fine was given to Aliaksandr Burakou, who works for German public broadcaster Deutsche Welle. He also had his apartment and his parents’ apartment raided by the police, who confiscated computers and flash cards. In an odd coincidence, the raid took place when Dunja Mijatović, the Organization for Security and Cooperation in Europe’s Representative on Freedom of the Media, was visiting Belarus. In her meetings with top government officials, including the Minister of Information, she pressed for liberalizing media-related laws and, amongst other things, scrapping stringent requirements for accreditation.

State journalism schools apply ideological vetting as part of the student application process. Yet panelists agreed that the process is more of a formality as there are almost no denials on the grounds of political loyalty. More importantly, Belarus still has a Soviet-style practice of obligatory job placement for university graduates. Graduates of tuition-free programs are required to work for two years wherever the commission of university and government officials sends them. Most of these positions are with small regional newspapers.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Belarus Objective Score: 1.40

The Belarusian media as a whole have failed to meet high standards of professional journalism. The main obstacles preventing journalists from producing quality reporting and carrying out their work includes restricted access to public information and a lack of human resources.

State-run outlets have long been swayed into toeing the government line and are allowed very little space to criticize the government's policies or to hold officials accountable. Private outlets are more likely to follow standards of fairness and accuracy.

"Integrity and objectivity are rarely making their way into state media reports. In most cases these outlets are just pushing propaganda," one panelist noted. Another expert

mentioned the problem of what he referred to as "barricade journalism," when ideological bias shapes the presentation of news stories and discourages criticism.

Attempts by private outlets to receive comments from government officials are essentially stonewalled. Sometimes, when a story requires several opinions, objectivity is simulated by providing quotes from several people who share similar views, rather than giving a different perspective.

Getting the right expert for a story remains a problem. Many outlets, especially smaller ones, are reluctant to seek such expertise to improve their reports. One of the panelists recalled being told at a regional newsroom that they only approach experts once or twice a month. Moreover, just like media, experts themselves have to cope with restricted access to information, especially with regards to politics or the economy. Furthermore, one of the panelists argued, in many cases journalists are unable to engage critically with experts and believe everything they are told.

Belarus has two professional associations of journalists: the state controlled Belarusian Union of Journalists and the independent Belarusian Association of Journalists. Both organizations have codes of conduct that are quite similar and seek to promote standards of accuracy and fairness. In general, the panel agreed, private outlets are more likely to follow these rules. Meanwhile, one of the panelists, an editor of a private newspaper, said her newspaper has strict reporting rules that require accuracy and ethical coverage. "Any mistake can invite fines, lawsuits, and warnings [by the Ministry of Information]," she added.

As a result, most outlets are essentially pressured into self-censorship, which remains entrenched across the industry. "In many cases it is justified, yet sometimes media are playing it too safe," a panelist commented. Even expatriate broadcasters follow suit for fear of losing accreditation for their journalists. The most taboo topic is the family of President Lukashenka. "You may write about his youngest son's success at school, or his granddaughter winning a musical contest, yet not about family's business interests," the panelist continued.

In general, state-run media have to follow government-mandated editorial guidelines or at least be selective about the topics they choose to cover. Therefore there is no positive coverage of the opposition. At the same time, state-controlled outlets might address social issues, even criticize certain problems and provide critical coverage about a local official. Yet they would never directly discuss weak laws or dysfunctional government policies.

### 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 panelists argued that the coverage of a number of topics is orchestrated so that the public receives as little information as possible. The unfolding economic crisis is one example: on December 19, Belarus imposed a 30 percent tax on buying foreign currency given the close economic ties to Russia, which was undergoing turmoil. On that day, a number of state outlets mentioned the de-facto devaluation of the currency only in passing. On the following day, the Minister of Information invited editors of key private outlets to discuss their coverage of financial markets. That coverage, the minister said, was allegedly “provoking panic in Belarusian society and was running contrary to interests of the state.” Participants were briefed on the measures taken by the government and the central bank to stabilize the situation. The minister vowed that government agencies would report comprehensively on all of their subsequent steps. The media were asked to be “sensible in their coverage of the situation and keep national interests in mind.” Or else, she warned, outlets will be handed two official warnings at once. As noted above, the ministry might seek closure of a media outlet after it receives two warnings for violation of the media law within a year.

Regardless of the pressure, the panelists agreed that private outlets report on most issues, including the financial crisis. There could be differences in perspectives and the degree of criticism, yet major topics are being covered. At the same time one panelist said that with government being so secretive one could not be sure all important issues are making it to the media.

Meanwhile, the brief imprisonment of a military analyst impacted the coverage of national security issues. For example, Aliaksandar Alesin, who writes for the private weekly *Belorusy i Rynok*, spent two weeks in jail over charges of espionage and treason. He was detained while meeting with a foreign diplomat, and the national security service, the KGB, only informed his family several days after his arrest. Alesin was released from the KGB prison on December 10, but banned from travelling outside Belarus. The initial charges of espionage and treason against him, punishable by up to 15 years in prison, were amended to “cooperation with a foreign secret service,” which carries a prison sentence of two years. He also received a gag order, so it was unclear whether the investigation was related to his journalistic work. Alesin was also cooperating with several domestic and foreign think tanks. One of the panelists alleged that in his analysis, Alesin was relying information from open sources only, “yet security services insist that by analyzing open sources one can get information that might harm national security.” Still, Alesin

Meanwhile, one of the panelists, an editor of a private newspaper, said her newspaper has strict reporting rules that require accuracy and ethical coverage. “Any mistake can invite fines, lawsuits, and warnings [by the Ministry of Information],” she added.

explained in one interview that his imprisonment impacted the tone of his stories.

The panel failed to recall issues or events covered by citizen journalists and bloggers but not by traditional media. According to one panelist, bloggers provide opinion and assessment, yet “factual information is distributed by media outlets.”

Pay levels remain low, “sometimes significantly lower than in other sectors,” according to one of the panelists. “There are only a handful of outlets that pay the national average or a bit more,” another panelist added. There also remains a significant variation between national and regional media outlets, and in many cases between state-owned and private (the former sometimes pay twice as much). Those working for local private newspapers tend to be at the lower end of the pay scale. Reporters in regional outlets can expect around \$300 to \$400 a month and up to \$700 to \$800 in the capital, and editors earn 30 to 50 percent more. Meanwhile, the national monthly mean salary is \$600. Although journalists accept gifts, “It’s hard to imagine any corruption schemes related to the work of a Belarusian journalist,” one of the panelists said. In order to earn a livable amount of money, many journalists tend to work for multiple outlets or take part-time jobs in other sectors, most notably public relations and advertising. Some are leaving for other sectors, and very few outlets can afford to hire new staff as downsizing is not uncommon.

Regarding the levels of entertainment programming compared with news, the panelists agreed with this assessment from one of their colleagues: “FM stations offer almost no news, and entertainment does not surpass news on major television stations; their news programs are quite standard. State-run newspapers offer mostly news and information, and entertainment does not eclipse news in private outlets. Online outlets are easily accommodating both.” Meanwhile, in an independent opinion poll conducted in July, 72.3 percent of respondents said the main

role of the media was to provide news and only 5.4 percent mentioned entertainment.

Media organizations have no problems with basic newsgathering equipment, although many newsrooms are still using old computers and voice recorders. “You can’t say that equipment is modern and efficient, yet it is sufficient enough for journalists to do their job,” a panelist explained, adding that most of the work can be done on smartphones or tablets that are widely available and affordable. Professional photo and video equipment is too expensive for most outlets. At the same time, some journalists, especially those working without press credentials, are using smaller and cheaper video equipment due to risks that the equipment may get confiscated, according to one panelist. Meanwhile the use of pirated software is common, leaving media organizations susceptible to all kinds of legal risks.

As most outlets face greater financial pressures, niche journalism is somewhat shrinking. The panel mentioned a marked rollback in the quality and depth of specialist reporting in mass media in the past few years, most notably economic and business reporting. “Underpaid journalists are either leaving for other jobs or coming up with stories that are just barely passable. Restricted access to information and inability to consult proper experts is also to blame,” a panelist commented. Besides economic reporting, the panel said there is specialized coverage of politics, sports, and local journalism. Investigative journalism has essentially gone extinct. There are very few examples, most notably by Euroradio, which is based in Poland but has reporters active in the country and targets a Belarusian audience.

### OBJECTIVE 3: PLURALITY OF NEWS

Belarus Objective Score: 1.42

By and large, Belarus is well-served by various types of media. Yet not all of outlets are producing their own news or unique content, and thus the quantity of outlets does not translate into a variety of viewpoints offered within the Belarusian media landscape. In addition, the quality and depth of reporting are affected by commercial imperatives.

According to official data, Belarusians are exposed to a multitude of media voices. A country of 9.5 million people has almost 1,900 “traditional” media outlets. As of October 2014, there were 712 domestic newspapers, 804 magazines and journals, 42 bulletins, 12 catalogues, 93 television stations, 172 radio stations, and nine news agencies,

according to the Ministry of Information. Moreover, over 4,000 foreign newspapers and magazines as well as 180 foreign television channels are distributed throughout the country. There are hundreds of online media organizations that are exempt from official registration with the government, therefore there is little data on the number of these organizations.

According to an opinion poll conducted by SATIO, a market research company, an average Belarusian is watching seven television channels, accessing five websites, reading three newspapers and listening to three radio stations. Television remains the most popular source of news, with 84.9 percent of those polled saying they are using it to receive news and information. That is, however, 7.7 percent less than in 2013. Online media yielded 64.5 percent (2.4 percent more than in 2013). Newspapers and radio are less popular as sources of news, with 32.6 and 29.4 percent respectively. Furthermore, both demonstrated a huge decline (41 and 34.3 percent respectively) compared to 2013.

Regardless of the increase in private ownership—almost 67 percent of all registered outlets are privately-owned—state-run media organizations dominate the market in terms of audience. In many cases, the terms of registration with the government for private outlets requires these outlets to offer entertainment content and practical information, but very little or no news and analysis.

#### 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 a choice of information sources. If need be, you can find alternative sources almost anywhere in the country—either in the form of newspapers, online media, social networks or TV channels (via IPTV or satellites),” one panelist explained. Another panelist added that the choice is still restricted by factors such as affordability and government control of media distribution channels. As detailed in previous reports, the government has been denying for years access to press distribution channels by newspapers critical of its policies.

The editorial policies of most newsrooms leave very little room for diversity of opinion. “There is still that us-against-them mentality,” one panelist asserted. And yet, some private outlets are offering a variety of viewpoints, most notably TUT.by, one of Belarus’s largest online portals. It aggregates news from a multitude of sources, both state-owned and private. TUT.by is reaching over 40 per cent of Belarusian Internet users, according to Gemius, an Internet research company.

Access to both domestic and foreign media is not restricted by law. However, in order to be distributed in Belarus, foreign outlets or their distributors require permission from the Ministry of Information. Installing a satellite dish requires a permit from local housing authorities, yet that is a mere formality, the panel agreed. Besides, as Internet access is getting faster and cheaper, more people are choosing IPTV over satellite television. Overall, one of the panelists said, the development of Internet and telecommunications technologies has improved the availability of domestic and foreign news sources. Other experts, however, argued that the affordability factor is coming into play, as there are an increasing number of foreign media organizations employing a paywall systems and geo-location restrictions to withhold content from non-subscribers. Domestically, as press subscriptions are getting less affordable, more people are defecting to online media. People in rural areas tend to have access to a narrower selection of news sources, in most cases state-controlled television and radio, less so state-owned newspapers.

The government still maintains a blacklist of around 80 websites banned in government offices, schools, and libraries. The list of allegedly extremist and pornographic websites remains classified. Yet it also includes pro-opposition news websites, most notably charter97.org and belaruspartisan.org, according to several reports. Although these websites are supposedly not blocked for the general public, their availability in Belarus is unreliable. Meanwhile, on December 19, several more news websites

The government still maintains a blacklist of around 80 websites banned in government offices, schools, and libraries. The list of allegedly extremist and pornographic websites remains classified. Yet it also includes pro-opposition news websites, most notably charter97.org and belaruspartisan.org, according to several reports.

with independent outlooks, including two run by an officially registered news agency, were blocked for all Belarusian Internet users.

“All state-controlled media stick to the common editorial policy of supporting the incumbent government and excluding any possibility to transmit any other viewpoints,” one panelist explained. It should be noted, however, that in a July 2014 opinion poll by SATIO, both state and private outlets received similar scores (3.8-3.9 out of 5.0) for perceived audience trust.

Nine media companies are registered with the government as information agencies, yet only four of those companies—BelaPAN, BelTA, Interfax-Zapad, and Prime-TASS—sell newswire services to other media. BelTA and BelaPAN are domestic media organizations, while Interfax-Zapad and Prime-TASS are Russian-owned.

There is no discrimination on the part of news agencies in supplying news to media organizations, yet state-controlled outlets rely on services provided by BelTA, the official agency of the Belarusian government, and sometimes Interfax-Zapad. Private outlets are more likely to choose BelaPAN, a privately owned agency, since it offers more balanced coverage with alternative opinions. Only a handful of large media can afford the services of international news agencies like the Associated Press, Reuters, and AFP. At the same time, the pirating of their photos is quite common, according to a panelist.

On average, domestic news agencies charge approximately \$300 per month for daily news updates and twice as much for real time/hourly news alerts. Still, according to a panelist, many news outlets, especially smaller ones, choose to rely on stories that are available for free on the Internet. Apart from

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newswire services and news websites, BelaPAN and BelTA offer photos, multimedia stories, and infographics. BelaPAN sells specialist analytical reviews on a variety of topics. BelTA, publishes a weekly newspaper and an economic journal, as well as building and maintaining websites for local media outlets and government agencies.

Although the Ministry of Information has over 1,200 private outlets in its registry, few of them produce their own news or information content. Most magazines and newspapers offer entertainment or practical advice on things like cooking or gardening. Private broadcasters also supply entertainment content with current affairs constituting a very small proportion of their overall output, in most cases restricted to local non-political news, sports, accidents, and weather. Radio stations are music-based and television stations rely on entertainment and other programming provided by Russian television networks.

Still, there are several dozen private newspapers, both local and national, that cover current affairs and offer independent outlooks on current affairs. They are more likely to offer unbiased coverage and alternative viewpoints to those touted by state-run media organizations, one panelist explained. He added that some of those outlets are largely focusing on attacking government's policies. Reliance on stories syndicated from other sources is widespread, especially amongst online media; and not infrequently with disregard to copyright issues.

Private media ownership is not concentrated, however media as a whole are largely in the hands of the government, which controls more than 600 outlets. Foreign ownership remains insignificant, with Russian companies owning two popular newspapers, *Komsomolskaya Pravda v Byelorussii* and *Argumenty i Fakty*, two news agencies, Interfax-Zapad and Prime-TASS, and VTV, an entertainment television channel. The media law forbids foreign citizens and companies from holding more than a 30 percent stake in Belarusian media businesses. Amendments to the media law that will come into effect in 2015 further lowered that cap to just 20 percent.

The media law also requires disclosure the owners of founding companies behind traditional media organizations. "Theoretically, a request can be filed with the government's records office and anyone can get the names of beneficiaries of these companies. Yet hardly anyone seems to care about interests of these people or how these interests could influence editorial policies," argued one panelist.

Most minority issues like ethnicity, religion, and gender, receive very little media coverage in mainstream outlets. "Most media [outlets] are sticking to a somewhat 'traditional' agenda on religion, ethnicity, gender, and LGBT issues. Quite possibly, media have very little interest in these topics or these minorities are just shunning media attention themselves," one panelist posited. Another panelist added that reporting on the LGBT community usually provokes dozens of critical comments from the readers and even accusations of "gay propaganda." In most cases minority-oriented content is supplied by the community in question and minority-related concerns addressed by minority-owned websites. Some religious communities and ethnic minorities (most notably Polish, Ukrainian, and Jewish) run their own newspapers with small-circulations.

Belarusian media mostly focus on the domestic agenda and many outlets cover local and international affairs, yet to varying degrees. Local media organizations tend to concentrate on local and regional news, and also report extensively on national ones. Their international perspective is rather limited and in many cases neglected. National outlets mostly offer a mix of national and international news and analysis and their coverage of regional and local news remains scant. At the same time aggregation of news from other outlets is quite common across the sector.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Belarus Objective Score: 1.07

Media can hardly be referred to as efficient and profitable businesses, given the political climate, tiny advertising market, and unfavorable economic conditions, the panelists explained. At the same time, no media outlets disclose their financial status. Even the government, the biggest media owner, is reluctant to report on how it manages public assets. In an attempt to streamline the business model and save costs, the government consolidated national state-run newspapers into two media holdings. One of them brought together five key newspapers that report on politics and social issues plus six other smaller niche titles. Another company consolidated nine Belarusian-language newspapers and magazines that mostly cover lighter issues like culture. Both holding companies are self-sustainable. The minister of information said in an interview in April 2014 that 70 percent of regional and local state-run newspapers are self-sustaining. That is essentially the

only information the public has received on how the state-owned press is doing financially.

Elsewhere, most media companies are at best breaking even, panelists agreed. “Even if they are making a profit, return on investment is much better in other sectors,” one panelist noted. Many media companies conduct basic business planning. Yet given the turbulent economic environment, even short- and mid-term budgeting is problematic.”

Having certified accountants is a legal requirement. Most companies also hire dedicated specialists to supervise advertising sales. Issues like finance, marketing, and personnel management are in many cases dealt with by the director of a media company, who is also oftentimes the editor-in-chief. That is especially common for smaller outlets. Some media organizations are more willing to hire lawyers to be certain about where they stand legally. Yet very few can afford even part-time lawyers to take care of compliance with numerous regulatory requirements.

Most outlets have several sources of revenue. The government essentially bankrolls media organizations it owns, the panelists said, including both direct funding and below-the-line support like tax breaks and subsidized rent, noted one panelist. State-imposed press subscriptions underpin the circulation of many state newspapers. At the same time many government-owned outlets also depend on advertising revenue; their subsidized status allows for them to undersell their privately owned competitors.

#### 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 if they are making a profit, return on investment is much better in other sectors,” one panelist noted.

Advertising sales are essential for private outlets and newspapers also depend on copy sales. Many local media organizations also rely heavily on publishing personal messages like birthday greetings. In some cases, outlets depend on the owners’ revenues from other businesses or have to be sustained by grants from foreign donors. Other sources of income remain scant: “The media cannot earn anything outside of advertising and copy or subscription sales,” one panelist said.

Overall, one panelist argued, “The inefficient economy captained by big state-owned businesses cannot create decent conditions for the development of media.” The advertising market showed 5.7 percent growth against 2013 according to the advertising group Vondel Media. Online advertising grew by almost 25 percent, television by 4 percent, with radio remaining unchanged. Print advertising revenues suffered a decline of 12.5 percent. The advertising market remained consolidated and positions of key players were entrenched. Television, and first of all big state-owned television networks, received 54 percent of total ad spend. Multinational corporations like P&G, Unilever, and Nestle, as well as domestic mobile phone operators, banks, and retail networks, remain the largest spenders. International brands accounted for 50 percent of money spent on television and 40 percent online, according to a panelist. He went on to state that their reliance on television was additional proof that the advertising market remains undervalued, as advertising rates happen to be several times lower than in neighboring countries.

The panel differed on whether advertising agencies support the media sector. Most of the lucrative advertising accounts are managed by a handful of international advertising agencies. Overall, they tend to work with media that reach larger audiences, both in traditional media and online, one panelist noted. Other agencies work with different kinds of outlets and across various platforms. Yet it is not uncommon for smaller media organizations, especially regional ones, to rely on their own advertising sales teams and revenues from small private businesses. In some cases, the media are reluctant to offer discounts on their headline prices to advertising agencies, although that is a common practice.

Overall, one panelist argued, “The inefficient economy captained by big state-owned businesses cannot create decent conditions for the development of media.”

As noted above, advertising sales are important for many media organizations, especially those that are not secured by government funding. Most notably, private newspapers have experienced withering circulations and advertising sales, while production and distribution costs have soared. Many had to cut back on the number of pages and thus were losing advertising slots. Some owners opted for price increases, yet are finding it hard to compete for copy sales and advertising budgets with other titles, foremost the subsidized state-controlled publications. One of the panelists, an editor of a regional newspaper, said at least 60 percent of his revenues come from advertising sales.

Although many owners feel pressure to sell more advertising, the law restricts the amount of advertising to 30 percent in newspapers and magazines (25 percent in state-owned titles) and 20 percent on radio and television (including 30 percent during primetime). To accommodate more advertising, some newspaper owners also publish freestanding non-news titles that are not subject to an advertising cap. Those titles are usually distributed as inserts in the newspaper. And still, the panelists said, there is a limit to how much advertising those media organization can sell.

Meanwhile, none of the media outlets are able to introduce viable digital subscriptions or paywalls to monetize their content, another panelist argued. Only large web portals like TUT.by or Onliner.by are able to offer e-commerce services that help monetize their existing online traffic.

Government subsidies continue to distort the media sector by propping up hundreds of state-owned outlets. The national budget alone provides for \$69 million in direct funding to state-run media, including \$56 million for state-owned radio and television. In comparison, national ad-spend totaled \$116 million in 2014, with television earning around \$62 million and radio \$6 million. State-controlled outlets also receive funding from regional government budgets. On top of that, state-controlled media enjoy indirect subsidies in the form of discounted newsprint, printing, and postage fees, lower rent, etc. The three

biggest state-owned media companies, television networks ONT and STV and the National State Television and Radio Company, have been exempt from value-added and income taxes for several years.

The government and state-controlled companies buy very little advertising, yet both state and private businesses have been under pressure for many years to not place advertisements in outlets critical of government policies. The law also requires businesses and non-profit organizations to publish their legal notices in certain state-owned newspapers.

By and large, market research does not influence the operation of media organizations outside of informing advertising sales, according to the panelists. State-run media, for example, do not feel the need to adjust their editorial policies or strategic goals, according to one panelist. Some professional research is being contracted though, usually commissioned either by advertising agencies or large media companies. In most cases, media organizations do not have access to their results. And even if they did, the media would be unlikely to utilize the results. Surveys usually research the national market leaving smaller outlets, especially regional outlets, with little information to inform editorial policies or pass on to potential advertisers. According to one panelist, the results of such polls in most cases are somewhat skewed, as pollsters do not go beyond small towns. As a result, certain rural areas are not researched at all.

Some media companies occasionally run their own in-house surveys, usually via online or paper questionnaires. In order to tailor their content and lure advertisers, many outlets rely on the likes of Google Analytics to track traffic on their websites.

Several private companies produce broadcast ratings, press readership data, and Internet statistics. GEVS offers television ratings (obtained via Peoplemeters) and also measures radio and press audiences via phone interviews. In 2014, GEVS was chosen as a provider of television ratings by the biggest advertising agencies and television channels. Similarly, Internet research company Gemius was the go-to place for Internet statistics. It uses a combination of website counters, online panels, and offline research and offers both usage statistics and demographic profiles. Many outlets with an online presence rely on basic data provided by the online counter Akavita, in most cases to keep track of competing outlets. Meanwhile, advertisers rely on stated print-runs from newspapers and magazines, as there is no audit of circulation.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Belarus Objective Score: 1.40

Trade associations of newspaper publishers, television broadcasters, and cable operators as well as print distributors exist in Belarus. United Mass Media represents 13 regional newspaper publishers in central and western Belarus. The Telecommunications Industry Union has almost 100 members, mostly local television stations and cable operators. The Union of Publishers and Press Distributors serves the press distribution industry. It has eight full members (state-owned press distribution companies) and 17 more affiliated members (mostly printing houses, yet also several newspaper publishers). All of those organizations have hardly had any role in shaping the way their industry works. They mostly provide networking and learning opportunities for their members, attempt to sell advertising in bulk, and purchase newsprint and programming rights. "They are promoting yet not protecting the interests of their members [on regulatory and policy issues] as there is no practical way to do that, mostly because the government does not view them as influential players," one panelist explained. One of the panelists said however, that the press distributors union was allowed to participate in the planning of amendments to the media law.

There are no trade unions for journalists in Belarus, yet media workers have two professional organizations

### 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 choose from. The Belarusian Union of Journalists (BUJ), the "official" organization for journalists, brings together around 2,000 media professionals employed by state-controlled outlets. Conversely, the independent Belarusian Association of Journalists (BAJ) has more than 1,000 members, mostly from private outlets. Both organizations vow to promote quality journalism and have developed ethical codes that members are obliged to follow.

The panelists agreed that BAJ is much more active in protecting the rights of journalists and the freedom of speech in general. In addition to providing legal assistance to its members, BAJ monitors and publicizes information about violations of free speech. At the same time BUJ is, according to one panelist, said to be "steering clear of protecting the professional rights of journalists and remaining subservient to the government." Separately, BAJ runs several professional development programs. The BUJ, according to a panelist, has only recently started one such project—to train young reporters in the basics of journalism—after a several year hiatus. As in the case with trade associations, there is no room for professional organizations to influence the government's policy on media regulation. And yet, on the day the draft media law was unexpectedly introduced into parliament, a press release was published on the BUJ's website saying its board had approved the government-proposed amendments a week earlier. Meanwhile, while the BUJ mostly cooperates with its counterparts from the former-USSR countries, BAJ has closer connections with international press freedom and media development organizations.

Domestic NGOs remain weak. There are no organizations—other than BAJ—dealing specifically with issues related to free speech. Under its mandate, however, BAJ is only allowed to protect its members. Elsewhere, human rights groups and think tanks sometimes deal with such issues. Most notably, Viasna and the Belarusian Helsinki Committee react to violations of freedom of expression by providing legal defense and publicity. One of the panelists argued that a media outlet should be critical of the government in order to receive assistance from such organizations. Although several think tanks have projects aimed at liberalizing the media environment, the government disregards their initiatives.

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 online journalism, as well as editing, media management, and international journalism. It has 1,500 students. The panel traditionally criticizes the curricula and the quality of



One of the panelists added that those institutions have few practicing journalists among the faculty and sometimes lectures and master classes are led by press secretaries and ideologists, thus blending in journalism and propaganda.

training as “overly theoretical.” As a result many graduates are not job-ready. Similar training is offered by state universities in Brest, Homiel, Hrodna, and Viciebsk, as well as several private institutes in Minsk. One of the panelists added that those institutions have few practicing journalists among the faculty and sometimes lectures and master classes are led by press secretaries and ideologists, thus blending in journalism and propaganda.

Amongst foreign opportunities most notable is the European Humanities University (EHU). Once a Belarusian university, it has been operating in exile in Vilnius, Lithuania. EHU has several hundred students divided among four relevant majors; mass communication and journalism, visual culture (cinema, television and Internet), design and visual media, and new media. Though the education they offer is definitely more liberal, and modeled on Western rather than Soviet standards, panelists also felt that practical training opportunities there are lacking.

Employment prospects for graduates are gloomy, one panelist argued. Although a number of newsrooms are understaffed, they are also underfunded. Many graduates choose other sectors, most notably public relations and advertising. As noted above, graduates of state journalism schools who receive their diplomas for free are subject to mandatory job placements. They have a choice of working either wherever the government would send them or reimbursing the cost of their tuition. Usually, most of these job placements are with small newspapers run by local governments, with salaries up to \$200 per month, according to a panelist.

Short-term training opportunities are plentiful. “A media organization would find itself rolling in different options, both short and long-term, either to send their staff for trainings or have trainers sent to their newsroom,” one panelist noted. Numerous training courses are offered for free by both domestic and foreign media development organizations as well as professional and trade associations.

Formats vary from one-day webinars and master classes to workshops, long-term distance learning, and mentoring. Most training opportunities still target newsroom staff. Finance, marketing, and advertising departments are somewhat neglected, the panelists said. Many newsrooms also require trainings for web editors/website managers and those responsible for social media marketing. One- or two-day training sessions, webinars, and online courses, as well as in-house training and mentoring by visiting practitioners are most useful, according to the panelists.

Access to printing plants and sources of newsprint remain politicized and strictly controlled by the government. Most printing houses are state-owned and only three private companies are licensed to print newspapers. The law holds owners of printing facilities responsible for the content of printed materials they produce, “so any story can be pulled at the stage of printing,” one panelist explained. The panelists mentioned one case when Plutos-Market, a privately-owned print house in the capital, refused to print the private weekly *Svobodnyje Novosti Plus*, citing equipment failure. The newspaper had to switch to a state-owned print house. Overall, most newspapers are printed domestically and at state-run printing plants. Panelists said that price discrimination against privately-owned newspapers is a common practice. At the same time some glossy magazines are printed abroad, in Ukraine, Lithuania, or Latvia.

Similar to printing facilities, press and broadcast distribution channels are controlled by the government. Most news is sold via Belsajuzdruk, a state-owned network of around 1,500 newspaper kiosks. Press subscriptions are mostly handled by state postal monopoly Belposhta. The panelists noted that both companies charge exorbitant fees for their services. Around a dozen private regional newspapers have been denied access to either one or both of those distribution systems since 2006. They have relied on their own distribution systems ever since, as well as sales at private shops. The panelists also mentioned caps at state-owned distribution networks on how many copies of certain private newspapers they are allowed to sell. Digital subscriptions remain insignificant. Most television and radio broadcasting equipment is state-owned; few independent transmitters are controlled due to strict licensing and compliance procedures. Many cable networks are owned by private companies, yet local governments approve the list of channels that are included in the packages.

The panelists had mixed views on Internet and telecom infrastructure. Internet penetration has reached 71 percent

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(among those aged 15-74) and 61 percent of Internet users surf the web every day. Internet subscriptions are quite affordable, the panel agreed, and with the exception of less populous rural areas, the country is rather well served by both mobile operators and Internet service providers (ISPs). Online media remain the least regulated of all and offer a variety of viewpoints. Websites critical of the government, for example Charter97.org and Belaruspartisan.org, are usually blocked during opposition rallies or while covering news that might undermine the government's agenda. Most notable was the blockage of seven news and opinion websites on December 19 in an attempt to stop a run on banks amid the unfolding currency crisis. "On the one hand, everything works most of the time. There are independent sources of news on the Internet, but they are being shut down when they are needed most," according to one panelist.

Although Belarus has several points of entry for international Internet connectivity, almost all of the traffic in and out of the country flows through systems owned by the state monopoly Beltelecom. All ISPs are required by law to filter websites added to government-compiled blacklists, described above.

Meanwhile, the Belarusian government looks to practice "Internet sovereignty," requiring all websites selling goods or services (even those running banner ads) to use Belarusian servers, which means higher fees and servers that are oversold or overloaded, according to one panelist. Separately, the government also has control over national .by domain names. In a likely attempt to curb panic around the fluctuation of the currency, the authorities on December 20 withdrew the domain from Onliner.by, one of Belarus most popular e-commerce websites. Onliner.by also offers non-political news and runs popular discussion boards, reaching approximately 30 percent of the Belarusian Internet audience, according to Gemius.

## List of Panel Participants

*Note: MSI panelists in Belarus agreed to participate only if they were not named publicly. The Criminal Code contains an article, "Discrediting the Republic of Belarus," which criminalizes providing "false information" to international organizations 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 on December 26, 2014.*

*In early spring, it became clear that Russia is waging an information war in Moldova and other ex-Soviet countries. Civil society members expressed concern about what they deemed as propaganda being rebroadcast by Russian channels.*



MOLDOVA

As the crisis in neighboring Ukraine worsened in 2014, the security of Moldova rapidly became a hot topic. Local authorities in the autonomous region of Găgăuzia carried out a referendum asking residents whether they support integration with a Russia-led customs union or with the European Union (EU). Their actions sparked protests in Chișinău and prompted the central government to call for an investigation, categorizing it as illegal and threatening Moldova's sovereignty. Radio Free Europe/Radio Liberty reported that nearly 70 percent of Găgăuzia's 155,000 residents (mostly ethnically Găgăuz, Turkic-speaking Orthodox Christians) turned out to vote. Nearly 98.4 percent of voters were in favor of closer relations with Russia. However, the referendum was not monitored.

In early spring, it became clear that Russia is waging an information war in Moldova and other ex-Soviet countries. Civil society members expressed concern about what they deemed as propaganda being rebroadcast by Russian channels. Public discontent culminated with Member of Parliament (MP) Ana Gutu's request in April for the national broadcasting regulator to take action; the regulator promised to monitor the channels.

On April 28, Moldova became the first country in the Eastern Partnership (the EU-designated group of the former Soviet republics) to obtain visa-free travel to the EU. Some analysts assessed this development as the second most important in Moldova's history, after the declaration of independence. Several months later the EU signed the Association and Free Trade Agreement with Moldova, later ratified by the Moldovan Parliament.

In September, Russia levied customs duties on a variety of Moldovan goods without regard to provisions outlined in bilateral agreements and the statutes of the Commonwealth of Independent States. The duties compounded the effects of Russia's earlier bans on Moldovan imports, resulting in a \$200 million dollar loss to Moldova's economy. However, the Association and Free Trade Agreement simultaneously entered into force, allowing exporters to direct their products to other markets.

The year ended with a controversial parliamentary election campaign, in which the Kremlin-backed Socialist Party won an unexpected 25 percent of the vote. The coalition agreement was finally signed, but only by the Democrats and Liberal Democrats and with tacit support from Communists. The pro-Russian and pro-EU voters are equally unhappy with the current situation. With the exception of a few national outlets, the media's political persuasions were reflected in biased coverage of the election.

# MOLDOVA at a glance

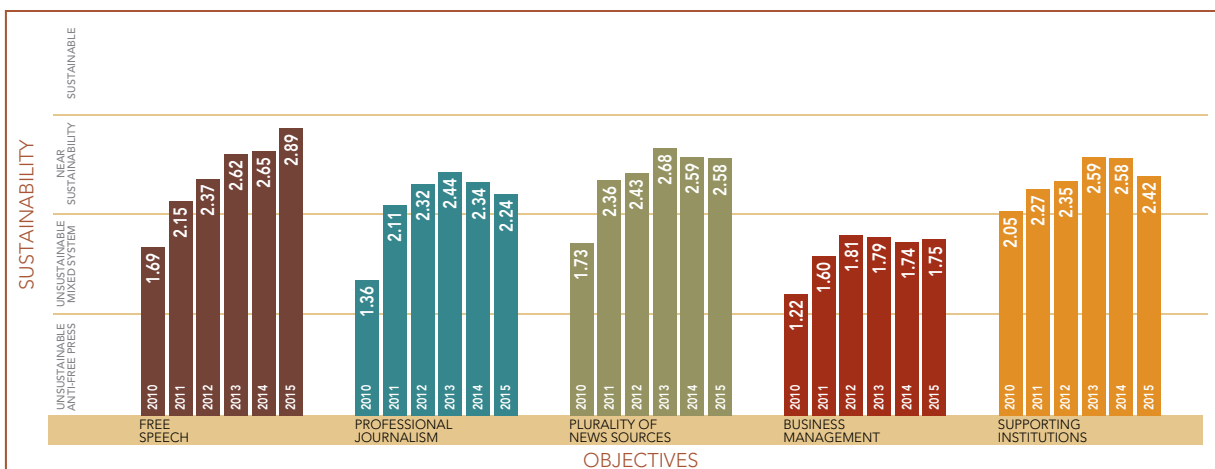
## GENERAL

- > Population: 3,583,288 (July 2014 est. *CIA World Factbook*)
- > Capital city: Chişinău
- > Ethnic groups (% of population): Moldovan 75.8%, Ukrainian 8.4%, Russian 5.9%, Gagauz 4.4%, Romanian 2.2%, Bulgarian 1.9%, other 1%, unspecified 0.4% (2004 est. *CIA World Factbook*)
- > Religions (% of population): Orthodox 93.3%, Baptist 1%, other Christian 1.2%, other 0.9%, atheist 0.4%, none 1%, unspecified 2.2% (2004 est. *CIA World Factbook*)
- > Languages: Moldovan 58.8%, Romanian 16.4%, Russian 16%, Ukrainian 3.8%, Gagauz 3.1%, Bulgarian 1.1%, other 0.3%, unspecified 0.4% (2004 est. *CIA World Factbook*)
- > GNI (2013-Atlas): \$8.780 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$5,180 (World Bank Development Indicators, 2014)
- > Literacy rate: 99%; male 99.5%, female 98.5% (2011 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: 166 newspapers, 232 magazines (National Bureau of Statistics, 2013); Radio Stations: 56 (Broadcasting Council, 2014); Television Stations: 69 (Broadcasting Council, 2014); Internet News Portals: top three: protv.md, noi.md, unimedia.md (Gemius, 2015).
- > Newspaper circulation statistics: *Komsomolskaia Pravda* (34,195), *Argumenti I Fapti* (14,449), *Makler* (13,047), *Antenna* (10,900), *Unghiul* (10,755), *Timpul de dimineata* (7,136), *Ekonomiceskoe Obzrenie* (4,063), *Panorama* (4,062) (BATI, 2014)
- > Broadcast ratings: Competing surveys produce dissimilar results. According to IPP (2014): Top three television: Prime TV (private), Moldova 1 (public), Jurnal TV (private); ProTV has highest rated newscast. Top three radio: Radio Noroc (private), Radio Moldova (public), Russkoe Radio (private). According to AGB Moldova (2013): Top three television: Prime TV, Moldova 1 and TV7; Top three radio: Hit FM, Russkoe Radio, and Radio Noroc
- > 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: €9 million; Radio: €0.6 million; Internet: €1.7 million; Print: €2 million (AAPM, 2014 est.)
- > Internet usage: 1,748 million (Gemius, 2014)

## MEDIA SUSTAINABILITY INDEX: MOLDOVA



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (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: 2.89

Legal norms—and to a lesser extent, social norms—protecting and promoting freedom of expression in Moldova and have improved continually, with increasing public trust in the legal framework. This progress resulted in an unprecedented score for Moldova of 2.89 for this MSI objective, compared with 2.65 last year. Although the actual framework has changed little since 2013, cases of libel and crimes committed against journalists have decreased, according to the panelists.

According to Olivia Pîrțac, a freelance media expert in Chișinău, the law on freedom of expression, the broadcasting code, the election code, the criminal code, the law on access to information, and the legal amendments guaranteeing editorial freedom for public media adequately ensure the right to exercise free speech. All of these regulations are in line with international standards. However, citizens, institutions, political party members, and religious groups continue to attempt to exert influence over the media, through either financial or direct editorial control. Vitalie Dogaru, host and talk show producer with Publika TV, said, “Although parliament has adopted a law guaranteeing editorial freedom to mass media outlets,” party leaders and public persons still interfere with 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.

maintain control of media institutions. Ion Bunduchi, executive director of the Association of Electronic Media, added, “Legal norms protect and promote freedom of speech, but social norms do not—possibly because we lack the necessary traditions.”

In the breakaway region of Transnistria, restrictions on press freedom increased during the past year. In April, its unrecognized authorities tried unsuccessfully to pass a new press law requiring online media to register. According to local civil society representatives, the law would have put greater restrictions on the right to receive and distribute information. Draft laws on information security and on countering extremism have been proposed but not yet adopted. Even with the multitude of media laws, media members are still having a hard time working in the region. “Journalists, bloggers, and photographers do not feel secure in Transnistria,” explained Luiza Dorosenco, director of Media Center in Tiraspol. “[It is] not clear who or where one can take a picture [and under] which regulatory act this is stipulated,” she said.

As in past years, panelists noted that improvements in licensing have not been motivated by regulators, but by parties that acquire licenses. “The process of licensing is not fair and competitive in my experience,” said Andrei Bargan, manager of Cimișlia-based Radio Media and Media TV. “Two years ago, we submitted a request to extend the coverage of Radio Media in the southern region. Out of several frequencies available for Cahul, Comrat, and Leova, we received only the medium-wave frequency for Leova, which had been unsolicited until then. The frequencies for Cahul and Comrat in the FM band were given to the music radio station Maestro FM, which was not at all in line with the concerns of the people living in the region but aired good music.” Other panel members noted that the decision had been as good as made in favor of Maestro FM, and that it was too late to change that. Maestro FM is a music-only station, with just a few 5-minute general newscasts that mostly reprise Publika TV and international news. It offers no regional news.

The Broadcast Coordinating Council (BCC) licensing activities have yet to win the trust of media professionals and of society at large. But its regulatory mission was put to the test on several occasions throughout 2014. In the first months of the year, civil society pressured the regulator to protect public opinion against propaganda originating in Russia, and finally prompted it to announce that it would monitor the content of the channels in question. In July, after a lengthy public debate and one week of monitoring, BCC penalized several television stations for not abiding by the broadcasting code. According to mediafreedomwatch.org, BCC suspended Russia24 for 6 months and penalized

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two more stations that rebroadcasted content of Russian channels (RTR and Ren TV). These stations were given maximum fines of MDL 5400 (\$344), while the stations Prime (rebroadcasting Pervyi Kanal) and TV7 (rebroadcasting NTV) were issued public warnings.<sup>1</sup>

Later, during the November parliamentary elections, BCC demonstrated its lack of authority as it stopped short of suspending the right to air advertisements for those broadcasters that overstepped the broadcasting code—specifically the provisions regarding fair and balanced coverage of candidates. It also applied very minor sanctions to channels belonging to or affiliated with top politicians. In light of the importance of protecting the country’s information space, and the decisiveness of this year’s parliamentary elections, civil society regarded BCC’s reactions as belated, overly cautious, and failing to enforce its role of guarantor of the public interest. In the panelists’ view, these events were additional signs that BCC is still politically influenced.

Entry into the media market is not restricted, and Moldova has no legal requirements that would create unequal conditions for media start-ups. However, Bunduchi expressed the belief that some practices of “oligarchical media” have a negative influence on new participants in the media sphere. Rodica Mahu, chief editor of *Jurnal de Chişinău*, agreed: “Print media are treated similarly to any other limited liability company. We are subject to the same tax policy, which brings us to our knees very quickly.” For these media outlets, access to the advertising market is also tedious, Mahu added. She said that her “newspaper has very little advertising, and it doesn’t provide sustainable income.” Veaceslav Perunov, journalist and manager of *SP* newspaper

<sup>1</sup> See the BCC’s decision at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=353796> It should be noted that Prime is part of the media group controlled by media tycoon and Vice Chairman of the Democratic Party Vlad Plahotniuc while TV7 belongs to Chiril Lucinschi, prominent member of the Liberal Democratic Party.

in the northern town of Bălţi, is a longtime advocate of tax incentives for print media. In that panelist’s opinion, an income tax exemption is necessary to support the survival of local, small, independent newspapers.

Assaults against media professionals were rare in the past year, with only a few cases reported. Threats against journalists, especially from politicians, were more common. Some panelists said that the drop in assaults was due to journalists “behaving too well” and thus avoiding persecution. In most of the assault cases, investigative journalists and active citizen reporters were targeted. In June, Vadim Ungureanu, an intern at the information portal Deschide.md, was detained for 72 hours in what the portal described as “a well-thought-out and well-executed act of revenge” by the Ministry of Internal Affairs (MIA) for publishing information concerning the ministry. In response, MIA issued a press release announcing that it had apprehended “...a 24-year-old man from Chişinău who blackmailed officials to obtain compromising information about Moldovan celebrities,” and that his detention was “...the completion of an operation that included documentation of the blackmailing and the delivery of false, compromising material that was subsequently published by the suspect in a media outlet.”

Also in June, citizen journalist Oleg Brega of the online television channel Curaj.tv, reported that he was attacked by several individuals that sprayed him in the eyes and kicked him. He also was insulted and physically assaulted by the driver of an MP. The incidents happened within the span of two days, and the second incident involved the driver of Maria Postoico, the head of the Communist Parliamentary faction, who was unhappy with the journalist’s report on the use of her official car for personal needs.

In August, the investigative team of RISE Moldova reported threats from individuals after a feature describing “the Russian laundromat” money-laundering schemes in Eastern Europe. In September, the investigative weekly *Ziarul de Garda* reported threats and pressure following the publication of an article discussing the properties and foreign trips of the Moldovan Metropolitan (highest-ranking cleric in the Moldovan Christian Orthodox Church). However, law-enforcement bodies did not investigate these claims.

Moldovan law formally guarantees the editorial independence of public media, but independence in practice is not ensured. For example, the appointment of supervisory board (SB) members for public broadcaster Teleradio-Moldova (TRM) has been underpinned by

political interests, as discussed in last year's MSI. Since December 2013, TRM has been operating without its highest administrative authority because the SB had only three active members out of nine positions. The Parliamentary Committee on Culture, Education, Research, Youth, Sport, and Media organized several meetings in an effort to appoint the six remaining members, reviewing a list of 12 candidates selected by BCC. The committee failed each time. In April, the head of the committee declared that the MPs needed more time to consider the candidates' resumes, but did not return to this matter until the end of the legislature's mandate. Later, committee member Valeriu Saharneanu admitted that coalition parties could not reach an agreement concerning the formula for assigning the candidates. Bunduchi commented, "Not only is the supervisory board appointed using political criteria—which is contrary to the law—but the financing mechanism also allows for external interference."

In the Găgăuz autonomous region, local legislators attempted to institute greater control over the SB of the local public broadcaster Teleradio-Găgăuzia (TRG). In October, the People's Assembly of Găgăuzia debated a draft law containing proposals inconsistent with national legislation—specifically the broadcasting code. These proposals were aimed at modifying the legal procedure of issuing broadcasting licenses, usage licenses, and rebroadcasting permits. Responsibility would be transferred over to the Executive Committee of Găgăuzia and the BCC's supervisory role over local broadcasters would be amended, according to a statement released by NGOs on media-azi.md.<sup>2</sup> Politicians, instead of the regulator, would be left to decide who airs what, panelists explained.

Since its decriminalization in 2004, libel has not been a challenge for journalists or media outlets. The civil law procedures for filing a lawsuit have also been tightened. The preliminary procedure, which is now compulsory, is followed by a very short period during which the plaintiff can pursue the case. In addition, a tax must be paid amounting to 3 percent of the damages requested. These requirements are enough for many, but not all plaintiffs withdraw their lawsuits. In spite of the clear legal provisions on libel and public dignity, some citizens still resort to courts to defend their honor, even if not always armed with cogent arguments. "Many (plaintiffs) count on the corruptibility of the judiciary, while others simply wish to settle accounts with certain journalists and media. Whatever the result, plaintiffs count on intimidating journalists, and getting the outlet involved in lawsuits that go on for years and come

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One of the latest cases is that of *Ziarul de Garda*, a newspaper sued by newly elected Socialist MP Andrei Neguta for publishing information on his alleged Romanian citizenship. The article was later reprised by *EvenimentulZilei* in a satirical piece. According to Alina Radu, manager of *Ziarul de Garda*, apparently *EvenimentulZilei* was not taken to court by the Socialist MP; her newspaper was the only one sued. Panelists noted that the legal burden of proof is shared equally by the plaintiff and the defendant.

Regarding access to information, increasingly bureaucratic processes are hampering the openness pledged by central authorities since the 2009 change in government, as information is not released completely or in a timely fashion. Mahu offered some examples, stating, "As far as *Jurnal de Chișinău* is concerned, the Prosecutor General's office answers our requests in two months; the Migration Bureau takes more than one month. The most reticent are the Ministry of Labor and Social Security, the Ministry of Defense, and the Information and Security Service, while the Ministry of Health informed us that heads of departments can speak to the press only with the consent of the minister or vice-minister."

As in past years, community journalists struggled to obtain information of public interest from local authorities. "We still have to sue [local authorities] in order to obtain information; nothing has changed. Most of the time, they say the Law on Access to Information does not apply to us," Perunov noted. Alina Țurcanu, former chief editor of Chișinău-based *Adevarul* and current television editor at the Moldova desk of Radio Free Europe, agreed. "Many press services believe that their duty is not to facilitate access to information for public interest but rather to protect the institutions they represent and release only positive information," she said. Civil servants continue to cite "state

<sup>2</sup> See the statement issued subsequently by media NGOs <http://media-azi.md/en/stiri/media-ngos-asking-people%E2%80%99s-assembly-Găgăuzia-comply-legislation-republic-moldova>

secrets,” “trade secrets,” and “investigative secrets,” often without justification, she added. “When the press requests sensitive information, public authorities ask for written requests and hold off, only to release a vague, incomplete answer that you cannot use for your article.”

Most of the time, authorities in the Transnistrian region deny requests for information submitted by NGOs and the few media outlets that are not owned by *de facto* authorities. Transnistrian authorities do not bother explaining their decisions, and usually no one dares to ask questions. As in any authoritarian regime, dissent and independent voices are stifled, and access to information restricted.

As in previous years, the last two indicators scored best. Access to news, including foreign news, is unimpeded and unrestricted by law. Access to the profession also continues to be free and unrestricted. All panelists agreed that there are no barriers to becoming a journalist in Moldova, but noted the “lack of professionalism among young reporters.”

In the Transnistrian region, journalists outside of the region have to obtain accreditation—a tiresome process from both the legal and financial standpoints. Foreign media must register as legal entities with the local authorities.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Moldova Objective Score: 2.24

As the Yanukovich regime crumbled in Ukraine this past year, Russian propaganda spread not only in Ukraine, but in other countries within the Eastern Partnership, according to the panelists. Most of these media outlets are available also in Moldova, as all federal Russian channels are rebroadcast in the country, often with less than 30 percent local content.

Russia’s annexation of Crimea and the conflict in Eastern Ukraine continued to be topics of increased public interest. Coverage was frequently unbalanced and poorly sourced, if not unscrupulous, according to the panelists. (See Objective 3, Media Pluralism, for more details.) Professionalism was especially strained in the Moldovan press coverage of political party domestic events and activities. Monitoring reports by media NGOs found that during the elections, only one television station, the privately owned Romanian-language ProTV Chișinău, maintained balanced reporting. The other four private channels with national coverage (Prime, Canal 2, Canal 3, and Publika) reported favorably toward the Democratic Party and its vice chair, media tycoon Vladimir Plahotniuc. Other, more private channels with local coverage were moderately biased, with TV7 and N4 favoring the Liberal Democratic Party; Accent

TV favoring the Socialist Party; and Jurnal TV slanted against the Democratic Party.<sup>3</sup>

The panelists expressed unanimously their dissatisfaction with journalism quality. However, their scores varied for the first indicator on objective reporting and for the second indicator on ethical standards, with greater optimism by the media professionals who produce their own content. Civil society representatives on the panel, though, harshly criticized the quality of content. Blogger Vlada Ciobanu asserted that “Moldovan journalism is in a continuous decline” and “sourcing is sacrificed for speed or for a hidden agenda.” Other panelists agreed, and Țurcanu added, “Superficiality is another problem. The press, especially online, is full of garbage (and) information that is poorly researched, with lots of mistakes.”

Petru Macovei, executive director of the Association of Independent Press (API), said that journalism quality deteriorated in 2014, in new media as well as in the traditional press. From February to July 2014 API undertook media monitoring and used the results in a public campaign against information manipulation, which it demonstrated in its findings.<sup>4</sup> “To some extent, this can be explained by the dynamics of the electoral campaign, when media that is covertly controlled by politicians preferred to make ethical compromises to promote their candidates or to discredit their opponents,” he said. “Thus, biased reporting became ever stronger, while some broadcasters with national

<sup>3</sup> The monitoring reports can be found at <http://api.md/page/en-2014-261>

<sup>4</sup> The monitoring reports are available online at [http://api.md/upload/files/Report\\_nr\\_1\\_monitoring\\_tendencies\\_of\\_manipulation\\_.pdf](http://api.md/upload/files/Report_nr_1_monitoring_tendencies_of_manipulation_.pdf) and [http://api.md/upload/files/Raport\\_de\\_monitorizare\\_nr\\_2\\_.pdf](http://api.md/upload/files/Raport_de_monitorizare_nr_2_.pdf)

## 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).

coverage resorted to techniques approaching manipulation, such as covering only those events that favored certain politicians and disadvantaged their opponents.”

On the other hand, Dogaru stressed that even reports that seem well sourced could be unethical. “The balance of sources is only an illusion,” he said, “because parties are not equal in terms of relevance, message, and representation.” He specified that it is partly the journalist’s fault for succumbing to pressure from the owner, while the rest of the blame falls on sources that treat media prejudicially, either ignoring journalists or giving superficial answers which lead to unfair, unbalanced media content.

Ethical standards are disregarded most often in relation to protection of under-aged persons or sensitivity toward people with special needs. Often, journalists covering topics related to crimes also ignore the presumption of innocence, according to Bunduchi. Bargan and Mahu agreed, adding that plagiarism is practiced on a large scale and without penalty.

The Moldovan Press Council is the national self-regulatory institution whose mission is to rehabilitate ethical journalism. During 2014, the council reported an increase in plagiarism, especially in online media. “Even though some Web resources admit that this behavior is shameful and correct their mistakes immediately after being notified by the regulator, they still can’t give up this unethical practice,” stated council secretary Macovei.

One of the causes of unethical media reporting is the close connection with self-censorship, which is sector-wide but most visible in those outlets controlled by politicians and business entities or people affiliated with either. The panelists saw this practice as affecting the quality of journalism on a large scale and awarded this indicator the lowest score in this objective. The panelists agreed that the large-scale self-censorship is a direct result of a media market that has bred conditions for owners to cultivate interests other than ensuring the success of their company. The failure to self-censor does not imply any risks to the lives and security of journalists. However, the relatively small market is heavily impacted by a few influential participants, so most professionals fear losing their jobs. “Self-censorship comes from this vital necessity, but is also an effect of the more-or-less direct pressure from editors and managers of media projects—who in turn self-censor when giving feedback to journalists,” Dogaru stated.

Panelists said that media outlets cover important events, and there are no banned topics. However, media expert Bunduchi of the Association of Electronic Media countered

Bargan complained that in “the past five years, the small wages offered by local broadcasters have caused five journalists from Cimișlia to leave for other TV and radio stations in the capital.”

and said that the media frequently pursue political agendas instead of the public’s interest and do not follow up on the events they cover.

During the past year, the regional political situation revealed a number of weaknesses in the Moldovan media sphere, one of which is the security of the information space. “Since the Information and Security Service is closed for media, what freedom do we have to cover issues of national security, given this very complicated geopolitical context?” Mahu queried. In the opinion of Dumitru Ciorici, former editorial manager at Unimedia news portal, media outlets cover social topics widely, while political topics can be covered selectively, depending on whether or not the owner influences editorial policy.

Pay levels have improved to some extent in the past year, yet not consistently. At the local level, wages are not enough to retain journalists and media managers. Bargan complained that in “the past five years, the small wages offered by local broadcasters have caused five journalists from Cimișlia to leave for other TV and radio stations in the capital.” The situation is even more acute in the Găgăuz and Transnistrian regions. According to Veaceslav Parfionov and Dorosenco, journalists often have to take several jobs and/or work overtime to supplement their salaries. However, Ciorici added that Internet journalists are usually able to rely on their wages for a living, with salaries “just slightly higher than the monthly average (at) MDL 4300 (\$260) for a full-time job.” He added, “This is more than people in other fields earn, but it is small compared with the monthly income needed for a decent life.” Media professionals that decide to leave journalism altogether usually migrate to communication jobs or assist with international projects, where, some panelists said, “the wages and the emotional comfort are greater.”

While locally produced entertainment does not eclipse news and information programming, they are no match for foreign entertainment programs. The Moldovan television market is dominated by the content aired on foreign stations, which local channels re-broadcast. Thus, ProTV Chișinău has less than 30 percent local content, with



the rest of airtime dedicated to news, shows, and movies rebroadcast from Bucharest-based ProTV. The same pattern applies to Prime (rebroadcasting Pervyi Kanal from Russia), TV7 (rebroadcasting Russian NTV), and so forth. The public finds the rebroadcast content more appealing than the local content, which usually is little more than news. The arrival of two information-only channels in 2010 and the subsequent increase in the number of newscasts by other broadcasters have tested the public's interest for news. Although the industry is still capable of supporting the existing interest, the panelists said that they expect the balance to shift in favor of entertainment programming once media businesses grow.

The panelists agreed that facilities and equipment for gathering, producing, and distributing news are in line with regional standards in Eastern Europe. Although the regional public broadcaster TRM managed to re-equip its news and debate studio with the help of foreign donors, one panelist noted that the broadcaster still trails behind other outlets and its equipment is insufficient. Many media professionals find it difficult to adapt to emerging technologies, panelists said. The regional public broadcaster TRG still lags behind other networks, as its equipment is insufficient and "could use an update," according to the panelists.

Online media outlets are on the rise and provide a diversity of niche content, but the content remains questionable at times, panelists said. In February, the founders of the popular news portal Unimedia launched the economic news website Agora.md, which benefited from significant promotion on Unimedia. In March, the Realitatea.md group was launched, consisting of six websites with various content from general news and the economy to gossip. The group is managed by Dumitru Tira, former manager of Publika TV. Later in 2014, the economic news portal Moldstreet.md was launched with support from the European Endowment for Democracy. The portal has its own code of ethics and is managed by media law expert and former BCC member Eugeniu Ribca. As public healthcare undergoes a number of reforms, the dedicated portal E-sanatate.md was created with donor support to provide the public with information and to support these reforms.

Investigative journalism is still "practiced with prudence," as one panelist put it. In print media, the field is covered admirably by the Journalistic Investigations Center and *Ziarul de Garda*. The publication produced a series of video investigations in partnership with TV Moldova 1, which provided airtime. Perhaps the most notable launch of the year, welcomed by both the media community and civil society, was RISE Moldova, a local branch of the international investigative network RISE. However, the launch of investigative sites is rare and requires donor

support in order to remain afloat. Ciorici, who now manages Agora.md, outlined the costs related to creating a specialized media outlet. "Quality reporting incurs high expenses due to the additional time needed for producing content, [which can] translate into a deficit" for a media institution, he said. For these reasons, niche reporting is not a viable option for local media in Moldova.

### OBJECTIVE 3: PLURALITY OF NEWS

Moldova Objective Score: 2.58

Over the past year new media outlets supplemented existing offerings and partially responded to the public's request for information. In addition to the online outlets mentioned above, new players in the television market enriched the industry. Moldova Sport, Moldova Business Channel, and Realitatea TV launched in early summer, and the local division of the public Romanian broadcaster TVR opened officially in November. Establishing the TVR local affiliate became possible through an intergovernmental agreement between Moldova and Romania. It stipulates that national public television stations are given free and unrestricted broadcasting in each other's air space.

Despite a multitude of information sources—public and private, broadcast, and online—their quality is lacking and they do not always ensure media pluralism. For example, some outlets providing a credible source of information disappeared in 2014, changed ownership, and/or lost their

### 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.

status. Russian language Kommersant.md, known for its objective and well-sourced reporting, was closed down in the summer for financial reasons officially, but unofficially because the Russian editorial group Kommersant withdrew permission to use the name. As a result, the team led by Vladimir Soloviov started a new Russian-language portal, Newsmaker.md. The newspaper *Adevarul Moldova*, famous for its investigative reporting, also filed for bankruptcy in the spring and ceased its print edition in July. On September 1, Chief Editor Țurcanu of *Adevarul Moldova* resigned, followed by the entire editorial team. (See Objective 4, Business Management, for more details.) In the aftermath, most journalists joined the Moldovan desk of Radio Free Europe. In the fall, channels Euro TV and Alt TV were bought by Klassika Media. According to media reports, Klassika Media is controlled by business owner Ilan Shor, a newcomer to the media market with reported ties to Liberal Democratic leader Vlad Filat. Towards the end of the year, the radio station Vocea Basarabiei announced the launch of a television station with the same name, amidst accusations of a forceful takeover with a view to sell it to Vlad Filat. This development raised questions over the station's editorial independence.

Overall, media experts agree that media plurality is threatened by growing divisions along language and foreign policy preferences—pro-Romanian media/pro-European and pro-Russian media/anti-European. Pro-Russian outlets outnumber pro-Romanian outlets both in the capital city and outside. The dominant position of Russian-language media was particularly visible, as Russian media became actively involved in the coverage of the Ukrainian conflict. “We are engulfed by pro-Kremlin rhetoric,” Mahu said, as Moldovan cable offers no “European TV stations...apart from TV5.” She also noted that British, French, German, and Romanian newspapers are not sold at newsstands. Mahu's opinion echoed those of Moldovan media experts and civil society representatives, who have lamented the increase in propaganda being broadcast by Russian media outlets and have repeatedly requested the BCC to protect the country's information space, panelists reported.

National and international media can be accessed without restriction. However, panelists identified a number of factors that indirectly might hinder people's access to information, including standard of living, way of thinking, and illiteracy. “There is a net difference between urban and rural communities in the way one can access media,” Mahu explained. “In rural areas, certain TV and radio stations are the most accessible sources.” She added that Romanian-language print media are even less accessible in light of the fact that nearly 30 percent of the population cannot read the Latin alphabet. Parfionov also listed

“We are engulfed by pro-Kremlin rhetoric,” Mahu said, as Moldovan cable offers no “European TV stations...apart from TV5.”

illiteracy as one of the main impediments to access to information in the Găgăuz region. “Ultimately,” Ciobanu added, “what people lack is the culture of finding relevant and professional media sources.”

Contrary to popular belief, panelists said, Internet connection fees are not the greatest impediment to access to information in online media. According to a 2013 survey carried out by CBS-AXA on behalf of the electronic governance portal Egov.md, 64 percent of households had computers, with a 62 percent Internet penetration rate—an 8 percent increase since 2012. Only 13 percent of respondents that did not have an Internet connection made reference to the price of subscription fees, although 60 percent said they could not afford a computer. In the Transnistrian region, access to mass media is limited to regional outlets. Neither print nor broadcast media from the west bank of the Nistru River are distributed there, for political reasons.

A report by Deutsche Welle Akademie found that the content of public broadcaster TRM has become much more balanced and independent, with “new programs and talk shows creating a public sphere open to debate.”<sup>5</sup> However, TRM still neglects its function as a leader in the public broadcasting field by not setting the topical agenda. The panelists noted that TRM lacks objectivity and avoids criticism about the basic quality of its programs, despite the breadth of public interest issues it covers, including healthcare, culture, education, and minority and consumer rights. Ciobanu assessed the public image of TRM as “having no clear partisanship, but favoring from time to time one party over others, especially during the parliamentary elections.” According to a former Moldova 1 reporter, who wished to remain anonymous, journalists prefer to showcase and dedicate more airtime to certain politicians, rather than criticize their opponents, or they simply cover them in a positive light. However, the source also indicated that producers tend to structure newscasts to favor the Democratic Party, as well as people and organizations affiliated with the party, through airtime and relevance.

<sup>5</sup> Edition DW Akademie, No. 2/2014, “In the Service of the Public. Functions and Transformation of Media in Developing Countries”, available at <http://www.dw.de/popups/pdf/40272159/edition-dw-akademie-in-the-service-of-the-public-functions-and-transformation-of-media-in-developing-countries-pdf>

Media NGOs that monitored the coverage of the 2014 campaign reported that public station Radio Moldova aired the highest number of unbiased news items, while TV Moldova 1 newscasts were “largely balanced, with a slight bias in favor of Prime Minister Iurie Leanca,” as stated by media-azi.md.

Moldova has a number of privately owned press agencies and one state-owned agency that gather and distribute news to media outlets, various institutions and organizations, and the public at large. Press agencies offer their services mostly in text format, although IPN also offers live streaming and video records of press conferences and Infotag provides analytical pieces. Due to high subscription fees, local press agencies as a rule do not rely on international agency news feeds. The exception is Romanian agencies, which Moldovan agencies can access for free to a large extent. Panelists viewed the state-owned agency Moldpress as the most uncompetitive and unprofessional news agency, as it trails private agencies in terms of speed, objectivity, and sources.

Private broadcasters produce their own news stories, with a few notable exceptions. Bunduchi explained, “Radio stations usually avoid producing their own news because of a lack of human and financial resources.” Instead, these broadcasters use the services of news agencies and/or digest news from web portals. Blogger Ciobanu stated that a number of information portals are in fact “borrowing” news from fellow websites. Increasingly, the best-quality investigative reports are simply reposted on news websites. “For now, bloggers are only a source of opinions, not news,” except when bloggers are “deliberately publishing leaks,” she added.

Media ownership transparency was the lowest-scoring indicator in the entire MSI, as the owners of the most important media institutions remain unknown to the public. Since the pro-European political coalition came to power in 2009, media ownership transparency and concentration have become major problems and have gradually worsened. Ludmila Andronic disparaged the concentration of media ownership in a few conglomerates and the lack of objectivity in certain outlets, which is “so obvious that it allows consumers to guess the ownership of the outlet.”

Government authorities pledged to adopt the draft law on ownership transparency proposed by the Independent Journalism Center in 2013; however, there has been little progress to date. On July 21, 2014, the draft law was adopted on the first reading, and the lawmakers promised to pass it on the second reading before the start of summer. They failed to do so because the parliament held no further meetings until the elections.

During a monitoring visit to Moldova in September, co-rapporteurs of the Parliamentary Assembly of the Council of Europe (PACE) Lise Christoffersen and Piotr Wach expressed their concerns at the number of mass media outlets in the hands of a few owners, including some politicians. The officials expressed their hope that the situation would improve once the transition to digital broadcasting is carried out. The panelists were less confident, though. Bunduchi noted that the digital switchover presents a possibility for improvement but also for decline, depending on how change is implemented.

The broad range of media outlets ensures an adequate representation of Moldovan minority interests. The Russian minority in particular has access to a multitude of outlets. Recently, several institutions that had historically targeted the majority Romanian-speaking population have established Russian-language versions of their websites. The outlets include the newspapers *Timpul* and *Evenimentul Zilei*, the Moldovan desk of Radio Free Europe, and *Ziarul de Garda* in January 2015. Coverage of sensitive topics (for example, European integration and the Ukrainian conflict) differs in minority language media, as they often take a more pro-Russian view. “The ‘parallel lives’ of Romanian and Russian language press continue,” Mahu observed. “Their ideas and information are, for the most part, antagonistic.”

In the Găgăuz region, the public has access to newspapers, radio, and television programming in the Găgăuzi language, while national public broadcaster TRM provides a variety of news and programs in minority languages (Russian, Ukrainian, Găgăuzi, Bulgarian, and Roma).

Dorosenco commented on the diversity of social interests in Transnistria. She assessed the situation as far from generally accepted standards, explaining that “a number of topics, such as European integration, are cast in a negative light,” and that “the activities of NGOs are almost always ignored, just like the contribution of international organizations to the development of our civil society or economy.” The deficiency is true of both the state-owned television and the private channel TSV (TCB).

Minority-language print media are nearly nonexistent. The Ukrainian language paper *Gomin (Ujviiy)* and Moldovan language paper *Adevarul Nistrean (Fltdphek Ybcnhy)* have very few subscribers and insignificant circulations limited to Transnistria.

Local, national, and international news are clearly covered disproportionately in Moldova. The events from other regions of the country are underrepresented. Only two regional networks (Aici TV, composed of 4 local stations covering 10 localities; and Canal Regional, with 12 to 14 local television stations) offer regional coverage. Private

broadcasters with national coverage rarely provide news about local and regional events. Moreover, TRM laid off most of its regional staff in its restructuring process. Local journalists Perunov and Bargan added that even when covering local events, the national press take a sensationalist approach to reporting, without conducting adequate research or presenting balanced sources.

The panelists debated the value and use of social media for accessing information. For example, in 2014, media outlets used information obtained from social media in their coverage of prominent cases of judicial corruption, according to some panel members. The most notable case involved Judge Elena Neaga, who was fired after Jurnal TV investigated her fortune by viewing pictures posted on her Odnoklassniki profile. Yet other panelists noted that in certain cases, mass media risk turning into mere vehicles for distributing rumors or, as one said, “leaks intended to intoxicate the information environment.”

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Moldova Objective Score: 1.75

As in past years, this objective received the lowest score from the panelists, as the media market has not evolved. The panelists agreed that the media sector in Moldova faces a number of challenges that hinder progress, including market size, unfavorable economic conditions, concentration of advertising, political influence, and deficient management.

#### 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.

“There is a long-standing state of apathy, which presumes that every media institution must implicitly have a sponsor, either from business or from politicians,” Ciobanu pointed out.

The panelists noted the case of *Adevarul Moldova*, a newspaper published by the Adevarul Media company, which became insolvent in 2014 after incurring a large debt. Due to a contractual issue, the Bucharest-based holding Adevarul could not take action to resolve the issue with its subsidiary, but promised to secure a new investor. Chief editor Țurcanu recalled that the “the team in Chișinău was not given a clear official answer, and the solutions proposed [to address the insolvency of Adevarul] were not transparent.” Meanwhile, the editorial team had not received its wages for several months; and in August, to halt the further accumulation of debt, the administrator decided to temporarily suspend the outlet’s print edition.

At the same time, a pro-communist website in Chișinău published an article alleging that *Adevarul Moldova* was purchased by media tycoon and politician Vladimir Plahotniuc. “The members of the editorial team did not have proof to confirm this information, but they did not want their names associated with the name of this politician,” added Țurcanu.

In November, with a new chief editor, the outlet was re-registered and its print edition re-launched, without paying outstanding wages due to its former employees. The identity of the new owner and the purpose of the newspaper’s re-launch are still unclear.

Another major transaction took place in the last days of 2014. On December 30, the news portal Unimedia announced that it was purchased by the publisher Miraza, which first published the local- turned-regional newspaper *Expresul* for seven years. Bacalu, director of *Expresul*, said that the acquisition of Unimedia represented a step forward. While the details of the transaction are not yet clear and the amount of the deal was not disclosed, founders said that both outlets were intended to function as efficient enterprises from the beginning. “Our media group was conceived and operates as a business; it has always been self-sustaining,” Ciorici explained. “The rationale for the Unimedia deal was to invest money to develop Agora.md.”

As for other online sources of information, Ciorici said, most are not conceived as businesses and are not managed accordingly. Dogaru added that in the broadcasting industry,

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production costs are very high and often cannot be covered by the revenue generated.

For income, media institutions rely either on advertising or direct funding from owners, and some depend on both. “There is a long-standing state of apathy, which presumes that every media institution must implicitly have a sponsor, either from business or from politicians,” Ciobanu pointed out.

This environment has led to a push for development of a media market in which some outlets, especially newcomers, explore alternative funding models, panelists said. They gave the example of the economic portal *Mold-street.md*, which has instituted a paid-content model. The website allows registered users free access to five articles per week, while subscribers have unlimited access for a monthly fee of MDL 11 (\$0.66) or an annual fee of MDL 40 (\$2.40). Local residents can pay in cash or electronically by SMS. So far, *Mold-street.md* has not disclosed information regarding the sustainability of this business model. The portal also relies on traditional advertising along with revenue from its communication and public relations services, which are offered on its second website, *Press-release.md*.

At the local level, print media continue to publish more classifieds than traditional advertisements. Panelists noted that the revenue from subscription fees is symbolic, and advertising and direct funding by owners continue to be the primary source for sustainability and means by which the press are controlled.

Broadcasters continue to rely heavily on advertising revenue. Their managers admit having a hard time garnering support given the state of the advertising market, which remains monopolized by Casa Media. It controls nearly 40 percent of the market and is owned by politician and businessperson Vladimir Plahotniuc, according to press reports.

Alkasar Media Services, co-owned by PLDM member Chiril Lucinschi and Gazprom Media Holding, has a 27-percent share of the advertising market; followed by Nova TV Group, with 20 percent. Together, these three agencies are in a position to distort the market and impact journalism quality, even when the owners and managers do not interfere. “Masked advertising has reached very high rates, and advertising agencies have made numerous attempts to corrupt the press in this respect—especially during the electoral campaign,” Macovei stated.

Occasionally, advertising agencies and the government collude, as was the case recently with Casa Media and the National Anti-corruption Center (CNA). A December article by *Ziarul de Garda* revealed that CNA signed a contract with Casa Media worth MDL 280,000 (\$17,000). According

to the newspaper, the other two important agencies were not aware of the public procurement tender, but CNA spokespersons claimed to have notified all market players. The contract stipulated that the advertisement be broadcasted on Prime and Publika TV.

The government provides no direct subsidies for media, but no legal provisions exist to regulate the distribution of state advertising in a transparent or fair manner. The amount of state advertising available is insignificant, but public acquisitions offer local authorities opportunities to exert influence, especially with smaller outlets.

According to the journalists among the panel, local-level authorities frequently abuse public funds and distribute advertising unfairly. Perunov gave an example. “This summer our newspaper participated in a public tender, and though our offer was better from all viewpoints—we had the highest print run in Bălți and our price was more competitive—the Communist newspaper won the tender,” he said.

Due to the poor enforcement of the Law on Denationalization of Periodicals, about 10 publications founded by regional and local authorities continue to receive support from public budgets and continue to compete for government advertising. According to the panelists, local independent media feel outdone by this unfair competition. However, Bargan said that public periodicals are able to sell advertising just as private media can, and even though these public outlets can “obtain funds from independent, non-government sources, they seldom do.”

The public broadcasters TRM and TRG continue to be funded from public budgets. From 2010 to 2012, TRM did take various financial steps, including implementing a new system of wages for employees, applying for grants, and launching projects to attract funds for institutional development. But ultimately, the external funding ceased after the 2013 shift in management.

The highly concentrated advertising market discourages even profitable media businesses from conducting market research. Not only are marketing surveys expensive for most media outlets, but they are also deemed irrelevant by many managers. Perunov complained that even if opinion polls were carried out to research the readership, in the end “advertisers don’t care” about circulation figures. As a result of these conditions, the circulation data that the Audit Bureau of Circulations (BATI) offers has gradually lost its appeal for print media, despite initial enthusiasm.

BATI also provides Internet statistics, which are considered more relevant. Broadcast ratings are evaluated on demand,



rather than in general, since most broadcasters have given up on the services of AGB Moldova—still the only agency to use people meters. “AGB’s data have little credibility,” according to Bargan. He cited a 2010 AGB report that stated that the channel AICI TV, a local network, had 5-7 percent viewership during time slots when the network was not broadcasting. According to media reports, AGB Moldova is allegedly connected to media conglomerate Casa Media and Prime Trust.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Moldova Objective Score: 2.42

This year, the fifth objective decreased from 2.58 to 2.42, underscoring Moldova’s lack of media associations and the worsening distribution channels. According to the panelists, the media sector has virtually no owner associations. There are two associations of regional broadcasters—Reteaua Aici TV and Meridian—that were created with the assistance of international donors, but they are insufficiently active, according to Bunduchi. The network of Aici TV is composed of Rezina-based Elita TV, Cimișlia-based Media TV, Soroca-based Sor TV, and Ungheni-based VTV. They cover several of the central districts, including the capital city, one district in the north, and one district in the south. Meridian seems somewhat more active, composed of 14 local broadcasters from all over the country—including two from the Transnistrian region. In the summer, the national agency Moldtelecom (MTC) started rebroadcasting the network’s channel Canal Regional. During the electoral campaign, 12

## 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.

of its members held debates and a joint telemarathon on election day. The Association of Independent Press, which is a cross between an association and an NGO, supports the needs of local publishers.

The country has only one professional journalism association: the Journalists’ Union of Moldova. According to the panelists, it is an inactive association that preserves traits of a traditional Soviet trade union. Mahu argued that the need for solidarity is filled by NGOs, but a professional media organization should still be created. She characterized journalists as “socially vulnerable,” even those that are “honest and incorruptible professionals,” and because they are not protected by any support group, they “could end up on the streets.”

Media NGOs continue to protect the freedom of expression and are quite active in defending journalists and the freedom of speech. For example, the Independent Journalism Center (IJC) and API offer a broad range of services, from legal support to training, advocacy, monitoring, and research. Together with the Press Freedom Committee, the Journalists’ Union, the Resource Center of Moldovan Non-government Organizations for Human Rights (CREDO), and the Viitorul Institute for Development and Social Initiatives, they have created the Moldovan Press Council, a self-regulatory body for the industry. Other NGOs, such as the Association of Electronic Media, have an active role in reforming the public broadcasting industry, while the Journalistic Investigations Center pursues investigative reporting.

Civil society representatives argued, however, that media NGOs should reinvent themselves and learn to conduct advocacy campaigns. The Transnistrian region currently has eight NGOs supporting human rights (including media and freedom of expression). Only two public associations, the Union of Journalists and the Media Center, specifically support journalists. The former undertakes no activities and lacks resources, while the latter works with journalists and NGOs, and co-operates with international donors and partner organizations on the west bank of Nistru River. But according to the panelists, NGO impacts might diminish, as local self-proclaimed authorities consider adopting a draft law similar to the Russian law on “foreign agents.”<sup>6</sup>

Journalism remains a popular course for candidates entering higher education, behind economics and law. Nevertheless, education institutions frequently lack the technical equipment and qualified instructors to ensure that young graduates have the practical skills vital to the profession.

<sup>6</sup> A detailed analysis of Transnistrian media NGOs can be found in the IJC’s study at <http://media-azi.md/en/media-ngo-sector-transnistrian-region-current-situation-and-perspectives-development>

**“Most media institutions are interested only in making the best use of the journalists’ capacities without investing in their professional growth,” Dogaru explained.**

Most courses are taught by professors who studied under the Soviet regime or by young lecturers with little teaching or practical experience. Dogaru, who taught journalism at the Moldovan State University and is currently on staff at the Chişinău School of Advanced Journalism (CSAJ), explained that “field work” and practical training are more time-consuming than lecturing on theory. He added that “professors lack personal experience in sourcing, writing, and editing journalistic pieces,” and therefore students are not presented with the opportunity to learn practical skills. Due to these issues, the employment rate among journalism graduates is very low, and some editors prefer to work with journalists that possess other professional backgrounds.

In the light of these shortcomings, eight years ago CSAJ launched an alternative project that addresses the skills gap among young graduates in the journalism field. The 10-month course offers candidates the possibility to improve their skills or to re-qualify as journalists. Recently, CSAJ admitted that the number of applicants has dropped, which can be explained partly by the nature of the school and partly by the expectations of the industry. “Most media institutions are interested only in making the best use of the journalists’ capacities without investing in their professional growth,” Dogaru explained. Hence, journalists attend courses during their free time while they work and are less willing to pay for them. This makes most types of medium-term and short-term studies financially difficult, compounded by the problem that a significant share of their cost has to be covered by donor assistance.

With regard to short-term studies, the panelists said they are popular among practicing journalists and are abundant in the market. Many media NGOs have training programs covering various topics and genres, providing journalists with technical courses such as video editing, ethical reporting, and data journalism to improve their skills.

Media equipment sources, printing houses, and related facilities are apolitical, not restricted, and not monopolized. The existing printing houses offer a wide range of services, including digital printing, and many newspapers have color pages. However, the number of providers of such services is limited, due to the small size of the market. Perunov said that he expects the market to shrink further—

particularly the print sector, because of the high expenses that publishers incur. “(It is) easier to sustain an online publication than a print one,” he commented.

Distribution channels remain mixed—print press distribution is stifled by monopolization, while other types of distribution are largely free and unrestricted. The state-owned enterprise Posta Moldovei is still the only distributor of periodicals with national coverage, and its relationship with publishers deteriorated visibly in 2014. Many newspaper managers claimed that its fees, terms, and conditions obstruct their activities. In September, Posta Moldovei announced that it would not accept unpackaged newspapers for distribution and asked publishers to package the publications separately for every regional post office in the country. At the same time, Posta Moldovei offered to package the newspapers for an additional fee. Commenting on the issue, Macovei said, “The Association of Independent Press requested an immediate response from the government and the parliamentary committee for media, while publishers refused to sign new distribution contracts for 2015. Only then was this repackaging condition excluded, and several meetings were held to negotiate another contract for the distribution of periodicals.”

The objections of publishers are all the more significant given the poor quality of Moldovan postal services, which drew criticism from Mahu for another reason: “This year, Posta Moldovei campaigned for the Democratic Party and sabotaged Subscriber’s Day. It was delayed by almost a month—thus jeopardizing the newspaper subscription campaign,” she stated.

In Chişinău and a few other large towns, print publications are also distributed by the state-turned-private company, Moldpresa, but its services do not provide an alternative. This makes print media distribution services the most monopolized and expensive in the entire range of distribution channels.

At the same time, other types of media distribution channels are beginning to lack diversity. Thus, it is symptomatic that MTC has slightly increased its share in the cable market.<sup>7</sup> MTC holds a majority of the Internet market (64 percent in terms of revenue) in addition to fixed telephony (over 93 percent in terms of revenue). Its main competitor, Sun Communications, and local cable providers have seen their market shares slide.

<sup>7</sup> According to the latest ANRCETI data, MTC’s share of the cable market increased from 15 percent in 2012 to almost 19 percent by the end of 2014 in terms of subscribers, and from 25.4 percent to 26.7 percent in terms of turnover during the same period. See [http://en.anrceti.md/sectorul\\_audiovizual](http://en.anrceti.md/sectorul_audiovizual)

MTC is trying to strengthen its already dominant position, while its policies are increasingly arbitrary. In April, MTC announced an increase in the Internet connection fee because of a general rise in prices in the domestic and foreign markets—a trend not confirmed by the national regulator ANRCETI. In August, MTC rearranged the position of channels in its packages, putting Prime TV first instead of the public broadcaster Moldova 1. In December, MTC announced that as of 2015, the fee for the basic cable subscription package would increase by 14.5 percent (from MDL 55 to MDL 63), explaining its decision by an increase in maintenance and support costs. This results in a tightly controlled market, which is even more potentially impactful given that Plahotniuc allegedly controls MTC.

Bargan expressed the concerns of local broadcasters with the approaching deadline for the digital switchover, as most outlets do not have digital transmitters. According to the national strategy, finally adopted by parliament in May but not published, all television stations must switch to digital broadcasting on July 1, 2015.

Information and communications technologies are well developed but often are not used effectively for distributing media products. In 2014, online media outlets reported no issues around infrastructure. The relatively high connection speed and affordability has ensured a growth in Internet penetration rates in Moldova, including rural areas. According to official data, most Internet connections use broadband technologies: 42 percent of subscribers use ADSL connections and 23 percent use fiber optic connections.

## List of Panel Participants

**Ludmila Andronic**, chair, Press Council, Chişinău

**Andrei Bargan**, manager and television editor, Media TV and Radio Media, Cimişlia

**Vlada Ciobanu**, blogger, vladaciobanu.com, Chişinău

**Dumitru Ciorici**, editorial manager and co-founder, Interakt, Chişinău

**Vitalie Dogaru**, program host and producer, Publika TV, Chişinău

**Luiza Dorosenco**, director, Media Center, Tiraspol

**Petru Macovei**, executive director, Association of Independent Press, Chişinău

**Rodica Mahu**, editor-in-chief, *Jurnal de Chisinau*, Chişinău

**Veaceslav Perunov**, journalist and manager, SP, Bălţi

**Olivia Pîrţac**, freelance media law expert, Chişinău

**Alina Țurcanu**, television editor, Radio Free Europe Moldova desk, Chişinău

*The following panelists submitted a questionnaire but did not attend the panel discussion:*

**Ion Bunduchi**, executive director, Association of Electronic Media, Chişinău

**Veaceslav Parfionov**, member, Supervisory Board of Teleradio-Gagauzia, Comrat

## Moderator and author

**Cristina Leva**, head of Publications and Research Department, Independent Journalism Center, Chişinău

*The Moldova study was coordinated by, and conducted in partnership with, the Independent Journalism Center, Chişinău. The panel discussion was convened on December 16, 2014.*

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*State television and press devoted significant attention to the situation in Ukraine, while withholding information about domestic problems.*



RUSSIA

Russia started 2014 with a surge of national pride, driven by the success of the Olympics and enthusiasm over the annexation of Crimea. The year ended with public protests and consumer panic triggered by the sharp fall of the ruble. Russian society, and media in particular, were impacted by a series of other major events. They included the revolution in Ukraine and the EU and the US imposing economic sanctions, which was followed by Russia's retaliatory embargo on food imports from the EU and the US, and Russia's financial support of self-proclaimed Donetsk and Lugansk republics in eastern Ukraine. Over the year, the conservative majority consolidated around President Putin. According to research by the Public Opinion Foundation, in December 2014, 81 percent of people thought that president was doing his job well, and 83 percent trusted the president.

The differences between Russia's liberal media and its propaganda-spreading government media increased, with only a few independent media managing to maintain editorial balance. The range of topics and plurality of opinion in media radically decreased. State television and press devoted significant attention to the situation in Ukraine, while withholding information about domestic problems. At the December meeting of major television channels with the Russian prime minister, REN TV Deputy Editor-in-Chief Marianna Maskimovskaya said, "Reading the press gives me a feeling that we live in Ukraine, rather than in Russia. We started this year on a positive note with the Olympics, and finished it with the feeling of all-encompassing aggression that literally fills the air; looking for internal and external enemies; jingoism bordering on the verge of chauvinism."

Legal pressure on traditional and social media continued to increase. Popular bloggers now have to register with media oversight authorities and disclose their identities. The allowed share of foreign ownership in a Russian media asset was reduced from 50 percent to 20 percent. According to the MSI panelists, the media community feels that the new regulations create additional complications for Russian media. The government also withdrew subsidies to the Russian Postal Service for subscription distribution, which resulted in a 20 percent drop in subscriptions.

The dismal state of the Russian economy dealt more blows to the print media sector—which was already suffering from dwindling advertising revenue and circulation—and led to 10 to 15 percent staff layoffs in 2014. Expectations for 2015 are gloomy, amid projections that the advertising market will drop 60 to 70 percent.

Reflecting these developments, Russia's overall downward trend in MSI scores continued, even if overall the reduction in score was small (1.46 this year compared with 1.55 last year).

*Due to laws restricting NGO activity and contacts with U.S.-based NGOs, the participants in the Russia study will remain anonymous. A Russian journalist developed this chapter in December 2014 after a series of structured interviews with colleagues in the media sector.*



# RUSSIA at a glance

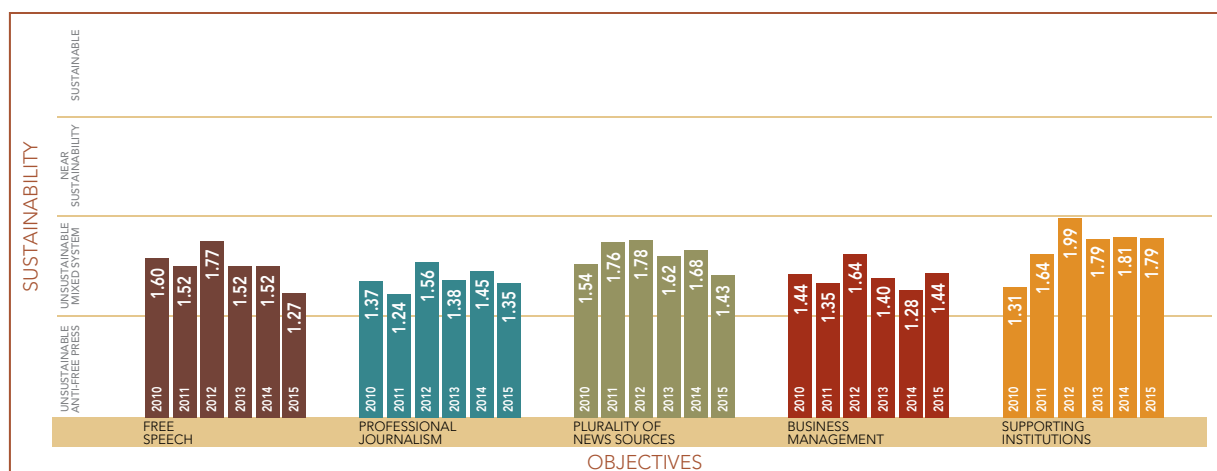
## GENERAL

- > Population: 142,470,272 (July 2014 est. *CIA World Factbook*)
- > Capital city: Moscow
- > Ethnic groups (% of population): Russian 77.7%, Tatar 3.7%, Ukrainian 1.4%, Bashkir 1.1%, Chuvash 1%, Chechen 1%, other 10.2%, unspecified 3.9% (2010 est. *CIA World Factbook*)
- > Religions (% of population): Russian Orthodox 15-20%, Muslim 10-15%, other Christian 2% *note*: estimates are of practicing worshipers; Russia has large populations of non-practicing believers and non-believers, a legacy of over seven decades of Soviet rule (2006 est. *CIA World Factbook*)
- > Languages (% of population): Russian (official) 96.3%, Dolganc 5.3%, German 1.5%, Chechen 1%, Tatar 3%, other 10.3% *note*: shares sum to more than 100% because some respondents gave more than one answer on the census (2010 est. *CIA World Factbook*)
- > GNI (2013-Atlas): \$1.988 trillion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$23,190 (World Bank Development Indicators, 2014)
- > Literacy rate: 99.7% (male 99.7%, female 99.6%) (2010 est. *CIA World Factbook*)
- > President or top authority: President Vladimir Putin (since May 7, 2012)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: newspapers: 26,932; magazines: 31,979 (2014–Federal Agency for Press and Mass Communication); active radio licenses: 2,816; TV licenses: 3,828 (2014–Federal Agency for Press and Mass Communication)
- > Newspaper circulation statistics: Top three general interest daily newspapers by audience: *Metro* (1.8 million readers), *Rossiyskaya Gazeta* (834,200 readers), *Moskovski Komsomolets* (788,100 readers) (TNS Russia National Readership Survey, May–October 2014)
- > Broadcast ratings: Top three national TV channels by audience Channel One (14.0%), Russia 1 (13.4%), NTV (10.9%) (2014-TNS Russia TV Index)
- > News agencies: National–ITAR-TASS (state), Russia Today (state), Interfax (private)
- > Annual advertising revenue in media sector: 2013: RUB 328 billion (\$5.7 billion); January–September 2014: RUB 242 billion (\$4.2 billion) (Association of Communication Agencies of Russia)
- > Internet Users: 40.853 million users (2009 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: RUSSIA



## MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



### CHANGE SINCE 2013

▲ (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: 1.27

The Russian constitution guarantees free speech and the right of access to information. The media law provides for editorial independence regardless of ownership and for confidentiality of news sources. Obstructing journalist work is a criminal law issue. But much of Russian society and many journalists care more about their economic well being than free speech. The Russian authorities have consolidated control over media, especially the national television channels that are the main sources of news for most of the population, and turned them into instruments of state propaganda. Still, existing legal safeguards of the freedom of speech proved sufficient to protect operations of a few private media practicing fair and objective journalism in the interests of their audiences.

In 2014, the Russian media focused heavily on events in neighboring Ukraine. Russian state media described the events of late 2013 and early 2014 that brought the opposition to power as an unconstitutional coup inspired and funded by the United States. The leaders that emerged in Ukraine were described as nationalists and fascists violating the rights of the Russian-speaking segment of the Ukrainian population. This—according to Russian state media—prompted the Russian-speaking people in Crimea, Donetsk, and Lugansk to claim independence from Ukraine.

#### 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.

Independent Crimea then joined Russia in a development that was presented in the state media as a reunification of the Russian people. State outlets also described military actions in eastern Ukraine as local people fighting for their rights against Nazi oppressors, and labeled EU and US sanctions as an attempt to punish Russia for supporting Russian-speaking Ukrainians and to maintain the US position as a dominant world power. Independent outlets such as *Echo of Moscow*, *Novaya Gazeta*, and Dozhd TV stated an alternative point of view: that Russia violated international laws by annexing Crimea and engages in aggression against Ukraine in Donetsk and Lugansk regions. Occasionally, state media also present this viewpoint, but with the clear sense that the view is wrong.

All of the year's political turmoil had a huge impact on Russian society and Russian journalism. The variety of points of view in media on all kinds of issues, not just events related to Ukraine, decreased considerably, noted one of the panelists. According to the Public Opinion Foundation survey conducted in spring 2014 and published on the foundation website, 54 percent of people believe that it is acceptable to distort information on certain topics and issues in the interest of the state, and 72 percent think that it is acceptable to suppress information in the interests of the state.

At the same time, the number of people that value free speech and access to information is growing steadily. According to Levada-Center research, the number of respondents that say that free speech as one of their most important constitutional rights increased from 18 percent in 1994 to 39 percent in 2014. The number of respondents that value the right of access to information increased from 8 percent to 27 percent.

Violation of the rights of popular independent media outlets causes outrage among their audiences. For example, in 2014 the state company that operates the country's only television transmitter refused to continue its contract with the independent Tomsk television company TV-2, which effectively spelled closure for the channel. TV-2, in operation since 1991, was considered one of the best regional television channels in Russia. Citizens of Tomsk conducted a series of public meetings to support TV-2, bringing together nearly 5,000 people (about 1 percent of the Tomsk population). Nevertheless, by February 2015 TV-2 had ceased to broadcast both over-the-air and on cable.

The registration procedure for print and online media is quite simple, formal, and apolitical. Licensing of broadcast media, on the contrary, often favors state media. For example, in 2014 Russia adopted a law that banned advertising on planned cable channels. The bans took

“When I read information about incidents with journalists, I always see many comments that are hostile towards journalists,” one panelist said. “Journalists care for each other and support each other when something happens. But ordinary people do not.”

effect on January 1, 2015. On December 31, 2014, the Russian Media Oversight Committee (Roscomnadzor) issued approximately 40 broadcast licenses to cable television channels. The channels belong to the state-controlled Channel One group, All-Russian State TV and Radio Company, and Gazprom-Media, along with pro-government private television channel LifeNews. All these channels were licenses to broadcast in Moscow on the same frequency, filling different time slots. This automatically conveys the status of broadcast television and allows them to keep advertising.

Starting on August 1, 2014, registration applied also to popular bloggers (those whose blogs are read by more than 3,000 unique visitors a day). These bloggers now must be listed in a special registry maintained by Roscomnadzor. Bloggers can register voluntarily, but Roscomnadzor also has the right to include bloggers in the registry and inform them accordingly. Registered bloggers are required to disclose their personal information in their blog, fact-check all published information, respect the private lives of people, and avoid defamation.

Media organizations are required to register legally. Market entry and tax structure for media are comparable to other industries, but some panelists said that they consider this unfair; they should receive a tax break because the media provide an important public service.

The number of violent crimes against journalists is decreasing. According to the Glasnost Defense Foundation, in 2014 there were 3 murders of journalists (compared with 4 in 2013), 58 cases of journalist physical abuse (down from 71 in 2013), and 35 cases of threats to journalists (down from 39 in 2013). But as one panelist commented, “Having fewer cases does not mean increased security. As self-censorship has expanded, journalists rarely publish anything risky.”

Two of the journalist murders were not linked to their professional activities. In one of these cases, the murder suspect was arrested within a week and the case was sent to court within six months. The third murdered journalist, Timur Kuashev, a civic activist and reporter for the websites

Kavkazsky Uzel and Kavkaz Politics and the magazine *Dosh*, reported several times about threats he was receiving in connection with his work. Kuashev’s murder attracted the attention of the Russian and international professional community and human rights activists, who requested careful investigation. This case is still unprosecuted. Crimes against journalists are prosecuted less often than other crimes, noted one panelist.

One panelist said that the Russian social environment in general is unfriendly toward the media. “When I read information about incidents with journalists, I always see many comments that are hostile towards journalists,” one panelist said. “Journalists care for each other and support each other when something happens. But ordinary people do not.”

Russian has no separate laws governing state media. Media law provides for the editorial independence of all media. But in reality, state media openly serve government authorities, and ignore the opposition. Russian Public Television (OTR) was established by a presidential decree. The OTR governance structure set forth in the decree includes a general director who also holds the position of editor-in-chief. The Russian president appoints that person and also selects members of OTR oversight committee from candidates suggested by the Russian Public Chamber.

Libel is a criminal law issue. The libel clause’s minimum punishments are a fine of either RUB 500,000 (\$8,140) or six months’ salary of the offender, or up to 160 hours of public service. The maximum punishment—if a person falsely accuses another of committing a serious crime—calls for a fine of up to RUB 5,000,000 (\$81,430) or three years of the offender’s income, or up to 480 hours of public service. “Fines like this can kill a media outlet,” commented one of the panelists, a media company owner.

The panelists gave the example of an April 2014 libel case that was lodged after the governor of the Pskov region complained about an article in *Anticorruption Front*. The story reported that the governor conspired with a business owner to seize control of a local enterprise. The panelists also mentioned that in September 2014, the governor of the Kaliningrad region filed a complaint against *Dvornik* newspaper. A *Dvornik* journalist, also a member of the local parliament from a party opposing the governor’s party, claimed that the governor was trying to foment revolution through laws he had proposed. The prosecutor’s office refused to lodge a libel case. While some claimed this was a victory for freedom of speech—it is almost unheard of that the prosecutor’s office makes such a decision, usually leaving it to judges—it is likely that the local prosecutor and the journalist are political allies.

**“If the authorities do not want to provide information, they will use any excuse to withhold,” noted one panelist.**

Russian law also contains a criminal clause that allows for charging individuals that publicly insult representatives of the authorities. This clause is also used against journalists and bloggers, said one of the panelists. Russian courts tend to favor public officials, protecting them instead of holding them to higher standards.

Russian law guarantees all citizens access to government information. The authorities are required to inform citizens about their activities via media and by posting information on their own websites, as well as by responding to oral and written requests for information. Journalists and media have preference, as authorities must reply to their requests within seven days instead of the normal response time of 30 days. Bloggers seeking information are treated as ordinary citizens rather than journalists.

Loyal media in particular enjoy better access to information, and there are untold restrictions governing access to public officials for comments and interviews. “If the authorities do not want to provide information, they will use any excuse to withhold,” noted one panelist.

The law does not restrict Russian media from accessing or using local or international news sources. However, Roscomnadzor has the legal right to block websites that contain extremist content, including calls to participate in unauthorized public gatherings, without court decisions. In 2014, the agency used this law to block several online outlets, including the oppositional Grani.ru, Kasparov.ru, and EJ.ru—which effectively made them unavailable to Russian media.

Entry into the journalism profession is free. People often become journalists without any journalism education. But in 2014, the Ministry of Labor issued a number of professional standards, including criteria for media correspondents and editors. State enterprises will be required to start using these standards in 2016 and private media in 2020. Representatives of the media community and even the Russian Ministry of Mass Communication disagree with the idea of imposing strict requirements on eligibility for work in media. Several panelists said that they see obligatory professional standards as a potential infringement of their independence.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Russia Objective Score: 1.35

Most Russian journalism does not meet internationally accepted professional standards of quality. Journalists consult with experts when they cover niche topics, e.g. medical or economic issues. When they cover politics, especially federal politics, the fairness and objectivity of reporting depends heavily on the culture of the media outlet, commented one of the panelists.

Another panelist detailed the underlying reasons for journalists’ poor work. “It has to do more with the lack of professional skills rather than politics. Many journalists do not even know that they should use various sources of information and experts. The Russian model of journalism means personal monologue; journalists were and are still educated this way. Journalists give their own judgment on the cover story, give their own comments, or get an opinion of one newsmaker or expert, and consider that sufficient. Why does this happen? First, traditionally Russian culture calls for giving voice only to one right opinion, be it the opinion of the authorities or opposition. Secondly, many journalists do not understand the basics of their profession.”

Russian media, both state and private, are very partisan, said several panelists. To some extent this reflects the growing division in society, exacerbated by the 2014 events in Crimea and eastern Ukraine. According to the Levada-Center, which conducted several public opinion polls in 2014 on the attitudes of Russian citizens, approximately 70 percent

### 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).

Another panelist detailed the underlying reasons for journalists' poor work. "It has to do more with the lack of professional skills rather than politics. Many journalists do not even know that they should use various sources of information and experts. The Russian model of journalism means personal monologue; journalists were and are still educated this way."

of respondents were very positive about Crimea becoming part of Russia. They reported such feelings as satisfaction that justice prevailed, being proud for Russia, and joy and contentment. Only 3 percent disapproved, and 1 to 2 percent of respondents reported feeling guilt, fear, or indignation. Regarding the Western position on Ukraine, 58 percent of respondents attributed it to a hostile attitude towards Russia, 18 percent chalked it up to their lack of understanding of the situation in Ukraine, and only 13 percent to indignation caused by Russia annexing part of Ukraine and thus violating international laws.

The quality of journalism also correlates with the extent of government control and scrutiny over media. State television channels that reach a majority of the population have been turned into propaganda machines. Many times during 2014, Russian bloggers caught state television channels manipulating news from eastern Ukraine; e.g., by adding footage of war activities in Syria or fires in Siberia. Print media, especially local newspapers outside Moscow that have limited readership, experience much less political pressure and can provide better reporting.

In 1994, the congress of the Russian Union of Journalists (RUJ) established the Code of Professional Conduct of the Russian Journalist. This code is in line with ethical standards developed by international professional journalist associations. RUJ has a Grand Jury tasked with settling ethical conflicts within the journalism community. However, only a few media outlets encourage their journalists to follow ethical standards and enforce them. One panelist commented that journalists talk about issues of professional ethics, and there are self-regulatory bodies, but overall the situation with ethics is poor. Another panelist elaborated, "It varies a lot with topic. When journalists report on children, they try to follow standards. When it comes to politics, all standards are abandoned."

The indicator related to self-censorship received one of the lowest ratings this year. "Self-censorship is more common than state censorship," a panelist said. "Editors of both state and private media are wary about possible consequences. In state media, editors fear losing their jobs, while private media fear indirect sanctions; for example, economic pressure. There is fear, but it is not the main reason [for self-censorship]. Russia was always an empire, and the serfdom mentality was always strong. Before the master requires anything, his slave already knows what he should do." People try to anticipate what authorities would deem acceptable, commented another panelist. "I have recently run across Vladimir Pozner [one of the most prominent Russian television journalists] talking about his stop-list. He knows whom he must not invite to ensure that Channel One [one of two major federal television channels] buys his program. Even journalists of Pozner's caliber openly admit that they practice self-censorship."

The range of events and issues that state television covers is much narrower than on Internet media, especially blogs and social networks. There are many topics that major media outlets are not allowed to cover, including events in Ukraine. The same applies to the situation in Crimea. Another closed topic is the public protests triggered by the deteriorating economic situation; only some small media outlets offer coverage. As one panelist noted, "Russian media, especially television, provide a very distorted picture of reality that reflects the information interests of elites—especially government authorities—rather than important processes taking place in the society." Another panelist agreed, saying, "What we see on television is pure performance; we don't know what is happening in reality."

Pay levels in Russian media vary considerably. Analyses conducted by job-hunting agencies put the average journalist salary in 2014 at RUB 20,000 to RUB 25,000 (\$325 to \$405) per month.<sup>1</sup> The average salary in Russia in 2014, according to the State Statistics Service, was about RUB 33,000 (\$535). In Moscow, journalists are making more, with an average salary in 2014 of around RUB 45,000 RUB 50,000 (\$730 to \$814). Federal media outlets usually pay higher salaries than local media. For example, according to one of the panelists, Volgograd journalists working for the federal *Komsomolskaya Pravda* can make up to RUB 50,000 (\$814) per month, while freelance journalists might make a paltry RUB 1,500 (\$25). The average salary in Volgograd is RUB 15,000 to RUB 20,000 (\$245 to \$325). Salaries at state media usually run higher than at private media.

Pay levels are not enough to retain qualified personnel within the media profession. "People who become

<sup>1</sup> <http://russia.trud.com/salary/692/4726.html>



professionally successful as journalists often leave the profession and take jobs in press offices, public relations companies, and other sectors where their skills, knowledge, and experience could be used—and where pay levels are higher while social risks are lower,” one panelist said.

Entertainment content eclipses news, even in many local newspapers. The Alliance of Independent Regional Publishers conducted a study of the content of regional general interest newspapers and found that most space is filled with entertainment materials and practical advice on cooking, health, home keeping, gardening, and tourism. The most heavily covered events are festivals, competitions, and celebrations.

An important development in 2014 was the government’s conversion of informational programming into propaganda, noted several panelists. Other media professionals shared this opinion. In a December 2014 interview with *lenta.ru*, RBC TV General Director Alexander Liubimov was asked whether Russian television still offers public-interest programming. He said, “I cannot call the programs that we see now on the federal television channels public interest information, even when they are devoted to really important topics. There is no discussion. There is only an imitation of discussion, when guests come and scream at each other, while the not-quite-discriminating public watches the show and absorbs emotions. These programs don’t offer much information.”<sup>2</sup>

A majority of Russian media outlets have modern and efficient equipment. According to one panelist, journalists have no problems with newsgathering equipment, because modern technologies allow journalists to carry out their work even just using their mobile phones. Several panelists noted that Russian media, especially federal television channels, have technical facilities among the best in the world. Accordingly, the score for this indicator was one of the highest this year.

Niche reporting and programming exist, but are quite rare. Russian media have journalists that can do high-quality niche reporting, but they have little incentives to stay in the profession, as they are not compensated well for their work, commented one of the panelists.

Investigative reporting is also rare and is almost absent in regional outlets. Journalists in the regions who do investigative reporting usually work for national media. Among the few examples in the regional media, a standout is the *fontanka.ru* investigation of fraudulent dissertations of Russian government officials. The officials were awarded scientific degrees from St. Petersburg Polytechnic University.

<sup>2</sup> <http://lenta.ru/articles/2014/12/24/liubimov/>

Other successful investigations include the Karelia online news portal *Pramaya Rech* report on how foster parents violate the rights of foster children, and the Pskov News Agency report on illegal dumping of industrial waste in forests. But overall, the quality of local reporting is often very poor; journalists simply copy press release content and information from other media.

Furthermore, there is little demand for high quality niche reporting, noted one of the panelists. Few media are genuinely interested in building their audiences by providing high-quality journalism products. Many media outlets depend heavily on government funding, both direct and indirect, in the form of information service contracts. Local businesses often pay more attention to the lack of negative coverage of their work, rather than audience size and quality, when they make decisions on placing advertising. As a result, journalists and editors target their work to the interests of authorities and businesses instead of the general public.

### OBJECTIVE 3: PLURALITY OF NEWS

Russia Objective Score: 1.43

The plurality of news sources was undermined considerably this year, said the panelists. Since February 1, 2014, state authorities have had the legal right to act without a court decision and block websites that contain extremist content, including calls to participate in unauthorized

### 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 panelist gave the example of the Ferguson, Missouri demonstrations against police violence, which the Russian state media followed closely. "When we turn the news program on, the first news is about protests in the US. The second headlines are about Ukraine. There is no news about what happens inside the country. We rarely see what happens in Siberia and the Far East."

public gatherings. In March 2014, Roscomnadzor blocked the online media outlets Grani.ru, Kasparov.ru, and EJ.ru. Lenta.ru and Russkaya Planeta, two popular independent online media outlets known for high quality journalism, changed their editorial policies after their chief editors were fired and editorial teams subsequently resigned. *Itoigi*, one of the oldest Russian political magazines, was closed by its publisher in 2014.

Also this year, Russia adopted a law that prohibits advertising on paid-subscription cable television. Because of this law, CNN stopped its broadcasting in Russia in December. Another law adopted in 2014 prohibits foreigners from owning more than 20 percent of a share of a media outlet. This law forced a number of other international television and radio broadcasters to stop broadcasting in Russia. The outlets include Radio Svoboda, Voice of America, BBC Russian Service, Deutsche Welle, and RFI.

Most newspapers are singular in their point of view, and radio and television broadcasts are also to an even greater extent. Internet outlets still present multiple viewpoints, but that plurality is declining. "Of course, anyone can go to the Echo of Moscow [a major independent talk radio station in Russia] website and read an oppositional point of view, but finding different opinions on the same issue is difficult," noted one of the panelists. For example, Echo of Moscow presented data supporting the opinion that Donetsk and Lugansk separatists shot down the Malaysian airplane that crashed in Ukraine, while state media reported that it was Ukrainian troops. Echo of Moscow regularly interviews opposition opinion leaders such as Alexey Navalny and Mikhail Khodorkovsky.

Russian laws do not restrict citizens' access to domestic or international media. People in large cities have greater access to media sources than people in outlying areas.

Residents of smaller towns and rural areas depend on subscriptions to get access to press, while urban residents buy newspapers and magazines. In 2014, the Russian government stopped subsidizing subscriptions via Russian Post. This increased prices for subscriptions, making them unaffordable for many people, especially in more remote and less affluent areas.

There is still a gap in Internet access between urban and rural areas. In Moscow and St. Petersburg, 77 percent of citizens have access to the Internet. In the rest of Russia's urban areas, including smaller cities, 61 to 68 percent of citizens have access, while in rural areas only 50 percent of citizens can get online. There are also geographic differences in Internet access, with lowest access in the Far East and Volga regions.

Research conducted by Levada-Center in 2014 revealed that people restrict their use of media themselves. Fifty percent of the population gets information from only one media source, 20 percent from two, 17 percent from three, and only 12 percent use more than 3 media sources to shape their views. Ninety percent of respondents said that television is their main source of domestic and international news, and in most cases, people get news from state television.<sup>3</sup>

State media serve the interests of national and regional authorities. "They are politically engaged and provide no space for opposition," commented one panelist. Another panelist said that state television news content does not reflect the situation in the country, and often prioritizes certain international stories. The panelist gave the example of the Ferguson, Missouri demonstrations against police violence, which the Russian state media followed closely. "When we turn the news program on, the first news is about protests in the US. The second headlines are about Ukraine. There is no news about what happens inside the country. We rarely see what happens in Siberia and the Far East."

OTR started broadcasting in 2013, and in 2014 it became available via cable, satellite, and IPTV networks. But as one panelist said, its programming lacks depth. "OTR is very bland. On the one hand, it is trying to demonstrate that it is truly public, but on the other hand, it avoids sensitive topics that really matter to people." Another panelist agreed, saying, "The model they've chosen would work well 15 years ago. They fail to provide bright, sharp reporting that would attract people. In essence, this is not a public television."

The two major information agencies, ITAR-TASS and Russia Today, belong to the state. Russia has a number of smaller

<sup>3</sup> Россия тонет в телеволнах. June 20, 2014. <http://www.novayagazeta.ru/politics/64088.html>

regional information agencies, both state and private. Often they operate as Internet media and compete with other media for audiences, earning revenue by providing information services to government and businesses rather than selling news to outlets. Information service contracts usually bind agencies to strengthen the client's reputation and build a positive image. Some private independent media companies establish their own news agencies that operate as online media. For example, Tomsk Media Group, which operated channel TV-2, has established the Internet-based News Agency TV-2.

Private media produce their own news. Smaller-city private outlets often become residents' only source for independent local news as well as for regional and national news. "But even these private media outlets often enter into information services agreements with the authorities, and have to be careful about what they cover as a result," commented one panelist. The panelists also said that they consider private media news coverage to be low in overall quality.

All media are required to disclose information about their founders, but not owners. As a result, media ownership is not transparent to audiences, though it is not difficult to find this information. The largest media owner in Russia is the national government. It owns the All-Russian State TV and Radio Company, which includes five national television channels, more than 80 regional television channels, and five national radio stations. The state also owns a 51 percent share of national television Channel One, the international broadcaster Russia Today, and two national newspapers. Gazprom-Media, owned by the state-controlled Gazprom energy company, has two national television channels plus other television assets; nine radio stations, including Echo of Moscow, the oldest liberal talk radio in Russia; and a publishing house. The National Media Group, which is close to the government, owns 25 percent of Channel One and controls two other national television channels, radio Russian News Service, and the national newspaper *Izvestia*.

Regional authorities also own media. For example, the City of Moscow government owns the media holding company Moscow-media, which includes two television channels, two radio stations, one newspaper, and an online news site.

In 2014, the Foundation for Public Opinion conducted a survey to determine what sources of information Russian people trust the most. Results showed that 62 percent of respondents have more trust in information provided by state media, and only 16 percent trust private media information more. Sociologists attribute these findings to the fact that the state media push an information agenda that resonates well with opinions and expectations of the majority of Russian citizens.

Most of the panelists agreed that Russian media only minimally reflect a spectrum of social interests. "They do not really represent the interests of ordinary citizens, let alone the interests of disabled people or sexual minorities," noted one of the panelists. Outlets focus news coverage disproportionately on the activities of government representatives of all levels.

Russia has some minority-language media, but their quality is often poor—to the extent that it is difficult even to categorize them as media, noted one of the panelists.

The Russian media sphere has a pretty strict division of labor, according to panelists. National media focus on national and international news, regional media cover regional news, and local media provide local news. There is also another model in which national media provide space for regional news that their subsidiaries or regional partners produce. For example, the television channel Russia 1 has slots for regional news programming after every national news program. National newspapers have regional pages, and in every region, a local editorial team produces news to fill this column space. Local media rarely provide international and national news, and when they do so, they usually just reprint information from national media, noted one of the panelists. As a result, people in smaller cities commonly turn to state television channels for international and national news, and local newspapers for local news.

The panelists were concerned that the increased tensions in 2014 between Russia and Western powers over Ukraine has resulted in very politicized and distorted international news coverage in state media. "People who watch television cannot get balanced information on international news," said one of the panelists. Research conducted by Levada-Center found that 70 percent of Russian citizens believe that state television channels provide objective coverage of events in Ukraine and Crimea.<sup>4</sup>

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Russia Objective Score: 1.44

The Russian media market is heavily distorted by the state media being a major player. State media receive budget funding but still compete with private media for advertising and circulation revenue. And yet, "*pro forma* state media outlets are expected to operate efficiently and become self-sustainable, but in practice this does not happen," said one of the panelists.

<sup>4</sup> Россия тонет в телеволнах. June 20, 2014. <http://www.novayagazeta.ru/politics/64088.html>

Private independent media are usually well managed. These companies often achieve financial sustainability by diversifying their media portfolio. For example, the Rostov-based publishing house Krestianin has a high-quality flagship general news weekly, five niche newspapers, a business magazine for farmers, online media that cover all of southern Russia, and a printing facility. The weekly is not profitable, so it is supported by the revenue that the other media generate and the services that the printing facility offers.

Regional media outlets have to deal with the lack of media professionals, as well. "It is easy to find lawyers and accountants, as these professions have existed since the Soviet times. As for newer professions, e.g. advertising sales and marketing, specialists are hard to find," said one of the panelists, a director of a regional media company. Another panelist explained, "Regional media train their own staff. They hire people who are willing and able to learn, and turn them into media professionals. And once they become professionals, they leave and go to bigger cities, because career options in the regions are limited."

In 2014, print media faced declining circulation and advertising revenue. Due to the laws that have been passed since 2012, print media have lost about 60 percent of their advertising revenue. The number of newsstands has fallen by 30 percent. State subsidies to support subscription delivery via Russian Post were abolished in 2014, which has already led to a 20 percent drop in newspaper circulations overall and some newspapers losing up to 80 percent of their circulations. Shrinking revenue led some media outlets to close, while others laid off staff. For example, the national

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state-owned *Rossiskaya Gazeta* cut its staff by 10 percent. *Vechernia Moskva*, owned by the government of Moscow, laid off 12 percent of its personnel. On average, layoffs in the print media amounted to 10 to 15 percent of staff.

According to the Guild of Press Publishers, regional newspapers draw about 5 percent of their revenue from subscription sales, 2 percent from newsstand sales, 50 percent from ad sales, and about 40 percent from information service contracts with authorities and businesses. "Private media in the regions depend on the so-called 'information service contract' with authorities," commented one panelist. "In essence, this is also advertising, but perverted: the authorities pay media for favorable coverage of their work."

Despite receiving advertising revenue, federal television channels get about 30 to 40 percent of their funding from the state budget.

The advertising agency industry is well developed, but very disproportionate among companies. Six communication groups, made up of 25 agencies, account for about 80 percent of the advertising sold through agencies. Foreign companies dominate agency business, as the major advertisers in Russia are international companies that prefer to work with the same agencies all around the world. The largest advertisers are Unilever, P&G, M&M/Mars, and PepsiCo. Russian agencies serve mostly national businesses, with the largest Russian advertisers being the three mobile networks: MTS, Beeline, and Megafon.

Advertising is the main source of revenue for private media, and a good supplement to state media budgets. Media laws restrict the maximum amount of advertising to 15 minutes per hour for television, 20 percent of airtime per day for radio, and 40 percent of space in non-advertising print publications. The Federal Antimonopoly Agency monitors and enforces compliance with these restrictions.

Government subsidies and information service contracts subvert editorial independence and distort the market. One of the panelists detailed these effects in the context

#### 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.

of state media. "Direct government funding makes up a hefty percentage of the budget of state media. State media also get indirect support in the form of reduced rates to rent space and for the broadcasting of television and radio signals. As a result, state companies are able to offer better salaries to media professionals. The All-Russian State TV and Radio Company pulls professionals from the market like a vacuum cleaner."

Only large media holding companies can afford to commission marketing research from specialized companies. Some regional media conduct marketing research themselves by holding focus groups and individual interviews with readers and even establishing their own marketing departments. Some panelists expressed concern that the quality of self-made research is not high.

Two major players in the market of media measurement are TNS Russia and Synovate Comcon. Both companies measure television and radio broadcast ratings and press readership. Advertisers recognize their data, but media outlets are more suspicious. One of the limitations of the existing media measurement system is that it covers only cities with populations higher than 100,000.

The National Circulation Service and Circulation Audit Bureau control and verify circulation figures. The National Circulation Service publishes "black lists" of media outlets that overstate their circulation numbers, and in 2014, the list included more than 100 outlets.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Russia Objective Score: 1.79

Major trade associations that represent the interests of Russian media owners and managers are the National Association of Television and Radio Broadcasters (NAT) and the Guild of Press Publishers (GIPP). NAT has more than 300 members, and GIPP has approximately 350 members. Both associations cooperate with international trade associations, conduct trade fairs, provide analytical information and training services to its members, and try to lobby the Russian government on behalf of their members. The two associations fund their operations through membership fees and with grants that are awarded on a competitive basis by Russian government agencies, e.g. the Federal Agency for Press and Mass Communication.

GIPP membership is open to private and state print media. About two-thirds of members are private media outlets and one-third are state-owned outlets. Still, as GIPP President Sergei Moiseev expressed at a guild conference in December

2014, Russian media are not united. That considerably undermines their capacity to protect and promote their collective interests.

For their part, publishers fail to use their outlets to voice concerns of the industry. For example, according to Moiseev, GIPP has asked leading business newspaper *Vedomosti* several times to report on the economic problems in the media industry. *Vedomosti's* managers have declined, on the grounds that the issue holds little interest for its audience and concerns only media industry professionals.

The Alliance of Independent Regional Publishers (ANRI) is open only to private media outlets based outside Moscow that publish high-quality general interest newspapers. As of the end of 2014, ANRI had 70 members. "Our fees are small, and they hardly cover the salary of the director, accountant, and office costs," said one panelist, the head of a media outlet that belongs to ANRI. The alliance has to seek grants to support its activities. In 2014, ANRI received a state grant to analyze the quality of journalism in regional media. The study covered state and independent media in six regions, and its results have been already published in a peer-reviewed research journal.

The situation with professional associations is worse. "Professional associations exist and *pro forma* perform their tasks, but the quality of this work is poor, and they lack any authority within the media community," one of the panelists said. A second panelist agreed, saying, "Professional associations don't represent anyone. The media industry

## 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.



A second panelist agreed, saying, “Professional associations don’t represent anyone. The media industry is divided into government and non-government sectors. Journalists in the government sector don’t need any protection, while journalists in the non-government sector fail to see any benefit of such protection.”

is divided into government and non-government sectors. Journalists in the government sector don’t need any protection, while journalists in the non-government sector fail to see any benefit of such protection.” The existing Russian Union of Journalists is seen as ineffective, the panelist added.

RUJ is the oldest professional journalist association in the country, operating through a network of regional chapters. RUJ conducts a broad range of activities: training; journalist competitions and festivals; and producing professional publications, including the magazine *Journalism and Media Market*. RUJ maintains a hotline for journalists seeking protection of their rights, and has established a number of mechanisms for self-regulation of the journalist community. It created a Grand Jury to settle ethical conflicts within the journalist community, and the Public Board, where people and organizations can lodge complaints against media. RUJ cooperates with international journalist organizations and media support institutions.

RUJ staff regularly write letters and conduct press conferences in support of journalists and media outlets. But this work often leads nowhere. The union’s leaders attribute this to the lack of solidarity in the journalist community. The need for coordinated activities to lobby interests of the journalist community was also voiced at RUJ’s December 2014 press conference discussing the state of free speech in Russia.

NGOs that support free speech and independent media are few in number, but persistent. For example, the Center for Protection of the Rights of Media, the Glasnost Defense Foundation, and RUJ provide legal support to journalists and media outlets, and offer legal education to media practitioners. Regional Press Institutes in St. Petersburg and Novosibirsk provide training to journalists and bloggers. One of the panelists, a representative of an NGO that provides legal support to the media, shared that “We support both independent and dependent [state] media. And we have

been consistently doing this for 20 years already. But the pressure on us has increased.”

The Russian government has effectively limited Russian NGOs’ access to foreign grants. Since the end of 2012, NGOs that receive foreign funding and “engage in political activities” have been required to register as “foreign agents.” And “political activities” is defined very loosely as any activity that can influence public opinion. Foreign agents face more complicated reporting requirements, and failure to comply is penalized by heavy fines.

The term “foreign agent” has very negative connotations in the Russian language—it has about the same meaning as “foreign spy”—so NGOs resist self-registration. In 2014, the Ministry of Justice conducted a series of investigations into the operations of several NGOs, and registered 27 as foreign agents. They include several media support NGOs, such as the Regional Press Institute and Institute for Freedom of Information based in St. Petersburg; the Press Freedom Support Foundation based in Moscow; and a number of human rights NGOs that also work with journalists.

The panelists expressed mixed opinions on the quality of journalism degree programs. One of the panelists noted that about six or seven years ago, the government considerably improved the funding for journalism education. This enabled journalism departments to attract young faculty and media practitioners, and significantly enhanced the quality of journalism education, especially in Moscow and St. Petersburg schools. Another panelist said that journalism education remains too academic, and that journalism departments train media researchers rather than journalists. Students have to master a lot of theoretical materials, and opportunities for practical experience are few. Some students start working while still in school and skip classes. And teachers are usually not hard on such students, because they realize that this is the best way to gain journalism skills, panelists explained.

Journalism departments usually produce student media, but their quality is often low because of self-censorship, noted one of the panelists. Some schools partner with journalism schools abroad, and students that speak the language of the host country can participate in exchange programs.

Students that start working at media outlets while still in school usually have no problem with getting journalism jobs. Some journalism graduates get jobs in public relations and advertising, or move to professional fields completely unrelated to journalism. In this regard, Russian journalism education is no different from other sectors. A considerable share of Russian graduates never get jobs related directly to their education.

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Journalists can take short-term training programs offered by trade and professional associations, NGOs, academic institutions, and media consulting businesses. Popular topics are online journalism and legal issues. Most of the training is offered on a paid basis. "Training opportunities are used mostly by large media holding companies, because they realize the need to build up the qualifications of their staff," one panelist commented. "Small media can rarely afford to send their staff to trainings. Even if it does not involve traveling, a person still has less time to give to work. And most small media are not able to pay for staff training."

Decline in media revenues has already negatively impacted the demand for short-term training services and affected their providers. For example, the media department of the Higher School of Economics, one of the leading Russian universities, closed its division that offers training opportunities for practicing media professionals.

Generally, sources of media equipment, newsprint, and printing facilities are apolitical and not monopolized. But modernization in the printing industry stopped around 2008, so the productive capacity of printing facilities is declining gradually. Printing facilities depend heavily on imports of press forms, ink, and some types of newsprint, so as the ruble value fell sharply in the fall of 2014, costs of printing facilities increased. At the end of 2014, printers informed their client media companies that printing prices would be increased. Much of the country's media equipment is imported, so this market is also affected by the depreciation of the ruble. Newsprint production is monopolized; the country has only two facilities.

Channels of media distribution are restricted heavily, which negatively impacts media. The main player in the subscription market is the state postal service. Because the government did not provide subscription delivery subsidies in 2014, the postal service increased subscription prices. Regarding broadcast transmitters, as noted in the example of TV-2 in Tomsk, transmission monopolies exist that can effectively silence media.

The number of newspaper kiosks has decreased by 30 percent, with local authorities in many cities closing kiosks under the guise of making streets look better. This has already led to a 20 percent drop in the circulation of newspapers.

ICT infrastructure is developing. The speed of Internet access is growing steadily while the price per unit of traffic is decreasing. But Moscow residents still have better and cheaper access to Internet, both broadband and mobile, than people in the regions, especially in the rural areas. There are also geographic differences. For example, Internet users in the far east of Russia pay 10 times more than Moscow residents per unit of traffic.

## List of Panel Participants

*Due to laws restricting NGO activity and contacts with U.S.-based NGOs, the participants in the Russia study will remain anonymous. This chapter was developed by a Russian journalist in December 2014 after a series of structured interviews with colleagues in the media sector.*

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*Journalists proved to be a key force at EuroMaydan, and a dozen of the most active became members of parliament (MPs) within different political parties. Ukraine signed an association agreement with the EU, and the parliament adopted a number of new progressive laws.*



UKRAINE

The year 2014, dramatic and intense for Ukraine, started with violent clashes between EuroMaydan protesters and the police, with so called “dictatorship laws” adopted on January 16. The Revolution of Dignity seized power on February 18 to 20, despite snipers shooting protesters. President Viktor Yanukovich fled to Russia. Ukraine’s new president, Petro Poroshenko, was elected in May.

Despite their hopes for a better democratic future, Ukrainians found themselves on the threshold of severe ordeals. Armed men appeared in Crimea on February 26, and in a month Russian President Putin proclaimed the annexation of Crimea. Ukraine surrendered Crimea without a fight under soft pressure from Western countries and due to the temporary government’s lack of confidence in the Ukrainian army and demoralized law-enforcement bodies. In mid-April, separatist turmoil started in Donbass, and in a month the government lost control over this territory. Provoked and supported by the Russian Federation, military aggression in eastern Ukraine is still called an Anti-Terrorist Operation (ATO); several thousand Ukrainians lost their lives and about a million people are internally displaced. This hybrid war is accompanied by unprecedented propaganda from Russia, stirring up hatred directed at the “bloody Ukrainian fascists and junta who came to power.” Neither the government nor Ukrainian media have developed effective countermeasures to this propaganda.

Journalists proved to be a key force at EuroMaydan, and a dozen of the most active became members of parliament (MPs) within different political parties. Ukraine signed an association agreement with the EU, and the parliament adopted a number of new progressive laws. Still, corruption remains the hardest disease for Ukraine to beat, and procrastination on key reforms undermines its opportunities.

The war has exhausted the weak economy, but most Ukrainians have parted with any illusions about Russian brotherhood and are forming a true political nation. Patriots display incredible self-organization and devotion, volunteering in the army, donating to charities and solving problems neglected by the state. The media is slowly shedding the Russian agenda as well.

Oksana Romanyuk, executive director of the Institute of Mass Information (IMI), characterized 2014 as one of the most difficult years; she pointed to a sharp uptick in physical aggression toward journalists during EuroMaydan and then Russian aggression, and absolute impunity of perpetrators and the government’s inability to protect the journalists. Despite hope that reforms will help the media sphere develop further, a lot depends on political will.

Nataliya Ligachova, editor-in-chief of Telekritika, found 2014 more hopeful for media with its oligarchic plurality on main television channels, alternative media such as Hromadske.TV and Hromadske Radio, and the legal launch of public broadcasting and expected media reforms.

# UKRAINE at a glance

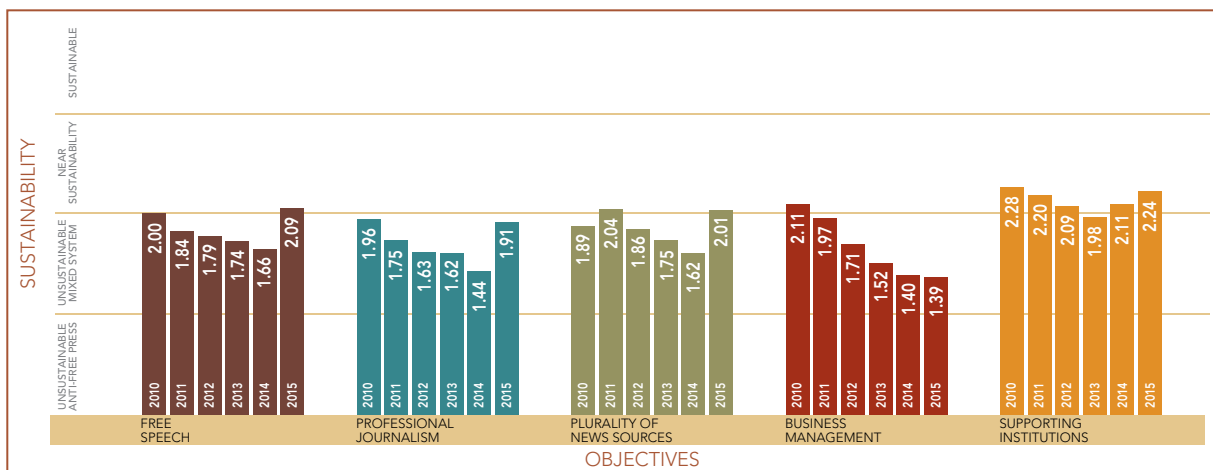
## GENERAL

- > Population: 44,291,413 (July 2014 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%, Bulgarians 0.4%, Hungarians 0.3%, Romanian 0.3%, Polish 0.3%, Jewish 0.2%, other 1.8% (2001 census)
- > 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: Ukrainian (official) 67%, Russian (regional language) 24%, other (includes small Romanian-, Polish-, and Hungarian-speaking minorities) 9% (*CIA World Factbook*)
- > GNI (2013-Atlas): \$179.9 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$8,970 (World Bank Development Indicators, 2014)
- > Literacy rate: 99.7%; male 99.8%, female 99.7% (2011 est., *CIA World Factbook*)
- > President or top authority: President Petro Poroshenko (since June 7, 2014)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: more than 42,500 registered publications (Institute of Media Law, 2012); 2,270 actively publish, including 667 municipal newspapers (State Committee on Television and Radio, 2014); Television: 42 national channels, 130 regional channels, and 201 local channels; Radio: 15 national, 57 regional, and 223 local radio stations (National Council for Television and Radio Broadcasting, 2014)
- > Newspaper circulation statistics: Top three dailies: *Segodnya* (768,000), *Fakty i Kommentarii* (708,000), *Vesti* (692,000). (TNS audience research MMI Ukraine, 2014)
- > Broadcast ratings: Top television: Studio 1+1, Inter, STB, ICTV, Ukraina (all private, Nielsen); Top network radio: Hit FM (35.7%), Radio Shanson (27.5%), Russkoe radio Ukraine (26.9%), Lux FV (25.2%), Retro FM (24.3%), (all private, GfK Ukraine, 2014)
- > News agencies: Interfax (private), UNIAN (private), Ukrainski Novyni (private), LigaBiznesInform (private), RBC-Ukraine (private), UNIA Ukrinform (state-owned)
- > Annual advertising revenue in media sector: Television: \$170 billion, print: \$72 billion, radio: \$12.5 million, Internet: \$91 million (est., All-Ukrainian Advertising Coalition)
- > Internet usage: 7.77 million users (2009 *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: UKRAINE



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (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: 2.09

Ukrainian legislation is harmonized with international standards, and guarantees the freedom of speech. Enforcement of these provisions, however, remains problematic. The panelists blamed corrupt judicial and law enforcement systems that fail, in practice, to show independence, and general inefficiency of other governmental agencies.

Despite society's demands after the Revolution of Dignity, the government failed to fulfill its relevant functions, such as the protection of rights of the citizens—including the freedom of speech, said Kostyantyn Kvurt, chair of the Internews-Ukraine board. "The courts and law-enforcement authorities are corrupt, the regulatory authorities are inefficient, and the threat of counter-revolution is in the background. The laws are adequate, but civil servants lack the skills and education to fulfill their duties properly. The systematic mistakes and crimes of Yanukovich's regime have not been corrected, especially in the area of television licensing," Kvurt said.

Svitlana Yeremenko, executive director of the Pylyp Orlyk Institute for Democracy, emphasized that in general, Ukrainian society does not value the freedom of speech and the freedom of the press highly. Still, freedom of

speech restrictions caused serious public outrage and protests erupted against the government's attempt to adopt "dictatorship laws" on January 16 that would have substantially limited the freedoms of speech, press, and association. Yeremenko added that during the ongoing military conflict in the eastern Ukraine, it might be easy for the government to curtail the freedom of speech by declaring emergency restrictions due to the war.

Nataliya Gumenyuk, founder and journalist of Hromadske. TV, stressed that while the threat of using laws against journalists disappeared, the law does not work to help journalists either. Crimes against journalists have not been properly investigated, and she characterized the impunity as outrageous. The physical threat to journalists has increased not from the government's side, but from militarized groups in the east and in occupied Crimea. And, while society's expectations of the state authorities have increased, the authorities are still driven by their own interests. Gumenyuk admitted that a risk exists that the state may wade into interfering with the media, using the conflict as an excuse—but she feels it is not likely given the inefficiency of the state, the relative might of the media community, and society's desire to react to such threats.

The panelists, and the media community in general, interpreted the government's establishment of the Ministry of Information Policy as indicative of its urge to retain and strengthen its control over the media. In December 2014, Yuri Stets was appointed the minister of the future Ministry of Information Policy with undetermined authority, while the Ministry itself was set up on paper only in January 2015. The panelists expressed outrage that the government set up this so-called "ministry of truth" or even "MinStets" without any input from the media community, and without properly explaining its purpose to the media or the public. Later, officials declared that the Ministry's main tasks would include developing an information strategy policy, defining the concept of informational security, fine-tuning the messages of all governmental authorities, and counteracting propaganda from the Russian Federation. However, noting that the state authorities are now very weak and inefficient, some panelists expressed doubt that the Ministry would prove to be very effective in its mission. Diana Dutsyk, executive director of NGO Telekritika, also noted that the current minister is an acceptable professional, but there is a risk that a change in the political situation could bring in a new person intent on degrading freedoms.

In early February 2015, the parliament approved the dismantling of the National Expert Commission on Protecting Public Morale—the censorship body that functioned for more than 10 years and drew sharp criticism from media activists. Staffed with 50 people, it consumed

### 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.

more than UAH 4 million (\$172,000) of public funds per year. Its functions will be transferred to other relevant authorities.

Registration of print and online media remains straightforward and apolitical. On February 28, 2014 the parliament expressed distrust over the composition of Natsrada (the National Council on Television and Radio Broadcasting) at the time, but it continued functioning—although no decisive changes could have been expected of its work. But while the new pro-democratic members of Natsrada were appointed in July 2014, Lyudmyla Opryshko, attorney and media lawyer of the Regional Press Development Institute (RPDI), said they have not managed to formulate reasonable and clear licensing policy nor taken the necessary steps to solve the problems created by the previous makeup of Natsrada.

Kvurt added that Natsrada, along with other governmental authorities, remains inadequately prepared to tackle existing challenges and threats, especially in its failure to block Russia's news products from Ukraine. "They are euphoric, like in 2005 after the Orange revolution," he said.

Romanyuk, on the other hand, mentioned a warning from Natsrada to Espresso TV for broadcasting a press conference by Russia's president Putin; she considered this an abuse of its authority as there are no provisions detailing what constitutes hostile content. Later, Natsrada issued warnings to a number of other channels (Radio Vesti, News One, Inter, 112) for showing anti-Ukrainian propagandists or interviews with associates of Yanukovich. However, there were no legal grounds for such discrimination. In fact, Natsrada does not have the proper legal tools with which to sanction media. On February 3, 2015, the parliament failed to adopt a law on additional authorities for Natsrada to cancel licensing through lawsuits against violators of laws and license conditions.

Gennadiy Sergeev, director of Chernivtsi's city television and radio company and board chair of the Independent Broadcasters Association, stressed the new Natsrada's failure to correct systematic mistakes in licensing in previous years. More specifically, the problems with Zeonbud, a digital provider accused of holding a monopoly, remain and Natsrada prefers to rely on the Anti-Monopoly Committee to resolve that issue. Oleg Khomenok, an independent journalism trainer and senior media advisor with Internews Network, said that many regional broadcasters remain at risk of disappearing, absent creation of a special regional multiplex. Furthermore, Dutsyk added that Natsrada did not react properly to violations during the elections, especially by media in the regions.

There was an attempt to regulate bloggers in early 2015, but the author of the draft law recalled it after critical media

coverage. Bloggers are accountable under civil law for the reliability of published information.

Media outlets face essentially the same conditions as other business sectors. Print media continue to enjoy VAT (value-added tax) exemption on sales or subscriptions, despite an attempt to cancel this privilege at the end of 2014. A new law that came into force in 2015 retained a 40 percent production cost limit for the delivery price levied by the government-run Ukrposhta postal service and its enterprise Pesa, but only for the state-owned print media. Ukrposhta has suffered large operating losses in recent years that have been only partially offset by the state budget. To make up the difference, private media have faced an increase of delivery tariffs.

Khomenok stressed that the government subsidizes state and municipal media from the state budget—filled in by taxes on citizens and private media—so taxpayers pay twice when they buy municipal newspapers, and public financing of state media creates unfair competition. Olena Garaguts, director and editor-in-chief of the Dnepropetrovsk newspaper *Litsa*, added that the law on state support of media provides state and municipal media with privileges in renting premises and gives their journalists the status of civil servants—with vacation and pension benefits.

Crimes against journalists cause insufficient outrage in the society. Primarily, only the media community raises such issues. They appear as top news in media, but then disappear pretty quickly, noted Yeremenko.

Reporters without Borders and the Committee to Protect Journalists named Ukraine among the three most dangerous countries for the journalists (after Syria and Palestine). According to IMI monitoring, there were 977 violations of freedom of speech in 2014 (2 times more than in 2013 and 3 times more than in 2012). The majority of these violations took place in Kiev, Crimea, and the Donbass region, consequences of the EuroMaydan protests and the subsequent Russian aggression and war in eastern Ukraine. Seven journalists were killed: one during EuroMaydan and seven in eastern Ukraine. There were 285 attacks on journalists, most in January and February. Illegal paramilitary groups in Donbass kidnapped a total of 76 journalists, and a few are still being held captive. Many journalists had to move out of the occupied territories of Crimea and Donbass, and are now internally displaced. Dmytro Klimanov, publisher and director of *Telegazeta*, in Luhansk region, mentioned that 70 percent of his journalists who moved out from the occupied territory of Luhansk stopped working as journalists due to fears about safety.

Romanyuk stated that impunity remains at 2013 levels, and she pointed to the necessity of reforming the system. "With

more than 300 attacks on journalists, there were only six court cases related to this. And recently, the attacks on journalists took place not only in the occupied territories but all over Ukraine," she said. Opryshko added that the cases are poorly investigated and if they are lucky to get to the court, then the court does not treat them accordingly—it closes cases and violates procedures. Dutsyk expressed outrage that a court hearing on the murder of journalist Vyacheslav Veremiy, killed by a sniper during EuroMaydan, was closed for the public and media. The suspected sniper in this case was released from detention and the Ministry of Interior is keeping the suspect's name secret.

Meanwhile, the Ukrainian government cannot be responsible for numerous violations in the occupied territories. Yeremenko said that those who have to take responsibility for that are criminal gangs of separatists and Russian troops in Crimea, Luhansk, and Donetsk regions.

Indicators of censorship doubled in 2014 to 134 cases, primarily due to switching off Ukrainian channels in the occupied territories. There were 63 violent attacks on newsrooms, again primarily local media outlets in Luhansk and Donetsk oblasts that refused to cooperate with separatists.

Volodymyr Torbich, editor-in-chief of Rivne Agency for Investigative Reporting, pointed to a simple example where a journalist had not been allowed to enter the Lutsk oblast administration building at the beginning of 2014. She submitted a complaint to the prosecutor's office, but after an investigation it declined to charge a policeman with criminal responsibility—he received only a reprimand.

At least two Ukrainian journalists were detained under accusation from the Security Service of Ukraine on high treason in favor of the Russian Federation: Ruslan Kotsaba and Andriy Zakharchuk. Opryshko expressed a concern that in both cases, the public did not receive sufficient explanations and arguments to support such serious accusations.

Regarding the independence of state and municipal media, Dutsyk said that the current Law on Television and Radio Broadcasting provides that "the government establishes effective restrictions for the monopolization of television and radio organizations by industrial and financial, political, and other groups or individuals, and guarantees protection of the television and radio organizations from financial and political pressure from financial and political groups, governmental bodies and local authorities." But in reality this provision does not work, she said. Khomenok added that with the new shift of the government, it is not interested in changing the existing rules of the game, but continues to behave in the same way, while municipal

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and state media have just as easily changed their tunes to support new leadership.

The panelists increased the score for indicator 5 (though it is still one of the lowest scoring within Objective 1) only due to their hopes in connection with the Law on Public Television and Radio Broadcasting adopted on April 17, 2014. It also contains the provisions that the supervisory board that will oversee editorial independence. This law is not perfect, and provides only a framework for future public broadcasting, and therefore many practicalities were included in the amended law adopted after its first reading in January 2015. The current head of Pershyi Nacionalnyi (First National, the state-run television channel), Zurab Alasania, who is in charge of transferring it to public broadcasting, articulated its task to become a flagship of high professional standards in the Ukrainian media environment, and the mission to introduce dialogue between various population groups and unite the country.

The law on the decentralization of state and municipal media, one of the Ukraine's obligations to the Council of Europe, has still not been adopted after a decade. For 2015, it is on the agenda of the parliamentary coalition.

Torbich mentioned that critical, high-profile investigations of Slidstvo.info, which may relate to the president and general prosecutor, are freely broadcast at Pershyi Nacionalnyi. But Sergeyev doubted that oblast-level state television channels would dare to broadcast something critical about the president. In fact, they put up a resistance to public broadcasting reform.

Similarly, the editor-in-chief of the Kuznetsovsk, Rivne oblast, municipal newspaper was fired due to "unfavorable publication" a month after a call from the infuriated mayor. Ridiculous cases of censorship took place in Kirovohrad; for example, oblast municipal newspapers *Zorya* and *Vpered* were forced to submit newspaper copies before printing for reading by the newly appointed local administration.

Generally, Khomenok did not notice an increase in the size of damages awarded under defamation lawsuits. He explained that higher quality legal defense is now available and that in any case those wishing to pressure the media have other means at their disposal.

Libel has been a civil law issue since 2001, although until 2014 the burden of proof favored plaintiffs, who were presumed “innocent.” This meant defendants had to show that their information was unimpeachable. Law No. 1170 adopted in April 2014 changed this so that the burden is equally placed upon both parties. Whether or not this has a positive impact will be seen in the future.

Opryshko outlined weaknesses in the legal system’s treatment of libel cases, providing numerous examples when judges do not distinguish between factual information and an author’s opinion when deciding a case, or do so inconsistently. Sometimes a judge will decide that an author’s opinion must be proved with factual information; other times a judge will determine that information presented as fact is actually only opinion and therefore not provable. “This is a very unprofessional approach that favors negligent journalists. In addition, corruption is a well-known practice in the courts,” she said, and referred to a survey of judges by the Center of Court Studies in which 20 percent of appeals courts judges admitted that judicial corruption exists.

Garaguts recounted an experience with several lawsuits that compelled media outlets to prove the truthfulness of published information, and said that media are usually fined for “damage to reputation.” Sergeyev mentioned that media in Chernivtsi were showered with several defamation lawsuits in 2014—by a murder suspect, a member of the civic council of the local Security Service of Ukraine, and the chief doctor of a maternity clinic. Many of their cases were lost in the first instance courts, and then won on appeal, with support from lawyers provided by RPD and the Independent Media Trade Union of Ukraine (IMTU).

Generally, Khomenok did not notice an increase in the size of damages awarded under defamation lawsuits. He explained that higher quality legal defense is now available and that in any case those wishing to pressure the media have other means at their disposal.

The current law on access to public information came into force in May 2011, with certain amendments made later to synchronize it with other regulations. These laws finally bore fruit. In 2014 media enjoyed improved access to parliamentary sessions and local councils and to the unsealing of bids for public procurement. Many officials published information on their income, several state registries became accessible, and government agencies declassified information that would have otherwise become public automatically in April 2015.

At the end of 2014 the authority to handle complaints on denied public information requests was transferred from the prosecutors’ offices to the Human Rights Ombudsman of the parliament—an independent body. However, Opryshko expects a certain inefficiency with this, as the ombudsperson has a very small staff to process numerous complaints, unlike prosecutors’ offices, which are functioning at all administrative levels. Too often, journalists have to fight for their right to access public information in the courts, even taking some cases to the European Court for Human Rights.

Torbich noted that despite legal provisions, local officials are constantly creating barriers. He sued the courts in some cases for their refusal to release data from income declarations, while he found prosecutor’s offices proved more forthcoming in providing information.

Gumenyuk agreed that journalists still are getting the runaround. Opryshko added that access to income declarations of officials is often restricted with reference to protection of privacy and personal data, although the law on counteracting corruption unambiguously determines information in such declarations as open (with a few exceptions) and forbids denial of its publication.

Romanyuk emphasized that now ATO handed officials a new excuse to refuse requests for information. For example, a journalist requesting an interview with the defense minister might be pressed on the interview’s necessity, and finally be denied by reason of ATO. Or, journalists might investigate the construction of the residential apartment buildings for military personnel, but officials will hide behind ATO secrecy to avoid answering questions.

Garaguts admitted that access to information improved during the year, but not greatly. For example, she said, her request submitted to the Dnipropetrovsk oblast administration in October to provide lists of staff and non-staff advisors to the administration chief was fully ignored, and the relevant officer lied, saying that the reply had been sent.

Vlad Lavrov, regional coordinator of the Organized Crime and Corruption Reporting Project and a journalist for *Kyiv Post*, complained about the extremely low quality of the law's implementation, especially in the area of public databases. For instance, he said, the databases of company ownership, [irc.gov.ua](http://irc.gov.ua) and the public procurement portal [tender.me.gov.ua](http://tender.me.gov.ua), lack a convenient search system, as if they were designed to cause maximum complications while searching for data. "The online cadastral map doesn't stand up to scrutiny; it doesn't contain the names of land owners. The only exception is the National Bank's database of bank owners, which could serve as an excellent example," said Lavrov. Khomenok pointed to the registry of corrupt officials; one needs to know full names and positions to extract any data from it. According to him, the registry of oil and gas exploration boreholes maintained by the regulatory agency Gosgeonadra contained full geographic coordinates at first, but later they were removed. The registry of real estate owners was opened in January 2015, but so far it is fairly empty.

Although there are still problems with passive access to information through numerous governmental websites, in February 2015 the parliament adopted two important laws initiated by the president. One paves the way for the online publication of data on the spending of public funds, and the other obligates publication of public data, including a number of key state registries, in open data format, allowing for automated processing and free access.

The law does not restrict accessing and using local and international news sources, although economic and language barriers do limit access. Panelists emphasized that occupied territories such as Crimea and parts of Donetsk and Luhansk regions were deprived access to Ukrainian media and other information. Due to military conflict in eastern Ukraine, Natsrada and further court rulings banned the re-broadcasting of more than 15 news channels from the Russian Federation over cable networks. The main reason offered was that the channels were not properly adapted to Ukrainian legislation, and contradicted European convention on trans-border television. Still, journalists and technically-advanced citizens can obtain access to any Russian media through Internet, satellites, or IPTV.

Lavrov added that in many cases high-quality foreign sources, such as Reuters or BBC, may be unaffordable for Ukrainian media outlets.

Generally, entry into the journalism profession is absolutely free of hurdles. According to Dutsyk, industry efforts to set up a uniform press card have failed so far. Certain

restrictions for journalists apply in the ATO area; they have to obtain accreditation and press cards from the Ministry of Defense. Kvurt added that Ukrainian journalists face problems in the occupied territories if they do not recognize those separatists' formations. From time to time, various authorities question the status of a journalist from an online media outlet.

In February 2015, the parliament and the Security Service of Ukraine issued a recommended list of about one hundred Russian media outlets whose journalists are to be denied accreditation in Ukraine. About 88 Russian journalists were expelled from the country and 83 were denied entry into Ukraine in 2014.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ukraine Objective Score: 1.91

In the course of 2014, the situation with the application of professional standards shifted, as political events exerted tremendous influence on newsrooms, according to Dutsyk. The main national channels changed their editorial policies several times to adjust to the shifting political winds. During the Maydan protests at the beginning of 2014, television channels Inter, Pershyi Nacionalnyi, and Ukraina openly manipulated information and distorted reality; they drastically changed coverage when Yanukovich fled. Then, media again behaved differently during the presidential elections in May and parliamentary elections in October.

### 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).



“There are so many high-quality investigations and economic reports, and at the same time lots of superficial stories,” noted Romanyuk.

The main television channels actively placed *jeansa*—paid content disguised as news pieces—during the parliamentary campaign. Channel 1+1 expressed noticeable patriotism. According to Telekritika monitoring, news at 5 kanal (owned by the President Petro Poroshenko) and state-run Pershyi Nacionalnyi displayed the most balance.

According to Gumenyuk, media coverage of political issues improved, and the role of information programs increased compared with 2013. Ukrainian media showed the world the example of using new technologies such as Ustream and YouTube, including in the regions. The level of pluralism has increased; despite the fact that one media outlet may present information in a one-sided manner, the public has opportunities to tap alternative information from many sources. Self-censorship in 2014 was peculiar, based on patriotism, and originated from journalists themselves. In some instances journalists were silent about military crimes, Gumenyuk said.

Romanyuk stressed that according to IMI’s monitoring of national press and websites, compliance with professional standards improved, but the community is a bit polarized: about one third of journalists started to allow for more emotional judgments and patriotism in their work, although the trend is moving toward increased compliance with professional standards and objectivity. “There are so many high-quality investigations and economic reports, and at the same time lots of superficial stories,” noted Romanyuk. She also noticed a decline in *jeansa* by 20 to 30 percent, which she explained by the escape of Yanukovich and associates, who were the main clients.

The situation with regional media is different. Despite the change in government, the country’s aspiration for renewal, calls for lustration, and Russia’s information war and undeclared physical war against Ukraine, the majority of regional media have not changed their editorial policies and continued misinforming their audiences—making money on candidates during elections by publishing hidden advertising, according to Yeremenko. During parliamentary campaigning in September and October 2014, the number of paid-for stories in the monitored newspapers in Lviv, Sumy, and Kharkiv oblasts tripled compared with July, every second story was recognized as paid-for in Zhytomyr and Chernivtsi regions, and 40 percent of stories were *jeansa* in

Dnipropetrovsk. In October, 90 percent of stories placed in the Chernivtsi newspapers *Svoboda Slova* and *Chas* showed signs of hidden advertising. The general volume of *jeansa* has decreased since the beginning of 2014, Yeremenko said, but only because media outlets that place *jeansa* were disoriented for a time.

Panelists admit that the Revolution of Dignity has not happened in media. According to monitoring of regional media by Pylyp Orlyk’s Institute for Democracy, the average score of compliance with journalism standards in October in print media amounted to 3.69 and in electronic media to 3.60 out of a possible 6 points. Media do present various points of view, but adhere poorly to standards of balance—only 30 percent of stories are balanced, distinguish between facts and opinions, and fully reveal the topic.

Pogorelov, the general director of UAPP, noted that the substantial decline in the advertising market—by about 35 percent compared to 2013—reduced opportunities to pay for high-quality journalism, content, and standards. Being forced to look for any revenue, journalists are more inclined to place paid-for stories and to self-censor. Journalists try to produce full, timely news, but they are overloaded due to staff reductions and shrinking salaries due to the crisis. Sergeyev added that the widespread practice of *jeansa* during the elections showed that media are absolutely remorseless, rationalizing the practice with their need to survive and the lack of direct advertising money due to the market’s downturn.

According to Kvurt, *jeansa* emerged as a special threat given the poor conditions in the advertising market and the oligarchs’ wars. “War with the Russian Federation is also a challenge for journalism standards. There is a lack of thoughtful and well-reasoned criticism of the government. Instead, we are witnessing emotional manipulation (at Inter, 1+1 and Ukraina television channels).”

Torbich stated that lots of Internet media in Rivne oblast publish information without any proper verification of the facts or quotes. It is also not uncommon for numerous online media to republish information from other sources without an attempt to check it or provide the other point of view. Klimanov added that such copy-paste practices often violate copyright protections, while Opryshko noted that the law favors this as it protects those who reproduced information.

Dutsyk underscored the low level of professionalism of journalists, and their lack of knowledge of standards and ethical codes. “The reasons for that are the low level of salaries and the decline of general educational quality in the country,” she said.

Gumenyuk stressed that the military conflict became the largest challenge to upholding journalism ethics and standards. Increased hate speech appeared in media publications, playing a major role in discrimination against internally displaced persons as well as residents of Donbass and Crimea. Some media even published direct calls against enemies, or failed to show daily funerals ethically and professionally; there were instances when journalists would bring a family of a slain soldier from far away to look at their son's body, but take them to the wrong place and show the wrong body. Opryshko mentioned that in one case, journalists showed the face of a Ukrainian combatant who specifically asked not to be shown because his family still lives in occupied territory.

Yeremenko mentioned two regional media publications in Kharkiv that pretend that there is no conflict in Ukraine; they just never mention it. Dutsyk faced a similar situation with some regional television channels. But Romanyuk noticed the general militarization of media; they publish a lot on current military developments while corruption, social, and economic issues remain beyond their attention. Gumenyuk mentioned that IMTU issued recommendations, and one of them was not to show dead bodies of soldiers and use the word "corpse" as it may demoralize mothers and dissuade them from allowing their sons to join the army.

The panelists agreed that a new type of self-censorship appeared as journalists now display extra caution based on their patriotism. According to Lavrov, self-censorship and violation of journalism standards gained a certain war-related patriotic justification, as journalists and editors abuse so-called "respect for military appropriateness" to justify the distortion of information. Romanyuk agreed that there are two polarized groups that both substantiate their position by their patriotic desire to not damage the government, the army, and the people: one group hides unfavorable information, while the second reveals everything.

Torbich complained that regional media still tend to cover popular topics to attract attention, without bothering to dig below the surface. Gumenyuk emphasized that despite thorough war coverage, certain topics are silenced, such as the effectiveness of military actions, what are the circumstances of civilians' deaths, which weapons are used by Ukrainian army, military crimes of the Ukrainian army, prisoners of war etc. Dutsyk added that there were only a few reports about the destinies of Ukrainian refugees in Russia, while the truth about their terrible conditions could work as effective counter-propaganda.

As in previous years, the panelists emphasized that pay level is not an excuse for *jeansa* and the violation of ethical and professional standards. Romanyuk noted that the downfall

Dutsyk underscored the low level of professionalism of journalists, and their lack of knowledge of standards and ethical codes. "The reasons for that are the low level of salaries and the decline of general educational quality in the country," she said.

of the hryvnya, the general economic crisis, and stagnation of the media market has led to a noticeable reduction of salaries in media, and IMI received information from its regional monitors about the terrible situation with salaries in the regions.

According to Yeremenko, journalists at private regional media earn from UAH 1500 to UAH 3000 (\$65 to \$123) per month. Klimanov mentioned that average pay of journalists in his regional newspaper in the north of Lugansk oblast was UAH 3800 (\$163), which is not bad for the regional level. The panelists estimated that the best salaries are found in Kiev at the largest television channels owned by oligarchs, while in the capital print and online media journalists' salaries are about \$300 to \$400—with a few exceptions such as Vesti media holding, which pays higher wages.

According to Khomenok, the practice of unofficial employment of journalists and paying them in cash, even at national media, deprives them of civil rights—and pushes them to make money on *jeansa*, while employers evade taxes.

In previous years, the panelists were unanimous that entertainment eclipses news and information, social, economic, educational, cultural, and children programs, especially at the national television channels. Television watching increased in 2014 due to public interest in the country's many dramatic events. The main television channels kept their leadership, but the audience's appetite for news grew, especially with 5 kanal, 24, and 112 channels. Gumenyuk highlighted the fact that almost all television channels now broadcast live political discussions.

But Kvurt said that despite society's demand for news, entertainment has not disappeared; there are lots of pseudo-informational shows, and shows are even made out of war events. Opryshko added that many people grew tired of all negative news and sought out entertaining content.

The participants also mentioned numerous Russian soap operas widely available on Ukrainian channels. They do not require translation into Ukrainian. In February 2015, the parliament adopted a law forbidding television broadcasting

of all Russian movies and television serials produced after January 2014 and any video products produced after 1991 that glorify Russia's armed forces or law-enforcement agencies or are anti-Ukrainian (regardless of the producing country). Before the war, Ukraine was very tolerant towards imported Russian cultural products—behaving more like a cultural colony of Russia.

The panelists generally agreed that the level of technical equipment does not cause low quality news products; technologies are quickly upgraded and have become more affordable. Gumenyuk pointed to examples like the online streaming at the start of Hromadske.TV and a dozen similar initiatives in the capital and regions that started from scratch with minimal funding, but managed to produce a high-quality product. Hromadske.TV received a Silver Play Button award from YouTube and became the largest YouTube channel in 2014 in terms of the number of live hours.

Khomenok pointed to the trend of further growth in investigative journalism: several investigative television start-ups appeared at national channels such as Nashi Groshi.ZIK at ZIK channel, Slidstvo.info, and Schemy at Pershyi Nacionalnyi channel. Some joint initiatives, such as YanukovychLeaks.org and Slidstvo.info might be lacking in specialized coverage, but they reveal a lot of corruption.

Right after Yanukovych's escape a group of reporters who later created YanukovychLeaks saved more than 25,000 documents from his luxury residence Mezhygirrya, published them online, and submitted them to the prosecutor's office. A year later the journalists lamented that either these documents have not been used in open criminal cases, or cases were not opened at all. On the other hand, Nashi Groshi's oversight of public procurement is bringing real results, preventing some doubtful bids from being awarded, and saving public funds.

Lavrov said that the investigative journalism segment is far better developed in Ukraine than in the most post-Soviet countries and the countries of Eastern Europe. Gumenyuk called investigative journalism in Ukraine the best, not only for the post-Soviet space, but truly world class.

Romanyuk mentioned that economic and business journalism is well developed at the national level, while Gumenyuk emphasized the poor qualification of journalists in foreign affairs. "Now when various international agreements started to have importance, it's so easy to manipulate them, exaggerate, lie, or cause false expectations. Almost no one can adequately cover EU issues, except *Europeiska Pravda* [part of *Ukrainska Pravda*]," she said. She added

that average people lack information on the everyday life of average Europeans. Dutsyk added that niche journalism has fallen off in such areas as health care, education, and culture in comparison with a few years ago, probably due to economic conditions and war.

### OBJECTIVE 3: PLURALITY OF NEWS

Ukraine Objective Score: 2.01

Ukraine still offers a wide variety of media, including those that use modern technologies. There remains a big gap between Internet usage in large cities and rural areas. Internet, both broadband and wireless, is rather cheap, but in many rural areas it is either slow or unavailable. 4G technology is not available, and 3G is still very limited.

According to an October 2014 survey by the Institute of Sociology at the National Academy of Science, only 25 percent of Ukrainians trust media, while 47 percent do not—the first time since 1994 that the level of distrust exceeded trust. Regionally speaking opinions vary. The regional breakdown of distrust is as follows: 24 percent to the west of Ukraine, 39 percent in the center, 50 percent in the south, 57 percent in the east, and 68 percent at Donbass. In 2013, 37 percent trusted media and 29 percent did not. According to a poll by the Kiev International Institute of Sociology ordered by *Dzerkalo Tyzhnya* weekly, media took the eighth place among the trusted public institutions, whereas they ranked among

### 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 first three right after EuroMaydan. Only 2.4 percent of Ukrainians express absolute trust in the media.

According to InMind research ordered by Internews Network in April-June 2014, covering ten regions of Ukraine, Ukrainians get news primarily from the following sources: 89 percent from television, 46 percent online, 29 percent from print media (an 11 percent decline from 2012) and 29 percent from radio; in addition, 60 percent of people use several sources of information.

According to October 2014 research by the Kiev International Institute of Sociology, ordered by *Dzerkalo Tyzhnya* weekly, Ukrainians identified their three main news sources as follows: 83.5 percent television; 31 percent Internet; 29 percent relatives and friends; 29 percent Ukrainian newspapers and magazines; 21 percent Russian television; 16 percent Ukrainian radio; 11 percent social networks and blogs; 2 percent Russian newspapers and magazines; and 1 percent Russian radio. In the Donetsk region, 62 percent of people watch (and 57 percent trust) Russian television channels, while 77 percent watch Ukrainian television but only 24 percent trust it. In Kharkiv and Odessa, a minority reported watching Russian television channels, but trust in both Russian and Ukrainian television was low.

According to Gemius Ukraine, Ukraine's Internet audience in December 2014 amounted to 18 million people, with 87 percent going online every day. The majority of Internet users are between 14 and 44 years old. In rural areas, 18 percent of Internet users have Internet access, but cities with populations greater than 500,000 people lead in Internet use (36.9 percent). The most densely covered region is eastern Ukraine, and the least advanced is the north. Nielsen reported that 68 percent of Ukrainians aged 15-29 years old have Internet access, but the percentage slips to only 34 percent among people older than 55 years. According to TNS Infratest, now there is one Internet-capable device for every Ukrainian (compared to 0.7 in 2013). A TNS survey also reported that Google Internet is used by 96 percent of Ukrainians aged 16-24 (56 percent for the country in general).

The most popular social networks are VKontakte, Odnoklassniki, Facebook and Twitter. Facebook has most socially active users, especially among 25-34 year olds.

According to Khomenok, the lack of balance in many media is compensated by their diversity and conflicts between media owners. Dutsyk added, "The largest media holdings are in the hands of mighty oligarch groups that harbor political interests as well, and this is reflected by their editorial policies. The most illustrative examples are the television wars between billionaire Dmytro

Firtash and Sergiy Levochkin, ex-chief of Yanukovich's administration [Inter channel, on the one side] and patriotic Dnipropetrovsk oligarch Ihor Kolomoyskiy [1+1 channel on the other side] thorough their channels during 2014."

Dutsyk emphasized that despite the wide variety of news sources in Ukraine, citizens experience the opposite problem—how to find reliable information and distinguish truth from lies in the saturated information stream. She explained, "Part of the population was influenced by media, first of all, by Russian propaganda. Massive informational support during the parliamentary elections also helped some candidates gain larger ratings." Gumenyuk said that citizens can find pluralism only by consuming a wide variety of media, otherwise media tend to be polarized in their views. She also stressed that dissemination of unreliable information and fake news, including from social networks, has become a great problem. Some improvement took place compared with the previous year, but average people still feel confusion over which sources to trust.

Yeremenko stressed that in addition to the dominance of paid-for commercial and political stories, too often unverified news from social networks is published by online media and then migrates to television, and journalists do not bother to check it. Torbich noticed that many new online district-level media have appeared in Rivne and Volyn oblasts; they publish news and blogs, and very often they expose local corruption and are maintained by various civic activists with very good intentions, but they do not necessarily verify their news.

A number of interesting and successful media startups launched in 2014: *Novoe Vremya* weekly magazine and website (founded and staffed by the former team of *Korrespondent*); Hubs online project on business and politics (founded by Sevgil Musayeva, current editor-in-chief of *Ukrainiska Pravda* and a former journalist of *Forbes*), the online publication *Apostrof* (founded by the team of closed *Kommersant Ukraina*), and Petr and Mazepa (online media for Russians in Ukraine). Unfortunately, publishers stopped printing the business weeklies *Kontrakty* and *Investgazeta*.

The government does not block foreign sources of information, except some Russian sources, but the majority of the population cannot access many sources due to economic and language barriers. As mentioned before, due to Russia's aggressive propaganda against Ukraine, re-broadcasting of about 15 Russian channels, primarily those carrying news and information, cable networks and broadcasting of Russian movies has been restricted in Ukraine. Still, tech-savvy citizens can access this content

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through the Internet and other means. To counteract propaganda, Ukrainians set up StopFake.org—where fake news is refuted in detail.

With the Russian occupation of Crimea and the military conflict in Donetsk and Luhansk regions, residents there were deprived of Ukrainian sources of information. Ukrainian television channels in Crimea were switched off on March 9, 2014. Forty percent of Crimeans use cable networks, in which Ukrainian channels were available for some time, and they remain accessible through satellite television (preferred by 25 percent of Crimeans). In early 2015, the Crimean government reported that 90 percent of Crimean cable operators switched off Ukrainian news channels due to a lack of interest from subscribers. It also said that 167 media outlets have been registered in Crimea—107 local, the rest affiliates of the federal media. The Russian Federation announced a competition for frequencies in Crimea for the end of February 2015; a majority of local broadcasters will not be able to participate, as they have not yet managed to complete re-registration in Russia and thus risk disappearing. Many Ukrainian websites are blocked there.

According to a Redaktorskyi Portal interview with Iryna Prokopiuk, publisher and editor-in-chief of *Kafa* in Feodosia, Crimea, Ukrainian media outlets that continue to function under Russian occupation had to re-register under Russian law, and now must operate under vague legal provisions that they have murky knowledge of at best. *Kafa* has always focused on local news and did not interfere in politics very much; it managed to keep its readership despite a 70 percent price increase. Proper registration allowed Prokopiuk to earn political advertising money during elections, but still she had to reduce staff by 40 percent, and journalists there face more difficult circumstances. For example, access to governmental information became far more challenging in comparison to conditions in Ukraine. Advertising is almost absent due to the decline of local businesses, while printing costs and taxes increased and *Kafa's* distribution network shrank from 92 small shops to roughly nine that managed to re-register. Prokopiuk commented, "We turned out to be insufficient patriots for all. For local Crimeans, we do not express enough happiness with the new government, and to those on mainland Ukraine we may seem collaborationist."

Crimean inhabitants lack Ukrainian news sources, and a number of steps in 2014 targeted some of the few remaining sources. In August 2014 law enforcement agencies seized all property of Chernomorskaya TV and the Information and Press Center (IPC), which rented space at the television station. Following a lawsuit in December

2014, the equipment was returned to Chernomorskaya TV and IPC. On January 26, law enforcement officers conducted a seven-hour search at the Crimean-Tatar channel ATR, claiming it was related to a criminal case and that they did not plan to close ATR. In early February, a local television company, Kerch, reported that it was evicted from its premises by local authorities. In January 2015, Ukrainian authorities promised to install a Polish channel transmitting from Kherson oblast to enhance broadcasting of Ukrainian channels in northern Crimea.

Russian propaganda reaches about five million inhabitants of the occupied parts of the Donetsk and Luhansk oblasts, Yeremenko estimated. Ten Russian Federation television channels are available there, and local channels such as Novorossia, separatist-controlled Oplot, etc.; Ukrainian media are unable to inform citizens there directly. Thus, some of the panelists believe, many people who simply could not move out from occupied territories are becoming brainwashed. The only hope is that some television channels, mobile phones, and FM radio stations are still available in Donetsk and Luhansk regions according to informal reports on the Internet. Gumenyuk mentioned that local Internet providers restricted access to, for example, the home page of Hromadske.TV, but it is still accessible by linking to it from another website. Yeremenko mentioned that Hromadske Radio is planning to extend its reach into Donbass. Klimanov commented, though, that FM frequencies are not available everywhere in the region, due to geography.

The newly established Ministry of Information Policy launched two channels to counteract Russian propaganda—Ukrainian Tomorrow and the Armed Forces Channel. It also focused on renewal of Ukrainian television broadcasting in occupied Donbass. In February, the minister claimed that only one-third of Donetsk inhabitants can access 5 kanal, 1 + 1, and Radio 24 and complained about the inefficiency of the state-run Concern of Radio Broadcast, Radio Communication, and Television (CRRT), which is responsible for signal transmission.

The panelists were unanimous that a large number of publicly financed state and municipal media remain a key problem. Sergeyev commented that state and municipal media serve the government, especially in the regions, and it is possible to judge the success of public broadcasting only when the relevant law is implemented. Torbich agreed that state media do not reflect the full political spectrum, with the exception of Pershyi Nacionalnyi. According to Gumenyuk, the situation with oblast-level state broadcasters remained poor but stable, with a bit less pressure than before. She also stressed that society's demand for public television has increased.



Under the new government, Pershyi Nacionalnyi improved its editorial policy, moving closer to compliance with professional standards. However, its ratings are rather low. It reaches 97 percent of the territory, but by the end of 2014 it had a regular audience of about 1 million, falling in at the end of a list of the top 20 channels—a steep drop from its eighth-place spot in 2010-2013. About 2.3 million people make up the regular audience of the state-run oblast television channels. According to Telekritika content monitoring, state-run regional broadcasters broadcast 19 to 25 percent *jeansa*, and performed poorly in terms of balance and fullness of information during the October elections. The stories appeared to have been prescribed from above, according to the panelists, with no criticism of the current government. If after the revolution the regional state broadcasters have not promoted certain political forces, now they more and more favorably cover pro-governmental political parties.

According to Yeremenko, state support influences editorial policy and makes the media dependent on the government. The authorities use the media, primarily municipal and state-owned, to place press releases and official messages from various official events. Monitoring of the print media showed that their content is about 25 to 60 percent *jeansa*. Today, there are 667 state and municipal print media outlets, and the state spends hundreds of millions hryvnia annually (tens of millions of dollars) to maintain them. The only exception is the municipal paper in Lviv, *Ratusha*, which harshly criticizes the local mayor.

Major Ukrainian news agencies include the private UNIAN, Interfax, Ukrainski Novyny, LigaBiznesInform, RBC-Ukraine (Ukrainian agency of the Russian RosBiznesKonsulting Group) and the state-owned Ukrinform. According to Torbich, news agency subscriptions are too expensive for regional media; he could not think of an outlet that pays for them. Regional media try to get news for free from the Internet. Lavrov added that few national media can afford foreign news agencies, despite the many discounts they offer.

Private media, however, produce their own quality news content. Sergeyev stressed that local news remains the main product of regional and local television and radio stations and that attracts local audiences.

The largest Ukrainian television channels decreased their Russian television series purchases by one-third, from 212 in 2013 to 140 in 2014. The downturn in the advertising market simply rendered it unprofitable. Still, in 2014, Russian series accounted for 75 percent of the soap operas broadcast on the main national channels. Western serials might be cheaper, but managers are afraid of placing them in primetime, worried that their ratings could slip. There are only a few Ukrainian

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production companies, and it is not lucrative to produce and sell a series only in the Ukrainian market.

Six private television channels dominate the Ukrainian market now. Three of them—STB, ICTV, and Novyi Kanal—belong to the oligarch Viktor Pinchuk, the son-in-law of ex-president Leonid Kuchma; Ukraina Media Group is owned by the richest billionaire in Ukraine, Rinat Akhmetov; 1+1 is owned by oligarch Ihor Kolomoisky; while Inter is owned by billionaire Dmytro Firtash and Sergiy Levochkin (ex-chief of Yanukovich’s administration). The latter recently bought out the share of Russia’s Pervyi Kanal in Inter for \$100 million in anticipation of the ban of Russian media ownership in Ukraine. President Poroshenko owns 5 kanal, and confirmed that he is not planning to sell it.

The panelists agreed that media ownership transparency remains problematic; media cannot be traced to a chain of owners. Old oligarchs acknowledged their ownership of media years ago, although without official proof. But a lot of new players appeared at the national and regional levels, without a clue to their ownership. The media community cannot unravel ownership of channel 112, Multimedia Invest Group (MIG, uniting free newspaper *Vesti*, *vesti.ua*, radio *Vesti*, the magazine *Vesti-Reporter*, and UBR TV), and UMH holding. The official owner of MIG is Ihor Guzhwa, the former editor-in-chief of *Segodnya*, but the media community cannot believe that his pockets are deep enough for such a large-scale startup. In an investigation, Mustafa Nayem linked the funding to Yanukovich associates Kurchenko and Oleksandr Klimenko. There are also ties to Russian funding.

IMI and Telekritika analyzed the free daily *Vesti*, with readership of 700,000 per issue, and concluded that it presents Ukrainian news primarily negatively, exaggerating with provocative and panicky headlines, and unbalanced and pro-Russian content. Telekritika monitoring also noticed signs of pro-Russian propaganda and manipulation in Komsomolskaya Pravda v. Ukraine (UMH), channel 112, and the Odessa television channel Reporter. Other activists see this at Inter channel, which promotes Russian culture and celebrities as well.

Lavrov emphasized that there have been no attempts to ensure the transparency of media ownership. If in 2012 about 60 percent of media outlets used offshore registration schemes, now this percentage is growing, and the government seems to lack political will to disclose the ultimate owners. Torbich said that ownership of numerous online media, newly established even at the district level, remains hidden. Khomenok added that many media appeared in connection with the elections, and they are absolutely non-transparent in terms of ownership and financing.

Dutsyk believes that there is an imbalance of information in favor of national news, even on the part of regional broadcasters. Khomenok commented that one can hardly remember an in-depth story about the Crimean Tatars' problems in Ukrainian media, except simple news, since President Kuchma's times, or about the Gagauzy people in Odessa oblast. Sergeyev noted that in western Ukraine, close to Romania, analogue signal covers some 60 percent of area due to geography, and digital will reach only 40 percent. Villages there watch Romanian television with satellite dishes, speak Romanian, and eagerly accept Romanian citizenship status to travel over to the EU or drive cheaper cars bought in EU.

According to Gumenyuk, the lack of quality media to satisfy local needs became especially apparent during the conflict. In the conflict area and nearby zones, such as Mariupol, people need advice on where it is safe, how to travel, where attacks can be expected, how to resettle in peaceful territories of Ukraine, etc. Instead, politics dominate media coverage. In freed territories, the restored media are weak and lack the funds they need to provide quality coverage. At the same time, the local media in occupied areas manage to provide useful information to the citizens about 20 percent of the time, while the remaining 80 percent is propaganda.

During Yanukovich's presidency, Romanyuk mentioned, all local media were "mopped up"—they were either subordinated or ruined if resisted. She also underscored the low quality of information on local events in local media. However, Torbich believes that local media in Ukraine's western regions provide sound coverage of local news. Dutsyk added that international news is covered at a low professional level, as media lack correspondents in various countries and lack knowledge of foreign languages.

## OBJECTIVE 4: BUSINESS MANAGEMENT

Ukraine Objective Score: 1.39

The economic stress terribly aggravated the advertising market, causing a substantial downturn, and the crisis has seriously influenced the media market as well.

"The majority of media in Ukraine are not businesses at all. Even the largest channels require subsidies from their owners, as they are losing revenue," said Dutsyk. Kvirt, however, chalks up losses at the main television channels to corrupt management.

Commercial revenues of mainstream television channels cover only half of their expenses. According to some other estimates television channels spend \$500 million per year on purchasing content and production, while the television advertising market amounts to \$400 million.

A few media are efficient enterprises, having adopted a market philosophy, and do their best not to publish *jeansa*. Sergeyev commented, "The majority of media are promotional leaflets. The few professional media prove that it is possible to be profitable in Ukraine, and they usually have the largest audiences in their regions." Klimanov agreed, describing how his newspaper in the north of Luhansk oblast increased its price but has not lost its audience—which valued the absence of *jeansa* in his

### 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.

newspaper. Romanyuk pointed to some new initiatives that exemplify successful management, but they are few.

Gumenyuk added that the market is now less controlled by one political force, but the lack of funds seriously undermines product quality. She mentioned the example of Hromadske.TV, which in 2013 was financed up to 70 percent by its viewers and supporters—a crowd funding method that can be used in special circumstances. Now, it has to rely more on donors. But due to its quality and professionalism, she said, it managed to launch—and a dozen other groups in the region followed their example.

Regarding the future of online television, some experts say that in a year or two quality informational online television channels may grab the audience from similar television projects (for instance, 5 kanal or 24 kanal), and some 300,000 to 400,000 viewers would be enough to secure their profitability. The All-Ukrainian Advertising Coalition forecasts double growth of video advertising on the Internet, and 40 percent of it would be advertising preceding live broadcasts of online channels.

Pogorelov believes that Ukraine urgently needs to decentralize its media and discontinue financing of municipal media. “In the current market with up to 4,000 print editions and 300 television stations, many cannot survive. State-funded media distort the market.” Yeremenko agreed that state-owned and funded media outlets, along with the reign of *jeansa*, are the main forces holding up the development of a fair media market. Kvurt stressed that corruption in media is extremely widespread and many media fail to uphold a sense of social responsibility.

Advertising, subscriptions, circulation sales, and owner subsidies are the main sources of income for most regional private newspapers. According to Pogorelov, the share of advertising decreased, and the share of subscription and sales revenue grew larger. At the same time, due to the downfall of Ukrainian currency, some costs increased substantially, and increased cover prices led to a fall in circulation. According to the State Service of Statistics, delivery of newspapers and magazines fell by 26 percent to 678 million copies.

Torbich mentioned instances of censorship by advertisers, too. For example, a local newspaper silenced a car accident involving the son of large local advertiser. Sergeyev said that the economic crisis is so deep that potential advertisers refuse, saying they are better off donating what they can to ATO rather than buying advertising.

Sergeyev commented, “The majority of media are promotional leaflets. The few professional media prove that it is possible to be profitable in Ukraine, and they usually have the largest audiences in their regions.”

Lavrov mentioned that with the decrease in advertising revenues, media outlets that cannot rely on their owners try to secure financing from other donors. For instance, some journalistic projects of the *Kyiv Post* connected with business trips are donor-funded.

The panelists agreed that an imbalance persists in the advertising market between television and other media, and between the capital and the regions. Pogorelov stated that nothing has changed in the advertising market, and intermediaries are just making money—including by placing *jeansa* in the media.

According to the All-Ukrainian Advertising Coalition, the 2014 media advertising market (television, radio, print, and the Internet) totaled UAH 8 billion (\$345.4 million), a decrease of approximately 20 percent from UAH 9.8 billion (\$423.1 million) in 2013. Projections for 2015 are very pessimistic.

The 2014 television advertising market fell to UAH 3.93 billion (\$169.7 million), down by 20 percent from 2013. Print outlets decreased their advertising revenues to UAH 1.670 billion (\$72.1 million), down by 33 percent from 2013. Newspapers lost 37 percent of advertising, while magazines lost 30 percent. According to forecasts print media advertising may dip another 16 percent in 2015. Radio advertising decreased by 15 percent to UAH 290 million (\$13.5 million). Of this figure, UAH 205 million (\$9.5 million) went to national radio (10 percent down), and UAH 30 million (\$1.4 million) to regional radio (39 percent down), and UAH 55 million (\$2.56 million) for sponsorship (11 percent down). Internet advertising grew by 3 percent to UAH 2.115 billion (\$98.4 million) with a prediction of nine percent growth for 2015.

According to Slidstvo.info’s investigation, “Expensive Tame Press,” the government spends more than UAH 1 billion (\$43 million) for state and municipal media, and most of it goes to the national television and radio companies and oblast state television stations. Newspapers account for UAH several hundred millions (\$14 to \$18 million). For example,

**Pogorelov believes that Ukraine urgently needs to decentralize its media and discontinue financing of municipal media. "In the current market with up to 4,000 print editions and 300 television stations, many cannot survive. State-funded media distort the market."**

the parliament spent UAH 21 million (\$977,349) in 2013 and UAH 13 million (\$605,025) in 2014 for its newspaper, magazine, and television channel. Kiev became the leader among local state administrations in spending on its two newspapers, one television channel, and one radio station totaling UAH 28 million (\$1.3 million). Sergeyev added that in addition to lines in the state budget, state and municipal media enjoy other privileges, including discounted rent, compulsory subscriptions, and payments for the coverage of governmental activities.

Although publishing businesses have suffered heavily due to the economic crisis and the depreciation of the currency, a lot of hopes, according to Garaguts, are connected with the draft law on decentralization of the media.

According to Dutsyk, large media holdings and national private channels purchase and consume market research. But this is not the case for regional and state media. Sergeyev commented that professional market research is rather expensive for most regional media. Gumenyuk mentioned that ProMova conducted special research in the fall of 2013, before launching Hromadske.TV, on political and marketing aspects as well as audience interests. Hromadske.TV built itself based on that research data.

Print media circulation is not verified. TNS audience research only covers some 128 publications, while there are about 4,000 in all. Pogorelov stressed that despite any articulated drawbacks in audience research, they are produced according to international standards. Several different companies measure the Internet media, using different methodologies. Pogorelov added, "Due to the occupation of Ukrainian territories, market research companies cannot conduct their standard polls or people metering in these areas, which leads to distortion of the panel. So far, the researchers have not changed anything, except certain weighting of missing areas towards available. But if the occupation continues, they will have to alter research to make it more relevant."

Television audience research is ordered by the Industrial Television Committee (ITC), which unites four main television groups (Inter, 1+1, Ukraina, and Pinchuk's StarLight Media), 5 kanal, and four main media groups (Publicis Groupe Media, Omnicom Media Group, ADV Group, Group M) and Media Arts Group Ukraine agency. Since 2014, it has contracted Nielsen instead of GfK Ukraine. GfK Ukraine, contracted by the Industrial Radio Committee, measures radio.

Only a few regional television companies can afford to purchase professional research; meanwhile, the Independent Association of Broadcasters (IAB) has been trying to unite regional channels to obtain cheaper research. Klimanov, a publisher in the Luhansk region, mentioned that previously, he used sociology experts from local universities and was happy with their results.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ukraine Objective Score: 2.24

Ukraine has a fairly well-developed network of trade associations, media trade unions, and media supporting NGOs. The trade associations are the ITC, the IAB, the Industrial Radio Committee in broadcasting; the Ukrainian Press Publishers Association (UAPP) and the Association

### 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.

of the Independent Regional Publishers of Ukraine in print media; and the Ukrainian Internet Association and Ukrainian Association of Internet Advertising representing online media.

Sergeyev believes that IAB, since its foundation, offers a lot of help to its members with informational support, legal assistance, and lobbying of the government. He admitted that with the transfer to digital television, a large number of regional broadcasters may disappear, and IAB is fighting to create small regional multiplexes to solve this problem, but so far Natsrada has not supported this.

UAPP also lobbied heavily in 2014. It managed to preserve tax privileges, established agreements on delivery quality with the post office, and protested a ban on pharmaceutical advertising. IAB and UAPP jointly conduct an annual honors competition for the profession, as well. Yeremenko added that professional associations also try to create a positive image of journalism with the public.

The National Union of Journalists of Ukraine (NUJU) and the Independent Media Trade-Union (IMTU) became more active in 2014, speaking out against numerous attacks on journalists and other violations of their rights, and developing cooperation with their foreign counterparts. The panelists noticed progress in activities of the central administration of the NUJU, but stated that many regional chapters remain weak and outdated, represented by an older generation. Torbich mentioned that IMTU's activities are more reminiscent of the activities of an NGO implementing a grant project, while the labor rights of its members and other journalists are not given enough attention. Partially, this is caused by the lack of demand in the journalism community. Meanwhile, the media trade union lacks demand from the journalism community to defend the professional rights of the journalists.

In Dutsyk's opinion, the number of professional associations and NGOs in the media area do not always prove their efficiency. For instance, the Commission on Journalism Ethics has little authority among the key market players, and only a limited number of journalists consider IMTU and NUJU reputable. Dutsyk believes that there is an acute need to re-boot some self-regulating organizations and launch a wide discussion of self-regulation issues.

Romanyuk emphasized that there are more than a dozen strong NGOs that support the media, which often combine their efforts, and she believes that this community is the most active and efficient in the whole post-Soviet space.

According to Yeremenko, numerous media supporting NGOs—namely Internews Ukraine, Regional Press Development Institute, Institute of Mass Information,

Telekritika, Institute of Media Law, Pylyp Orlyk's Institute of Democracy, Donetsk Institute of Mass Information, the Odessa media center Paritet, and the network of regional press clubs (including the Donetsk press club, which moved to Kiev) are rather active and effective, along with the most active clubs in Lviv, Kharkiv, Ternopil, Kijerson, and Rivne. But these organizations work primarily in large cities, while rural areas are neglected.

Media are usually dissatisfied with the skill level of academic graduates, and the panelists said that only three journalism schools can boast about the quality of their graduates: the Journalism School of Kyiv-Mohyla Academy, Ukrainian Catholic University in Lviv, and, more or less, the Institute of Journalism of Kiev Shevchenko University. Torbich said he wants to cry when he meets students or graduates from both private and state journalism departments who arrive as interns at his outlet. Sergeyev agreed that some interns learn more during one month of practice at a host television station than during five years of education.

Yeremenko stressed that in fact, about 40 universities all over Ukraine provide journalism education, and up to 70 are licensed—too many, she feels—and they lack relevant professors with journalism experience. Most of the professors there have not worked in media even for a day. She believes that the Ministry of Education should restrict journalism education licenses for institutions, while Klimanov suggested that industrial associations should take part in licensing of the journalism schools. Gumenyuk objected, saying that restricting licenses is the wrong way to go, as one of the best journalism schools, Kyiv-Mohyla Academy, experienced problems with licensing during the previous regime. She believes that the situation might be balanced by the appearance of new, alternative institutions.

Yeremenko added that existing media are not able to hire all the graduates of journalism departments; thus many end up at public relations agencies or the press offices of businesses and political parties.

Lavrov said that there has been no progress in improving the quality of academic education of the journalists, and therefore media either train staff themselves, or make use of short-term training workshops sponsored by NGOs. Currently, such groups offer frequent workshops on safety issues in conflict zones. The panelists emphasized, however, that these workshops should involve only journalists and experts with substantial experience working in hostile environments as trainers—not just those who spent a few weeks at Donbass—as this training is a matter of life or death for journalists. Such trainers should have multi-year experience in such a setting, which Ukrainians just do not have. The panelists said that other skills that are needed



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now involve the peculiarities of covering conflicts and approaches to trauma among the journalists. Gumenyuk stressed that editors of national media who make important decisions on such issues tend to ignore training opportunities on conflict coverage and safety issues. Kvurt commented that the number of training programs offered in 2014 increased, due to an uptick in international attention to Ukraine.

NGOs help ensure that young journalists are able to get a quality media education, Torbich said. For instance, a journalist working for his investigative reporting agency for about six months significantly improved his performance after attending eight training workshops on investigative reporting, media law, and digital security. He also mentioned an increased interest in the investigative journalism genre: 14 regional journalists and students conducted internships in his Rivne agency for investigative reporting in 2014.

Dutsyk concluded there is a need to improve both academic education and short term trainings to ensure quality journalism education.

There are no barriers obtaining broadcast equipment and the printing facilities market is fully de-monopolized. According to panelists, the only problem is the gradual increase of costs due to the plunging local currency. Most newsprint is imported, with the cost rising along with the exchange rate. Moreover, the majority of newsprint is imported from Russia—a risk in case of economic war. Alternatively, newsprint can be imported from Czech Republic or Finland. Klimanov also mentioned that for the last several years, newsprint has been imported from Russia under some corrupt schemes and is paid in US dollars, while it would be up to 30 percent cheaper if paid for in Russian currency.

According to Pogorelov, the network of press kiosks in Ukraine is eight times smaller than in Poland, and 16 times

smaller than in Germany. In 2014, problems associated with kiosks grew, as most lack adequate paperwork and there is a high risk that they could be dismantled by local authorities, he explained. Pogorelov called for the establishment of more favorable conditions for print media sales, so that kiosks selling at least 50 percent media products would obtain protections. UAPP is working on that, but lacks support from the local authorities.

Garaguts pointed to an example of the network of 100 kiosks in Dniepropetrovsk, which were transferred repeatedly to a new owner with every election and shift of the government. Since September 2014, the network has belonged to a Kiev-based company, and no one knows who is the ultimate owner. According to Khomenok, the general economic crisis and slump in the markets created a threat of monopolization of distribution and delivery of news.

Sergeev said that Zeonbud retains a monopoly of digital television transmission, with non-transparent ownership traced allegedly to Yanukovych's colleagues—and there may be a Russian connection as well. In mid-summer 2014, Natsrada ordered Zeonbud to decode all Ukrainian channels, per the terms of its license. It fulfilled the order only partially, and then encoded them again, citing a Natsrada decision of 2011. But Natsrada and the media community claim that Zeonbud is trying to make money selling special receivers needed to decode signals at twice the cost of other receivers. So far, Natsrada has failed to solve all the problems connected with Zeonbud. In fact, Zeonbud uses transmission equipment belonging to the state-owned CRRT, which is also interested in becoming a digital provider and has built two national multiplexes, though it lacks investment.

Kvurt added there are serious attempts underway to bankrupt CRRT; it accumulated a substantial debt to Oblenergo (Oblast Energy Companies), owned primarily by Russian shareholders. The Cabinet of Ministers fired the CRRT director in February 2014. Activists also accused the director of inaction in the face of Russian channels operating in occupied territories—and even of favoring them.

ICT infrastructure is gradually developing, and many technical innovations are available in the country. Since 2007, the only 3G license belongs to state operator Ukrtelekom, which did its best not to let competitors into this market—while 3G coverage network was very limited and selective. In February 2015, the national regulator sold 3G licenses for 15 years to three mobile operators Astelitelife, MTS-Ukraine, and Kyivstar. They are expected to cover cities with populations greater than one million by the end of 2015. They are supposed to convert frequencies that now

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belong to the military and cover all oblast centers within 18 months and all other settlements with populations greater than 10,000 within the next six years. Eighty percent of users are ready to transfer to 3G, as they already have 3G smartphones, tablets, and other devices. Only two percent of users have 4G devices.

## List of Panel Participants

**Diana Dutsyk**, executive director, NGO Telekritika, Kyiv

**Olena Garaguts**, director and chief editor, *Litsa*, Dnipropetrovsk

**Natalia Gumenyuk**, founder and journalist, Hromadske.TV, lecturer in Journalism School of Kyiv Mohyla Academy, Kyiv

**Oleg Khomenok**, independent journalism trainer and senior media advisor, Internews Network, Kyiv

**Dmytro Klimanov**, publisher and director, *Telegazeta*, Stakhanov (Luhansk region; now residing in Kyiv)

**Kostyantyn Kvurt**, board chair, Internews-Ukraine, Kyiv

**Vladyslav Lavrov**, regional coordinator, Organized Crime and Corruption Reporting Project; journalist, *Kyiv Post*, Kyiv

**Lyudmyla Opryshko**, media lawyer, Regional Press Development Institute, Kyiv

**Oleksiy Pogorelov**, general director, Ukrainian Association of Press Publishers, Kyiv

**Oksana Romanyuk**, executive director, Institute of Mass Information, Kyiv

**Gennadiy Sergeev**, director, Chernivtsi Television and Radio; board chair, Independent Broadcasters Association, Chernivtsi

**Volodymyr Torbich**, chief editor, Rivne Agency for Investigative Reporting, Rivne

**Svitlana Yeremenko**, executive director and media expert, Pylyp Orlyk Institute for Democracy, Kyiv

## Moderator and Author

**Kateryna Laba**, executive director, Regional Press Development Institute, Kyiv

*The panel discussion was convened on December 19, 2014*



**CENTRAL ASIA**



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*Public discourse began to focus on risks connected to relations with Russia, including those related to information security.*



# KAZAKHSTAN



A key trend in Kazakhstan this past year was the increased influence of global political and economic events on the situation in the country. It is no accident that marketing studies conducted in 2014 showed that a third of the population prioritizes consumption of international news.

The recent events in Ukraine, for instance, brought about a whole series of consequences in Kazakhstan, including a negative impact on the economy leading to a government decision to devalue the tenge. Hastily introduced legislation added criminal penalties for advocating “illegal, unconstitutional change of the territorial integrity” in order to ward off separatist activities. Another package of changes eroded civil liberties, including freedom of conscience and freedom of speech, criminalization of non-registered NGOs, and considerably insulating the government from civil society.

A growing divide in public opinion between Russian and Ukrainian supporters has led many to reconsider the national security of Kazakhstan. Provocative statements by a number of Russian politicians regarding the oblasts of Kazakhstan bordering Russia reinforced concerns that the Ukraine scenario might be repeated in Kazakhstan. Public discourse began to focus on risks connected to relations with Russia, including those related to information security.

Another important event was the signing of an agreement to create the Eurasian Economic Community, a personal initiative of Kazakhstan’s president, Nursultan Nazarbayev. As a result, fierce disagreement ensued on the benefits of the customs union, which led to the emergence of an anti-Eurasian movement that considers such unions a threat to Kazakhstan’s sovereignty.

In 2014 stricter legislation and law enforcement practices affected all civil society organizations and the mass media. Despite public opposition and appeals by mass media leaders sent to the president to veto the package of legislative amendments, by mid 2014 repressive amendments were added to the Criminal Code, the Code of Criminal Procedure, and the Administrative Offenses Code. Even though most amendments entered into force on January 1, 2015, in 2014 there were an unprecedentedly high number of prosecutions of journalists, mass media outlets, and related organizations. Such changes highlight a clear trend whereby human rights are taking a backseat to internal security and stability.

# KAZAKHSTAN at a glance

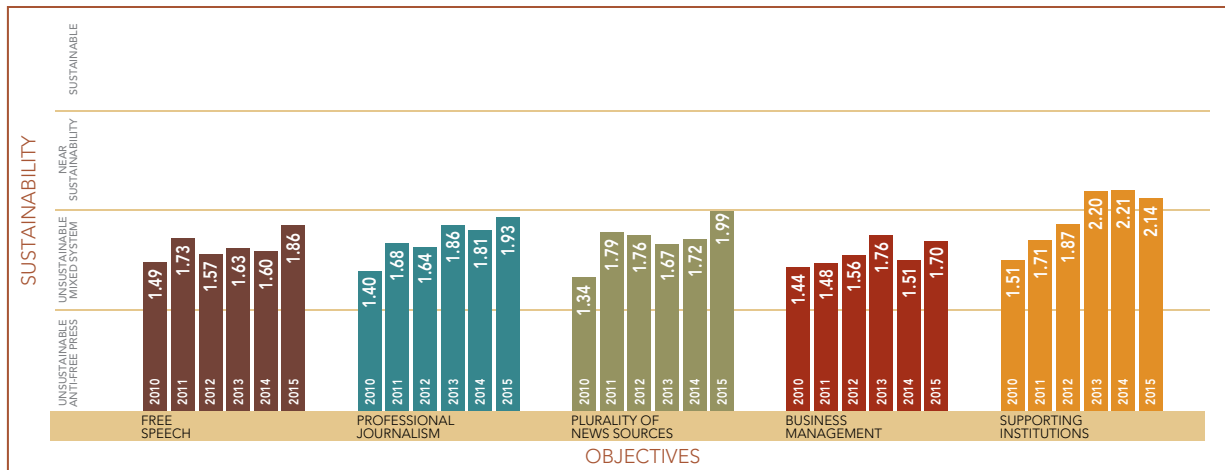
## GENERAL

- > Population: 17,948,816 (July 2014 est., *CIA World Factbook*)
- > Capital city: Astana
- > Ethnic groups (% of population): Kazakh (Qazaq) 63.1%, Russian 23.7%, Uzbek 2.9%, Ukrainian 2.1%, Uighur 1.4%, Tatar 1.3%, German 1.1%, other 4.4% (2009 est., *CIA World Factbook*)
- > Religions (% of population): Muslim 70.2%, Christian 26.2% (mainly Russian Orthodox), other 0.2%, atheist 2.8%, unspecified 0.5% (2009 est., *CIA World Factbook*)
- > Languages: Kazakh (state language) 64.4%, Russian (official, used in everyday business) 95% (2001 est., *CIA World Factbook*)
- > GNI (2013-Atlas): \$196 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$20,680 (World Bank Development Indicators, 2014)
- > Literacy rate: 99.7%; male 99.8%, female 99.7% (2009 est., *CIA World Factbook*)
- > President or top authority: President Nursultan Abishuly Nazarbayev (since December 1, 1991)

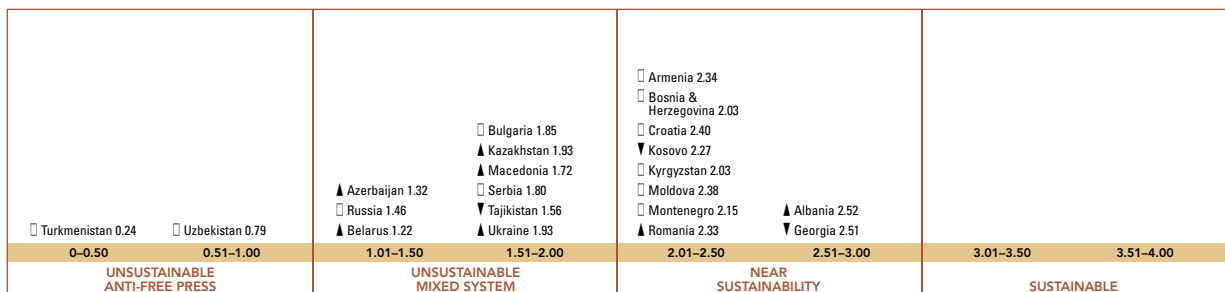
## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: 1357 newspapers, 503 magazines; Television Stations: 51; Radio Stations: 48; Cable Operators: 133; Satellite Operators: 6 (Government of Kazakhstan, 2014)
- > Newspaper circulation statistics: Top four, by circulation, are *Karavan* and *Karavan-Class* (private, weekly) circulation 500,000 combined; *Yegemen Qazaqstan* (state), in Kazakh, five times weekly, 201,750; *Kazhstanskaya Pravda* (state), in Russian, five times weekly, 100,000; *Ekspress-K* (private), in Russian, five times weekly, 100,000
- > Broadcast ratings: Top 4, KTK (private), in Kazakh and Russian; Channel 7 (private); 24 KZ (state), 24-hour news; Kazakh TV (state), satellite, in Kazakh and Russian
- > News agencies: 13 news agencies, most-used include Kazakhstan Today, KazInform, KazTAG, Bnews, Business Resource, RIA Novosti Kazakhstan, Interfax-Kazakhstan
- > Annual advertising revenue in media sector: Advertising agency statements vary widely. Estimated annual revenue in media is \$340 - \$360 million, distributed as follows: TV 84.8%, radio 3.9%, print 4.7%, outdoors 6.7% (2014 est., [kapital.kz/details/34070/kogda-rashody-ne-lisnie.html](http://kapital.kz/details/34070/kogda-rashody-ne-lisnie.html))
- > Internet usage: 5.299 million users (2009 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: KAZAKHSTAN



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (increase greater than .10) □ (little or no change) ▼ (.10 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: 1.86

As a result of the adoption of a series of repressive amendments to existing Kazakhstan law, freedom of speech, which is guaranteed by the Kazakhstan constitution, was at risk of disappearing. The media community and journalists did not see the decriminalization of libel and slander as promised by politicians, just as the draft freedom of information law was not adopted. On the other hand, a large number of new measures started referring to national security, even when not directly targeting media legislation. For example, in early 2014 the government adopted an executive decree, "Rules Applying Additional Measures and Temporary Limitations During States of Emergency," which addresses, among other things, "monitoring the means of mass information" and "the limitation or prohibition of the use of copying and reproduction technology, radio and television equipment, and audio and video recording technology, and the temporary seizure of sound amplification equipment." However, as of yet, the government has not enforced these provisions.

In April, President Nazarbayev signed law No. 200-V, "On the Introduction of Amendments and Additions to Certain Laws of the Republic of Kazakhstan on Questions of the Activities of Internal Affairs Agencies." The law amended several

### 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.

Furthermore, as noted by Galya Azhenova, director of the Public Center of Expertise on Information Disputes at the Adil Soz Foundation, the lack of details concerning the statute of limitations on law suits and the compensation amount for moral injury make media vulnerable to abuses in a system where "there can be no talk of an independent judiciary."

existing laws and permits the Prosecutor General's office to block Internet and mobile phone communications within the country for a limited period of time without a court order. Such action can be taken not only for dissemination of illegal information over such networks, but also in times of "mass public activities that violate the established order."

The same law introduced into the Criminal Code article 242-1, "Dissemination of Information Known to Be False," which provides a penalty of up to ten years' imprisonment and does not exclude liability for the dissemination of opinions, views, beliefs, and conjectures. This law includes a procedure for extrajudicial suspension of the dissemination of media products that are Internet resources. This undermines provisions in the law "On the Mass Media," which provides for suspension or termination of mass media, which includes websites, only by court order.

In early July, Nazarbayev signed a new Criminal Code, which increases criminal liability for extremism and terrorism and also provides for the criminalization of actions promoting the dissemination of radical ideologies, and a new Administrative Offenses Code that provides for suspension and closure of media outlets for technical violations. The new Criminal Code also introduced provisions for fighting organized crime, including in the sphere of information technologies. In comparison with the existing code, the new code broadens the grounds for defamation and keeps a penalty of three years' imprisonment. Special protection of high-ranking government officials was maintained.

In November 2014 Nazarbayev signed a law "On the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Regarding the Combating of Extremism and Terrorism," which introduced amendments to the Code of Civil Procedure and the Land Code, and 13 laws. The amendments to the Code of Civil Procedure include provisions for designating an organization or sources of information as extremist or terrorist.

Out of 22 applicants for 18 frequencies, the startup Alma-Atty 777 Corporation won 11 frequencies, while Avtoradio won the rest. Ruslan Nikonovich, general director of TV Art, said that even if procedures are followed, there is no effective competition.

During 2014, media organizations and the public actively opposed the proposed changes to legislation. As early as February, after the lower house of parliament had approved the first reading of the draft amendments to the Criminal Code and Administrative Offenses Code, a coalition of 12 NGO's named 20-shy Bap (after the article in the Kazakh constitution on freedom of media and prohibition of censorship) appealed to members of parliament, expressing grave concern about broadening limits on freedom of expression. In April, the Union of Kazakhstan Journalists and the Adil Soz Foundation presented a petition signed by more than 170 domestic and international NGOs and citizens to the president asking him to veto the package of draft laws; the president ignored the appeal. In May, members of 20-shy Bap coalition approached the UN Special Rapporteur and requested that he visit Kazakhstan to address the additional legal limitations endangering human rights.

The Organization for Security and Cooperation in Europe's (OSCE) representative on freedom of the media, Dunja Mijatović, expressed concern regarding the changes to Kazakhstan's laws, fearing that this may result in "self-censorship or excessive control of content by the authorities." Analyzing the effect of the legal measures that had been adopted, Tulegen Askarov, a journalist with Forbes.kz, remarked that the Criminal Code and Civil Code take precedence over the media law that guarantees freedom of speech. Furthermore, as noted by Galya Azhenova, director of the Public Center of Expertise on Information Disputes at the Adil Soz Foundation, the lack of details concerning the statute of limitations on law suits and the compensation amount for moral injury make media vulnerable to abuses in a system where "there can be no talk of an independent judiciary."

The first institutional mechanism of official state censorship appeared in 2014. As reported by the portal Tengrinews, the chairman of the Agency for Religious Affairs, Marat Azilkhanov, will be required to clear with the authorities any items devoted to religion in state media. An item on the web portal Kloop.kg on Kazakhstani children undergoing military training in an ISIL camp demonstrates

the restrictions on covering certain subjects. The Ministry of Communications and Information sent a letter to the editorial offices of Kloop Media asking that they remove the material, basing their request on UN Security Council Resolution 1373 on counteracting terrorism and on the new law on the fight against extremism and terrorism. Following the refusal to remove the materials by Kloop.kg, a court case was opened and access to the article blocked.<sup>1</sup>

Media suffer a high degree of pressure and risk of being closed down if the content does not correspond to official expectations. For example, in 2014 *Pravdivaya Gazeta* was closed down on the basis of technicalities and the newspaper *Assandi Times* was closed because it was declared belonging to a single media organization, Respublika. In November 2014, the independent newspaper *ADAM bol* was shuttered after the Almaty city Bureau of Internal Policy brought a lawsuit claiming that the paper had published war propaganda contrary to the law in relation to an article on the conflict in Ukraine. After a November court order suspending the newspaper, a December verdict pulled its license; an appeal by the newspaper failed in February 2015.

Individually journalists also are subject to pressure. For example, Radio Free Europe reporter Orken Bisenov was arrested in Astana while collecting information on plans by local activists to protest the creation of the Eurasian Economic Union.

Panelists agreed unanimously that registration of print media with the Ministry of Culture and Information has become procedurally easier. Today it is possible for media to register and obtain a certification online through the government's web portal. After filling out the prescribed form and submitting the necessary documents, the applicant may pay the fee online, which is determined by the Tax Code. Within ten business days of the application date a scannable version of the registration is sent to the e-mail address indicated on the application. Registration is not required for print publications with a circulation of fewer than 100 copies; official, regulatory, and other documents; and court bulletins. Internet resources are not required to register, although they are considered to be mass media.

Instead of registering, broadcast media must obtain authorization to use a frequency. Over the last few years, media organizations, particularly the Kazakhstan Association of Television and Radio Broadcasters, have raised the question of suitable legal regulation of cable

<sup>1</sup> By order of the Kazakhstan State Communications Agency, the Kloop.kg servers were disconnected from the Internet and did not have access to all the materials on the site, while Bektur Iskender and Rinal Tukhvatshin were summoned to the State National Security Committee for Questioning.

television. As noted in a public statement by the director of the association's media support center, Sergey Vlasenko, "Formally, cable operators are identified as mass media, but in fact they are a means of communication since they do not create their own content... The present Mass Media Law does not address the relationship between cable television operators and TV channels and subscribers or the issues related specifically to cable television activities." Media advocates highlight the need to review licensing rules for cable operators.

Obtaining a license for new players or extending one for old licensees remains complicated and to some degree unpredictable. On November 10, 2014, the Ministry of Investment and Development released the results of a competition for television frequencies. Out of 22 applicants for 18 frequencies, the startup Alma-Atty 777 Corporation won 11 frequencies, while Avtoradio won the rest. Ruslan Nikonovich, general director of TV Art, said that even if procedures are followed, there is no effective competition.

Market access conditions and the taxation regime for commercial media organizations do not legally differ from other kinds of businesses.

Analysis of 2014 statistics on crimes against journalists and other media professionals compared with previous years shows at first glance a positive trend in all categories. For example, whereas Adil Soz monitoring in 2013 recorded 252 cases of denial or restriction of the provision of information, there were 215 known cases in 2014; the number of civil and criminal claims against media and journalists decreased from 101 to 67; impeding the professional activities of journalists fell from 45 to 29; cases of unwarranted arrests and detention of media workers decreased from 32 to 19. There were no professionally motivated murders of journalists in 2014, and more importantly, the crimes against journalists committed several years ago—the murder of Kyrgyzstani journalist Gennady Pavlyuk and the attempted murder of journalist and 2015 MSI panelist Lukpan Akhmedyarov from *Ural Week*—were brought to a judicial conclusion.

In the Pavlyuk murder case, the court handed down sentences of 38 years in prison for the three defendants, who had pled not guilty. One of the perpetrators was a member of the Kyrgyz security service. However, it is still not clear who ordered the murder.

Nonetheless, Azhenova said that attacks, threats, and damage to equipment happen every day. Despite the resolution of some of the high-profile cases described above crimes against journalists, media, and bloggers are not always carefully investigated, or the investigations do not produce any results. Existing legal mechanisms are

not employed to protect the rights of journalists in the performance of their professional duties.

The dependence of the editorial policies of state media on government policy is obvious. In 2014, for example, Aleksandr Tarakov was named the new chairman of the board of the newspaper *Kazakhstanskaya Pravda*, replacing Zhanay Omarov, who was appointed Vice Minister of Culture and Information. As noted by Diana Okremova, director of the North Kazakhstan Legal Media Center, "Editorial independence is in practice an ephemeral concept. Independent publications remain only in the remote regions and only in print, plus a few Internet resources. Of the television channels and newspapers, 95 percent are financed from the government budget. And the number is growing from year to year. Out of KZT 25 billion [\$135 million], KZT 20 billion [\$108 million] go to support the television channels Khabar, Kazakhstan, and Mir through direct financing. In this way the government clearly controls media content since the entire press is dependent on the government budget. Media are a propaganda tool and an instrument for shaping government information policy, but in no way independent businesses."

Adil Soz monitoring reported 35 libel cases in 2014, whereas there were 16 in 2013. While nobody was convicted in 2013, in March 2014, for the first time in Kazakhstan, an arrest order was issued against a journalist for libel. Former Member of Parliament Maral Itegulov accused the Aktyubinsk journalist Natalya Sadykova of using the pseudonym Bakhyt Ilyacova to publish on the *Respublika* website an article entitled "There Aren't Enough Contracts to Go Around," in which she deliberately libeled him, harming his business reputation. The judge issued a warrant against the journalist in absentia, since she had in fact fled to Ukraine having lost faith in the judicial system in Kazakhstan following her husband's imprisonment years earlier. *ADAM bol* editor Gulzhan Yergalieva was sued by the deputy imam of Imangali Mosque in Atyrau Oblast, whom the paper had accused of being involved in the war in Syria. In that lawsuit the court awarded damages of KZT 5 million (\$27,000).

Kazakhstan has no national freedom of information law. Kazakhstan law also lacks the concept of the public's right to know, which serves as the basis for unjustified limitations on the provision of information (e.g., information on the health and personal life of the president).

Adil Soz monitoring describes 215 cases of unjustified restrictions on access to information, which includes cases limiting access to information by journalists due to regulatory provisions, access to information for journalists of non-governmental media—especially private opposition media and bloggers—and limitations allowing the directors



of government agencies and other high officials who do not want to see any criticism of their activities.

Among the many cases of this kind, Adil Soz observed that in April 2014, on the pretext of a heavy workload, the government forbade journalists from being present at official meetings and informed them that they could obtain information about the proceedings at briefings given by the Central Communications Office. Officials of most agencies hide information on human rights violations, unresolved social issues, and ecological problems. As a result of the devaluation of the tenge, a large number of citizens lost their savings but no data has been released on this subject—and in any case it is a dangerous topic to write about.

The majority of panelists believe that today, thanks to the development of media technologies, it is not possible to limit the media's access to sources of information, domestic and foreign. From Chinese TV to Al Jazeera, from local web-based platforms to worldwide social networks such as Facebook and Twitter, information flows are accessible and media make use of these sources.

Traditionally, there are no barriers to entering journalism as a profession. Employment in the mass media sector does not require any special qualifications or experience. At the moment, the main barriers to practicing the profession are accreditation needed to attend government meetings and events and being affiliated with closed newspapers such as *Respublika* and its sister newspapers (e.g., *Assandi Times*).

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.93

The case of the blogger's protracted April fool's joke regarding the filming of a Hollywood movie starring a well-known Kazakhstan actor shows how journalists do not attempt to cover events from various points of view, do not go to all the actors for comments, and do not strive to avoid subjectivity. Had reporters applied basic journalistic principles, the hoax would have been uncovered quickly. Frequently, journalists are forced to apologize and withdraw stories due to lack of facts and data.

In an interview to radio Azattyk, well-known journalist Kyandyk Shamakhaiuly gave this assessment of journalism in Kazakhstan: "The Kazakhstan media does not grasp the idea of objectivity. They need to avoid emotions, present concrete facts, not comment without understanding things, and present everything the way it actually is."

The panelists noted that any one type of media does not monopolize examples of professionalism: bloggers,

print, and broadcast journalists do produce good quality journalism, but only a few conscientious and highly professional reporters stand out. These include Irina Dorokhova (*Kursiv*) and Aleksandr Vorotilov (*Forbes Kazakhstan*), both Russian journalists working in Kazakhstan. However, as Askarov noted, The Eurasian Economic Union may contribute to a supply of new, quality Russian journalists who will in turn pose barriers to the development of Kazakhstani journalists and the status of Kazakh-language journalism.

The question of adopting a code of ethics has been vigorously debated in recent years, with the position of management, journalists, and media experts unchanged. In the less-than-free conditions, in the grip of censorship, and having to work on behalf of one powerful group or another, there is no point in adopting ethical principles of self-regulation.

Nevertheless, three times in the past decade public efforts to reach an agreement between media companies and journalists in certain regions or within certain types of media have been successful. The first was the creation in 2008 in the Karaganda Oblast, with OSCE support, of a council for journalistic ethics, the aim of which was to cooperate in the pre-trial settlement of disputes between citizens, organizations, and media. Today, as reported by the founder, the Media Life Fund consists of 30 journalists and media in Akmola, North Kazakhstan, Almaty, and other oblasts. The second attempt concerned the finalization of a code at the initiative of the Union of Journalists of Kazakhstan and the Major Editors Club in 2012. Neither of the codes has had any great practical significance. The observance of ethical standards is not institutionalized (with

### 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 exception of the Council of Ethics, the activities of which not one of the panelists could say anything definite).

The third effort took place in 2014 among bloggers, who created the Alliance of Bloggers of Kazakhstan. Bloggers decided to self-regulate “in order to improve the information environment,” to bring together Kazakh and Russian-language content in order to “know what’s going on in the blogosphere,” to secure for bloggers greater rights and the potential for gaining access to news, and to provide legal services to avoid libel. In fact, as noted by Askarov, “many bloggers did not even understand the need for disclaimers.”

The panelists also focused on the need for instituting ombudsmen in editorial offices, who would monitor the observance of ethical standards (particularly on coverage of ethnic, religious, gender, and other sensitive subjects), as well as monitor and raise issues of plagiarism.

At present, plagiarism is a common phenomenon. In the process of preparing this report, a large number of instances of plagiarism were identified, including instances of total appropriation of someone else’s material and publication of it in another media outlet under another name, or partial borrowing of the material or compilation from various sources.

The panelists’ discussion noted that some online resources, such as WikiBilim.kz and kitap.kz, have begun to promote Creative Commons licenses in order to establish principles of ethical use of other writers’ ideas and texts on the net. Individual bloggers, such as Nurlan Makhmudov, have shown a commitment to observing international intellectual property standards.

The panelists also recognized as problematic the current practice of giving gifts to editors and journalists, which may vary from direct cash payments to organization of trips and even long term “test drives,” in which car dealers supply their own vehicles to journalists for several months.

Media circles in Kazakhstan have long acknowledged that there is censorship and self-censorship. As proof of this phenomenon, the owner of TV Tan, the magazine *Forbes* etc., in an interview with journalist Bekzhan Idrisov of 365info.kz, noted that, although there are special correspondents and news bureaus of Kazakhstan’s state television channels in Kiev, at the time of EuroMaydan they did not file one story on the subject. A special series by Kaym Amanzholul on EuroMaydan was met not only with condemnation as a pro-Ukrainian position, but also with threats of reprisal from several government agencies.

In the words of journalist and civil rights activist Rozlana Taukina, “In Kazakhstan at this time there is little

However, as Askarov noted, The Eurasian Economic Union may contribute to a supply of new, quality Russian journalists who will in turn pose barriers to the development of Kazakhstani journalists and the status of Kazakh-language journalism.

high-quality journalism. For example, even items about corruption appear to be written to order. Because journalists practice self-censorship, many genres are not being developed. Indeed, journalism as whole is in a difficult position. Every year journalists are in greater danger.”<sup>2</sup> Kuandyk Shamakhauy supports this view, adding, “The greatest censors in the media are the editors-in-chief themselves. Fear of losing their job deprives both the journalists and the editors of creative freedom.”<sup>3</sup>

In fact, even criticism that appears seems to be made to order. On October 11, 2014, President Nazarbayev, in an expanded meeting of the government, criticized the work of Prime Minister Akhmetov’s government. He later realized that some of the criticism made at the meeting did not appear in newspapers and on television and ordered that it be widely covered in the media. Immediately after this, the government was subject to criticism on the daily news programs *Zheti kun* on Khabar TV and *Arta.kz* on Kazakhstan TV and in the latest issues of the newspapers *Yegemen Kazakhstan* and *Kazakhstanskaya Pravda*. This information campaign found great resonance among journalistic circles, along with skeptical views. For example, the director of the state television channel *Yelarna*, Serik Abasov, wrote a joking post on his Facebook page: “The state-run media have replaced their long-lost teeth with removable dentures.”

No media, not even the blogosphere, allows itself to discuss the most controversial subjects, and this is not accidental. Rozlana Taukina, in an interview on radio Azattyk, said, “We’ve known for a long time that there is a special department in the National Security Committee that monitors the press, Internet, television, and radio. Their job is to neutralize the news. Professional commentators writing under various pseudonyms can sometimes even bring about the closure of a site because it uses uncensored expressions or advocates violence or overthrow of the constitutional

<sup>2</sup> <http://rus.azattyq.org/content/svoboda-pressy-kazakhstan/25370224.html>

<sup>3</sup> <http://rus.azattyq.org/content/pressa-v-kazakhstane-kuandyk-shamahaiuly/25434957.html>

According to Azhenova, “The government is not concerned about analysis and the disappearance of socially significant programming can be attributed to its disloyalty to the political regime.”

order. I can’t rule out that there may be people like that among the civilian population. In any case, all this taken together represents a colossal threat to the destruction or prohibition of expressing one’s own opinion.”<sup>4</sup> As Kasym Amanzholov told Azattyk, “The most dangerous subjects are free elections, the events in Zhanaozen and the wealth of the president’s family.”

The International Federation of Journalists conducted a survey of 16 countries in order to determine the difference in pay of journalists as a function of their sex, age, and country. According to the survey, journalists in Kazakhstan earn 30 percent less than those in European countries, but greater than their colleagues in Belarus and Ukraine. The average monthly salary of a male journalist in Kazakhstan is \$1,052, while a woman can expect \$905.<sup>5</sup> These figures did not fully reflect the grim reality with regard to journalist’s income and the gaps between different categories of journalists. The actual monthly earnings of the majority of journalists in the regions equal those of teachers (about \$300 to \$350), which cannot be compared to well-paid workers.

At the same time, it can be said that there is a difference between the income of journalists working for media holding companies and those working for private opposition or regional publications, and even more so regarding media in the capital. An analyst or journalist in the capital receives more than \$2,000 monthly, which raises the average on earnings data.

Traditionally, regional journalists in Kazakhstan can receive considerable amounts of income through the ability to combine simultaneous jobs in several media outlets. As reported by the panelists, the possibility of combining jobs has been markedly reduced by the decrease in the number of regional print publications.

According to data collected by J’son & Partners Consulting, the largest share of genres on Kazakhstan’s nationwide channels are television dramas (39 percent), entertainment

programs (12 percent), and art films (11 percent), while news and information content have shares of 5 percent.<sup>6</sup> The panelists listed several news programs that have disappeared in recent years, such as *Yerkin Soz* and *Doda* (Channel 31), or programs that have lost their “sharpness,” such as *Aytuuga Onoy* (KazTV). According to Azhenova, “The government is not concerned about analysis and the disappearance of socially significant programming can be attributed to its disloyalty to the political regime.”

Even news programming might be characterized as entertainment in its own way. There is a popular anecdote among journalists about an elderly woman who is watching television and crying loudly. When asked what happened, she replies, “I want to live in Kazakhstan.” The other person, bewildered, informs her that she *is* living there, to which the woman breaks into great sobs and says, “I want to live in the Kazakhstan they show on Khabar!”

In the opinion of Lukpan Akhmedyarov, editor-in-chief of *Uralskaya Nedelya*, the reason that information programs are being squeezed out by entertainment programs is not so much political as economic. The television channel Tan last year began to introduce more information and news programs to replace highly profitable entertainment and has experienced a drop in revenue. But the owner of the channel considers these costs as an unavoidable for advancing the “information interests” of the government. Otherwise, much of the news programming of the past has migrated online.

The state-run media and media that are part of large media holding companies are much better equipped with regard to technology than in the other Central Asian countries. These media have revamped their technological base and are launching new multimedia services. Alongside this, they use modern means of reaching their audiences (online translation, blogs, Twitter, exclusive subscription services). For example, technological changes of this kind are taking place in the Kazinform agency, permitting it to become the leading news agency in Kazakhstan and Central Asia and to increase its number of users to 500,000 per day.

At the same time, a number of private regional media, particularly print media, are somewhat behind technologically. As Aleksandr Rozhkov, editor-in-chief of *Arguments & Facts Kazakhstan* noted, “Due to the shortage of funds, the editorial departments rarely acquire new equipment. There are also quality issues with the technical staff servicing the equipment, and Internet speed is often very slow. The technical problems lead to reduced competitiveness in getting out media products.”

<sup>4</sup> <http://rus.azattyq.org/content/svoboda-pressy-kazakhstan/25370224.html>

<sup>5</sup> [http://mojazarplata.kz/main/Zhenwina\\_i\\_rabota/zhschiny-zhurnalisty-v-kazahstane-zarabatyvajut-na-14-menqshe-muzhchin](http://mojazarplata.kz/main/Zhenwina_i_rabota/zhschiny-zhurnalisty-v-kazahstane-zarabatyvajut-na-14-menqshe-muzhchin)

<sup>6</sup> [http://json.tv/ict\\_telecom\\_analytics\\_view/obzor-rynka-televizionnogo-kontenta-v-respublike-kazahstan](http://json.tv/ict_telecom_analytics_view/obzor-rynka-televizionnogo-kontenta-v-respublike-kazahstan)

Participants in the conference “Regional Media Cooperation: Transformation, Consolidation, Development,” held in Aktau in December 2014 agreed unanimously that the development of specialized journalism is one of the most serious problems in the country.

### OBJECTIVE 3: PLURALITY OF NEWS

Kazakhstan Objective Score: 1.99

Despite the variety of mass media genres and providers, readers and viewers receive practically the same message from the various media outlets. As a rule, all of the large media are concentrated in the hands of a narrow circle of people, who are affiliated with or dependent on the political powers. For this reason, the news picture can obviously have no variety. At the present time national media produce news that avoids expressing an independent opinion or is produced to order by the ruling elite. Despite the wide choice of media outlets, there is no coverage of the opposition.

For many Kazakhstanis, the upcoming transition to digital broadcasting may limit their access to important media content on television. Obtaining a set-top decoder or new digital television will cost a lot of money. Although according to the law “On Television and Radio Broadcasting,” the local government bears responsibility for assuring that vulnerable groups have access to digital television, the Kazakhstan National Association of Television and Radio Broadcasters is pushing to have the national

### 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.

government provide necessary conversion equipment free of charge to all Kazakhstanis.

Due to the economic constraints on printing, in part due to the devaluation of the tenge, many print publications have begun to move to the Internet, changing the profile of their traditional readers and making it more difficult for those not online to access their preferred media. According to the Kazakhstan Communications and Information Agency, there were 35 court orders over the past year that resulted in the blocking of 756 Internet articles.<sup>7</sup> The reasons cited for the orders were terrorism, religious or suicide propaganda, the advertisement of prohibited products or alcoholic beverages, glorifying narcotics use, and dissemination of pornographic content. According to a report by Mygord.kz, in 2014 244 sites having religious content were blocked.<sup>8</sup> Azaaz.org was blocked after posting a petition calling for the resignation of the president and government.<sup>9</sup> Meduza was blocked after posting an article entitled “The Ust-Kamenogorsk People’s Republic: Are the Russians Waiting for ‘Polite People’ in Kazakhstan?” This was classified as propaganda to incite ethnic discord and violate the country’s territorial integrity.

The Eurasian Economic Union, which in theory should increase the potential for the dissemination of Kazakhstani mass media abroad, could in fact place the media in an unfavorable situation due to persisting regulatory barriers within Russia that stifle the ability of media in border areas to reach Russia, while creating possibilities for the penetration of Russian media outlets into Kazakhstan.

Events in Ukraine have become a kind of litmus test for confirming to what extent the citizens of Kazakhstan have access to alternative sources of information on vital world events. Most panelists noted a clear predominance of Russian sources and Russian propaganda provided not only through Russian television and radio stations, but also through those media that are partly controlled (up to 20 percent by law) by Russian capital. Although it is possible to follow Ukrainian television channels, both by satellite and through the Internet, people do not do so due to language barriers.

Many events of the past year (e.g., events in Ukraine, mass poisonings in Berezovka, the sleeping sickness epidemic in the village of Kalachi) confirm that state media are biased and cannot be called independent. For unbiased news, users seek Internet sources and foreign media, while those who reside in remote villages must be satisfied with traditional pro-government print media.

<sup>7</sup> <http://dixnews.kz/articles/288>

<sup>8</sup> <http://mygorod.kz/?p=5517>

<sup>9</sup> <http://rus.azattyq.org/content/peticia-onlain-otstavka-nazarbaeva/25262258.html>

Meduza was blocked after posting an article entitled “The Ust-Kamenogorsk People’s Republic: Are the Russians Waiting for ‘Polite People’ in Kazakhstan?” This was classified as propaganda to incite ethnic discord and violate the country’s territorial integrity.

In addition to the news agencies Kazinform, KazTar, Inform kz, Kaz Today, Novosti-Kazakhstan, Tengrinews, Business-Inform and others, which have undertaken technology upgrading in the last year, the majority of portals—Forbes, Tengri News, Bi-News, 365 info—also prepare and distribute news wires. There are also start-up news agencies, such as ranking.kz, which provide the regional media with content. News from the portals and news agencies, as well as information from the blogosphere, are used by both the local and national media. Blog platforms also create their own “news wires.” The majority of private print media aggregate the news from all these sources.

Media outlets often produce their own news stories, including at the local level. In fact, panelists reported that regional television is prolific in the production of news. Stories are often created simultaneously by local media for use in their local market and tailored for sharing with national outlets. Rozhkov noted, “The content of private media differs to a great extent by the use of various news sources and more informal presentation of materials.”

As sanctioned by government decree No. 42 of April 30, 2014, 35 Kazakhstani media will be fully or partially privatized. This includes 27 municipal, district, and oblast newspapers, including 49 percent of the shares of the newspaper *Industrial Karaganda* and half of the shares of the newspaper *Our Kostanay* and *Rudensk Worker*. The municipal television and radio stations Dinar, Rudny Dausy, Radio Rauan, Mangistau-Media, and Shakhhtinsk Info plus Zhetysy Akparat media holding company will also be fully or partly privatized. In addition, the shares of the ZAN media corporation will be put up for commercial tender. Commenting on these decisions in an interview with the media, the chairman of the board of the Union of Kazakhstan Journalists, Seytkazy Matayev, expressed concern over “whose hands the press may fall into.”

Information on who one or another media holding company belongs to and what media are part of what holding company are not publicly available, as noted by panelists

Akhmedyarov and Rozhkov; they noted that most media gravitate around Syr Media and Akzhaiyk Akparat.

Foreign ownership is also somewhat murky. For example, according to the Kazakh office of TNS, Channel 31, the second most popular broadcaster in Kazakhstan, is actually a majority property of the Russian holding company STS Media. But in accordance with local law only 20 percent of it belongs de jure to a local corporation, Channel 31 Television and Radio Company. A Russian holding company owns 70 percent of Prim, which supplies Channel 31 with content, and 60 percent of the corporation Advertising and Marketing, which is the advertising department of the channel. These legal entities form the Channel 31 group, in which STS Media holds a 60 percent financial interest.

This is not the only example. The annual report of the German company Hubert Burda Media indicates that its share in Burda-Altai Press is 50 percent. And Trader Media East, a company registered in the Netherlands whose majority owner is the Turkish Doğan Media Group, owns 100 percent of the company Pronto-Akmola, the publisher of the newspapers *Iz Ruk v Ruki*, *Rabota Segodnia*, *Avtomaniya*, and others.

In Kazakhstan there has been a tradition of publishing media in the languages of ethnic minorities. Thirty-two of these are print media belonging to national minorities and published in 13 Kazakhstani ethnic languages. The largest ethnic newspapers operate with government support, receiving grants and other forms of financial support. The print media of the minorities include *Deutsche Allgemeine Zeitung* in Russian and German; *Ukrainski noviny* in Ukrainian; *Koreilbo* in Korean and Russian; *Vatan* in Azerbaijani, Kazakh, and Russian; *Akhyska* in Turkish, Kazakh, and Russian; *Uygur Avazy* in Uygur; and *Aziya Bugun* in Uygur, Russian, Kazakh, and Arabic. Television and radio broadcast news and entertainment programs in 11 languages, including German, Uzbek, Ukrainian, Turkish, and Uygur.

At the same time, writing candidly about interethnic relations in Kazakhstan is tacitly banned. “Many media are left out of the process of discussing problems associated with interethnic relations. They try not to raise them or touch them, because this exposes them to prosecution on a number of charges,” said well-known media leader Reran Suleiman in an interview. His opinion was seconded in the same report by Irina Chernykh, chief research officer of the Kazakhstan Institute of Strategic Studies: “We are afraid to speak of interethnic relations. Here only the Kazakh-language media write about this. In the Russian-language media this is taboo because of



the possibility of exposing the publication to charges of fomenting strife. But if we keep quiet about these problems, some identity group or other is going to be closed down. And both theory and practice show that this results in radical actions.”<sup>10</sup>

Events in Ukraine and some publications and statements by Russian politicians and journalists have been a kind of catalyst for a discussion of the interethnic situation and media. The reaction of government agencies in the past year to statements about the civil and political freedoms of ethnic minorities has been prompt and sharp.

For the majority of regional media, events on the international front are not high priority news and their main focus is on local news. According to analysis by the Kazakhstan National Association of Television and Radio Broadcasters and the Baxter Group, regional news is deemed more important by local residents compared with national news. National media, on the other hand, actively devote a share of broadcast time to international news, while mostly ignoring local news, except when extraordinary events occur. As was the case in the past, the key newsmakers are the president, ministers, members of parliament, and the top managers in the regions.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.70

Over the last few years media experts have consistently noted the non-commercial nature of the operation of state media. The significant volume of guaranteed government support has deprived these media of the motivation to be economically efficient enterprises. Experts have stressed that there are no performance criteria to receive such support. One expert said, “The work of journalists has been evaluated by centimeters of newspaper space and minutes of airtime. And this is convenient for the government: there is no need to bother with actual performance.”<sup>11</sup>

Thanks to the Pravavoy Media-Tsentr Fund, in 2014 the public has been actively discussed the meaning of government support mechanisms and their effect on the media. In a controversial article Saule Isabayeva said, “From the viewpoint of commercial and monetary relations, the media view the government not so much as an investor delivering direct subsidies, as a regulator. The government in turn relates to the media not as a market entity, but purely as a subsidized

<sup>10</sup> <http://www.stanradar.com/news/full/9930-ispochennye-otnosheniya-kak-izmenilas-mezhetnicheskaja-situatsiya-v-kazahstane.html>

<sup>11</sup> [http://forbes.kz/massmedia/do\\_40\\_mlrld\\_tenge\\_vyirastet\\_goszakaz\\_v\\_smi\\_v\\_2014](http://forbes.kz/massmedia/do_40_mlrld_tenge_vyirastet_goszakaz_v_smi_v_2014)

sector of the economy. For this reason it is only natural that the large amounts that it disburses every year to conduct information policy are by and large not used transparently and effectively.”<sup>12</sup> In the past year the government has aimed to introduce criteria and monitor and evaluate the effectiveness of the funds spent on government procurement. Thus, in an interview with Kazpravda.kz, the chairman of the Kazakhstan Communications and Information Agency (KPI), Askar Zhumagaliyev, said, “We’ve already developed a system in the KPI for the state media so that at the end of the year it will be possible to evaluate their work and draw conclusions regarding its effectiveness, looking primarily at the quality and popularity of the content.”<sup>13</sup>

Data on the revenues of the media are not publicly available, although expert opinion indicates that the television and radio companies are highly profitable. As to the print and Internet media, the Internet magazine Vlast organized an expert assessment of the 15 online media with the greatest profits and revenues, including four news portals (Zakon.kz, Tengrinews, Kazakh.ru, and Total.kz) and two blogs (Gonzo.kz and Yvision.kz). Experts believed that only the portal Zakon.kz had reached the level of self-sufficiency. As estimated by Shabkat Sabirov, the president of the Internet Association of Kazakhstan, the online advertising market is about \$10 to \$12 million dollars per year.<sup>14</sup> However, after a number of advertisements appeared on Facebook for the

<sup>12</sup> <http://camonitor.com/10580-.html>

<sup>13</sup> <http://www.inform.kz/rus/article/2676583>

<sup>14</sup> Information of the correspondent of <http://kapital.kz/economic/34837/mozhno-li-zarabotat-milliony-v-kaznete.html>

#### 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.

Okremova said of this development, "Financing is increasing for one purpose: to strengthen government control over the media, to get as many journalist staffs as possible on the hook and make them loyal to the work of government officials...it's nothing to be proud of."

sale of brand-name merchandise in Almaty, users criticized bloggers for posting for pay and questioned the reliability of information provided by bloggers.<sup>15</sup>

Traditionally, the print media receive revenue from subscriptions, sales of individual copies, advertising, and government subsidies or private investment. In connection with the trend of newspapers migrating online, the revenue structure for this category of media is changing. The most recent changes for state media have included the formation of media holding companies, many of which have their own printing facilities and receive additional revenue from office rentals, printing services and so on (e.g. regional holding companies Akpara-Akh Zhaiyk, Atyrau etc.). As before, mandatory subscriptions by government and municipal officials guarantee a significant revenue stream. For non-government newspapers, the situation is more complicated. They are forced to compete with government media for advertisers and to attempt to get government contracts, while still maintaining some degree of independence. There is a difference in structure among the revenues of print publications as a function of language: the panelists stressed, "The majority of Kazakh-language media in the regions depend to a great degree on government help because advertisers turn more to the Russian-language media."

For the state media, government advertising and subsidies represent a very significant part of their revenue. According to reports of the Pravovoy Media-Tsentry Fund, the amount of government financing of media practically equals the volume of advertising revenue of the media, more than KZT 38 billion (\$205 million).

Private investment is also a source of revenue for various types of media. According to the panelists, it has been reported that the Kazakh-language blogosphere has begun to develop rapidly not only because of advertising revenue, but also from private contributions and investments. In

<sup>15</sup> <http://kapital.kz/economic/34837/mozhno-li-zarobotat-milliony-v-kaznete.html>

particular, in 2014 one patron gave KZT 1 million tenge (\$5,400) to a blog. There is also a special competition under the name blogiada.kz aimed at improving the quality of the Kazakh-language blog content.

The main revenue source for broadcast media is advertising, although subscriptions are in first place for cable television providers. The paid television market in Kazakhstan is one of the largest in the post-Soviet territories. Almost half of all television viewers have cable, and in the cities that number climbs to 80 percent.

According to preliminary estimates, the total media advertising market in 2014 was between \$302 million and \$305 million, as against \$326 million in 2013, as the managing director of the communications agency group Dentsu Aegis Network Kazakhstan, Viktor Yeliseyev, reported to the agency Interfax-Kazakhstan.<sup>16</sup>

At the very beginning of the year the parliament passed laws prohibiting advertising of beer, other alcoholic beverages, and cigarettes in the media. Amendments were also proposed, although not eventually introduced, for banning pharmaceutical advertisements.

For private regional media, access to major local advertisers is frequently difficult since they are more interested in placing wholesale advertising orders through big agencies, getting discounts, and supporting media with whom they are affiliated.

Advertising agencies include both international advertising groups and local agencies, such as VivaKi, which is represented by the media agencies MediaVest, Starcom, and ZenithOptimedia Kazakhstan, or the WPP Group by Sky Central Asia, Rating Point, and Das Marketing. The local advertising agencies are Favorite Media Group, Advanced Style, MadGroup, Mozaic Media, Media Shop MSBP agency, Magma Kazakhstan, MediaLand ST, Whole Central Asia, Star Media Company, Shtab Media, Diamond Creative Studio, Informservis, etc.

The entry of Google Adwords, Yandeks, and Direkt into the market has made the Internet space an even more favorable investment with a good return. In the opinion of Askarov, "Kazakhstan's advertising market is undergoing structural changes since a growing part of the advertising is now going to the new media... Another new phenomenon is the weakening of direct links between the ad executives and PR people and the media due to the rapid development of social networks, which do not need intermediary PR services."

The law does not impose limitations on the volume of advertising, with the exception of how many times

<sup>16</sup> [https://www.interfax.kz/?lang=rus&int\\_id=10&news\\_id=9904](https://www.interfax.kz/?lang=rus&int_id=10&news_id=9904)

advertisements can appear per hour of air time or the calculation of newspaper space. But even with regard to these factors, there have been no precedents for monitoring or uncovering violations.

Despite the devaluation of the tenge, 2014 was a successful year for television advertising. According to data from Gallup Media Kazakhstan, television continued to have the highest audience capture and the maximum viewing time.<sup>17</sup> Print and radio, on the other hand, felt the effects of devaluation and the level of revenue fell, though not critically. As for Internet sites, the situation has changed somewhat. If advertisers formerly turned more to Russian-language sites, now advertising is also actively going to sites in the Kazakh language in part thanks to a special advertising agency bringing together several Kazakh sites.

According to data from the Ministry of Culture and Information a larger number of non-government media have equal access to government advertising. Okremova said of this development, “Financing is increasing for one purpose: to strengthen government control over the media, to get as many journalist staffs as possible on the hook and make them loyal to the work of government officials, including their failings and shortcomings. The vice minister says with pride that every year more and more independent publications are receiving government orders. But it’s nothing to be proud of.” The government, on the other hand, speaks of the democratization of funding for the purpose of promoting an information society in Kazakhstan.

The largest researcher of the media market remains TNS Gallup Media Kazakhstan, which works in partnership with such marketing campaigns as the specialized research company Ict-marketing, the consulting company J’son & Partners Kazakhstan, the business information and sociological and marketing research company Bisam Central Asia, the independent private company Key Points Ltd., the marketing research agency Brif, and the research company Komkon-2 Yevraziya. In discussing the question, the panelists could not recall a single case where a marketing study served as the basis for changing a media company’s advertising, promotional, or management strategy. Askarov said, “Up to now no full-fledged sales houses have been set up in Kazakhstan, nor have media measurers conducted any regular public opinion surveys or marketing studies by order of the media.” Although the Federation of Marketing, Advertising, and Public Relations has intensified its efforts over the past year to promote the use of research data by

<sup>17</sup> [http://mediakuryltai.kz/2014/11/17/prezentaciya-tatyany-starcevoj-analiz-mediapotrebieniya/?doing\\_wp\\_cron=1421663666.0126640796661376953125](http://mediakuryltai.kz/2014/11/17/prezentaciya-tatyany-starcevoj-analiz-mediapotrebieniya/?doing_wp_cron=1421663666.0126640796661376953125)

media, its efforts have focused on training personnel for the field and market research on goods and services.

For the regional non-government media, marketing studies have not yet become a feature of daily planning and management. Simple questions of survival are of greater concern to editors and owners.

Google Analytics remains the most popular source of statistics on Internet use among Kazakhstan’s media, although many sites use local services such as Zero.kz.

The print media have no reliable circulation auditing service, while the online media frequently engage in traffic cheating in order to attract advertisers. On the last score, negative information was recently released by the head of the Internet Association of Kazakhstan, Shabkat Sabirov, who asserted that a number of popular Internet resources sometimes use this to inflate their audience by a factor of five or six.

A repressive regulatory mechanism has arisen with respect to the non-government media, where the government considers a discrepancy between the actual and reported circulation as a violation of regulatory requirements and violators can be penalized, including even suffering closure. This does not apply to the government print media.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Kazakhstan Objective Score: 2.14

Among trade associations that actively promote the interests of their members, the leader is still the Kazakhstan National Association of Television and Radio Broadcasters (NAT). NAT continuously monitors changes in laws and regulations that affect broadcasters, explains to the public the risks and problems associated with the transition to digital television, and provides legal services, including those associated with licensing. In Azheova’s opinion, it is probable that NAT’s lobbying for its member’s interests has helped matters despite it being a difficult, even impossible, task. Nonetheless, NAT has had little influence when challenging the results of frequency tenders.

Other panelists noted that business is not yet ready to present a solid front and fight for its interests, particularly in the ideological sphere where the key interests of the country’s leading politicians are concentrated. For example, the panelists described the Kazakhstan Association of Publishers and Distributors of the Periodic Press as inactive.

In her article “A Trade Union of Kazakhstan Journalists— an Unachievable Idea?” Madiya Torobayeva concluded that

Askarov supported this view: “The level of corporate solidarity among journalists is very low, which is indicated by the absence in recent years of any mass actions, not only protests but even positive actions.”

the social vulnerability and professional fragmentation of journalists prevents the emergence of trade unions. Askarov supported this view: “The level of corporate solidarity among journalists is very low, which is indicated by the absence in recent years of any mass actions, not only protests but even positive actions.” Panelists noted that the Union of Kazakhstan Journalists’ director is owner of the National Press Clubs in Almaty and Astana and was once the president’s press secretary and a cabinet member.

At the same time the active development of the blogosphere has boosted the activities of the Kazakhstan Association of Bloggers, which discussed problems and identified development strategies in four blogger forums during 2014.

Last year a few human rights NGOs, led by Adil Soz, lobbied the parliament and the president to block repressive amendments to media legislation. At the request of the NGOs, international organizations reviewed the changes and made statements in support of the NGOs but as noted in Objective 1 to no avail. Panelists also identified the Legal Media Center Fund as a key partner.

#### 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.

As usual for the indicator covering journalism education, panelists decried the low quality of education received by graduates of journalism schools and unsatisfactory curriculum that focuses on outmoded theory. One positive exception was the creation of a student radio and television station at the Al Farabi Kazakhstan National University, the inclusion of national and international practitioners as guest lecturers, and adding a course on modern Internet technologies. Positive changes were also noted in the school of journalism of Suleyman Demirel University, which launched the student website *sdumedia.kz* and the specialized daily paper *Bir bet*.

As noted by Askarov, “The main problem continues to be job placement in the media of graduates of the leading national universities, not to speak of the graduates of Western universities, who come to Kazakhstan expecting higher salaries and better working conditions.”

Over the past few years, a number of NGOs, sponsored by international organizations, have been providing short-term training to students and practitioners of journalism. The Kazakhstan government has also supported these seminars. For example, the Adil Soz Foundation conducted seminars for journalists on media law and modern multimedia technology.

There are a few hundred printing houses in Kazakhstan, which have a high volume of print production despite the challenge posed by joining the Eurasian Economic Union and the increased payment of import duties for certain types of paper. Despite the fact that the majority of printing firms are privately owned, the panelists confirmed that pressure can be put on printing firms and other related companies that provide services to opposition media. “Printing is not politicized. Many companies are in private hands. But where media are being persecuted for political reasons and print runs of publications are seized, the printing houses are audited by the tax agencies or checked by the health and fire authorities,” said one panelist.

Sources of newsprint and media equipment are private. Likewise, with the exception of Kazakhtelekom, Internet providers are private. Private broadcasters are frequently dependent on the government companies that control transmitters. The government also owns the key newspaper distribution organizations like Kazakhstan Temir Zholy and the postal service.

Cable television is very popular in Kazakhstan. There are approximately 80 operators in the country, but the market rests on the three largest companies, Alma TV, Digital TV, and Alacast. In the opinion of the panelists, the public does not have an independent selection of channels in cable packages and the cable operators are not particularly

responsive to public requests to provide alternative news channels. Satellite dishes are used essentially in remote areas and small villages. The transition to digital television runs the risk of limiting public access to the news, since acquiring the reception equipment is expensive and the government provides receivers at no cost only to those classes of citizens recognized as vulnerable. Because of the problem of subscriber equipment, the transition to digital broadcasting in Kazakhstan was postponed from 2015 to 2016.

Kazakhstan has been the leader among the Central Asian countries and the Commonwealth of Independent States in the level of Internet capability. According to the Networked Readiness Index for 2014 it ranked 38 out of 148 countries (up six places from 2013). However there still is a difference between cities and villages, where Internet connection is slower and there are no Internet cafes or clubs.

In 2014 Kaztelradio launched two new national webcasting projects, GALAM TV and Telegazeta. GALAM TV webcasting makes it possible to view domestic and foreign television channels and Kazakhstani films and broadcasts anywhere in the world where there is access to the Internet. At this time the developers of the project are emphasizing mobile devices. The service is already available on smart phones and tablets operating on iOS and Android. In addition, GALAM TV can be viewed on personal computers using the browser and on ordinary televisions through the use of OTT set-top boxes. As of today GALAM TV viewers are offered 48 popular domestic and foreign television channels. By the end of 2014 there were 73,610 GALAM TV users. The Telegazeta project is a free news service that enables its domestic satellite and digital on-the-air subscribers to receive information about political, economic, and cultural events in Kazakhstan on their television screens. This means that all viewers of the domestic broadcast network OTCU TV can read up-to-date issues of newspapers on the day the print version comes out. The service is especially valuable for rural residents without Internet access.

## List of Panel Participants

**Lukpan Ahmediarov**, editor-in-chief, *Uralskaya Nedelya (Uralsk Week)*, Uralsk

**Ruslan Nikonovich**, general director, TV Art, Karaganda

**Esengul Kapkyzy**, blogger and journalist, Turkestan, Almaty

**Aynash Esalieva**, journalist, *Egemen Kazakhstan*, Almaty

**Karlyga Musaeva**, deputy head of Journalism Department, Kazakh National University, Almaty

**Aleksandr Rozhkov**, editor-in-chief, *Arguments & Facts Kazakhstan*, Almaty

**Shynar Sokurova**, manager of human resources, Kazakh Press Club, Almaty

**Tulegen Askarov**, financial journalist, Forbes.kz; instructor, KIMEP University, Almaty

**Asqat Yerkimbay**, head of new technologies and Kazakh language research projects, Vlast.kz; deputy director, Minber Foundation, Almaty

**Galya Azhenova**, director, Public Center of Expertise on Information Disputes, Adil Soz Foundation, Almaty

*The following panelists submitted a questionnaire but were unable to attend the panel discussion:*

**Olga Kaplina**, manager, E-event, Almaty

**Diana Okremova**, director, North Kazakhstan Legal Media Center, Astana

## Moderator and Author

**Gulnara Ibraeva**, media analyst, Bishkek, Kyrgyzstan

*The panel discussion was convened on December 11, 2014.*



*Scandals and discord within the political parties are intensifying, and efforts to change the law are underway in order to influence the electoral process and the activities of NGOs and the media.*



KYRGYZSTAN

Several key events marked 2014 as a turbulent and pivotal year in the course of the country's foreign policy—including the Kyrgyz Republic's entry into the Customs Unions (and subsequently into the Eurasian Economic Union), the withdrawal of the U.S. Air Force from its Transit Center at Manas International Airport, and a series of economic agreements, including the deal to hand over Kyrgyzgaz to Gazprom for the symbolic price of one dollar.

Almazbek Atabayev, the country's president, trumpeted Kyrgyzstan's entry into the Eurasian Economic Union as an economic turning point for the country. However, all citizens did not share the president's optimism, leading to protest meetings and the spontaneous formation of the "Kyrgyzstan against the Customs Union" movement. The militia detained some of these activists, accusing them of betraying the interests of the state and society. Adherence to the Eurasian Economic Union led to accelerated reforms of national legislation with the aim of conforming to Customs Union standards, which some viewed as an attack on civil rights and freedoms.

Other economic developments in 2014 included reforms, particularly involving small and mid-size enterprises, tax and energy tariff policy, and efforts to fight corruption and the struggle of the National Bank of the Kyrgyz Republic against inflation and devaluation of the national currency. On a symbolic level, Kyrgyzstan was promoted from the list of the poorest countries to the group of middle-income developing countries.

The Kyrgyz media alternately characterized the phased withdrawal of the U.S. Air Force (a NATO coalition base housed in Kyrgyzstan for 13 years to support operations in Afghanistan) as a success of Putin's policies in Central Asia, as the loss of a significant source of revenue for the country, and as a path to minimize the threat of revenge by radical Islamist groups against the closest partners of the U.S.

Despite the country's relative political stability, some volatility showed itself in the breakdown of the parliamentary coalition, the resignation of the former government, and the naming of a new one. Aggravated Kyrgyzstan-Tajikistan border disputes, and a number of significant protest meetings, roadblocks, and other actions by citizens and political groups also came into play. These events are part of the trend of political struggle between elites and the country's shifting political landscape. Scandals and discord within the political parties are intensifying, and efforts to change the law are underway in order to influence the electoral process and the activities of NGOs and the media.

# KYRGYZSTAN at a glance

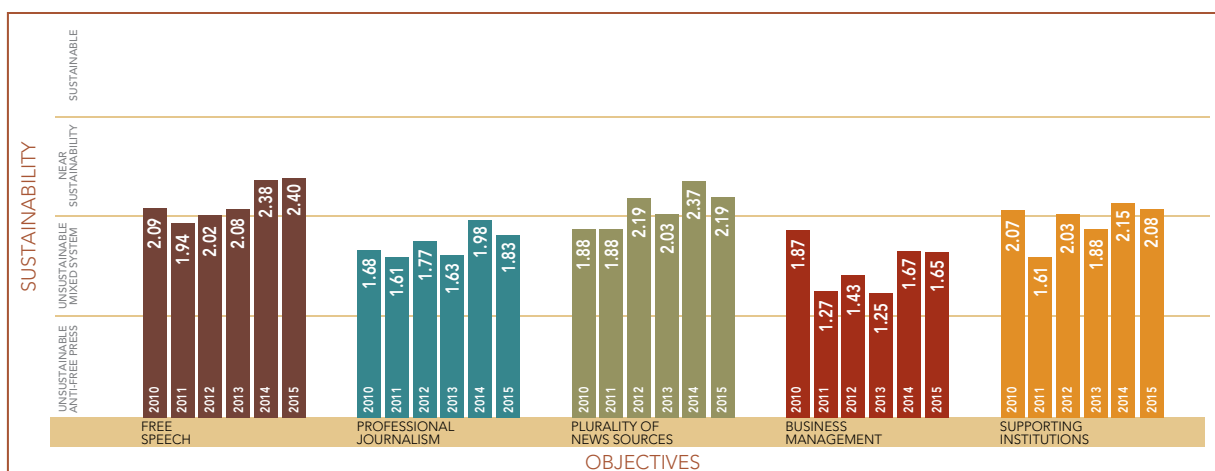
## GENERAL

- > Population: 5,604,212 (July 2014 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%, Uighur 1%, other 5.7% (1999 census)
- > Religions (% of population): Muslim 75%, Russian Orthodox 20%, other 5% (*CIA World Factbook*)
- > Languages: Kyrgyz (official) 64.7%, Uzbek 13.6%, Russian (official) 12.5%, Dungan 1%, other 8.2% (1999 census)
- > GNI (2013-Atlas): \$6.906 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$3,080 (World Bank Development Indicators, 2014)
- > Literacy rate: 99.2%; male 99.5%, female 99% (2009 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: According to the Ministry of Justice database there are more than 1,500 registered media. Media research conducted in 2013 found the following number are active: Print: 159 including 3 main dailies and 4 other major papers; Radio Stations: 26; Television Stations: 25 terrestrial, 3 local cable networks, 3 IPTV
- > Newspaper circulation statistics: Top three by circulation: *Super Info* (private Kyrgyz-language daily with 120,000 circulation), *Vechernij Bishkek* (private Russian-language daily with 150,000 circulation), *Delo No.* (private Russian-language weekly with 16,000 circulation)
- > Broadcast ratings: Top three television: OTRK (state-owned), EITR (state-owned), 7th Channel (private)
- > News agencies: Kabar (state-owned), AKIpress (private), 24.kg (private), www.tushtuk.kg (private), Kyrgyz, K-News (private), www.kyrtag.kg (private)
- > Annual advertising revenue in media sector: Television: \$7.9 million, Internet: \$500,000, Radio: \$1.8 million (Jan. – Sept. 2013 est., Expert Consulting Agency)
- > Internet usage: 2.195 million users (2009 *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: KYRGYZSTAN



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (increase greater than .10) □ (little or no change) ▼ (.10 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: 2.40

Despite the fact that the Constitution of the Kyrgyz Republic guarantees freedom of speech and even prohibits criminal prosecution of speech, the president signed a law in May 2014 providing for a prison term of up to five years for "Making a knowingly false communication." The amendment stemmed from a package of legislative initiatives in parliament assessed by civil rights activists as repressive, including efforts by members of parliament to follow the Russian lead in adopting a draft law "On Foreign Agents" (aimed, like its Russian counterpart, at tightening the conditions of the NGOs and limiting their activities) and a draft law "Against Gay Propaganda" among others.

The panelists connected the uptick in legislative initiatives, including those relating to the media, not only to the influence of Russia under the pretext of joining the Eurasian Economic Community, but also to the upcoming parliamentary elections. Igor Shestakov, a member of KTRK TV's steering committee and the owner of the news site Region, said, "The general situation is that parliament, considering the upcoming elections to the Jogorku Kenesh in 2015, will try to get the media under control. This took place in 2010, when during the run-up to the presidential elections a law was adopted that prohibited pre-election stories in the foreign media. This law violates the laws and constitutional provisions on freedom of speech; the draft

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

#### FREE-SPEECH INDICATORS:

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

As Ismanov said, "The official records have amounts no greater than \$200 to \$300, but in fact the journalists receive a different amount. The tax burden makes it impossible for the editorial offices of private media to operate completely legally."

law on false denunciation may actually be seen as an effort to control the media in the pre-election period... This law will be an obstacle to the fight against corruption."

The media were not unanimous about the reactionary character of the draft laws; nor were the panelists. Regarding the draft law "On Foreign Agents," Tamara Valieva, the editorial advisor of OTRK (the Public Radio and Television Corporation), said, "Some specialists believe that this will lead to a growth in self-censorship and censorship among journalists and deliver a blow to the development of media in Kyrgyzstan. But on the other hand, this law should increase the responsibility of the media and decrease the flow of the so-called *ushaks* [gossip]."

As the rationale of the draft law states, it was "...developed to protect the morality and the moral and ethical principles of our society and to guard our citizens, including minors, from indecent content." The authors of the bill expressed their intent to eradicate commercial sex, establish a barrier to the spread of serious illnesses including HIV/AIDS, and stop the dissemination of "unethical" materials on the radio and television and in the print media.

Among the legal initiatives in the past year, it is striking that the tightening of liberal conditions regarding the media is being implemented in other areas not directly connected with the media, as is the case, for example, with the so-called draft anti-gay law. If in the end it is passed, the media will have to make certain subjects taboo. At the same time, it is important to note the strength and ability to influence decision-making exerted by Kyrgyzstani civil society, which, quickly forming a coalition, can beat back the most serious threats and attacks against human rights, freedom of opinion, etc. As a Russian journalist has noted, in Russia the foreign agents' law was rammed through in three weeks, while in Kyrgyzstan a second attempt by the sponsors in 2013-2014 was unsuccessful. To be fair, it is important to note that the campaign to promote the legislation in 2014 was distinguished not only by the fact that the sponsors attracted allies from among the national-patriotic groups, but also by the fact that the media

Voronina commented, “Such initiatives have already been taken in Russia and Kazakhstan. Our deputies blindly copy these anti-democratic initiatives. The sponsors of this law prepared it in order to protect themselves before the upcoming 2015 parliamentary elections... Most likely, a number of show trials will take place shortly...”

conducted a propaganda campaign accusing a number of NGOs of spying and harming national interests.

Although the courts cannot yet be called completely independent, last year nevertheless saw a few cases that indicated positive changes in that direction—including the outcome of a lengthy case against the news agency 24.kg and correspondent Makhinur Niyazova, brought by parliamentary deputy and member of the governing Social Democratic Party Irina Karamshina. Although in the end the court found for the plaintiff, the entire public understood the victory is suspect. In fact, the court assessed the violation of the deputy’s honor and dignity at KGS 5,000 (\$83), whereas she had asked for 5 million (\$84,950). In addition, the court declined to bring a criminal case against Adilet Aytikeev, the editor of the Kyrgyz-language *Iskra Plyus*, under the law on false denunciation, after a complaint by the leader of the Ata Meken political party, Omurbek Tekebayev.

The panelists reported that at seminars with judges of the Supreme Court, there was even an initiative on the part of the justices to amend a rule of the Kyrgyz Supreme Court so that public figures cannot bring charges over and above those of ordinary citizens.

Last year, some new issues became taboo to cover critically, including the Customs Union, criticism of the policies of the Russian and Kyrgyzstani presidents, questions of the participation of Kyrgyzstanis in the ISIL terrorist movement and others. Thus, for example, the publication on the website Kloop.kg, on November 24 of an item concerning the training of Kazakh child jihadists in the camp of the Islamic State caused a huge, almost international scandal. Kloop.kg posted the 75-second video clip, assembled by the British newspaper *Daily Mail*, unchanged. The Ministry of Communications and Information, which is responsible for Kazakhstan’s “information security,” sent a letter to the editorial offices of Kloop Media demanding that the material on Kazakh children being trained in the Islamic State camp

be removed, basing their demand on resolution 1373 of the UN Security Council on combating terrorism and on the Kazakhstani law on combating terrorism and extremism.

Bektur Iskender, founder of the Kloop.kg project, refused the request to remove the material, maintaining that the publication was absolutely neutral and did not contain any terrorist propaganda. “The Kloop.kg website is run by the Kloop Media social fund, which is registered in the Kyrgyz Republic. The laws of Kyrgyzstan do not prohibit us from covering the problems of terrorism. On top of that, the constitution of the Kyrgyz Republic guarantees us the right to free dissemination of information. We are not subject to any laws whatsoever of the Republic of Kazakhstan,” Bektur Iskender stated.<sup>1</sup> Kloop continued to face pressure and threats from the government, including the Ministry of Internal Affairs and the Office of the Prosecutor General, and ultimately Kloop decided to change its web provider and hosting platform.

In practice, the media face no impediments to registration, and it appears that the practices of political pressure and a tacit ban on registration of media by certain persons or the re-registration of certain non-governmental publications are relics of the past. Still, some lawmakers see a regulatory conflict because the existing law “On the Media” does not include websites, meaning the registration of Internet publications is voluntary.

The Kyrgyzstan Central Electoral Commission, prior to elections, officially accredits media that intend to report on the electoral process. In the last year, the head of the Central Electoral Commission, Tuygunaly Abramov, raised the possibility of requiring media registration for Internet sites; in his view some Internet publications want to report on the elections, but they are afraid to accept responsibility. According to him, the status of news agencies in the election period raises similar questions.

Licenses are problematic for television and radio in connection with the introduction of digital broadcasting and the formation of multiplexes, including the free-to-air package. The majority of private regional media are not in a position to pre-finance the necessary equipment upgrades required to enter the multiplex. For this reason, as Almaz Ismanov, a journalist and associate with the online New Faces, said, “It may be assumed that, because of licensing problems associated with getting into digital broadcasting, some of the television companies in the regions will simply quit operating and return to being production studios. In this case a critical situation will arise in the southern regions,

<sup>1</sup> newsme. November 30, 2014. See: <http://newsme.com.ua/ukraine/politic/2743104/>



where private television and radio companies are dominant throughout the country.”

Elena Voronina, a journalism instructor at Kyrgyz Slavonic University, reported that according to the Electronic Media Association, 11 radio stations (both public and private) are in line to get their licenses; many believe that the high cost of licensing and corruption in the Government Communications Agency system are to blame for the delays.

At the same time, the decision to join the free-to-air television channel multiplex packet is raising issues of social equity. The roster of the free-to-air packet, which comes to 15 channels, now includes eight that the government has not only included at no cost, but has also provided large-scale financial support for their development. As the Deputy Minister of Culture, Information and Tourism, Aynura Temirbekov, reported, three are television channels belonging to the Public Television and Radio Corporation (a social and political channel), Madaniyat and Balastan. Also included is the government channel EITR, Piramida and Channel Five, which were nationalized after 2010, as well as the intergovernmental channel MIR. The eighth place was given to local television channel, each oblast having its own and together forming the television channel Region.

As for the private television channels, the first competition for guaranteed access to the republic’s airwaves was held in 2014, but the private channels rejected the costs, which seemed exorbitant, and the competition did not take place. Temirbekova later indicated that the ministry’s estimated price was in fact high, and will be lowered in the next competition.

The panelists added that while up to now the details relating to digital television licensing have not been completely clear, it is assumed that licensing will complicate the transition to digital broadcasting. Thus, digital broadcasting will require permits to produce content, as well as the licensing of communications services and of the broadcasting itself.

The tax structure does not differ from that of other sectors of the economy, with the one difference being that a great number of businesses are in the shadows and operate illegally. The media cannot do this because of the need for registration and licensing, the visibility of their activities, etc. However, there are quite a few gray practices in media, particularly surrounding salaries for journalists. In order to avoid high taxes and at the same time retain competitive and competent workers, editors resort to payments off the books. As Ismanov said, “The official records have amounts no greater than \$200 to \$300, but in fact the journalists receive a different amount. The tax burden makes

it impossible for the editorial offices of private media to operate completely legally.”

As a whole, however, opening a business is not a serious problem. Last year, not one court case was brought forth in connection to unlawful barriers in launching a media business.

However, after the introduction of digital television broadcasting, considerable complications can be foreseen for the entry of new electronic media into the market, especially given the heavy dependence of private broadcasters on the retransmission of foreign content—which is expected to become more complicated under the new systems, and thus a barrier to market entry.

The past year proved safer than previous years for journalists and media in Kyrgyzstan. The monitoring of violations of the rights of journalists and the media and of the freedom of speech conducted by the Kyrgyzstan Media Workers Union, made available in September and October 2014, did not identify any attacks, threats, or other crimes against professional journalists, bloggers or the media in the previous year. However, there were a couple of possible incidents. For example, in August, the poet Davron Nasibkhanov, a journalist for radio Yntymak, was beaten outside his home in Osh—but the journalist does not think that the beating was connected with his professional activities. Also, in November in Bishkek, someone broke into the offices of *Alibi*; the perpetrators have not been caught. An investigation is being conducted, but the newspaper believes that the events are connected with its professional activities, as the intruders appeared to have searched their computers.

Voronina reported, “I know of only one case of the persecution of a journalist for his stories. Ulubek Babkulov, editor-in-chief of the newspaper *MK Aziya*, said that the head of the State Agency for Physical Culture and Sport, Kadyrbek Ergeshov, threatened to take him to court.”

Viewed against the background of the neighboring post-Soviet Central Asian countries, where beatings and various forms of persecution are extraordinarily widespread, the working conditions of Kyrgyzstan journalists may appear favorable. But the personal perceptions of panelists frequently contradict the idea that professional journalists are safe. Ismanov said, “In 2014 the majority of accusations against journalists were made with regard to the reporting on religious subjects and problems in the health care system. Journalists investigating malpractice in the National Oncology Center in the area of drug coverage and the prioritization of mental illnesses were subjected to accusations by the leadership of the medical establishments.

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In such cases the journalists have to deal with the problems one their own, except for the large media in the capital, which may come to the defense of their journalists—as in the case of Makhinur Niyazova, a journalist for the news agency ‘24.’”

“Another peculiarity is the fact that incidents of attacks on journalists reporting on civil disobedience meetings and other actions have increased,” Ismanov said. These journalists are sometimes forced, unlawfully, to show their credentials or share photos they have taken.

At the same time, in the autumn of 2014, a criminal campaign was developed against the popular and financially stable *Vecherniy Bishkek*. The newspaper’s editors reported a raid on the editorial offices, and connected this criminal activity with close associates of President Atambayev. The court proceeding lasted until the end of the year, and there has still been no final decision.

The Kyrgyzstan law “On the Media” guarantees the editorial independence of public media, but the practice of government regulation of media activities indicates otherwise. Thus, for example, the government agencies hire and fire the editors of the public media and determine the editorial staffing and the level of government financing of the editorial offices. Government agencies use administrative funds to assure priority for the state media in terms of subscriptions, advertising flow, and so on.

Referencing the replacement of the editor-in-chief of the parliamentary newspaper *Erkin Too* this past year, Asylkan Shainazarova, web manager of the Tyshtyk news agency, believes that he lost his job because the paper’s political coverage did not please the government. Shainazarova’s conclusion is quite categorical: “It is difficult to say that the media are free, whether you are talking about state, public, or private media, because the financial powers behind the media want to impose their own point of view.”

Ismanov also confirms this view of the dependence of the media on the government: “Formally, the law guarantees the inviolability and independence of the media, including the state media. In practice, the government and the parliament meddle, particularly in the activities of the state media. A clear example is the anonymous video pieces about the activities of civil rights activists and public interest organizations financed by Western countries. As one of the examples, one may recall the scandalous video aired by EITR on November 25.<sup>2</sup> The state media exercise clear selectivity regarding persons and subjects. The private media also

follow this practice in order not to have any problems with the authorities.”

Valieva emphasized that, regardless of the fact that the law “On the Media” does not provide for either independence of editorial policy or financial independence, this year there was a noteworthy event that tested editorial independence. This was the dismissal of the former director general of the Public Radio and Television Corporation, and the open and transparent election (not the appointment, as before) of the new one, which took place without any apparent pressure from the political parties, the government or the parliament.

The law on false denunciation under conditions where the politicians and officials enjoy a preemptive right is essentially a re-criminalization of libel. It is interesting that the sponsors of the draft bill included parliamentarian Galina Skripkina, formerly a well-known attorney who on several occasions defended opposition groups and politicians, including journalists. Voronina noted, “This innovation is being actively used to settle accounts with inconvenient journalists. Recently it became known that, under article 329 of the Kyrgyzstan Criminal Code, ‘Communicating Knowingly False Information about the Commission of a Crime,’ not only are prosecutions now taking place between politicians and journalists, but the media workers themselves are using it to bring nuisance suits against each other. Thus, according to the editor-in-chief of the Internet publication *Maalymat.kg*, Daiyrbek Orunbekov, a lawsuit was brought against him due to the complaint of another editor-in-chief, Leyla Saralayeva [*Novyye Litsa*] using this very article.”

Voronina commented, “Such initiatives have already been taken in Russia and Kazakhstan. Our deputies blindly copy these anti-democratic initiatives. The sponsors of this law prepared it in order to protect themselves before the upcoming 2015 parliamentary elections... Most likely, a number of show trials will take place shortly so that everyone will understand what a journalist can be convicted of.”

The issue of the basis for strengthening sanctions for libel and the rationale for decriminalizing or introducing more severe criminal penalties for false denunciation occasioned some debate in the MSI panel discussion. Thus, the editorial advisor of Public Radio and Television Corporation, while agreeing that pressure might be put on journalists through the laws on libel, insult and false denunciation, nevertheless noted that “it is necessary to put a stop to this flood of filth and gossip from the media, particular in the Kyrgyz-language media.”

Shainazarova remarked on the politicization of professional activities and the impossibility of getting news to the public without impediments. She cited an illustrative case from December 2013. After the arrest for corruption of the

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<sup>2</sup> The “documentary” *Trojan Horse* sought to promote the draft foreign agents law by “exposing” the work of foreign-funded NGOs.

Jogorku Kenesh deputy Akhmatbek Keldibekov in Osh, there were protests calling for his release, led by the nationalist mayor who is a political ally. The regional correspondent of the Tushtuk news agency, Suyerbek Amanillayev, reported events online, including the point during the action when the mayor, Melis Myrzakmatov, appeared before the protestors and said, "The city of Osh is mine; you can demonstrate as much as you want." A few days later Prime Minister Jantoro Satybaldiyev removed Myrzakmatov as mayor. Myrzakmatov's supporters accused Tushtuk of biased coverage and sent out a doctored video (they cut out the seven seconds of the mayor's speech where he says the famous line). Two weeks later, when Myrzakmatov's supporters held another demonstration after the video of the mayor was released, Amanillayev also covered this action online. As a result, after this was aired, law enforcement agency personnel called the journalist in for an "informal questioning" and demanded that he cover the matter "as if he were a friend of the ex-mayor, Myrzakmatov."

According to a report of the Media Policy Institute, in 2014 the organization participated in 20 court lawsuits involving either a media outlet or a journalist (six of these were carried over from the previous year). In general, the journalists and the media appear as defendants in actions for protection of honor, dignity and professional reputation, as well as for compensation for moral damages. Government personnel, deputies and other officials brought 15 of the 20 cases against the journalists and the media.

On access to information, the panelists were split. A minority believe, based on a comparison with the laws of other post-Soviet countries, that Kyrgyzstan has the best law on access to information. Citizens can freely obtain information from government agencies, except for official secrets. The procedures are sometimes time-consuming, though, as journalists are always in a hurry and want to get the information without delay. In addition, the weak and unprofessional work of some press services also impedes access to information.

The majority, however, pointed to problems of access to information of both a legal, regulatory nature and a practical issue in applying the law. Voronina said, "In many cases the law on access to information itself has unclear wording that does not promote the transparency and openness of government documents. For this reason both the public and the media, in case access is denied, have to be guided either by common sense or by international standards. For example, very often in answer to their requests journalists hear that one government document or the other is a state secret. But access to information may be limited in only three cases: if the interests and values the authorities refer to in restricting disclosure of

information are protected by law (the principle of legality), if disclosure of the information causes significant harm to a legally protected interest, or if the harm from disclosing the information is more dangerous to society than the harm caused by failing to satisfy the public interest (the principle of priority of the public interest). The principle of legality implies that the disclosure of information cannot be restricted for interests that are not provided by law."

In one case, well-known civil rights activist Aziza Abdirasulova, director of the Kylym Shamy center, requested information from the Administrative Office of the President of Kyrgyzstan on the personnel makeup of members of the Commission on Pardons. The Administrative Office refused his request at the "behest of the Commission members themselves." The civil rights activist went to court on the grounds that the laws do not provide for concealment of the personnel makeup of a government commission of great public significance at the request of the commission members themselves. Without waiting for the legal proceeding to start, the Administrative Office of the President released the requested information to Abdirasulova.

Shainazarova also spoke about restrictions on access to information: "In spite of the legal obligation of officials under article 8 of the Law on Access to Information to provide information, in the case of an oral request, journalists do not always receive a verbal answer. If the press office of some government agency does not want to give an answer, it can simply say 'make all your requests in writing and we will answer them in writing.' For online journalists, this kind of cooperation is unsatisfactory. The online journalist cannot wait two weeks or a month, because in 20 minutes the current interest in the issue may simply disappear." Ismanov agreed; he said, "Officially, access to information is guaranteed to everyone, but in practice it all depends on the region and the specifics of the information. As in past years, the system of foot dragging is actively operating in the provision of information. A lot of time is spent on obtaining approval. For example, the Council of Ministers website does not have full information on the introduction of digital broadcasting (only some of the decisions are published there). Many government agency sites do not satisfy modern requirements. After it was revamped, the Kazakhstan government site became less functional and extremely inconvenient to navigate."

According to Nurgul Sharshembieva, director of the Karalol Press Club, the media and journalists still have problems with access to news of a non-technological nature. Thus, for example, "getting news about the budget is no longer a problem. They give you one piece of paper that has income and expenses and a pile of numbers. But where these

numbers go and how they are used is a state secret with seven seals. There are no keys to the code. A Development Fund operates in our oblast and every month it gets one percent of the revenue of Kumtor. But to find out how the money is spent, it is necessary to pound on the corridors of the Fund for days on end. Well, they can't say in detail whether the money went to a given recipient, they can't amplify the news with additional documents."

Because of the high level of mobile communications and Internet use, there are no special limitations of access to foreign and local news by the country's citizens, although, because Kyrgyzstan's providers receive their traffic from Russian communications operators (either directly or through Kazakhstan), all the sites blocked by Russian providers are also unavailable in Kyrgyzstan (Grani.ru, Kasparov.ru, etc.). Also, several times last year the State Communications Agency implemented short-term blockages against a number of sites, particularly Fergana.ru and Kloop.kg.

With reference to the technological progress of media publications and their access to news from various sources, Ismanov reported, "Many regional media are more and more actively using the local Internet site [www.namba.kg](http://www.namba.kg) for video service and placement of stories from the cloud. Recently, television companies and Internet sites have begun to actively use WhatsApp to transmit photo and video materials from their regional correspondents and civil rights activists and active readers. The only media outlet in Kyrgyzstan that has a virtual version for smartphones is the Knews press service. Also, some of the media have a standard mobile version. Generally the media do not even have their own site, and for this reason the Kyrgyz segment in the Internet space is still meager, despite the appearance of new Internet sites."

Traditionally, the sphere of professional journalism does not have any entry barriers, and there are no regulatory limitations or special rights for journalists of the various types of media. Some see a need, though, for a filter into the profession. For example, Valieva said, "Here, any cook can become a journalist, so to speak. The most important factor is the desire of the individual. Unfortunately, in my view, there are no limitations. It would be a good thing to revive, as they once had in the USSR, a creative competition for admission to the school of journalism."

In practice, there is a difference in status and capabilities of journalists in the state media and those in the private media. According to the panelists, this difference shows up in the selectivity exercised in forming the official press pool for covering visits, including visits of the president and prime minister, to official events held in the government residence or in parliament.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kyrgyzstan Objective Score: 1.83

The level of public confidence in the media, according to the panelists, is critically low. Journalists and media, of even the most popular publications, do not try to observe the standards of conscientious and objective reporting. The panelists cited numerous examples where obviously tendentious and biased stories were reported, such as reporting about sending women and children from Osh to the war in Syria.

Another notorious example: a story by the Akipress press service about a Muslim cleric in the village of Kochkor who turned out to be gay and cohabited with another "holy" worker in the madrassa. The agency put it on its newswire without checking the information, undoubtedly trusting the source. The news, naturally, was of broad interest and was disseminated in other media. But a little later it transpired that the story was untrue.

The initiative of deputies to identify NGOs as foreign agents provoked a wave of unbalanced and propagandistic programming. As noted above, EITR TV (a public television channel according to Presidential Decree) aired provocative program about the activities of nonprofit organizations in Kyrgyzstan called *Trojan Horses*.<sup>3</sup> It is unclear who produced the show, exactly, but despite that fact and the clearly

<sup>3</sup> Trojan Horse. YouTube: See: <https://www.youtube.com/watch?v=epQgLHM-AJ4>.

### 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).

defamatory nature of the information it spread, the film aired on the public channel.

“Ulutman,” another program similar in content and in reasoning, aired twice on OTRK (the National Television and Radio Corporation). The film disparaged NGOs, but gave NGO leaders no opportunity to present their side. One of the chief accusers in the film, presented as a representative of the NGO sector with insider knowledge, turned out to be a disgruntled former employee forced out of work for the Coalition for Democracy. After airing such reactionary programs, the television channel (and panelist Vasileva in particular) received complaints from viewers. After a long silence, the management of the channel answered that “no violations were found.”

The majority of the media also discussed the energy crisis in an unbalanced and biased way, not separating facts from opinions. For example, only public officials were invited to participate in an OTRK talk show on the problem.

Daniyar Sadiev, general director of TV Yntymak, gave an example of another kind, where the journalists made every effort to present all sides of a conflict and represent all possible positions and opinions regarding a Freedom House news report on a public opinion poll concerning inter-ethnic relations in Osh. All involved and interested sides were invited to the talk show, but Freedom House and Advocacy declined to participate. As a result, the management of Yntymak TV was forced to take it off the air in order not to appear unbalanced and one-sided.

Reflecting on the reasons for such frequent violations of the professional standards of conscientious reporting, Voronina said, “Today’s Kyrgyzstan journalist does not conform to professional standards of quality. The Ethical Code that was developed by the journalists themselves a few years ago is not observed. Local journalists do not always adhere to international standards in their everyday work. Former journalism students of the schools of journalism are few or are almost unaware of the professional standards of quality in their profession. They have no knowledge of the national adaptation programs that regulate the work of journalists in the country, or of international laws and conventions and codes of journalists’ rights. As a result, the reading and viewing audience does not get enough quality material in the local media or doesn’t get any at all.”

Voronina continued, “Local journalists, including long-serving ones, do not always cover a subject or an event from all sides, including commentary. In the words of one journalist, he understands that we must not work that way, but he has an editor and an editorial policy that does not always correspond to his own point of view or with international standards. In some editorial offices there

Sharshembieva noted regretfully, “Today the editors don’t tell the journalists about the Kyrgyzstan Ethical Code or about their own standards and rules. They do their work in whatever way the editor tells them to. The websites are especially guilty of violations. Akipress openly violates the ethical standards.”

is self-censorship. For fear of losing a job or of getting into a conflict with the founder or with various political and business circles, a journalist agrees to self-censorship and subjectivity, and so forth.”

Nevertheless, the journalist community has still not become self-regulating, and violations of professional ethics and infringements of the honor and dignity of their peers appear to have become more and more the standard. As a rule, in cases of conflicts within the professional community, journalists turn to the media complaint review committee, although the committee’s decisions do not have the force of law and the committee operates on an exclusively symbolic level, issuing reprimands in one case or another of violation of professional standards. However, last year a greater number of citizens outside the professional journalistic community appealed to the committee.

The chairman of the committee, Shamara Maychiyev, noted that basically it is civil rights activists and parliamentary deputies who complain. For example, Burul Makenbayev, the head of the Mental Health Center; Dinara Oshurakhunova, chair of the Coalition for Democracy and a Civil Society; and parliamentary deputy Ravshan Zheenbekov lodged a complaint against an article in *De/No* speculating over the opposition’s plans to gain power. After examining the claims, the members of the committee decided that the author of the article had violated sections 17 and 18 of the journalists’ ethical code by not referring to specific experts and not reflecting the viewpoint of the complainants. Six civil rights activists immediately filed claims against a journalist of the same publication. According to members of the media complaint review committee, representatives of the movement “Kyrgyzstan against the Customs Union,” Burul Makenbayev, Almaz Alzhanbayev, Marat Musuraliyev, Dinara Oshurakhunova, Almaz Tazhybay and Ilmar Kayemaliyev, wrote a joint statement noting that in her May 9 article, the author had violated the journalists’ ethical code “by allowing distortion of information and falsification in



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the editing of pictures, picture captions, headlines and the text itself.”

Sharshembieva noted regretfully, “Today the editors don’t tell the journalists about the Kyrgyzstan Ethical Code or about their own standards and rules. They do their work in whatever way the editor tells them to. The websites are especially guilty of violations. Akipress openly violates the ethical standards.” Many panelists agreed. Shainazarova recalled a case from her own site Turmush.kg where, in an article about the murder of a young girl; the journalists and technicians posted on the site photographs with all the appalling details, and the designer even refused to carry out the editor’s decision to remove the photos.

Ismanov noted another ethically troubling aspect of journalists’ activities: “Journalists readily accept gifts from politicians and deputies. Deputy Karganbek Samakov, who organizes regular New Year’s parties with drawings for large and expensive gifts, is well known for his persistence in this practice. The same practice is followed by other politicians, and even ministers, who pay out of their own pocket—upwards of \$1,000—for flattering media pieces.

Ismanov continued, “A party in honor of Journalists’ Day, financed by the crime boss Almanbet Anapiyayev, who is a fugitive from the law in Dubai, made a big splash in 2014. Participants in the party published on social media sites a photo account of the event with words of thanks to the crime boss. As a result, the leader of the Ata Meken party in parliament, Omurbek Tekebayev, called for the creation of a list of the journalists who cooperate with criminal elements and their public censure.”<sup>4</sup>

Plagiarism is another serious issue for today’s media. The panelists pointed out several examples of the borrowing of complete texts by the journalists of one media outlet from those of another. For example, the editor of *Chuyskiye Izvestiya*, Antonina Blindina, noted that the 24.kg press service reprinted their material in full and did not compose anything, while another journalist of *Delo No.* takes material from Russian sites and simply changes the author’s name to her own.

Journalists and editors are careful when covering subjects where there are no precedents showing what and how to cover the “undesirable” aspects. The reaction of the domestic media to the crisis of the national currency in the context of the drop in the ruble exchange rate is very restrained. The state media contain no criticism at all of the

present-day Russian foreign policy. Journalists have almost failed to notice the oddity of commercial dealings with the Russian government, particularly the sale of Kyrgyzgaz for a symbolic \$1.00.

Sharshenbieva said, “In order to understand whether or not there is freedom of speech, it is necessary to try using it. This is something that in practice does not take place in the regions. Thus, journalists do not stretch their capabilities. They do not write critical pieces out of conscious fear and self-preservation.” During the discussions of this subject, one of the panelists joked that, if this keeps on, the Kyrgyzstan may turn into “a land of happy people.”

Voronina, commenting on the issue of self-censorship in the professional environment, said, “Although almost all of the media declare their commitment to free expression of thought and freedom of speech, these are subjects which are either taboo for those media or are rarely covered—or covered with a certain dose of subjectivity. For example, the subject of the LGBT community and their rights and freedoms is a taboo topic. It is ignored by most of the media, and if stories appear, almost all of them are of a discriminatory nature. Only bloggers and certain websites such as Kloop.kg and Voice of Freedom offer a platform to people from the LGBT community. The subject of torture and violence in the penitentiary system is also unpopular in our media. In general, one can say that this genre of journalistic investigation has disappeared from local journalism. There are two or three journalists and two or three publications that carry on this work, but the genre itself has died.”

The panelists generally believe that the media cover more or less everything that is going on in the country. Nevertheless, the fragmented and sparse information in the news frequently cannot give the public an idea of the overall situation. Ismanov noted, “There is extremely little analytic information on the Customs and Eurasian Union and on digital broadcasting. Most often, this is fragmented information or references to official communications. The public does not have complete information about what awaits them after entry into the customs union and the introduction of digital broadcasting. (What attachments and television sets should you buy? What will be shown and what won’t?)”

There is a great difference between real life and what appears in the news in Kyrgyzstan, because a number of subjects and trends that are “inconvenient” for the authorities are either completely taboo or are presented in a distorted way. Thus, for example, one of the taboo subjects is the coverage of the long-lasting absence of gas in Osh because of the discontinuation of gas supplied to southern

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<sup>4</sup> The position of some journalists in the public debate on this question of the social networks is noteworthy. For example, journalist Ernis Kyyazov was very loyal to the crime boss and did not simply praise him, but elevated him to the rank of national hero. And he considered participation in the party an honor.

Kyrgyzstan from Uzbekistan after the sale of Kyrgyzgaz to the Russian Gazprom (from April to December 2014). After that time, influenced by the social networks, the system of covering the subject changed. The taboo was replaced by an unwritten rule: do not “dramatize” the cutoff of gas to the southern region. And only optimistic reporting appeared in the broadcasts of the state channels as to how the local residents had almost “not noticed” the changes in their lives thanks to the “alternative” measures taken by local authorities. And even the most daring of media do not write about the fact that there is active bugging of every citizen’s cell phone communication in the country.

Pay for journalists in Kyrgyzstan is very low. In the majority of state and private social media the average salary is \$85 to \$135. In the regional press, salaries may be even lower, a symbolic amount of \$50 or a little more. In such a situation, journalists implement various survival strategies. Some try to use the media as an instrument of extortion of hidden advertising. Others work for several publications at the same time or take on extra work, including work outside of journalism. The panelists also believe that, because of their low pay, journalists agree to informal payments for “media services,” i.e. those who can go into public relations and carve a niche have even appeared to work as professional trolls in the social networks. Indicative of this is the OTRK program *Aalam Sylary*, which had the highest popularity ratings among viewers but was closed down by management because the program’s producer, Dana Abdybekova, turned it into an advertising business for advertising clairvoyants.”

Journalists in the capital are compensated just a little better. Their average income varies from \$300 to \$700. Even where a media outlet pays journalists more than the majority of the other media do, the managers, as a matter of practice, prefer to hide the real salary level of their workers and represent them as lower in order to reduce the tax burden.

Shainazarova, who worked as an editor for the news service Tushtuk, said, “At Tushtuk, the regional journalists were hired from among those who were already working on some television project where full-time employment was not required. Naturally that affected the quality of the news.”

Frequently, journalists do not sign employment agreements and do not have an employment book, which not only prevents them from accumulating employment time for a future pension, but also gives them no protection in labor disputes. However, it also exposes the editorial office to risks, including those of corruption and extortion by the journalists.

Ismanov said, “Today the highest salaries of journalists are at radio Azattyk, the newspaper *Vercherniy Bishkek* and Channel 5 TV. They range from \$500 to \$1,000 a month. At radio Azattyk, the salary levels are set in dollars and tied to

the National Bank exchange rate.<sup>5</sup> In the regions, journalists receive from two to six minimum-wage units per month. At OTRK, competent workers for the site with a nonstandard work day cannot be found, because the salary is set at KGS 8,000 (\$135).”

There is no clear trend in Kyrgyzstan of entertainment broadcasting squeezing out news broadcasts. For the broadcast media that already retransmit Russian channels for the most part, there is a clear tendency. On the other hand, for television and radio stations that do not retransmit other channels, political news is the main product.

For a station to produce its own entertainment broadcasting requires large financial resources, and for that reason a significant portion of the television channels cannot increase their entertainment programming, even though they may desire and attempt to. At the regional television channel Yntymak, for example, entertainment broadcasts do not make up even 25 percent of the total airtime.

Last year, for the first time, the government began to provide financing for the transition of television channels to digital format, which it described as a funding priority. According to the government plan, state channels that join the free-to-air package will receive funds to acquire new equipment and prepare content, while the same amount will be divided among all the regional channels. Another KGS 10 million (\$170,000) will also be invested in the construction of communications lines and the acquisition of equipment to transmit to multiplexing centers the signals of state and public television stations.

In general, the existing equipment and technologies used in the majority of television and radio companies may be considered obsolete. Among the television channels, Piramida, which was nationalized after 2010, stands out in that regard. Last year the government explored the question of foreign, possibly Russian, participation in the development of that channel, which needs serious investments in technology.

Begayim Usenova, chief of Institute of Media Policy, said that “...the private electronic media, particularly in light of the transition to digital broadcasting, are poorly provided with modern equipment to collect, produce and disseminate information.” Even if they join together in a single digital technology association, the private television and radio channels still will not be able to solve their main problem—developing a network and beginning transition of their multiplexes.

<sup>5</sup> This means that salaries react more or less flexibly to inflationary processes and devaluation of the national currency.

Even the government is not on track for the transition. Completion of the first stage (the technology stage) was planned for the autumn of 2014, when Kyrgyztelekom, using its own funds, was supposed to cover 95 percent of the republic, reinstalling equipment and assuring signal transmission. In fact, only 59 percent has been completed.

Two or three convergent outlets, including radio Azattyk, the newspaper *Vecherniy Bishkek* and the Akipress press service, might deserve a conditional grade of "excellent." The management of Knyus is making efforts to converge. The regional press has almost no technical or financial potential, and its creative process and production are stuck in the 20th century. Some publications are simply dying and not in a condition to survive, while as far as the state media are concerned, the local authorities are keeping them from closing down. For this reason, these publications limp along, although they may have a circulation of only 1,000 copies distributed by subscription. Some papers do not even have photography equipment or Internet access.

Business media are beginning to be developed in Kyrgyzstan, slowly but surely. In 2014 specialized information resources appeared that operate in the financial sphere: [www.capital.kg](http://www.capital.kg), [www.akchabar.kg](http://www.akchabar.kg). Shumkarbek Adilbek Uulu, on his site [finbilim.kg](http://finbilim.kg), proposed an interesting financial education format for the public. The complications in developing business news include the absence of trained journalists capable of operating as columnists. There are not enough analysts and experts.

There is a small but stable criminal journalism niche. Religious journalism is developing, including a strong sector of citizen religious journalism on the social networks. In other areas, however, one cannot speak of specialized media.

Investigative journalism as a genre does not exist in the overwhelming majority of traditional media. The social networks serve as a kind of substitute in this area. They frequently allow themselves to say more about politics, economics and religion. Media experts consider that the blog platforms are becoming a source of the media's action agenda. If some subject is broached by the bloggers, it gains resonance and the traditional media either take that material and publish it or do their own stories on the subject.

### OBJECTIVE 3: PLURALITY OF NEWS

Kyrgyzstan Objective Score: 2.19

Formally, one can say that there is a diversity of information sources in Kyrgyzstan: there are national, local, and international media, there are national minority media and political party media, and there are traditional and new media.

Nevertheless, at critical times the public cannot get information from the media, particularly the traditional media. In 2014, for example, there was unrest among the Uzbek population in the Osh oblast. Children were beginning to disappear from their homes and a rumor spread that either a religious sect or a criminal gang was operating in the region and abducting children in order to remove their organs, but the traditional media did not investigate the claims.

Voronina remarked, "We can hear, see, and obtain information from various sources. And draw the appropriate conclusions as to whether or not to believe it. But there is one minus regarding the poorly informed media in the languages of the ethnic minorities. If they exist, they have a small circulation within a small geographic range and most often are supported by international grant aid. They do not always employ professional journalists."

To a great extent, the limited options to uncover disturbing information about the Customs Union or events in Ukraine

### 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.

has forced people to put more trust in the social networks and bloggers. In the opinion of the panelists, the social networks are the main source of news for young people and even for middle-aged people. But this popularity has also played a negative role, as more and more fake stories are appearing in the blogosphere, information leaks in the interest of certain politicians and groups. Falsifications and simple disinformation is being published, and this undermines confidence in the news from the social networks. Nevertheless, according to statistics from Google Analytics, Facebook is the absolute leader in the country. As Shestakov said, the Regional, a news resource that he publishes, reaches no more than 160 people a day, while more than 6,000 get their news through Facebook.

Up until now, there have been no limitations on access to foreign media, apart from cost. In the retail market, the selection of foreign print publications is considerably diminished than seen in previous years. People buy print media more and more infrequently. Because of limited reader demand, the average age of a glossy magazine in the country is about a year to a year and a half; many Kyrgyz language newspapers stopped printing last year and went completely online.

The Internet is becoming more accessible every year. Today the average citizen can receive unlimited use for KGS 600 to KGS 2,000 (\$10 to \$35) per month. Thanks to a special tariff, mobile Internet is a widely used consumer product. At the same time, because of the country's energy crisis, the majority of the regions, including even the capital, experience rolling electric power blackouts. System-wide electric power blackouts have hindered an increase in broadcasting volume by state television channels, despite the fact that OTRK, for example, has long dreamed of being on the air around the clock.

With rare exceptions, there are no media in the country that serve the public interest and can be called politically unbiased (the panelists named Yntymak TV and Kloop Media among the exceptions).

Some panelists expressed the view that there is great pressure from political groups and politicians on the state media in the capital, while there is room for maneuvering in the regional media. The panelists mentioned an interview for *Uchur*, with Ernis Kyrgyzov, the well-known journalist and former director of Osh TV, contrasting OTRK's support for the president and the government position, while pointing to instances where Osh TV presented different perspectives—for example, presenting some of the cons that may await Kyrgyzstan in the Customs Union, and Osh TV's willingness to air a film on Aziz Batukayev by the Azattyk journalist Zhanar Akayev that OTRK took off the air.

Ismanov commented, "The television companies Channel 5 and NTC have recently launched a number of media projects related to the regions that have enjoyed great success among the viewers. Until recently, local content was not in the lead and news from the capital still prevailed in news broadcasts."

According to Sadiev, a return of the old ideological broadcasting is not the result of a focused policy ordered by the president or key government figures. Daniyar gave the following example: traditionally the country's president is the main subject of the news. Yntymak's editorial policy is to reflect the public interest and, when he received a call from the Office of Administration of the president ordering him to cover in detail Atambayev's visit abroad, he simply requested a written order to that effect. But he never received it and safely refused to fill the airwaves with presidential content. As a result, not only did the television station and its manager have no trouble over this, but the White House quit sending them "requests." Based on this experience, Daniyar believes that it is possible to work within the public media system if only the managers have the will and the desire to do so.

The ten news agencies in Kyrgyzstan supply news to the other media free of charge or on a partially paid basis. In practice, no media outlet buys its news feed from a news service. According to the panelists, the media do not perceive the need to subscribe to a news wire since the traditional culture permits plagiarism of news stories, in addition to which news has a specific structure in Kyrgyzstan: the greater part of stories are based on covering the activities of a small number of politicians such as the president, the leading members of parliament, and the government leadership. Since foreign news agencies structure their news differently and from a different viewpoint, it is difficult for them to simply borrow their stories. Another factor is that the practice of borrowing without referring to the source has become the standard. And it may be noted that, when television channels run news from the wire services, they almost never mention the source.

It was noted several times in the past year that the Akipress news agency, which the panelists consider to have formerly been distinguished for its more professional approach and conscientiousness, republished blog stories, violated ethical

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standards, etc. Nevertheless, Akipress, along with Kabar and 24.kg, is still one of the most popular news agencies.

Branches of foreign press agencies (Reuters, Interfax etc.) also operate within Kyrgyzstan and provide news wires, which, however, have almost no focus on local news. Worldwide foreign agencies are also available online, but getting news from them is not possible because the majority of journalists, media and the public do not know foreign languages.

It would be quite hard to call any of the press services independent, although Akipress has tried to maintain a neutral and reasonable approach; it has achieved some measure of success since the owner of the agency, in contrast to the 24 news service, is not a politician, and the private nature of its ownership has deflected some pressure from the government bodies, in contrast to Kabar.

Over the last few years, regional private studios have stopped broadcasting news and other programs of their own and changed exclusively to retransmission, receiving their revenues from advertising. Such television companies include Ayan and Shankhay (in the city of Naryn), MTV and Anten TV (Karakol) and others. Among those that do produce news, their positions are not very diverse. Almost everywhere, the key subject is the government and the party leaders. The news is frequently repeated regardless of the type of ownership of the media. Despite the long-standing struggle for democratic media, the traditional government approach continues to be reproduced and the overwhelming majority of the news has no social significance and does not reflect the interests of the people. For example, for a whole week all of the country's key media may belabor as news item No. 1 the disagreement between two politicians over the statement by one of them that the other one had injured his dignity.

The absence of distinctive broadcasting, i.e. a brand as such, has kept the owners of TV Shankhay, for example, from selling the channel for the last five years; no one wants to acquire a faceless trademark.

Last year, the association Zhurnalisty attempted to describe all the current media in the country, gathering and publishing all the data in the *Media Handbook*. But for the most part, media ownership is a secretive subject. Rumors fly about who owns what in the media, but the information is unreliable. As an example, some of the panelists cited a well-known politician, Omurbek Tekebayev, as owning not only the television and radio company Sentyabr, but also the widely circulated and profitable *Super Info*—which on paper belongs to another businessman, Kylychbek Sultanov. The claim that Tekebayev owned *Super Info* disturbed some of the panelists, but they said that if it is true, it sheds light on

Sultanov's appointment as Kyrgyz ambassador to Malaysia despite his lack of diplomatic experience.

According to people in *Vecherniy Bishkek* (known to locals as *Vecherka*), media controlled by the White House were involved in the news campaign against *Vecherka*, and the partisan group April Heroes demanded nationalization of *Vecherka* and confiscation of its property. The Office of the Prosecutor General sequestered the publishing firm's shares. In the opinion of founder Aleksandr Kim, this decision was aimed at a hostile takeover of the *Vecherniy Bishkek* newspaper backed by the government.<sup>6</sup> Specifically, the management of *Vecherka* stated that people in the inner circle of the country's president, Almazbek Atambayev, participated in the hostile takeover, and in particular presidential adviser Farid Niyazov. In his remarks at a press conference, Kim rejected the story that takeover raiders were pursuing material gain. "The income of the paper may be significant for you or me," he said to the journalists, "but it is of no interest to those who are trying to control the paper. This is obviously about the struggle for a news resource."

Traditionally, there have been minority-language media in the Kyrgyz Republic. But when the daily television programs that had been broadcast in eight national languages disappeared, there was no conceptual approach to inter-ethnic media. The National Assembly members issue a number of native language-newspapers: *Maayan (Spring)* from the Jewish Culture Society; *Tugan tel (Native Tongue)* from the Tatar-Bashkir Culture Center; *Hueminbo* from the Dungan Unity Society; *Ilchi (Unity)* from the Korean Unity Society; *Payemi Ala-Too (Ala-Too Herald)* from the Tajik Unity Society; *Polonia* from the Polish society Odrodzenie; and *Ittipak* from the Uyghur Society—which also launched an online platform, *uygur.kg*.

Currently, radio Dostuk operates on OTRK, airing *Birinchi Radio* once a week in six languages. In addition, a number of media publish either in the Uzbek language (e.g., *Dostuk*, the newspaper of the Aravan district, and *Ush sadosi*, in Osh oblast) or have an Uzbek version (Yntymak TV, for instance). As for Uzbek-language print media, according to Ismanov, the average circulation of these sometimes totals 500 to 700 copies. He noted that two television companies in the Uzbek language, Osh TV and Mezon-TV, quit broadcasting; now, the Yntymak television and radio company is the only bilingual media outlet in the south. In fact, Ismanov believes, "...the interests and viewpoints of the national minorities are not represented in the large media, with the exception of the grant-funded programs."

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<sup>6</sup> <http://www.vb.kg/293798>



In 2014 OTRK aired a series of programs called *We Kyrgyzstanis*, prepared in cooperation with the Assembly, about people of the various ethnicities. In practice, media tend to focus on limited cultural aspects of life: national ceremonies and holidays, cooking, songs and dances and other creative activities. The singers and dancers representing the ethnic group and expressing joyful contentment with life in the republic do not even hint at the problems that exist in economic, political and social life, and in inter-ethnic relations.

However, there are problems. For example, in the Issyk Kul oblast, which has a Mongolian population, there is not even one media outlet for national minorities. Last year OTRK decided to shoot a series of stories on the cultures of Kyrgyzstan, and some ethnic associations were uncooperative. The Kalmaks, for example, refused to participate in the broadcast and requested that no shots be taken of their culture.

Last year, the media began following foreign news more closely, possibly triggered by the Kyrgyz public's interest in news from Ukraine—though, on the other hand, the influence of the Russian media cannot be ruled out. In view of the cooling of relations with the West and the intensification of the Russian-Ukrainian conflict, Russia increased its output of international news. In any case, international news gained priority and increased in volume among the Kyrgyzstan media, led by OTRK (the National Radio and Television Corporation). This year the channel started providing BBC and Azattyk news, and Kyrgyz-language media are preparing stories in Kyrgyz from the same transnational media (from London and Prague, respectively). The OTRK management is giving time to these stories, particularly in prime time. Still, some panelists argued that the volume of international news is actually decreasing, and retransmission has also become unprofitable because of the legal requirement to provide more than 60 percent of the airtime in the Kazakh language. The fair use doctrine is not operative and in the overwhelming majority of instances even the largest newspapers do not give their news sources, but use the words “From the Internet.”

Interest in foreign news in connection with the events in Ukraine has actually been very great, but it is not possible to get Kyrgyz news from the hot spots because of the absence of a network of overseas correspondents and the lack of arrangements for cooperating with Kyrgyz freelancers from other countries. For this reason, world events are seen by the majority of Kyrgyzstanis through the prism of Russian news policy and, in the view of panelists, there is a high degree of conflict in popular awareness and polarization on the issues of the Ukrainian-Russian conflict, the annexation of Crimea to the Russian Federation, sanctions against Russia, etc.

As one of the panelists said, “The events in Ukraine showed that our domestic news services are not on the job. We don't even have competent political observers who are able to comment on the predominantly Russian images in a way that reflects Kyrgyzstan's interests.”

There are small changes in the coverage of local events. Whereas earlier, events of local significance rarely appeared on national broadcasts, and only to cover extraordinary situations (natural catastrophes, armed conflict, conflicts involving well-known politicians and events involving great costs to the public or the government as a whole), last year special programs on the regions appeared on a number of national television channels.

Ismanov commented, “The television companies Channel 5 and NTC have recently launched a number of media projects related to the regions that have enjoyed great success among the viewers. Until recently, local content was not in the lead and news from the capital still prevailed in news broadcasts. In the regions the local media are trying harder to accentuate their own subjects and problems because the viewers are receiving national news from other sources.”

#### OBJECTIVE 4: BUSINESS MANAGEMENT

##### Kyrgyzstan Objective Score: 1.65

Although a 2013 study by the Zhurnalisty Fund found that 68 out of 206 media surveyed throughout the republic are partially self-sustaining, the panelists' opinion of the profitability of media enterprises was very pessimistic.

Almost all of the panelists agreed that only two or three media enterprises in the country could be considered self-sustaining, and they are both private: Akipress press service and the Vecherniy Bishkek publishing house. But they deemed it impossible to compare the profitability and efficiency of these media with efficient media enterprises, even those in Russia and Kazakhstan, because of the differences in scale and approach.

The state media live off of the government budget, including OTRK (with the exception of OTRK Yntymak, which exists exclusively on grant money). But the budgets are ineffectively planned, and these media continue to exist on the brink of extinction.

Among the state media, only OTRK has demonstrated a trend towards diversifying revenue sources, including increased income from the sale of products produced by the corporation. These included CDs of music collections from the Kyrgyz national heritage (Zalkar Kүүлөрү), the launch of a music channel with planned advertising, the

development of a revenue-generating SMS system, and the possibility of increasing advertising on radio Min-Kyyal in connection with an expansion of broadcast coverage. But despite this, the survival of a television channel without state support is still impossible, although the advertising volume and the revenues from other sources are steadily growing. OTRK's management today is the result of a large-scale experiment with very significant financial support from international organizations. According to the unconfirmed report of one of the panelists, Internews Network, along with the Soros Kyrgyzstan Fund, spent more than \$2 million over the last two years reforming and enhancing OTRK's operational efficiency.

Reforms in staffing and financial management have barely begun in other media enterprises. Voronina noted, "Despite the fact that in previous years a lot of training was organized for editors, many of them failed to improve management in their organizations, to the extent that many media do not even have a manager position now. Editors devote their time more to the creative process and forget about management, and in general for the majority of them, ideas such as organizational culture, value, management of the editorial office as an organization and strategic planning remain ideas found only in management handbooks."

Frequent rotation of the journalist staff, staff turnover due to low salaries, and no financial sustainability are common across most media. Ismanov explained, "The personnel and financial policies of almost all media are not efficient because of 'gray bookkeeping,' low pay, the refusal of the media to accept trade unions, and the lack of resources to develop professionalism among the media's journalists."

#### INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

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

The majority of media and editors do not trust research and do not consider market studies to be necessary or useful. Media enterprises do not plan their activities, and the absence of strategic planning also causes a great degree of disinterest in market research. Instead, many editorial offices prefer to carry out their own audience ratings. They work with advertising in the tried and true way, relying more on the administrative resources of local officials to organize mandatory subscriptions or advertising flow. Hitting upon the inefficiency of government media expenditures, Sharshembieva said, "The government maintains government broadcast channels and newspapers, but no one monitors how the given resources are distributed. We citizens cannot influence the process. Here's an example: why do we have the moribund newspaper *Vesti Issykulya*, on which about KGS 1.3 million (\$22,086) is now spent, when no one reads it? Wouldn't it be more reasonable to use this money for something more useful? There is even a Kyrgyz edition... Two years of this money could build a kindergarten."

As a rule, private newspapers and electronic media barely survive, and the owners, instead of reinvesting what little profits are made back into their media business and further developing it, pocket the profits instead.

The management's lack of technological literacy in the majority of media enterprises and the absence of strategic planning do not permit the media to recognize and employ the potential for diversification of revenue sources. Blindina noted that even traditional sources of revenue such as subscriptions are unstable because the Kyrgyzstan postal service holds onto the subscription money for years.

The independent regional electronic media draw revenue in the form of grants and an insignificant amount of advertising, but in the last few years most grant-making agencies have left the media market. The print media pull in small, relatively equal revenues from street sales, subscriptions, advertising and PR services.

Valieva reported that for OTRK, advertising revenue is quite significant, possibly exceeding government support. Ismanov described the situation for other media: "The basic advertisers are three cellular companies, a few big mortgage banks and construction companies, and as the New Year holidays approach, a few big candy manufacturers are added. Landing a big advertising order is extremely difficult. You have to have acquaintances and lobbyists. This is especially hard for small newspapers and regional television companies. Television companies are reluctant to run public service advertising. When such advertising is available, it is well paid. There are no alternative revenue sources for the majority of media, except for the newspaper *Vecherniy Bishkek*, which has its own printing presses and its own advertising agency."

The television companies have reservations about advertising revenue. On national and local television, as in many low-volume markets, text crawls and modular advertising are used and advertising is sold by the minute. There is no set pricing policy for producing spots. The electronic media often produce their own spots, particularly for radio, and they are not noted for their professionalism; plagiarism is common.

The panelists' opinion of advertising agencies was quite categorical: advertising agencies do not help the development of the advertising market, but interfere with it. Shestakov said, "Advertising agencies do not help the media attract funds from the advertising market. This is connected to the fact that Kyrgyzstan has no more than ten large businesses that give advertising to the media on a steady basis. In this situation, you can't expect advertising agencies to develop market services. It is better for the media to attract large advertisers directly and to operate advertising firms."

It is interesting that the size of the advertising market is not transparent, even for media experts; the panelists spoke of about \$10-12 million, but other numbers have been bounced around, ranging up to \$20 million. According to the consulting firm Ekspert, the Kyrgyzstan advertising market based on list prices is worth \$19 million a year. However, Ekspert notes that official GDP data for the country does not take into account the significant share of the shadow economy (30 to 40 percent). Moreover, in contrast to other countries, the large advertisers receive substantial discounts (up to 50 percent off the list prices). Thus, the actual size of the advertising market appears to be somewhat different.

Describing the situation in Kyrgyzstan's advertising market,<sup>7</sup> the panelists note several factors: "The leading television channels are (Russian) retransmission channels; advertising agencies have only begun to develop; and market research is unsystematic, disorderly and ambiguous."

The consulting firm Ekspert reviewed the factors that prevent the development of the advertising market and concluded that the obvious issues include the population's low level of purchasing power and political instability, and an absence of media measurements. But, it believes, that the most important is the absence of consolidation among television companies and advertising agencies—the basic players in the advertising market. It expressed optimism over the creation in 2013 of the Joint Media Committee for this reason; however, the panelists said that the Committee has shown few signs of life.

<sup>7</sup> According to the materials of PA DAS Marketing—<http://www.adme.ru/tvorchestvo-reklama/reklamnyj-rynok-sng-kazakhstan-kyrgyzstan-i-uzbekistan-48525/>

Ismanov explained, "The personnel and financial policies of almost all media are not efficient because of 'gray bookkeeping,' low pay, the refusal of the media to accept trade unions, and the lack of resources to develop professionalism among the media's journalists."

The second factor inhibiting the development of the advertising market is the absence of regular media measurements. Without such information, it is difficult to carry out qualitative media planning. In addition, the lack of information on the ratings of channels and broadcasts makes it hard for advertisers to make decisions, while the television companies themselves cannot improve the quality of their content.

"The basic cause of the lack of regular media measurements is their high cost. For this reason, media research in Kyrgyzstan using the day-after recall method is used today no more often than once a year to support international donor organizations.<sup>8</sup>

The law has not established standards for the share of advertising revenues out of total media revenues; government agencies do not monitor regulations in the law "On Advertising" that limit the amount of advertising on the air or in newspaper space. In practice, *Vecherniy Bishkek* devotes 90 percent of its Friday edition to advertising, and a number of television channels may run large five-minute blocks of advertising every 20 minutes. Neither the government nor NGOs have yet raised the issue of violations of law in this area.

Government financing has been very sparse until recently, and has not even been available for all of the state media. In fact, a whole series of regional and national publications have not received any money at all from the government budget. But last year, the transition to digital technology delivered an advantage to state media. The government allocated a total of KGS 200 million (\$3,398,000) for new equipment, including KGS 10 million (\$170,000) for state media joining the free-to-air packet. Regional stations are given KGS 10 million (\$170,000), and KGS 80 million (\$1,359,000) are allocated on a competitive basis to produce audiovisual content. If the government does not decide to provide technical help for the private regional media in the

<sup>8</sup> Ekspert. <http://www.expert.kg/ru/monitoring/125>

transition to digital, then their existence will be questionable. The extinction of regional media not only deforms the media market, but negatively affects the ability to satisfy the public's information needs, the panelists believe.

So far, the print media have not received any government support for new and upgraded equipment. Recently print media, which had an advertising advantage in running the bidding and purchasing announcements of government agencies, have lost that privilege since all bidding and purchasing announcements are now placed on a special Ministry of Finance website.

The development of strategic planning by Kyrgyzstan's media companies in order to increase revenues has given rise to a paradox. On the one hand, this kind of planning is not possible without high-quality market research, while on the other hand, market research is expensive and the owners of the media are not prepared to set aside money for it. The reasons include the fact that they lack faith in the practical results. Only the first steps have been taken, with the support of international organizations, in market research of the country's media market. The majority of media players have an ambiguous relationship with the results of research conducted by the M-Vector organization. Long after its last study in 2013, the television channels, which did not agree with the ratings that were given for viewership and popularity, continued to run negative comments on their news blocks. Last year, two other consulting and research firms—Ekspert and Siar-Bishkek—announced that they were prepared to offer another methodological study and to do so regularly.

But national-level research generally rates the regional media and local audience use quite low. Thus, the regional media are studied even less than those in the capital. Since they do not trust the ratings and are also not in a position to find the necessary data on the media within their means and practices, the key advertisers in the regions run their advertising on all the media. That means that no one relies on the results of research, although Ismanov believes that the leading commercial companies do their own media market research to help with effective ad placement.

Thus far, Kyrgyzstan lacks a structure to verify and validate the circulation numbers of the print media. Ismanov believes that "this kind of research is carried out by various organizations, but not very frequently. The Zhurnalisty Fund conducted the last research of this type in 2013, and the data was published in 2014. They collected data on circulation and on viewing audiences based on reports from the management of each media outlet."

Editorial offices are also quite cautious about popularity and audience ratings, site traffic, or circulation data. Many

online and electronic media point to their top programs, but institutionalized mechanisms to support the winners' ratings do not exist. Exceptions are Kloop Media and Azattyk, where counters accurately record the popularity ratings and the journalists' income is directly connected to the ratings their products receive.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kyrgyzstan Objective Score: 2.08

The program to switch to digital broadcasting brought into existence a business association of private media called Digital Technologies LLC, formed by 22 private Kyrgyzstan television broadcasting companies with broadcasting licenses and frequency allocations set to expire this past January 1. Despite the unacceptable financial conditions<sup>9</sup> of the competition announced for spaces in the free-to-air packet for private television broadcasters, the Digital Technologies association has not announced its public policy nor launched a campaign to lower the entry cost into the digital multiplex for private television broadcasters.

The association of publishers and distributors of print media has been inactive in Kyrgyzstan for several years. The Media Industry Committee, created in 2012 to optimize the media advertising markets and carry out research, was also inactive last year.

<sup>9</sup> According to its terms, television channels had to have KGS 32.4 million (about \$600,000) per year to participate in the digital packet for 2015-2017; <http://diesel.elcat.kg/lofiversion/index.php?t2628947-650.html>

## 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.

Essentially, the interests of the media in this critical period of the transition to digital technologies, like the interests of the public, are substantially underrepresented and no business organizations are lobbying for them.

The news spread among the media in September 2014 that a trade union of Kyrgyzstan's media workers had begun monitoring violations of the rights of journalists and the media. Facts collected during the monitoring over a period of two months in 2014 were available on the Internet. The union also took an active part in the discussion and in the organization of discussions on the law of false denunciation.

An older trade union, the Union of Kyrgyzstan Journalists, formally exists, but does not carry out any activities on behalf of the journalists and the media. As before, the voice of this organization was not heard in the process of active change in the media laws or in discussing the issues of public access to digital television.

Ismanov explained: "Attempts to put in place an independent trade union of journalists with the support of donors has yet to be successful. The media leaders are categorically opposed to opening grassroots trade union organizations within their companies and the journalists themselves do not have a lot of confidence in it, viewing it as a temporary grant project unable to protect them." Voronina added, "Journalistic associations, where the initiative comes from the journalists themselves, have not appeared in the country. There are things like the Association of Electronic Media, but they get together from time to time when a serious issue comes up, like the question of digital broadcasting for example. But when active involvement is required, journalists can quickly organize themselves into a group and then disband again when the situation is resolved. Formally, there are no journalistic associations in the country. The union of journalists exists only on paper."

At the same time, the state media, out of inertia, collect one percent of the salary of journalists and transfer it to the accounts of cultural trade unions. In exchange for this transaction, the editorial officials receive a limited number of vacation trips, including some with their children.

According to the panelists, Zhournalisty, the Media Policy Institute, and the Center for Information Rights are most active in protecting the interests of journalists and the media. The activities of the regional media centers, which have sometimes been centers for supporting regional media, have today become significantly weaker. The only functioning media center is the Issyk Kul Journalist's House, but its activities depend on grant assistance.

Ismanov noted, "High quality printing operates only in Bishkek, while in Osh there isn't any at all... Rubikon has also set up the first full-color printing machine in Kyrgyzstan and has begun offering its services with more flexible rates and scheduling."

Until quite recently, the organization Internews Network was a key player providing and organizing help for journalists. The panelists noted that journalists have become only rare guests at the organization's office, which is symptomatic of a broader pattern and does not merely reflect the relations between the organization and the national media, they believe.

For some years now, the media complaint review committee has operated, but it has not succeeded in having enough authority for the recommendations it makes on dispute cases to gain legitimacy in the media community.

Despite the limited number of NGOs, those mentioned have been able to actively oppose a whole series of conservative attacks from legal reformers in the media and related areas.

Practically nothing has changed in the academic professional training programs for journalists in the country. As before, the practitioners berate the academics and the academics blame the practitioners for being backwards. And dozens of graduates of the journalism schools are unwanted because of their weak professional knowledge. One of the panelists said, "The universities and schools do not use modern technologies, and instruction in these is non-existent. The graduates have not even mastered the most elementary skills of working with Internet technologies and websites and the preparation of multimedia materials."

At the same time, teaching at the Kyrgyz-Turkish Manas University has compared favorably to other universities for the past few years. The university has brought together certified teachers in the fields of television directing, scriptwriting and filming and the first few classes of graduates are finding jobs in journalism and related areas.

Attempts have been made in the media world for many years now to organize alternative forms of professional training that differ from unsystematic and fragmented seminars; for example, KTRK offered a republic-wide media communications



training center.<sup>10</sup> With support from the Soros-Kyrgyzstan Fund, the center carried out a project for “increasing the potential of local broadcasters in the transition to digital broadcasting” and held a seminar on “the ABC’s of news,” a lab on “production of low-budget programs” and a mastery class by Irina Kemarskaya on “the work of the editor in the transition period.” They conduct special training for the workers in public television and radio companies on subjects that are necessary in various organizations.

Before the center opened, the editors of the Kloop portal provided basic short-term training for journalists and bloggers. Last year, Kloop Media cooperated with a number of international organizations in cooperative projects for the development of citizen’s journalism, the solution of social problems in the course of peace making in victim societies and so forth. UNESCO financed one of these projects within the framework of a project to increase social justice.

Such separate seminars are proposed through other media organizations, including the Government Media Institute and the Journalists Union, as well as human rights and other NGOs that intend to strengthen their ties with journalists in order to adequately and effectively inform the public about rights and freedoms.

As Ismanov said, “The local NGO community is working with media and journalists. Most often this is targeted cooperation with specific journalists who are loyal to the civil sector. In practice, all of the media organizations are located in Bishkek. The regional media resource centers in the oblast centers have ceased functioning, but resource centers are more or less active today in Karakols, Naryn and Osh. They are not of the scale today that they once were.”

Media access to technical equipment and consumables in the market and consumer era is limited only by economic considerations. Ambitious actions that were taken last year demonstrated how technically limited the editorial offices of newspapers, television and radio were. Thus, in shooting and transmitting *Nomad Games*, KTRK had to rent classroom equipment from Manas University since that type of equipment was no longer available to anyone in the country.

Printing facilities in the regions remain, as before, a painful issue and hence one that has the potential to be used for political interests. Ismanov noted, “High quality printing operates only in Bishkek, while in Osh there isn’t any at all... Rubikon has also set up the first full-color printing machine

in Kyrgyzstan and has begun offering its services with more flexible rates and scheduling.”

Entry into the Customs Union promises to increase the ability of publications to obtain goods and services and to strengthen competitive bidding, so the panelists hope that printing facilities may improve in quality and price. The process of developing regulations related to digital technologies has in fact broken the monopoly of the National Frame Relay Television and Radio Network and Kyrgyztelekom.

There is no monopoly in the process of producing print media. Sources of paper and other consumables and printing facilities operate on market principles.

But in practice, all of the media distribution channels are monopolized by government agencies. Kyrgyzbasmassoz is launching a nationwide retail media sales network, yielding its monopoly position to private distributors only in some regions. Kyrgyztelekom is the key communications operator and also—in the person of the National Frame Relay Television and Radio Network—the monopoly distributor of the media’s electronic signals. When necessary, any monopoly is used for political purposes, as recent history has shown. Last year, not one of the government media distribution monopolies was politicized, with the exception of Kyrgyztelekom, which illegally blocked the Kloop.kg site upon verbal order by the State National Security Committee. Otherwise, all of these organizations remain simply inefficient intermediaries between the media and their users.

Last year, the government developed a plan to reform Kyrgyzpochtasy, providing a three-step modernization program with the aim of integrating new automated systems and technologies (including a financial payment system) and creating a single corporate communications system. It is too early to predict how this will influence the provision of services to media enterprises. Kyrgyzstan ranks 71 out of 193 countries in its Internet rating,<sup>11</sup> based on the average Internet access speed and the development of Internet infrastructure. Meanwhile, according to Freedom House<sup>12</sup> Kyrgyzstan came in 34 out of 65 countries, falling into the group of countries with only partially free Internet.

<sup>10</sup> <http://internews.kg/?p=6238>

<sup>11</sup> The Worldwide Internet Index is prepared by the Ookla company: [http://www.knews.kg/society/53239\\_kyrgyzstan\\_obognal\\_tadjikistan\\_belarus\\_i\\_azerbaydjan\\_v\\_reytinge\\_stran\\_po\\_sredney\\_skorosti\\_dostupa\\_v\\_internet/](http://www.knews.kg/society/53239_kyrgyzstan_obognal_tadjikistan_belarus_i_azerbaydjan_v_reytinge_stran_po_sredney_skorosti_dostupa_v_internet/)

<sup>12</sup> <http://www.dialog.tj/pages/kyrgyzstan-uluchil-svji-pozitessi-v-reytinge-freedom-house>

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Of the Eurasian countries, only Armenia, Georgia and Ukraine rank higher than Kyrgyzstan.

Internet access differs significantly in the city and in the countryside. As one of the panelists noted, "In the city there are no problems. There is Internet access for every taste and pocketbook, mobile or cable. There are problems in the regions though. Internet does not exist everywhere. And where it does, the speed is slow."

Nevertheless, a breakthrough is in the works. The operators of several mobile providers have been intensively laying and testing fiber optic communication lines and joining together trunk lines throughout the country. Kyrgyztelekom has the most ambitious plans, planning to complete a single fiber optic circle from Issykul through Naryn and Osh, which will make it possible to create an independent internal Internet traffic system.

## List of Panel Participants

**Antonina Blindina**, editor-in-chief, *For You* and *Chui News*, Tokmok

**Zharkyn Ibraeva**, chief, naryn.kg; director, Radio AlmazNaryn, Naryn

**Almaz Ismanov**, freelance journalist; blogger; associate with online newspaper *New Faces*, Bishkek

**Almaz Karimov**, manager, 7th Channel, Djalalabad

**Daniyar Sadiev**, director-general, TV Yntymak, Osh

**Asylkan Shainazarova**, web manager, Tyshtyk News Agency, Bishkek

**Nurgul Sharshembieva**, director, Press Club, Karakol

**Igor Shestakov**, member, KTRK TV Steering Committee; owner, region.kg, Bishkek

**Muzaffar Tursunov**, freelance journalist; blogger, Osh

**Begayim Usenova**, director, Institute of Media Policy, Bishkek

**Tamara Valieva**, editorial advisor (ombudswoman), KTRK TV, Bishkek

*The following panelist submitted a questionnaire but was unable to attend the panel discussion:*

**Elena Voronina**, instructor, Kyrgyz Slavonic University Department of Journalism, Bishkek

## Moderator and Author

**Gulnara Ibraeva**, media analyst, Bishkek

*The panel discussion was convened on November 28, 2014.*

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*Fearing the replication of a Ukrainian Maydan or Arab Spring, Tajik security agencies began the surveillance of almost all journalists working for private media, while the intelligence agencies or the prosecutor's office regularly summoned opposition print media editors to instruct them on what and how to write.*



## TAJIKISTAN

Election scandals, a spy scandal, an opposition movement named Group of 24 testing the waters with calls for anti-government rallies, border skirmishes with Kyrgyzstan, reports of Tajiks participating in jihad in Syria and Iraq, and government arrests of extremists made for a tumultuous 2014 in Tajikistan.

Fearing the replication of a Ukrainian Maydan or Arab Spring, Tajik security agencies began the surveillance of almost all journalists working for private media, while the intelligence agencies or the prosecutor's office regularly summoned opposition print media editors to instruct them on what and how to write. Radio Liberty correspondents and television reporters from Iran and Afghanistan used to have a presence in Khorog, but now all the international media reporters have left.

To further restrict the activities of independent media and reduce access to information, Tajikistan's parliament adopted an amendment to the Law on the Legal Status of Emergency Situations, giving the authorities the right to completely block or restrict Internet access and turn off mobile communications in case of unrest in the country. In addition, the Law on State Secrets, also adopted in 2014, replaced the Laws On Classified Information and the List of Classified Information that Constitute State Secrets. Now the heads of ministries and departments may manipulate the new law in order to hide information they do not want to share with journalists by classifying such information as state secrets.

In other media-related developments, the government continues providing financial support to, including updating the infrastructure of, all four state television channels for their full transition to digital broadcasting in 2015. The salaries of government television and print journalists have been raised. In terms of media growth, this year, two news media outlets launched under the auspices of *Faraj* and *Nigoh*. The Ministry of Culture registered four new newspapers and two magazines.

Other notable news stories of 2014 included the government's promise to establish a Public Council, including representatives of civil society, in response to accusations by human rights activists that Tajik law enforcement agencies have used torture. On the economic front, China pledged to invest \$6 billion in the Tajik economy over the next three years. The first major project funded will be the implementation of the Tajik part of a project aimed at building the Central Asia—China gas pipeline, which will increase the flow of Central Asian gas to China. Finally, Tajikistan's standoff with Uzbekistan over Tajikistan's water and energy resources, especially regarding the construction of the Rogun hydro-power plant, continued, prompting Uzbekistan to organize protests at the UN and the OSCE.

# TAJIKISTAN at a glance

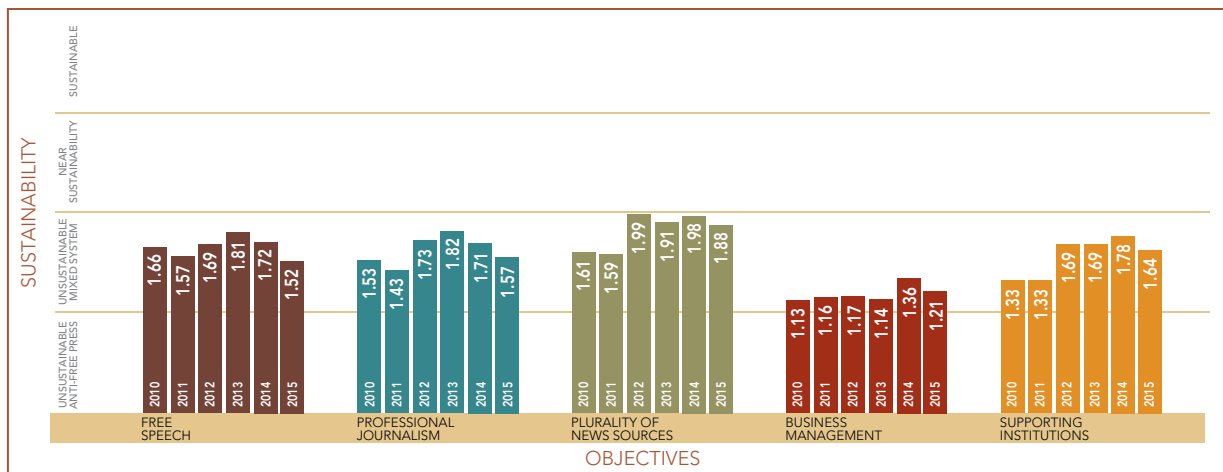
## GENERAL

- > Population: 8,051,512 (July 2014 est., *CIA World Factbook*)
- > Capital: Dushanbe
- > Ethnic group (% of population): Tajik 84.3%, Uzbek 12.2%, Russian 0.5%, Kyrgyz 0.8%, other 2.2% (results of the 2010 Census of Tajikistan)
- > Religion (% of population): Sunni Muslims 89%, Ismaili Muslims 6%, other 5%. (Data of the Committee for Religious Affairs)
- > Language: Tajik (official), Russian enshrined in Constitution as a *lingua franca*
- > GNI (2013-Atlas): \$8.098 Billion (World Bank Development Indicators 2014)
- > Literacy Rate: 99.7%; male 99.8%, female 99.6% (2011 est., *CIA World Factbook*)
- > President and Head of the Government: Emomali Rahmon (since November 6, 1994)

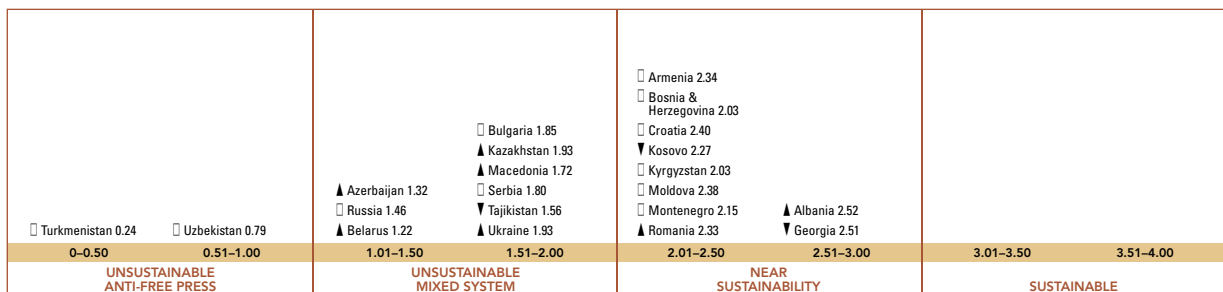
## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: 515 print media, including 330 newspapers and 120 magazines, have been registered in The Ministry of Culture; Television Stations: 35 (including 26 non-state); Radio Stations: 24 (including 16 non-state)
- > Newspaper circulation statistics: The largest (in terms of circulation) private newspapers are *Asia-Plus*, *Faraj*, and *Samak*; the largest state-run are *Jumhuriyat* and *Sadoi Mardum*
- > Broadcast ratings: Dushanbe's top radio stations are Radio Asia-Plus, Radio Imruz, and Radio Khovar; in Khujand: Tiroz and SM-1.
- > News agencies: News agencies: asiaplus.tj, avesta.tj, tojnews.tj, pressa.tj, ruzgor.tj, tajikta.tj, tajnews.ru, ozodagon.com, faraj.tj and the governmental Khovar
- > Annual advertising revenue in media sector: N/A
- > Internet usage: 1,288,242 (2013 est., [www.internetworldstats.com/asia.htm](http://www.internetworldstats.com/asia.htm))

## MEDIA SUSTAINABILITY INDEX: TAJIKISTAN



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (increase greater than .10) □ (little or no change) ▼ (.10 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: 1.52

The information sphere in Tajikistan is governed by laws including the Constitution, including Article 30 guaranteeing the freedom of speech, as well as by the Law on the Press and other Media, the Law on Television and Radio Broadcasting, the Law on Information, the Law on the Right of Access to Information, the Statute on Licensing of Television and Radio Broadcasting, and numerous other articles in various civil, administrative, and criminal codes.

The Constitution of the Republic of Tajikistan provides for the freedom of expression and prohibits censorship, and there are special laws on mass media and broadcasting that guarantee the freedom of speech and public access to information. However, in reality, they fall short of protecting the freedom of speech, although on paper they appear to comply with international standards.

“At meetings with the intelligentsia and in his addresses to parliament, the president always says that he is in favor of developing the freedom of speech and quotes the growing number of independent media. But no media in Tajikistan are truly free from the authorities,” said Mahmudjon Dodobaev, chief of the Information and Analytical Department for the Sughd Region administration. He claims that in cases of freedom of speech violations, the courts

### 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.

themselves do not fully understand the significance of the media, stereotypically perceiving journalists as people who can and should always be defeated, while the courts are there to remedy the situation.

As in the previous few years, the panelists expressed little confidence in the implementation of the laws. “The practical mechanism for implementing laws governing the media is used only in the interests of a particular group of people,” said Negmatullo Mirsaidov, editor-in-chief of *Varorud*. The panelists pointed out that there are certain risks regarding sustainability of the media in Tajikistan. “Regulatory agencies—law enforcement and the judicial authorities—constantly interfere with the implementation of the law. They are completely dependent on the Tajikistan authorities and carry out their will,” said Lola Khalikjanova, editor-in-chief of Institute for War and Peace Reporting (IWPR) in Tajikistan. Officials regularly interpret the law to their benefit, often referring to intra-departmental instructions that no journalist has ever seen. For example, as Zarina Ergasheva, of the Center for Human Rights, noted, the Communications Service can block access to any website simply by sending an SMS message to the Internet service provider. “But in most cases, [the Communications Service] deny having been given such instructions, blaming Internet service providers and their technical problems,” said Nazarali Pirnazarov, a reporter for the ca-news.org news agency.

Turko Dikaev, a reporter for *Asia Plus*, believes that when journalists are penalized and face pressure, they are often guilty. “Tajik journalism is mostly emotional, and specific facts are often ignored. We can seldom prove what we have written, and if an official desires it, the authorities have all the levers to render a journalist guilty,” he said. According to Dikaev, if one strictly sticks to the facts and international standards, the authorities can do nothing.

Officials keep threatening journalists in an attempt to find their sources of information, though the law allows a journalist not to disclose them, except for cases determined by the court. Khurshed Niyozov, who heads the Center for Investigative Journalism, said that they publish all their materials under pseudonyms in order to avoid problems with authorities. “And even still, each publication is followed by a visit from the prosecutor’s office or security agencies demanding that the sources of information and the real name of the journalist who wrote the material be revealed to them,” he said.

Ergasheva said that after publishing critical or analytical articles, she receives phone calls from the same agencies demanding her sources. “I am often called by high-ranking officials, who express the same demands and warn me that I will no longer receive any information from them,” she

Ergasheva said that after publishing critical or analytical articles, she receives phone calls from the same agencies demanding her sources. “I am often called by high-ranking officials, who express the same demands and warn me that I will no longer receive any information from them,” she added.

added. The Law on the Press explains how to protect sources of confidential information; there is an article, “special cases of non-disclosure of information,” with the following rule: “If a source has given information on the condition of non-disclosure of the information, the journalist may be required to disclose the source only by a decision of the court investigating the case.” Additionally, the Criminal Code has an article that contradicts the Law on the Press. It states that if a person is called as a witness, s/he is obliged to give evidence. Panelists unanimously called for the adoption of a law that protects the identity of sources.

Nuriddin Karshiboev, chair of the National Association of Independent Media of Tajikistan (NANSMIT), noted that the Committee for Language and Terminology also sends warnings to undesirable newspapers and looks for faults in the use of terminology in the state language.

The legislation on broadcasting and telecommunications, especially on licensing, remains non-democratic. The Licensing Commission, created by the government under the auspices of the State Committee for Television and Radio Broadcasting, stipulates unequal conditions for those who wish to obtain a license. As before, the Commission blocks licenses for a number of independent mass media outlets that have the opportunity to start broadcasting. The Commission is still a closed structure, headed by Asadullo Gulomov, the chair of the Committee for Television and Radio Broadcasting, with no representatives from independent media and civil society. Most applications are still pending in the Licensing Commission with no progress. The licensing process lacks transparency, and not all the applicants who want to launch radio and television outlets can freely obtain a broadcasting license. Many independent media outlets have been waiting for licenses for many years. Those who are planning to start an electronic media business must first register in the “Single Window,” where they are immediately required to present a document from the regulatory body—the State Committee for Television

and Radio Broadcasting (Comtelradio). They also have to present a list of equipment with certifications—all this even before obtaining a license.

This year, only two television channels and two radio stations in the Sughd region and one radio station in Tursunzade, near the border with Uzbekistan, received broadcasting licenses. The panelists believe that these stations received their licenses for the sake of information security—to mask out television and radio signals coming from neighboring Uzbekistan.

There are only two independent television channels—Mavchi Ozod and Kurgonteppa TV—and no private radio stations in the Khatlon region in southern Tajikistan. There are no independent television or radio stations that broadcast in Gorno-Badakhshan and the Rasht Valley (in the eastern part of the country), though candidates filed applications more than six years ago.

As for the transition of television and radio stations to digital broadcasting, the panelists pointed out that there have been many efforts to make the transition as smooth as possible; citizens’ requests regarding access to alternative sources of information were also taken into consideration. What was missed, however, is a technical point: the television system is now broadcasting via a different satellite, and many citizens in the remote regions of the country began complaining that even those with satellite dishes do not have access to Tajik television channels.

“We wanted to create a Public Radio in Khorog for the reason of information security, so that the residents of the city could listen to their own radio and not to Afghan stations, but it has already been rejected twice,” said Kurbon Alamshoev, director of the Pamir Mass Media Center in Khorog. The panelists believe that the application was rejected because Alamshoev himself is a well-known opposition journalist who used to work for Radio Liberty.

Many people applied for a license to launch a radio station in the Sughd region, but few of their bids proved successful. “Almost all of them consider radio a business, and not a creative work,” said Dodoboev. He believes that the authorities consider each additional independent television and radio station to be nothing other than a nuisance.

Nosirjon Mamurzoda, a reporter for the Tajik service of Radio Liberty in Khatlon Province, said that the nine areas bordering Afghanistan in Khatlon have expressed interest in establishing radio and television stations in Shaartuz, again for reasons of information security, as even the Tajik-speaking population watch and listen to Uzbek television and radio broadcasts. “We, a few journalists who wanted to help on this, went to local authorities, but

we were told that Khatlon is under control more so than other regions, which is the reason why the application was rejected," he said.

Private individuals from the southern Khatlon region, Gorno-Badakhshan, and central parts of the country still have not received radio and television broadcasting licenses. Over the past year, only a number of television stations in the north of the country received licenses and began broadcasting. "These measures are used by the authorities to restrict the number of electronic media outlets, which are much more difficult to control than print media, in order to establish total control over the media," said Karshiboev.

Zinatullo Ismoilov, director of the independent SMT TV, added that at the end of October 2014, the Tajik government adopted a decree: On Measures for the Implementation of Activities Aimed at Joining the WTO. "Paragraph five states that according to the government's decision, in 2015-2016 an independent regulator in the field of broadcasting shall be established; the Communications Service will be closed down and the Agency for Telecommunications shall be established instead, and the current licenses for audiovisual products canceled," said Ismoilov. According to his data, there are 29 active television channels: nine governmental, 15 independent and five cable. In addition, 31 active studios produce audiovisual products.

Anyone with some financial means may enter the media market, as well as any other type of business. Any businessperson unrelated to journalism but having sufficient financial resources can establish a newspaper or a magazine in Tajikistan. Therefore, the media market is full of inexpensive, but very popular newspapers and magazines, with crosswords and horoscopes stolen from the Russian print media. It was noted that materials published in these editions are low-quality and rife with grammatical errors.

Until 2013, tax authorities have strenuously desired all media to be subject to taxation, i.e. no matter whether they were separate legal entities or subsidiaries of other legal entities, they had to register with the tax authorities and pay taxes. But with the adoption of the new Law On the Media, those who can apply the new provisions of the law well enough have proven that a media outlet can work as a structural unit of another legal entity as, for example, three newspapers belonging to the Faraj NGO.

There used to be tax benefits for the media in the past, and newspapers were VAT-free—but such privileges expired after a five-year time period, and have not been extended, according to Niyozov, who publishes three newspapers. The licensing procedure for the print media is still complicated and non-transparent; one who wants to launch and register

any type of media must visit about four or five government departments and register as a legal entity as well.

Niyozov reported that the process of newspaper registration is confusing: if you have a Limited Liability Company (LLC), you have to register with the Ministry of Justice, whereas a commercial organization has to go through the Ministry of Culture and the tax office "Single Window." "Everything is done to complicate the registration of independent print media," he said.

The panelists pointed out that the tax burden for the media is heavy, but the same is true with other businesses. "Few media executives are able to pay 18 percent VAT and 25 percent from profits; therefore, we have to look for different ways to evade paying taxes, otherwise it makes no sense to work—since the profit of the print media drops considerably," said Niyozov.

Violations of the rights of journalists have been reported in the monthly monitoring by NANSMIT. More than 100 violations of the rights of journalists and media, 60 conflicts and charges against media and journalists, and the beating of two journalists were recorded.

When journalists get into trouble, few from civil society back them up; this even though the public otherwise value the media, often threatening officials that they will "contact the newspapers" as their last resort when they have a problem. "Only the colleagues and users of social networks, a tiny fraction of the public, express their support or rebel against violations of the freedom of speech," said Khalikjanova. The panelists believe that perhaps the media themselves bear some responsibility for the lack of civic activity in society, and that only international organizations and NGOs react to the problems of freedom of speech and the violation of the rights of journalists in Tajikistan.

"Many newspapers and other media fear backing their colleagues, preferring to remain silent and express support only on the sidelines. It is unlikely that someone would stand up if a newspaper were suddenly closed for publishing controversial material," said Ergasheva. There are ongoing psychological attacks on journalists via Facebook, which is, like other social networks, now being intensively monitored by the authorities. "All the dirt on the opposition and undesirable journalists is being poured on there," she said.

Panelists believe that the authorities themselves contribute to the fact that public opinion has been split for several years already. Some people consider free media to be of great benefit to the state and society, while others believe that the media stir up situations in society, slander the government, and are to blame for problems with the authorities or individual officials. In 2014, the so-called

“Many newspapers and other media fear backing their colleagues, preferring to remain silent and express support only on the sidelines. It is unlikely that someone would stand up if a newspaper were suddenly closed for publishing controversial material,” said Ergasheva.

“response factory” kept working, i.e., the government media continued using anonymous letters allegedly written by their readers in order to sling mud on opposition politicians, religious leaders, and the independent media. “Such materials are usually presented as ordinary citizens’ opinions and signed by invented names—mostly Russian,” said Ravshan Abdullaev, executive director of the Eurasia Foundation in Tajikistan.

When the director of the Communications Service, Beg Zuhurov, closed such social networks as Facebook, Twitter, Classmates, VKontakte—all of which have become a platform for free expression of opinions and statements of opposition politicians in the Tajik segment of the population—his decision stemmed from the marked influence of social networks in the minds of the most educated part of the population. Ismoilov added, “There is no Law On Social Media, which would reflect the interests of all segments of society, even though being a WTO member, Tajikistan must have social media.”

The panelists noticed a new trend in blocking websites in 2014: rather than blocking an entire site, its available bandwidth is reduced, and sometimes a site cannot be opened from a computer, though it can be accessed via a cell phone. Alternatively, a targeted DDOS attack on a website can be conducted, making it becomes impossible to open. The panelists pointed out that even now, in the run-up to the elections, the poorly protected servers of independent media are subject to DDOS attacks. “The online access to *Asia Plus* and *Ozodagon* is often denied because they do not have hosting services in diverse places,” said Abdullaev. Nevertheless, people have learned how to bypass such blockages.

Ismoilov added that state electronic media constantly receive assistance from the state in the form of higher wages, bonuses, municipal apartments, and plots of land.

There were eight lawsuits against journalists, two of which go back to 2013. The lawsuit of the case “Intellectuals against the *Asia Plus* newspaper and its editor Olga

Tutubalina” was filed in early July 2013. On February 25, 2014, the trial court ruled against *Asia Plus* and its editor in the lawsuit filed by five creative associations (the Academy of Sciences, the Writers’ Union, the Composers’ Union, the Artists’ Union and the Architects’ Union) and three individuals. The Court of the Firdausi district of the capital ruled that the newspaper and its editor, Olga Tutubalina, are obliged not only to publish a retraction, but also to pay TJS 30,000 (\$6,000) to the three plaintiffs. On October 28, 2013, the court of Matcha district found Mahmadyusuf Ismoilov, a journalist from the Asht district, guilty of extortion and fraud by means of misuse of an official position, and sentenced him to 11 years in prison, a three-year ban from journalism, and a TJS 5,000 (\$1,000) fine. On January 16, 2014, Ismoilov’s lawyer appealed the decision of the Sughd regional court in the Supreme Court of Tajikistan, but the appeal was rejected.

The case of a financial pyramid scheme, Qwestnet, against the journalist Orzu Isoev and Imruz radio drags on; the journalist is accused of libel and spreading deliberately false and offensive information regarding the company. In another decision, near the end of the year, the Ministry of Culture banned publication of *Nigoh*, a paper well-known for publishing sharp critical materials on many social and political issues. In November, the Ismaili Somoni District Court decided to ban further publication of materials related to the lawsuit between Tojiksodirotbank (Foreign Trade Bank) and its creditors. In another case, the owner of the market in Shaartuz district of the Khatlon region, Mukhibullo Sadulloev, sued *Samak* for failing to protect his honor, dignity, and business reputation. Niyozov also mentioned that the writer Askar Hakim is suing *Samak*, which belongs to the Faraj media corporation, for TJS 150,000 (\$30,000) after an article published in the newspaper wrote the word “intellectuals” in quotation marks.

Although Articles 135 and 136 of the Criminal Code of the Republic of Tajikistan (covering defamation and insult) were transferred to the Civil Code of the Republic of Tajikistan upon President Emomali Rahmon’s initiative, Article 137 (insulting the President of Tajikistan) and Article 330 (insulting public officials) remain enshrined in the criminal code. Therefore, decriminalization of libel is not a panacea against legal persecution of journalists. There are also problems with photos of famous people taken from open sources who then later complain about the media that published them. The panelists concluded that introducing the public figure concept into current laws would help government officials cultivate a sense of responsibility to society and greater tolerance of criticism.

Karshiboev believes that many cases could be resolved administratively through the Press Council without opening

a criminal case and going to court. “Many cases were submitted to intimidate bold opposition journalists and newspaper offices,” he said. Humiliating journalists is another tactic. “For example, an official of the regional mayor’s office insulted Ashurbi Solehov, a journalist for *Kurgan-Tube*, claiming that she was poorly dressed and demanded that she be fired from her job,” said Mamurzoda. He noted that she received apologies after a group of journalists brought the issue to the attention of the regional chief.

Referring to access to information during major political events, Pirnazarov said that the Central Election Committee’s transparency has improved since the presidential elections of 2013. “The information is presented promptly, representatives of all media are invited, special press briefings for the media are held,” he said. Yet, prominent government officials still rarely agree to be interviewed by journalists.

According to Mamurzoda and Murod Sotiev, the editor of *New Khatlon*, the regional authorities of Khatlon usually require written requests for information. “It is still impossible to receive information over the phone in the regions; the officials explain this is due to the necessity of receiving their supervisor’s permission,” said Sotiev. In other cases, officials have denied journalists entry into open court sessions, with no explanation; the security and law enforcement agencies tend to give official information primarily to the state-run media. The panelists agreed that the decisive factors in obtaining information come down to the journalist’s professionalism, diplomatic skills, and the extent of their personal connections in the government. Nevertheless, the authorities still divide the media outlets into friends and foes, giving priority to state media.

Dodobaev, who heads the press service of Sughd province, offered another perspective—noting that private or independent media are the first to request information, which gives them an advantage in the competitive market over the state-run media that tend to lag behind in presenting information to the public.

According to Alamshoev, “Whenever something happens in our area, we mostly learn about it from Dushanbe. As for events associated with the rallies against the government in May, we were forbidden from covering them, and our steps were closely monitored. It’s a shame that many of our supposedly independent colleagues spy on us for local authorities,” he said.

The President’s Office also tightened access of foreign journalists accredited in Tajikistan: as of 2012, they are no longer invited to meetings of the president with international delegations, and protocol filming has also

been banned. This year, for unexplained reasons, the Foreign Ministry denied accreditation to two journalists from Tajik Radio Liberty and the Tajik branch of IWPR.

Thanks to the Internet, access to information for journalists has improved significantly, as many official websites of ministries and departments post documents, and some have their own Facebook pages. The panelists praised the press service of the Parliament and City Hall in particular on this point.

The local media use without government interference information provided by local news agencies and newspapers, as well as information provided by international news agencies—though referencing sources is rare, and hyperlinks are not used, constituting a violation of intellectual property rights. The panelists thought that Tajikistan’s entrance to the WTO in March 2013 would have tightened the requirements for using hyperlinks and reduce the use of unlicensed materials of other agencies and newspapers.

Journalism is not subject to licensing, and one does not necessarily have to have professional education in order to become a journalist. The new Law On the Media features a clear definition of who is a journalist: “An employee of any media, who works as a staff member or by contract and is a member of the Journalists’ Union of the country,” said Karshiboev. However, the absence of accreditation for reporting some official events may be an obstacle for a journalist.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Tajikistan Objective Score: 1.57

Professional journalistic work in Tajikistan is still hindered by obstacles, mainly by limited access to various governmental sources of information. Generally, the panelists expressed their concern about the level of professionalism, which has not improved in several years. So far, most media outlets do not have their own professional photographers, nor any experts or analysts as permanent staff members. Journalists working for government media still lag behind in professionalism, compared with their colleagues from independent media outlets. “The level of professionalism of the media is very low; they are working according to obsolete Soviet standards, and their coverage of any problems is based on their own vision and emotions,” said Pirnazarov.

The panelists said that *Nigoh* and *Ozodagon* newspapers and their websites, which have become popular, do not always present a balanced view and often violate ethical standards. Ismoilov said that the media is often one-sided—



either in favor of the opposition or the government. On the other hand, not all publications, especially journalistic investigations, are examined in advance or receive legal advice, which leads to problems with individuals or judicial authorities. As an example, the Somoni District Court of Dushanbe decided that *Nigoh* must cease publishing material on the Tojiksodirotbank commercial bank. That case set a precedent regarding the freedom of information, marking the first time a Tajikistan court decided to ban media coverage.

Pirnazarov believes that not all journalists are objective in covering certain events—as seen during the election campaign. Niyozov noted that some independent journalists share the opinion that if some colleagues criticize the leaders of the opposition, it means that they are working for the state security agencies. Non-government media usually reflect the opinions of their founders and owners, and those who pay for the publications. Government media is the source of official propaganda, acting as a mouthpiece in the fight against political rivals.

The panelists pointed out that there are not enough expert and analytical comments by specialists in almost all spheres, while there are many political scientists and analysts in the country whose comments are predictable, but, nevertheless, constantly quoted in the media. Many journalists do not raise sensitive issues because they have no access to information, or to confidential sources. “Besides, not every experienced and renowned expert or analyst will share his comments with an unfamiliar journalist for fear that his words will be quoted out of context,” said Niyozov.

#### 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).

Plagiarism is another persistent problem, for both print and electronic media. “According to the law, information materials are not subject to copyright and related rights; therefore, these materials are published in other media too. But on the other hand, it is unethical to reprint someone else’s material and sign it with a different name,” said Karshiboev.

The Ethical Standards of Journalism in Tajikistan, adopted by the journalistic community on October 30, 2009, is in place to guide journalists. The ethical standards are based on well-known standards developed by international professional associations of journalists, with the specific national culture and morality also taken into account. The code has not been adopted by such major Tajik-language opposition newspapers as *Millat* and *The USSR*, as well as the Oila media group, which was one of the founders of the Media Council.

The Media Council of the Republic of Tajikistan, a public organization, includes 75 editorial boards of newspapers and media organizations. It oversees the implementation of ethical norms within journalism, receives applications from interested parties, and makes advisory decisions. Karshiboev reported that in 2014 the Media Council monitored compliance with ethical norms, and there were fewer complaints of non-compliance than in 2013.

Yet ethical standards are rarely enforced, the panelists said. Despite the fact that the Media Council should monitor the implementation of these standards, many government and independent journalists take rewards or payments for their work. “Recently, the chair of one of the cities in the Sughd region decided to encourage journalists by sending them two kilograms of meat, and instead of declining the administrator’s offer, one of the journalists complained that the meat he received was not of the quality he had expected,” said a member of the Press Council, Ismoilov. In all the regions, journalists require a fee or reward in the form of money or food for filming or reporting. The panelists also said that a clear distinction between information and advertising materials are rarely seen in any print media, another violation of the ethical standards of journalism.

The media avoid touching on topics such as the president’s family and private life, access to natural resources, corruption in the highest echelons of power, or disputed territories on the border with Uzbekistan and Kyrgyzstan. State television tries not to show emergencies, military clashes, terrorist attacks, and natural disasters in the news. Gender issues, HIV/AIDS, informal groups, sexual and religious minorities are seldom discussed in the media, as well.

As for social networks, the panelists noted that interesting information can be obtained from blogs and social networks, which actively discuss political topics relating

personally to President Rahmon and his family that are never discussed in the media. “Nonetheless, materials about financial pyramid schemes backed by high-ranking officials, attempts of illegal seizure of successful businesses, and the children of officials involved in fatal car accidents, have been published,” said Pirnazarov, and some newspapers, such as *Asia-Plus*, *Ozodagon*, *Faraj*, and *Nigoh* have recently begun publishing articles based on Facebook discussions.

Self-censorship continues to be a very serious problem for the media in Tajikistan. The editors, journalists and even owners of most media, regardless of their ownership, are highly susceptible to self-censorship. “As usual, before important political events such as elections, the authorities exert explicit and implicit pressure on the independent media, editors, and individual journalists,” said Abdullaev.

The most critical materials are being published in the Facebook and V Kontakte social networks. On the other hand, fake groups aimed at discrediting dissidents are also actively using these networks—and often resort to rude insults and threats.

According to the panelists, salaries and fees in the government-owned media have increased over the past year, but they still lag behind the level of wages in the independent media, despite rising prices for food and utilities. The average monthly salary in the state media does not exceed \$170, whereas in private media it can reach \$900. Comteleradio employees have received subsidized housing, and they are also given free plots of land in Dushanbe’s suburbs. Many journalists work for several media outlets, or work in NGOs part time, and some of them have gone to Russia, Kazakhstan, and other countries as migrant labor.

Like journalism in general, ethical standards are not always respected in investigative journalism, as journalists do not always check the facts and do not include views from all sides, resulting in problems with the authorities and the judiciary. Still, investigative journalism has developed successfully overall. Thirty investigations devoted to social issues, the history of independent Tajikistan, corruption, economics, and human rights were published in 2014. The panelists noted that this year the most daring publications, especially in the genre of investigative journalism, were devoted to such socially relevant themes as torture, corruption, unfair trials, religious freedom, and politics, and were published in the Tajik-language newspapers *Faraj* and *Samak* and the Russian-language *Asia Plus*.

Each ministry and agency, especially the security forces, maintains an internal list of information not available to the media, which complicates the work of journalists. The Ministry of Defense and the State Committee for National Security and Central Directorate of Border Control consider

“Besides, not every experienced and renowned expert or analyst will share his comments with an unfamiliar journalist for fear that his words will be quoted out of context,” said Niyozov.

their activities to be state secrets, and publish necessary information only via the governmental news agency Khovar or government television channels. Furthermore, journalists who prepare critical articles are often at risk, prompting them to refer to anonymous sources. Also, all the media sticks to the unwritten rule not to criticize their advertisers or tax authorities.

Especially in broadcast media, entertainment programs are gradually replacing news. In 2013, television advertising revenues amounted to \$16.16 million, a sum that grew to \$16.94 million in 2014. Entertainment programs consume 70 to 75 percent of airtime on government television channels, 60 percent on public radio, and more than 80 percent on private FM radio. News programs occupy no more than 25 percent of government broadcast television programming, and up to 20 percent on private television and radio channels.

Ismoilov noted that private television channels find it too expensive to produce their own programs. “To prevent my employees from moving to government channels, I have to pay them more than they would earn there, so I prefer to prepare entertainment or music programs, for which sponsors can be easily found,” he said. Younger television viewers prefer soccer, entertainment, and talk shows to analytical or news programs, the panelists said.

The panelists generally agree that the only channel to meet the requirements of the authorities and the audience alike is Bahoriston TV, where educational and cultural programs for children, designed for family viewing, prevail. Furthermore, the quality and content of the government Tajik TV broadcasts are inferior to Russian television and channels from neighboring countries such as Uzbekistan, Afghanistan, and Iran.

Concerning media equipment, the panelists believe that the media lack modern technology, although the state media is significantly better off than that the independent media in terms of newer equipment and specialized, licensed computer software. Government television and radio channels upgrade their technical platform from the state budget every year. “Currently, the non-government media find it more and more difficult to compete with government

**“This year, the Ministry of Culture presented a number of local newspapers in the Khatlon region with two computers each, but they are outdated and unproductive. Many print editions do not even have access to e-mail and the Internet yet,” said Mamurzoda.**

publications, which leads to a gradual degradation of journalism in Tajikistan in general,” said Abdullaev.

Many print media journalists in Dushanbe purchase computers, smart phones, cameras, and other equipment needed for the job at their own expense; print media also commonly accept Internet and mobile communications equipment from companies in exchange for advertising. The situation is even worse in the regions: “Unfortunately, the equipment used by the journalists in the regions is outdated and cheap, and frequently breaks, hindering job efficiency,” said Sotiev. “This year, the Ministry of Culture presented a number of local newspapers in the Khatlon region with two computers each, but they are outdated and unproductive. Many print editions do not even have access to e-mail and the Internet yet,” said Mamurzoda.

Due to the lack of technical equipment, and the fact that no news agency works around the clock, information is often delayed.

The country still lacks high-quality specialized media, except for some glossy magazines devoted to advertising and recruitment, which are stuffed with puff pieces about successful businessmen. “The reason for this situation lies in the limited financial resources of these publications, their founders’ reluctance to invest in a new business, as well as the narrow-mindedness and lack of training of journalists,” said Karshiboev. In addition, few specialized training programs for journalists exist, and it is very difficult to obtain specific information from government agencies. “Journalists specializing in economics do not have enough access to data for qualitative economic analysis,” said Ergasheva. Niyozov also commented, “Many journalists do not distinguish between investigative journalism and the work of a private investigator. I have been repeatedly warned by the Prosecutor General’s Office that journalists behave as investigators. It also reflects poorly on the profession that investigative journalism becomes a kind of business and journalists receive money from customers.”

Still, the number of versatile Tajik journalists in the media has slightly increased over the past year; many of them snap photos on their smartphones and record their own video at press conferences. The panelists said that employers force journalists to use multimedia, but do not pay them for the additional skills.

In sum, members of the state media lag far behind those in the independent (private) media in terms of professionalism, ethics, pluralism, timeliness. This problem is rooted primarily in the state media’s management system, some panelists believe.

### OBJECTIVE 3: PLURALITY OF NEWS

Tajikistan Objective Score: 1.88

There are many information sources in Tajikistan, providing consumers with broad choices, but the government media fails to meet standards of public access to objective and timely information. Nevertheless, in most cases, government media has greater impact on the public due to a wider broadcast footprint and broader circulation of its print media.

There is still only one daily, *Imruz News*, in Tajikistan. The only newspaper in Russian, *Asia Plus* is published twice a week, on Mondays and Thursdays. The total circulation of all newspapers published in the country does not exceed about 190,000 copies—and due to rising prices for paper, plates, and printing services, even the most popular newspapers reduce their circulation every year. Despite that, in the

### 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.

capital, according to the panelists, the number of newspaper customers is increasing.

Niyozov said that the total circulation of his newspapers *Faraj* and *Samak*, is up to 16,000 copies. "But when very interesting material or investigations are published, circulation increases, and we even have to print additional copies," he said.

According to the Press Department of the Ministry of Culture, 65 government newspapers, with total circulation not exceeding 1,000 copies, are regularly published in the regions. Due to technical and financial difficulties, most of them come out irregularly, once or twice a month. "All the regional press is financed from local budgets, and they have no other source of income," said Sotiev.

Regional government newspapers that remain profitable include *Dieri Tursunzoda* (in Tursunzade, sponsored by the Talco Aluminum Plant) with a circulation of 4,000 copies, *Haqiqat Sughd*, from Sughd Province, and *Kulyab Pravda*, with a circulation of 3,500 to 4,500 copies. All government publications, including regional ones, enforce compulsory subscription at workplaces and educational institutions.

There are currently 13 independent television stations in Tajikistan, nine of which are in the Sughd Region, two in the Khatlon Region, one in the city of Tursunzade, and one in Dushanbe. The television stations in the Sughd Region are the best in terms of their equipment and financial situation.

Increasingly, though, online sources have crowded out other sources of information, and the urban population increasingly turns to the Internet for news. Most government websites, however, provide little information or are rarely updated.

The Tajik public now actively participates in social networks, especially Facebook and Twitter. The Tajik segment of Facebook features free discussions and political debates, though some posts and caricatures of the president, his family, and senior government officials are deemed offensive. According to the latest data, more than 52,000 users from Tajikistan are registered on Facebook, and more than a million Tajiks a day visit various international networks. "Internet blogs and social networks have become the most popular platforms for journalists, politicians, and other members of civil society to express alternative views," said Abdullaev. Dodobaev added, "In Sughd, social networks are a primary source for the local newspapers and television channels." The presidential press service also has its own YouTube channel, where video content is constantly updated, and many officials use Facebook to interact with the public. The panelists noted that the second most powerful person in the country, the mayor of Dushanbe Mahmadsaid Ubaydullaev, actively participates on Facebook as well. "He promptly responds to all requests by Dushanbe

residents regarding power cuts, water supply, and legal issues," said Pirnazarov.

However, Facebook is monitored. Ergasheva reported that the Agency for Language and Terminology criticized material written by *Asia Plus* correspondent Igor Lekarkin, in which he cited the opinion of a Facebook user that the Tajik language is dying because it is used by a limited number of people. "As a result, the agency sent a letter to the editor and the prosecutor general, and in the best case scenario the author may face expulsion from graduate school—and he has also been placed under surveillance," she said.

News distribution via SMS is very rare in Tajikistan, though some readers use it to inform newspapers and news agencies of interesting events in the city, emergency situations, and share information about power cuts.

The panelists agreed that modern consumers have broad choices—they can read newspapers and magazines, listen to FM-radio, watch television, or get the latest information from the Internet. *Asia Plus*, Radio Liberty, Avesta agency, Ozodagon newspapers and websites all have mobile applications now as well. However, just one phone call or SMS from the authorities can block access to Internet resources or prohibit the publication of an undesirable newspaper. Internet service providers that do not comply with the Communications Service instructions on blocking websites usually start experiencing technical problems. The Communications Service has even undertaken attempts to block the broadcasting of satellite channels.

Although formally the decision about blocking a website or social network can only be made by courts, such obstructions occur regularly. In 2014, the popular social networks Facebook, Classmates, VKontakte, and YouTube were blocked four times; in addition, access was blocked to more than 200 socio-political, information, and music sites. Still, despite hard pressure from the authorities and self-censorship, the number of publications representing viewpoints of all sides, including the opposition, is growing online.

Access to international news is mostly open in Tajikistan, and alternative information from abroad can be obtained from satellite and cable television. "Now even rural families in remote areas of the country have a satellite dish and a receiver, so they watch what they want, whether it is Iranian, Uzbek, or Afghan television channels," said Dikaev. There are some obstacles to access, however, including a limit on the electrical supply in some regions of Tajikistan from mid-October to mid-March, and the price of Internet services, ranging from \$20 to \$60—quite high in comparison to the average income. Since 2012, the authorities have restricted access or even completely blocked regional

**“Internet blogs and social networks have become the most popular platforms for journalists, politicians, and other members of civil society to express alternative views,” said Abdullaev.**

websites that publish sensitive information about Tajikistan, such as Fergana.ru, Centrasia.ru, toptj.com, Arianastorm.com, mahalla.org, lenta.ru, mk.ru.

Other obstacles include cost, especially for those who live in remote regions where the price of newspapers was increased several times during the year and grew by 15 percent overall in 2014, with the average price of a single issue being raised to \$0.50 or \$0.60. As before, poor people share newspapers, and often receive outdated information.

According to the panelists, more than 25 percent of Tajikistan’s population has Internet access. The Internet is becoming more and more accessible in big cities, but not in the regions plagued by electrical disruptions. Also, the monthly cost of Internet access, which varies depending on the provider and mobile phone operator, is beyond the financial reach of most citizens. The price of Internet service providers and mobile phone operators has grown after the introduction of a three percent VAT, which is borne by consumers.

The panelists believe that the state media today does not serve the public, but acts as a mouthpiece for the authorities. As before, representatives of the opposition are deprived of the podium in all state media, as demonstrated during preparations for the elections to the lower house of the parliament. During official speeches and the president’s visits, all four government television channels disrupt programming and show nothing but the head of state. Viewers inside the country often refer to the government television channels as “Philharmonic Society;” “Concert hall;” “Ever-lasting holiday screen;” and “our television pharmacy.”

According to Dikaev, a reporter for *Asia Plus*, all government media are modeled on the classic concept of press and journalism. “They are the organs of government structures at all levels that ensure the propaganda of the authorities, and not journalism in a professional sense of the word,” he said. The panelists said that government media have no problems in selecting their sources of information, as everything is determined by the editor-in-chief, that is, the model is the same as in government offices.

Ismoilov said that upon the request of the Committee for TV and Radio Broadcasting, he teaches the basics of television coverage to uncertified television journalists of government television. “When I tell them about the balancing of opinions and the necessity to use multiple sources of opinions, it sounds strange and incomprehensible to them,” he said.

Private channels cover a wider range of topics, with more professional presentation. Independent television stations are supported by Internews exchange news and other programs by a special ftp server. Currently, almost all the newspapers reprint news from the world’s leading news agencies for free, and news supplied by local news agencies for a symbolic fee.

Fifteen news agencies are registered in Tajikistan, but only Asia Plus, Avesta, TOJNEWS, ruzgor.tj, pressa.tj, ozodagon.com, tajikta.tj, tojnews.tj, faraj.tj and the government Khovar are particularly active. Asia Plus is considered the leading agency. All news agencies are affiliated with media corporations: Asia Plus is a corporation in itself, Pressa.tj belongs to the Oila corporation, Ozodagon is affiliated with the newspaper bearing the same name, and Avesta and tajikta.tj are tied to *Business and Politics*. Due to limited financial resources, news agencies have started to work as distributors of press releases. They also publish articles clearly commissioned by their customers and present promotional materials as important news events.

All four government television channels broadcast local information provided only by the state Khovar news agency, but fragments from Russian news channels, Euronews, BBC, CNN, and Al Jazeera are also used in preparation of foreign news blocks.

The panelists pointed out that consumers of information, other than journalists, do not really care about the owners of media outlets. “The reader is mainly concerned with the quality and content of the media, rather than its ownership,” said Khalikjanova. By law, a foreign citizen is not allowed to be a founder or owner of a media outlet, but the panelists doubt that there is no foreign capital in some media. “For example, all the editors know that *Millat* was funded by the Iranian Foundation named after Imam Khomeini,” said Niyozov. Officially, though, foreign capital is only present in the media in the form of grants and technical assistance provided by international donor organizations.

The amount of media in national minority languages has not increased in 2014: 20 newspapers are published in the Uzbek and Kyrgyz languages. *Halk Ovozi* is a newspaper in Uzbek published by the Tajik government; *Zamondosh*, *Ustoz*, *Skanvordlar*, and about 10 other newspapers and magazines in Uzbek are published in Dushanbe; while *Dustlik* is printed



in the Khatlon Region and *Hakikati Sughd* and *Kadriet* are published in the Sughd Region. Also, one to two pages of regional newspapers in the Sughd and Khatlon regions are published in the Uzbek language. *Kulyabskaya Pravda* in the city of Kulyab and *New Khatlon* in Kurgan-Tube are published in Russian. The Kyrgyz-language *Sarikol* newspaper is published in the Murghab district, and 1.5 pages of the local *Paëmi Dzhirgatal* in the Jirgatal area are also printed in Kyrgyz.

“There was a very interesting *Dishidak* newspaper in the Shugni language, but it was closed after just 10 issues; a Russian-language page in the Badakhshon regional newspaper was also closed,” said Alamshoev. Minorities do not buy or read newspapers and magazines in the Tajik language, preferring publications in Russian.

Issues related to national minorities are covered very rarely and in short articles; most such materials focus on the problems of the Pamiri—a national minority in southern Tajikistan—and eastern Roma (Lyuli) that live in the west of the country. Until now, the interests of national minorities have not been represented in the parliament or in the government.

The Shabakai Yakum channels of the government television and national radio allot 15-minute news programs in the Uzbek language, broadcast five times a week in the evening. There is also daily news in Uzbek, Arabic, and English on the Jahonnamo national news channel.

According to the panelists, national minority media is absolutely free and can develop without any limitations in Tajikistan, though the mandatory knowledge of the state (Tajik) language has lately become an obstacle for all categories of civil servants and members of the two houses of the parliament. “Neither Russians, nor Uzbeks, nor Kyrgyz have been allowed to the higher echelons of power and the parliament for more than 10 years. All the appointments are made on a regional basis or depend on proximity to the head of state,” said Khalikjanova.

The panelists noted that the level of interregional information exchange is still low. “People in Dushanbe are often unaware of what is going on in the cities and villages of central Tajikistan, just a few kilometers away, because no news agency has reporters there,” said Karshiboev.

So far, neither government nor independent print and electronic media post correspondents abroad or in the central and eastern parts of the country. The only exceptions are *Asia Plus* with reporters in Washington, Moscow, and London, and the Khovar state-owned agency with correspondents in Moscow and Ankara.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Tajikistan Objective Score: 1.21

The mass media in Tajikistan produce content that satisfies the demands of diverse consumers. However, legal and bureaucratic obstacles and high taxes hamper the successful development of the media as a business, along with growing scrutiny from fiscal and other regulatory bodies, which often visit media outlets for non-sanctioned inspections. The panelists pointed out that these inspections are particularly frequent after the publication of material that is critical of the government. Additionally, after the fall of the ruble, newspaper prices rose, making it even more difficult for the media to survive.

The panelists noted that the success of independent media depends on their relationship with advertisers and assistance from international donor organizations. Many newspapers often overstate their circulation numbers in order to attract advertisers or exert pressure on competitors. For many outlets, the head of staff or the owner of the outlet makes all management decisions. Institutionally, many media outlets have not grown and do not aspire to do so.

Independent media outlets in Tajikistan are managed in a haphazard manner. Preparation of business plans, conducting marketing research, and planning capital investments—so far, all this is a vision of the future. “Although some broadcasters in the Sughd Region do make business plans, it seldom helps and is rather risky in an economically unstable country,” said Dodobaev.

### 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.

Abdullayev believes that the print media are no longer sustainable. "It is not interesting to read newspapers; except for *Asia Plus* and *Faraj*, the quality of materials has declined, and other newspapers publish nothing worth reading. This was especially true last year," he said.

Some editors have made attempts to work according to a business plan, in association with marketing experts. However, Niyozov said, "I do not consider the work of the local media sustainable and efficient, as lately almost all the newspapers are on the verge of bankruptcy, since no one can survive without grants from international organizations or sponsored and PR articles. Advertisers simply give money to *Faraj* for not being advertised. Nobody wants to be advertised in the opposition press." He said that *Faraj* does not have any business plan, but "we are still profitable because we often have to print additional copies each time an interesting article or a sensational journalistic investigation is published in our newspaper."

According to the panelists, government media, fully financed from the state budget, do not particularly need any business plans, capital investment planning, and market research, as their editorial boards are an integral part of government agencies. Furthermore, they have a constant source of budget replenishment: compulsory subscriptions by state-owned institutions, companies, schools and universities, as well as advertisements and paid announcements of government agencies, banks, and commercial structures connected with the authorities.

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In state institutions, subscriptions are usually paid for from the budget. For example, the paper of the ruling People's Democratic Party, *Minbari Halk*, has a circulation of 49,000 with about 45,000 subscribers; the governmental newspaper *Sadoi Mardum* has a circulation of 25,000 and 20,000 subscribers, and the parliamentary *Jumhuriyat* has a circulation of 40,000 and 35,000 subscribers. Yet all these

print media count the increase in circulation and sales as evidence of their popularity.

The *Minbari Halk* earns TJS 3 million (about \$600,000) from annual subscriptions, but these funds go directly to the People's Democratic Party, the owner. The popular independent socio-political—but opposition—newspapers *Faraj* and *Samak* have only 1,500 subscribers (although as noted above its total circulation is higher). A newspaper can survive and be profitable only if its circulation exceeds 5,000 copies.

Other income sources for some independent media outlets include production studios, printing plants, special events, investigations, production of clips and advertising, public relations materials, grant support, congratulations through content providers, and sale of photos and video content. *Asia Plus Media Corporation* is successfully implementing a subscription platform to its analytical materials, press reviews, archived materials, photos, and video content. In addition to its newspaper, it also has a news agency, a production studio, a radio station, and a glossy magazine.

The *Oila* media corporation has two newspapers, a news agency, two printing plants (*Oila* and *Mega*), *Oila* radio and television in the northern city *Pendjikent*, and an advertising agency. The *Charkhi Gardun* media corporation even has a restaurant in addition to its three newspapers.

Since 2003, Tajikistan's Law on Advertising has regulated media advertising, differentiating in its approach to government and non-government media. The advertising market in Tajikistan is very small, and the media are fighting for advertisements, though only a few media outlets tap advertising as a source.

Advertising placed by government agencies is only published in the government press, radio, and television channels. The state-owned *Safina TV* has a lot of advertisements, mostly devoted to medications and health and beauty products—earning the public labels "our television pharmacy" or "our television ambulance." *Ergasheva* reported that as all advertising is placed in the government channels, it lowers advertising prices, thereby depriving independent television stations of advertising as a stable source of income.

For the independent media, international organizations and non-profit organizations supply much of the advertising. But according to *Pirnazarov*, "The distribution of advertisements received from international development agencies among media outlets is often conducted according to a corrupt model." Experts pointed out that the entire advertising market is concentrated on television, where the system of advertising revenue distribution is opaque. According to official figures, the 2014 advertising

market amounted to \$12.5 million; the market lost over \$1 million in potential ads from mobile phone companies, which are informally forbidden.

The law stipulates that the amount of advertising shall not exceed 25 to 30 percent of the volume of state-owned print media and 40 percent of the non-governmental press, but not all media adhere to this rule. The duration of advertising material should not exceed 10 percent of the daily volume of broadcasting for state-owned electronic media, and no more than 30 percent for non-governmental media.

Although it is the main source of media income in other countries, advertising in Tajikistan is still barely developed. "A lot of commercials are nothing more than copies of Russian, Turkish, or Iranian advertisements translated into the Tajik language," said Khalikjanova.

When customers choose where to advertise, they mainly look at the media's rating or the number of visits to the website. According to research conducted by NANSMIT, pharmaceuticals are the largest advertisers, followed by providers of Internet services, home appliances, and mobile operators. The only governmental enterprise to advertise in the media is the Tajik Aluminum Company (Talco).

Most advertisers prefer to publish their advertisements in and establish cooperation with the most popular media, with the largest circulation. All four channels of the state television, as well as Oila, Charkhi Gardun and Orieno Media corporations, Vatan radio, Asia Plus and Khovar have their own advertising departments. Tajik media usually work directly with advertisers, not through agencies. "There are no advertising agencies in the regions of Tajikistan, except for the Sughd region; there's only ready-made outdoor advertising on banners and displays brought from Dushanbe," added Dikaev.

Advertising plays an important role in the revenue of electronic media. "Broadcasting companies in the Sughd region receive more than 65 percent of their income from advertising," Dodobaev said. Despite the fact that most regional media are not profitable, in the Sughd region media such as Tiroz, TRC Asia, and CM-1 yield a good return due to advertising and announcements as well as commercial and public relations programs. "Advertising takes up 12 to 14 pages out of 32 in *Asia Plus*, and its cost is the highest in the country—up to \$650 per column," said Dikaev.

Independent or private print media do not receive funding from the state, even though the new law on the media stipulates that the state guarantees them support; although in recent years, non-regional television stations and print media began to receive subsidies from the budgets of local governments. Most independent media subsist either on

grants, (which have significantly decreased due to the global financial crisis), or on the financial means of their founders.

Just one large financial group in Tajikistan—Orien International (Orienbank's subsidiary)—has its own media business, with two private radio stations, a daily newspaper, a monthly business magazine and an advertising department. "There is also a media mogul, Umed Sattorov, whom few people beside print media editors know, but who has eight newspapers. He is the owner of two printing plants that print 28 newspapers as well as invitations, greeting cards, business cards, the *Karavan-Megapolis* newspaper and *Dilkusho* magazine—with a total circulation of over 25,000 copies," said Niyozov.

The panelists pointed out that local advertisers still prefer television and radio, considered more accessible than other media and newspapers. However, the well-known foreign brands prefer to advertise on banners and displays. In the regions, outdoor advertising is mostly used. There is also a booming market of SMS advertisements, announcements, and congratulations sent by mobile phone companies.

Many online media constantly survey their readers on various socio-political, economic, and social issues. However, the panelists said that formal market research has become a luxury. "There are research centers that rank media image, but the confidence in these organizations' competence is low because their studies are often sponsored by interested parties," said Pirnazarov. For example, according to the results of one market research study, Asia Plus was called the most popular radio in Kulob, though it turned out that this radio station is not even broadcast there.

Some websites do not count the number of visitors but the number of page views, though there are counters of unique visits that capture the visitor by the IP-address. Karshiboev proposed to establish an independent commission for counting newspaper circulation and unique visits to websites for the sake of fair competition.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Tajikistan Objective Score: 1.64

There are no trade associations in the media, except for the Association of Broadcasters and Producers of Audiovisual Products, which was founded in 2012. Headed by panelist Ismoilov, it counts as members 18 television and radio broadcasters and production studios. The goal of this association is to protect the interests of private electronic media and production studios. The issue of the formation of the Association of Media Owners and of the Media Editors'

Club has not been resolved yet, because of disagreements between the owners of newspapers and other media. No media corporations or media outlets belong to the Association of Business Entrepreneurs and the Association of Small and Medium Business of Tajikistan.

Also, there are 13 journalistic associations and foundations and one creative alliance that are registered in Tajikistan. The panelists believe that they play a major role in the development of mass media, mainly in terms of offering educational seminars and trainings and defending the rights of journalists and freedom of speech. However, they face resistance from law enforcement authorities and the judiciary. According to their statutes, all media organizations should be engaged in the protection of the freedom of speech and media independence. "We are fighting to improve access to information, but neither officials nor many journalists are mature enough in legal aspects in order to know and understand the need for free access to information," said Karshiboev.

The panelists largely view NANSMIT as the most prominent among the professional media associations in protecting the rights of journalists, promptly responding to any problems with the media and monitoring the violations of journalists' rights. Ismoilov noted that NANSMIT provided legal advice and assistance to Olga Tutubalina, a journalist of the Nigoh newspaper *Kamari Ahrorov*, and Imruz News radio journalist Orzu Isoev in the past year, as well as Kamari Ahrorov and Mahmadyusuf Ismoilov. The organization also conducts annual monitoring of violations of journalists' rights, freedom of expression and access to information. In

2014, NANSMIT was repeatedly subjected to DDOS attacks, after which their website was offline on several occasions. As a result of the DDOS attacks, most archived files were damaged. "We are still closely monitored by the security services," said Karshiboev.

The Union of Journalists, which has more than 2,000 members, exercises far more independence from the authorities than in previous years, even though its head was appointed from above. The panelists believe the more journalists' organizations, clubs and associations that exist in the country the better it is for the development of freedom of speech and for solving the problems faced by the media.

There has been progress on the issue of founding the Union of Media Workers. A primarily territorial organization of the Trade Union of Media Workers has already been established in Kurgan-Tube, and they decided that they would work with the Department of Trade Unions of the Khatlon region as a separate union. "We do not divide the media into public and private, they can join a common union," said Karshiboev. He reported that negotiations regarding the establishment of the Trade Union of Media Workers are being conducted in the Dushanbe and Sughd regions.

Associations subsist on membership dues; they write projects in order to increase efficiency and receive grant support. Now they are trying to integrate with similar international associations, but so far in vain. The panelists agreed that no professional association of journalists can work effectively just with membership fees.

In addition, the Press Council, the Center for Investigative Journalism, and the Professional Journalists' Club in the Sughd region are actively involved in the protection of the rights of journalists and support the development of the media. "There are 10 independent electronic media in Sughd; almost all of them produce news programs and need legal assistance from these associations, which always come to their rescue," said Dodobaev. He highlighted the Journalists' Club in the Sughd region, which operates under the auspices of NANSMIT, in particular. "Any urgent problems can be discussed there, and officials are also invited there. Our journalists do not face their problems alone," said Dodobaev.

Currently, 17 local NGOs in Tajikistan support the media to some extent. Although sometimes appearing weak, Khalikjanova stated, "Nevertheless, there have been times when journalists and local human rights NGOs and international organizations united in their efforts, and the authorities listened to the campaign for the protection of the rights of journalists." The panelists noted the progress in mutual support within the journalistic community this year, when the government increased pressure on the opposition

#### 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.

media, for instance, during the trials of the chief editor of Asia Plus. Additionally, all media associations expressed solidarity in the face of fierce pressure from the authorities during the election campaign and blockage of the Facebook social networking website.

The cooperation of local NGOs with international organizations defending the freedom of speech can be seen in the implementation of joint activities and events. The panelists noted the cooperation with the OSCE, the U.S. and British embassies, Friedrich Ebert Foundation, the Embassy of Finland, and U.S.-based National Endowment for Democracy. NANSMIT works closely with Amnesty International, Reporters without Borders, and the OSCE Office of the Representative on Freedom of the Media. The Bureau of Human Rights and the Independent Center for the Protection of Human Rights also try to assist the media. Karshiboev noted, however, that the government's refusal to cooperate with media associations hinders the development of independent media and the freedom of speech.

The panelists mentioned that the level of journalism education at universities is still very low. "First of all, we need teachers-practitioners. We have to provide the departments of journalism with knowledgeable teachers who are able to work in any genre," said Abdullaev. Those who graduate from the faculties of journalism at universities are not ready to work in the profession. "First and foremost, it is necessary to reduce the number of students accepted to the schools of journalism," said Ergasheva. The panelists noted that it is necessary to prepare personnel that are able to work in any media edition right after graduation from the university. Niyozov said that he trains his employees himself. "All 12 employees of my two newspapers are my students, though only two of them graduated as journalists while the rest graduated as linguists, historians, and philosophers," he said.

There is no specialization in the universities that train journalists, apart from the Russian-Tajik Slavic University. A long-term problem in the training of journalists is rooted in the lack of practicing teachers, outdated software, and a shortage of technical resources at universities. The curricula of the institutions of higher education are outdated and do not meet modern requirements.

In the 2014 academic year, the Khujand State University journalism department opened an educational television and radio studio where students are trained by the professional staff of both government and independent television channels. Until recently, the faculties of journalism of the Tajik National University, Khorog State University, and a number of state universities barred students from interning with independent media.

**"First and foremost, it is necessary to reduce the number of students accepted to the schools of journalism," said Ergasheva.**

Students can study journalism abroad, in various programs in the United States, Germany, Czech Republic, Iran, China, and Turkey, only privately. The quota of the Ministry of Education and Science allows students to study only in the CIS countries—Russia, Belarus, Kazakhstan, and Ukraine. However, lately, studying in other countries is allowed for the professions needing further work for the economic development of Tajikistan. Journalism students who graduate from foreign universities tend not to come back to Tajikistan; if they do return, they try to find a public relations job with international organizations.

Approximately 300 journalists a year graduate from the eight institutions of higher education. In 2014, a Department of Sports Journalism was established at the Institute of Physical Education. The panelists pointed out that fewer than 20 percent of graduates started working in journalism in Tajikistan, since most graduates become labor migrants and many women, who marry after graduation, are not allowed by their husbands to work in the profession. And yet, the majority of journalists in Tajikistan—more than 70 percent—are women.

The panelists noted that in 2014, NANSMIT and IWPR conducted many useful short-term training courses devoted to the safety of journalists' work, investigative journalism, journalism work in emergencies, and digital security. "It is nice that these organizations, along with Dushanbe, direct their efforts to media education in the regions, going there in order to solve the problems of institutional development on the spot," said Karshiboev. The panelists especially stressed the role of NANSMIT in conducting trainings and conferences related to the protection of human rights and the legal security of journalists. "Particular attention should now be paid to preparing multimedia journalists as this is the imperative of modern times," said Karshiboev.

Panelists believe that it is necessary to found a Center of Excellence for Journalists or an Academy for Professional Development of Journalists aimed at the systematic coordination of all educational and training programs of local and international organizations. The panelists noted that the Tajik media is also in dire need of multi-level training programs for preparing analysts on economic, political, and legal education issues, with subsequent interactive communication with their coaches and internship



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with colleagues working in other countries, especially in Kazakhstan and Kyrgyzstan.

The panelists said that it is also very difficult to attract journalists from the state media to seminars and training sessions, because editors of these media are still reluctant to adopt innovations and international standards of journalism. On-the-job training and retraining is given only to the staff of the Asia Plus media group, which has its own Independent School of 21st Century Journalism, and the newspaper *Faraj*.

The panelists noted that though there are many private printing plants, access is restricted, as this type of business is politicized and depends on the authorities. "The Sharki Ozod complex, which prints up to 80 percent of newspapers and magazines, prints government media first, and then the independent newspapers, whose publishers pay more," said Niyozov. Ultimately, there will be no freedom of speech in Tajikistan until at least one independent publishing house is established under the auspices of one of the international organizations—on that point, the panelists were unanimous. "All private printing plants are controlled by the authorities, and if one of them refuses to print a certain newspaper, the others will not print it either," said Karshiboev. "Despite the fact that there are more than 70 publishing houses in Dushanbe, none of them will print a paper without the permission of the president," said Niyozov. The Ministry of Culture's ban on the publication of two issues of *Nigoh*, illustrated the problem. The business of newsprint and other components for printing newspapers is also monopolized by only three or four businessmen, including the owner of the Oila media corporation Sharif Hamdampur, who is close to the authorities and lobbies higher prices.

Regarding the quality of printing in private printing plants of Dushanbe, Niyozov mentioned Megatrend, Mushfiki and Intishor, owned by the director of the Sharki Ozod complex, whose motto is "Quality at an affordable price." Newsprint and plates in Tajikistan are supplied by the government printing plant Sharki Ozod, and three or four other businessmen who control the pricing policy. Prices for services in the private printing plants Mushfiki and Megatrend are 10-15 percent higher than in Sharki Ozod. There are 78 printing plants in Tajikistan now, including 65 in Dushanbe. Also, 13 more printing plants are available in the regions: six in Khujand, two in Istravshan, one in Kurgan-Tube, one in Khorog, one in Yavan, one in Kulyab, and one in Tursunzade. All panelists believe facilities for printing independent media should be established in Dushanbe and the regional centers—Khujand, Kurgan-Tube and Khorog; otherwise, the development of freedom of speech will remain a problem.

The panelists claim that the lack of an efficient system of print media distribution prevents access to information in the remote regions of the country. "There is no system of centralized delivery; sometimes independent newspapers are even brought by passing cars. Government media can be distributed quickly; the editors themselves go to the regions. But newspapers are delivered only once a month, in big packs that no one needs anymore," said Alamshoev. Furthermore, said Alamshoev, "Channels of print media distribution are politically loaded. Kiosks that belong to Tajikmatbuot (Tajikprint) rarely sell independent opposition newspapers, and if a critical article is published there, the authorities may simply confiscate the entire issue."

Independent newspapers are only sold by public distributors—usually, elderly women and men past retirement age, who sell newspapers in order to supplement their meager retirement pay. The Association of Media Distributors, which was founded in 2012 with the support of the OSCE, has not begun operating yet, since editors and media moguls failed to come to an agreement on who would head it. According to the project, this Association was supposed to install 50 specially made modern newsstands in Dushanbe and its suburbs.

Not all independent television and radio stations have their own transmitters, and even if they do, the transmitters are not new and their capacity is quite low—up to 1.5 kilowatts. "As long as radio and television transmitters as well as publishing houses are not included in the list of strategic objects and are not provided for with an uninterrupted electricity supply, the problems for the regional and independent media will remain severe," said Karshiboev. Almost all the transmitters belong to Tadjhikteleradiocom and are located within its territories, so broadcasts may be terminated at any moment due to any alleged technical problems. Once the transition to digital broadcasting is complete, the multiplex package will belong to the government, which means they will be able to disable any channel at any time. "Independent channels are being urged to join this multiplex, but this means total control, and any debt would result in disconnection," said Dodobaev.

The four government television channels fully switched to digital broadcasting in 2014, but watching them requires purchasing a multiplex package costing more than \$150, which is too expensive for many citizens.

The Internet is, in fact, also controlled by the state, which tries to limit access to alternative sources of information. More than 200 websites are currently blocked in Tajikistan; there are attempts of hacking into user accounts in e-mail and such social networks as Facebook, Classmates, and Twitter, as well as wiretapping cell phones and Skype

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conversations of opposition politicians and journalists. In October 2014, Internet and mobile communications were disabled without any explanation in the entire Sughd region for a week, and in Badakhshan for three days. The government has not blocked blogs yet, but it does monitor them: bloggers reported difficulties accessing their own pages on the Wordpress.com platform.

Mobile networks are used for Internet access and receiving SMS advertising. Reliability is not guaranteed: when the electrical supply is shut down 3G and 4G service also ceases to work.

## List of Panel Participants

**Ravshan Abdullaev**, executive director, Eurasia Foundation in Tajikistan, Dushanbe

**Kurbon Alamshoev**, director, Pamir Mass Media Center, Khorog

**Mahmudjon Dodobaev**, chief, Information and Analytical Department for the Sughd regional administration, Khujand

**Turko Dikaev**, staff correspondent, Kulyab region, *Asia-Plus*, Kulyab

**Zinatullo Ismoilov**, director, SMT TV, Dushanbe

**Nuriddin Karshiboev**, chair, National Association of Independent Media of Tajikistan; chief, Press Council, Dushanbe

**Nosirjon Mamurzoda**, reporter, Radio Liberty, Khatlon Province

**Negmatullo Mirsaidov**, editor-in-chief, *Varorud*, Khujand

**Khurshed Niyozov**, director, Center for Investigative Journalism; editor-in-chief, *Faraj*, Dushanbe

**Nazarali Pirnazarov**, reporter, ca-news.org, Dushanbe

**Murod Sotiev**, editor, *New Khatlon*, Kurgan-Tube

**Lola Khalikjanova**, editor-in-chief, Institute for War and Peace Reporting, Dushanbe

**Zarina Ergasheva**, media expert, Center for Human Rights, Dushanbe

## Moderator and Author

**Lidiya Isamova**, correspondent, RIA Novosti, Tajikistan

*The panel discussion was convened on December 13, 2014.*

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*In 2014, London-based Privacy International reported that Turkmenistan and other Central Asian governments had purchased sophisticated Western surveillance technology to monitor the work of activists and journalists living both inside the country and abroad.*



# TURKMENISTAN

Turkmenistan President Gurbanguly Berdymukhammedov sent mixed messages to the international community in 2014 about his country's pursuit of democratic governance. Specifically, Berdymukhammedov stated that he wanted the Turkmen constitution to be revised to meet international standards, with the creation of a human-rights ombudsman post that would provide better legal protection for citizens. He also promised absolute media freedom in 2013 by passing the country's first media law since it gained independence in 1991. However, the Turkmen government continued to restrict its citizens' freedom of movement, expression, and belief. Various international watchdog organizations continue to label Turkmenistan as "the most corrupt nation" (Transparency International), "the most repressed" (Heritage Foundation), and "the least free" (Reporters without Borders). In 2014, the U.S. State Department listed Turkmenistan among the countries of particular concern due to its egregious human-rights record, particularly with regard to religious freedom.

President Berdymukhammedov is currently serving his second five-year term after being re-elected in February 2012. Since becoming president, he has purportedly improved the living standard of some Turkmenistan citizens and has worked to modernize the country. Despite the country's substantial wealth due to gas and oil reserves, it continues to face high unemployment. Turkmenistan currently sells gas to China and Iran and is part of the proposed Turkmenistan-Afghanistan-Pakistan-India natural gas pipeline (TAPI) project, funded by the Asian Development Bank and set to be completed in 2017.

Turkmenistan's authorities continue to maintain absolute control over mass media outlets throughout the country. In 2014, London-based Privacy International reported that Turkmenistan and other Central Asian governments had purchased sophisticated Western surveillance technology to monitor the work of activists and journalists living both inside the country and abroad. As discussed in previous MSI reports, Turkmenistan continues to monitor Internet activity, including Skype conversations and chats. Social networking tools, such as Facebook and Twitter, remained blocked in 2014, as did Gmail.

In terms of MSI scores, Turkmenistan remains among the worst as far as the media's ability to inform the public with useful and relevant information. Four of the five objective scores do not exceed three-tenths of a point (0.30) on a scale of 0 to 4. The exception, Objective 2, scored 0.49 because of the quality and modernity of Turkmenistan's media equipment and facilities.

*IREX did not conduct an in-country panel discussion because of Turkmenistan's repressive environment. This chapter represents desk research, interviews, and the result of questionnaires filled out by several people familiar with the state of media in the country.*

# TURKMENISTAN at a glance

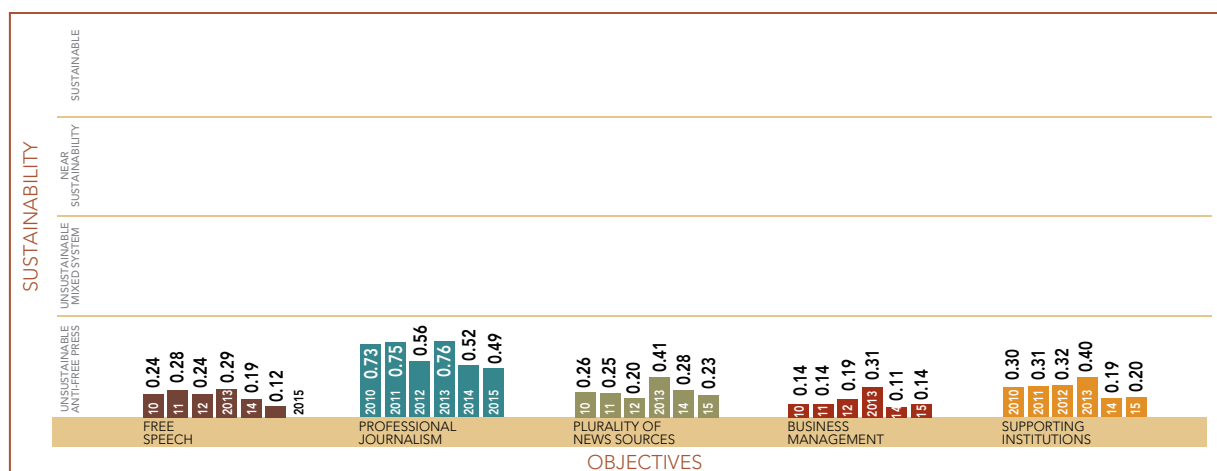
## GENERAL

- > Population: 5,171,943 (July 2014 est. *CIA World Factbook*)
- > Capital City: Ashgabat
- > Ethnic groups: Turkmen 85%, Uzbek 5%, Russian 4%, other 6% (2003 est. *CIA World Factbook*)
- > Religions: (% of population) Muslim 89%, Eastern Orthodox 9%, unknown 2% (*CIA World Factbook*)
- > Languages: Turkmen (official) 72%, Russian 12%, Uzbek 9%, other 7% (*CIA World Factbook*)
- > GNI (2013-Atlas): \$36.05 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$12,920 (World Bank Development Indicators, 2014)
- > President or top authority: President Gurbanguly Berdimukhammedov (since February 14, 2007)

## MEDIA-SPECIFIC

- > Number of active media outlets: Print: 26 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: Turkmen Dowlet Habarlary (state owned)
- > Annual advertising revenue in media sector: N/A
- > Internet usage: 2% (80,000–100,000 users) according to 2010 International Telecommunications Union estimates

## MEDIA SUSTAINABILITY INDEX: TURKMENISTAN



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (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: 0.12

Turkmenistan's score for Objective 1, 0.12, reflects the government's continuous control over the freedom of speech and the press. It scored slightly lower than last year, an indication of the country's deteriorating media environment despite a promising new mass media law.

Turkmenistan's current constitution was adopted on September 28, 2008, and on paper fully protects the freedom of speech and expression. In 2014, the country's president once again tasked Speaker of the Mejlis (Parliament) Akja Nurberdieva with conducting constitutional reforms to align Turkmen legislation with international standards. He previously altered the country's constitution in 2007. President Berdymukhammedov noted that Turkmenistan must establish a human-rights ombudsman post and expand the powers of self-governing bodies in the region. Specifically, he noted that particular attention should be paid to strengthening judicial protection of citizens' rights and freedoms and increasing mutual responsibility of individuals and the state. These overtures have been met with skepticism, as many citizens remain unaware of their constitutional rights. The government has never conducted public-awareness campaigns, either via

#### 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.

media outlets or through other means, to educate citizens about legal changes that affect them on a daily basis. It is widely believed that the Turkmen government controls citizens by deliberately withholding information from them. "People in Turkmenistan may lack not just the information but the very cognitive tools to think," said one panelist.

In his December 2014 article, the BBC's Abduljalil Abdurasulov quoted Rachel Denber, deputy director of the Central Asia Division of Human Rights Watch: "There is no freedom of expression, no freedom of association, and no freedom of religion." Denber added that "[Turkmenistan] is a country where people live in fear of the authorities at every level...even if it is something as simple as getting an air conditioner in the summertime."

Even Turkmenistan citizens who have some knowledge of their constitutional rights generally keep silent to avoid punishment for attempting to exercise their freedom of speech and expression, even on non-sensitive matters. In 2014, there were several documented attempts of citizens asserting their rights. For example, residents in one village in the suburbs of Ashgabat demanded the reopening of an access road from the village to the capital. According to Chromo-tm.org, the government tried to combat growing crime by using concrete blocks and digging trenches to block the road into the capital. Radio Free Europe (RFE)/Radio Liberty (RL) also reported a similar incident in which dozens of Turkmens took part in a rare street protest in November against the removal of air conditioners from their apartment windows in Ashgabat's Parahat-7 neighborhood. The citizens protested because Ashgabat's summer temperatures can often reach 50 degrees Celsius. City officials provided no reason for removing the air conditioners.

No legal protection or assistance is available when free-speech violations occur. The National Institute of Democracy and Human Rights reportedly has been established under Turkmenistan's president to demonstrate to the international community that Turkmenistan is committed to its "pursuit of democracy." International organizations regularly sponsor trips for Turkmen specialists to foreign countries to provide them with the tools and international standards for protecting human rights. In November 2014, the Organization for Security and Co-operation in Europe (OSCE) sent representatives of the National Institute of Democracy and Human Rights to Brussels to introduce international practices in protecting human rights. It is unclear if these trips have rendered positive results, as Turkmenistan's judicial system continues to circumvent the public interest and serve only government

**“Access to public information in Turkmenistan is impossible for both media and the people,” said one panelist, adding that there is limited information on health, education, public expenditures, budgets, and state procurements.**

interests. The rights protected by Turkmenistan’s constitution and mass media laws are dismissed in practice.

“Authorities detain anyone they desire, assigning their own lawyers to protect the interests of both parties,” said one panelist. He added that there is a government judge and a show trial, which culminates in the imprisonment of the journalist without due process.

The recent media law, which came into effect on January 4, 2013, promised a full commitment to freedom of speech and expression and an end to any form of censorship. The law states that Turkmen citizens have the right to use all forms of media to express their opinions and beliefs, and to seek, receive, and impart information. On December 29, 2014, a new Internet law also came into effect. It was “intended to ensure free access to the World Wide Web for the country’s Internet users” but also makes it illegal for citizens to insult or slander the president. “It is conceptually unclear if this is restricted to the sitting president, Berdymukhammedov, or to the presidency as a whole,” said one panelist. The law also restricts access to information containing material that encourages minors to use narcotics, alcohol, and tobacco products or to view sites that reject family values, foment disrespect for parents, and condone illegal behavior. It also bans access to pornographic sites. More details are still emerging about Turkmenistan’s new Internet law. In early January, the OSCE press release raised some concerns about the law’s restrictions; for example, users are liable for the truthfulness of all information they post and for imprecisely defined propaganda of violence and cruelty. “These restrictions are vaguely defined [and] can have a negative effect on the free flow of information and free expression on the Internet,” noted OSCE Representative on Freedom of the Media Dunja Mijatović. Despite the increased use of mobile Internet and technologies, Internet activity remains heavily monitored.

As in past years, mass media outlets are required to obtain a government license to function in Turkmenistan. The law allows any local authority, political party, public association, government association, or legal entity that has been

in existence for at least 18 years—or citizen 18 years old or older—to establish an outlet in the country. 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 amount of the estimated monthly wage.

The State Publishing Association, Turkmenmetbugat, issues licenses approved by the Ministry of Internal Affairs and the Cabinet of Ministers. The ministries can reject applicants for a variety of reasons. The licensing process is subjective and not transparent. Due to Turkmenistan’s secretive environment, it was not possible to determine whether any news outlet applied for a license in 2014. Licensing is generally used to silence any potential independent news outlet in the country. Previous MSIs have reported that RFE/RL’s Turkmen Service has applied for a license for many years but has never been able to obtain one. It is difficult to know if any other news outlets have attempted to register in the country.

All of the country’s mass media outlets are registered as institutions rather than businesses because the government fully funds all expenses. Turkmenistan’s president regularly reprimands chief editors of news outlets for poor performance. On January 11, 2014, he criticized Turkmen television, magazine, newspaper, and radio outlet editors, saying, “You work in isolation from real life.” The president added that the press “fails to widely promote and popularize the great achievements of Turkmenistan.” During the same meeting, he criticized the performance of Maksat Altayev, chairman of the State Committee for Television, Radio, and Cinematography. The president often points out poor performance without providing details. For example, Turkmenistan.ru reported that he dismissed several officials on January 10, 2015, because of “serious shortcomings in their work” without providing any further details. It is clear that the president continues his 2014 practice of removing media outlet editors without due diligence or explanation. The president also fired Begench Abayev, director of the Altyn Asyr television channel, in November 2014 for his alleged “poor performance.”

Turkmenistan remains a dangerous country for independent journalists, and crimes against them are not rare. In 2014, they faced many challenges while reporting in Turkmenistan. “No one is sure where the link is between the acceptable and unacceptable when it comes to reporting in Turkmenistan. And most times, the only way to find out is to try to do a report and see if the police or security forces arrive,” wrote Bruce Pannier, an RFE/RL correspondent who covers events in Central Asia.

Soltan Achilova, a correspondent for RFE/RL (locally known as Azatlyk), was taken to the Kopet Dag District police station for questioning. On December 13, she attempted to shoot several photographs and report on long lines of people waiting to buy fresh meat in Ashgabat because of an alleged public conversation that fresh meat was scarce at most places in Turkmenistan. Achilova was released an hour or so later after her photographs were deleted. In 2014, RFE/RL reported on at least four similar incidences in which Azatlyk correspondents were questioned but did not reveal the correspondents' names and other details. "Turkmenistan does not receive as much attention as many of these other places, but the commitment and hardship of Azatlyk correspondents is not less than that of their colleagues in Eastern Europe, the Caucasus, Iran, Iraq, Afghanistan, and Pakistan," wrote RFE/RL.

Any criticism of the government is absolutely not allowed. "The government makes it absolutely impossible to have any kind of alternative. And the price of pursuing those alternatives is long prison sentences and possibly worse," said Denber in a BBC news story. In December 2014, Turkmen journalist Gulshen Ashirova was reportedly attacked and killed in her apartment in the capital city of Ashgabat, according to several news outlets. Ashirova collaborated with numerous international news outlets, including *The Times of Central Asia*, BBC, Associated Press, and many others. The details of her death are unknown; as such crimes are always unreported in Turkmenistan media outlets.

The Turkmen government funds and operates all media outlets except for *Rysgal* newspaper, which is identified as nongovernmental. It was launched by the Union of Industrialists and Entrepreneurs and is highly publicized by the president himself. In October 2014, he gave *Rysgal's* editor, Guljemal Gurbanova, the state award "Garashsyzlyk" (Independence), according to the InfoAbad.com website. The official government website, [turkmenistan.gov.tm](http://turkmenistan.gov.tm), states that this award honors individuals who significantly contribute to the successful implementation of state development programs and who demonstrate creativity, organizational skills, and high professionalism. In the past, the Turkmen president himself was the founder of all newspapers and periodicals in the country. In 2013, it was reported that he ordered all news outlets to seek new founders. For example, the Cabinet of Ministers was designated as the founder of the governmental newspaper *Turkmenistan* and national daily newspaper *Neutral Turkmenistan* while the Ministry of Education became the founder of *Mugallym (Teachers)* newspaper.

As in past years, 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. In practice, libel and invasion of privacy are not concerns among journalists in Turkmenistan, because controls on media are so strict that journalists have no chance to publish or air critical or invasive content.

Government officials control the release of all information. There is only one government-owned state news agency, Turkmen Dowlet Habarlary (Turkmen State News Agency). "Access to public information in Turkmenistan is impossible for both media and the people," said one panelist, adding that there is limited information on health, education, public expenditures, budgets, and state procurements. The government "justifies" its behavior, according to one panelist, by saying that the Turkmen people are not "ready" to receive information. The presidential administration or specially designated officials from the regions must approve in advance all interviews with government officials. The government also holds exclusive oversight on press accreditation. The government grants visas to foreign journalists to visit Turkmenistan to cover only specific events, such as international oil and gas conferences and other summits where officials can closely monitor the activities of foreign journalists. For example, the BBC's Abdurasulov was granted rare access to Turkmenistan to attend the international oil and gas conference, held in Ashgabat in November 2014, alongside EuroNews TV, which the Turkmen government also invited.

As in past years, Turkmenistan's mass media outlets are rarely allowed to use international news sources, despite the fact that there is no such restriction by law. The outlets use international stories only if they cover non-sensitive issues or Turkmenistan's achievements. For example, Turkmen news outlets widely reported on Turkmenistan's initiative at the UN General Assembly in 2014 concerning international cooperation on transport/transit corridors and energy security. Sometimes the country's mass media outlets reprint or rebroadcast general-interest stories from Internet sites and other foreign news outlets but do not provide any credit.

The Turkmen government considers journalists to be only those who work for the country's state-owned news outlets. It does not recognize independent journalists, bloggers, and other citizen journalists; therefore, such individuals fulfill their tasks secretly and cooperate with foreign news outlets in clandestine ways. Government regulations do not prevent the practice of journalism by those of a certain gender or ethnic, religious, or other demographic group. However,

ethnic minorities are discriminated in practice—not only in journalism but also in all other elements of life.

“Journalists who are critical of the government are blacklisted and prevented from traveling within the country or abroad. They also face very real challenges in finding alternative employment. There have also been cases of police harassment and imprisonment in psychiatric hospitals,” said one panelist. Theoretically, Turkmen citizens are free to choose their profession, including journalism; however, many practical obstacles exist to prevent people from choosing such a profession. For example, anyone who wants to enter an academic journalism program must have some connection with high-ranking officials to be able to gain entrance. A panelist noted that one must be an “ethical Turkmen”—that is, connected to a high-ranking official and able to present a large sum of cash to bribe the decision-makers. In the past, the president would instruct universities to place cameras in examination rooms to combat corruption. In July 2014, a Russian-language newspaper described the use of cameras to record exams; however, cameras offer little, if any, help in combatting corruption during the university acceptance process. A panelist noted that the president once dismissed an entire class of first-year students at Turkmen State University because they consisted only of ministers’ sons and daughters.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Turkmenistan Objective Score: 0.49

Turkmenistan’s score for Objective 2 is 0.49 out of 4.00, about the same as last year’s 0.52, indicating the country’s lack of progress in improving professional standards. Indicator 7 (facilities and equipment for gathering, producing, and distributing news are modern and efficient) received the highest score among all 40 indicators among the five objectives due to government expenditure on modern equipment, including that for printing and editing, for the state-owned mass media outlets. However, indicator 1 (objective, well-sourced reporting exists), indicator 2 (professional journalists follow ethical standards), indicator 3 (media serve the public interest), and indicator 8 (quality niche reporting and programming exist) received the lowest possible score.

As in past years, the journalism profession remains highly controlled by the state, as journalists are tasked to produce only pro-government news stories. “Unfortunately, it is hard to say whether the people working for Turkmen TV channels and press could be defined as journalists. Most of

them identify themselves as ‘servants of government’ and ‘promoters of state policy’ who promote the president’s agenda and ideas,” said one panelist. The panelist added that many of these journalists are “relatively well paid” and are “provided with free housing and other social benefits.”

Objective reporting is unheard of in Turkmenistan. According to one panelist, the “professional skills of journalists are extremely poor,” particularly with regard to the “correct use of modern technologies” for gathering and reporting news. “Most reporters in print media and TV have neither knowledge nor skills in using the Internet for journalism, including searching the news, aggregating, or verifying. A lot of journalists have no idea how to use e-mail,” said another panelist.

Turkmen journalists who work for the state media outlets conduct no background research for stories, as doing so may reveal information that they may not be allowed to print or air. Certain topics, such as human rights, minority issues, gender equality, and restrictions on religion and other civil liberties, are prohibited. The panelists stated that it is difficult to judge whether specific mediums, such as television, are better or worse than print at following professional standards, as virtually all media outlets distribute the same set of stories authorized and released by Turkmen Dowlet Habarlary (Turkmen State News Agency). Technical experts, such as economists and health professionals, are not consulted for stories. Instead, they are regularly asked to praise the president for his “accomplishments” in their areas of expertise. As in past years, public-interest stories are never reported.

## 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).

There are no organizations or associations in Turkmenistan that develop or regulate ethical standards. One panelist noted that there are ethical standards developed within the Turkmen press; however, they do not meet international standards and focus on promoting government rhetoric. Therefore, there is no accountability with regard to how journalists cover news stories. Journalists tend to receive special treatment for their reporting and accept gifts (such as Turkmen carpets) in recognition of their coverage. Journalists in Turkmenistan do not distinguish between news reporting and opinion pieces, thus making it difficult for the average reader/viewer to differentiate between fact and opinion. One panelist noted that “all reports are commentary.” As in past years, plagiarism has become a common practice for Turkmen media outlets, and it is unclear whether Turkmen journalists are taught the concept of plagiarism as part of their university education.

Turkmenistan’s restrictive media environment encourages journalists and editors to practice self-censorship rather than risk losing their jobs and well-being. Editors are fully aware of what topics might attract negative attention from government officials and therefore assign journalists only with news stories that would be approved by the president. “In a lot of cases, reporters just rewrite official releases, and these rewritten pieces also are subject to further approval,” one panelist stated. The State Committee for Protection of State Secrets oversees the release of information to news outlets.

Pay levels for journalists and other media professionals are sufficient to discourage corruption because the government has regularly increased salaries. One panelist noted that there is no bribery among Turkmen journalists and that salaries have increased by 10 percent since January 1, 2015—at least the fourth consecutive year in which salaries have grown by that amount. On the other hand, the state in fact controls journalists’ salary, official gifts, and benefits such as housing.

All journalists work for the government-controlled media outlets and receive standard salaries; thus, they do not need to work multiple jobs to meet their living expenses. Freelance journalists who write for the state-controlled news outlets receive small payments for each publication. Journalists generally tend to get paid more than other professionals in Turkmenistan, such as teachers and civil servants. However, one panelist disagreed, saying that journalists’ salaries are average.

Turkmenistan citizens are not in a position to access information at their leisure. They typically obtain the daily news by watching the 15- to 20-minute “Watan” news program. If the president gives a speech or attends an event,

“Most reporters in print media and TV have neither knowledge nor skills in using the Internet for journalism, including searching the news, aggregating, or verifying. A lot of journalists have no idea how to use e-mail,” said another panelist.

this program can last up to several hours, depending on the event. “Watan” airs at 9 am, 12 pm, and 3 pm, and these three broadcasts are usually reruns of the previous day’s news stories. The latest news is presented only at 9 pm in Turkmenistan.

President Berdymukhammedov has been instructing the government to improve Turkmen news outlet facilities by purchasing advanced technologies, including printing equipment, editing systems, and television studios. Recently, Turkmen State Publishing Services procured a new, modern printing house in Ashgabat, which is scheduled to formally open in 2015. This new printing house is meant to help develop the printing industry, increase circulation of newspapers, magazines, and books, and improve the quality of publications and services. “Media production facilities are top-notch and reaching Western levels of sophistication,” said one panelist. Despite the increased use of modern technologies to help improve the production and distribution of news, the quality of journalism in Turkmenistan has not improved.

Turkmen journalists are not trained to cover niche issues, such as education, culture, and politics. Instead, they are assigned to cover certain beats despite their qualifications and/or background. In fact, Turkmen journalists are trained to be loyal rather than learn professional skills as part of the university curriculum. Entertainment programming dominates the media outlets by running concerts and talk shows dedicated to praising the president. In 2014, Turkmen news outlets highlighted the president’s transportation agenda and his attempts to link the country with neighboring/regional countries via railways, sea and air routes, and motorways, in addition to providing coverage of the gas pipelines. For example, Turkmenistan opened railways linking Turkmenistan, Kazakhstan, and Iran that give these countries access to the Persian Gulf. Turkmenistan also has been involved in ongoing discussions about the Turkmenistan-Azerbaijan-Georgia-Turkey transport project that would connect these countries. According to several news outlets citing the Turkmen Dowlet Habarlary (Turkmen State News Agency), Turkmenistan opened sea routes



to Russia and Azerbaijan, along with new air routes to several foreign countries, including Germany, Saudi Arabia, Italy, Malaysia, Vietnam, and Canada via Latvia (pending). Another major story that the Turkmen press reported in 2014 was the country's preparation for the Asian Indoor and Martial Arts Games, which it will host in 2017. The games are widely covered by Turkmen mass media outlets. Turkmenistan will introduce MasterCard banking services and is planning to open Wi-Fi spots, a new international airport, and a new Olympic village. It will provide live television coverage of these sporting events.

### OBJECTIVE 3: PLURALITY OF NEWS

Turkmenistan Objective Score: 0.23

Turkmenistan's score for Objective 3 is 0.23, roughly the same as last year's 0.28. This low score highlights that, as in past years, the media sector remains under the state's control. Indicator 3 (media serve the public interest) received the lowest possible score, reflecting the total control placed over media by the government and its use as a tool to serve government ends.

All media outlets in Turkmenistan continue to present only one point of view. According to a RIA Novosti article in January 2014, the Turkmen president is unhappy with the quality of news in his country, as all Turkmen media outlets reprint Turkmen Dowlet Habarlary (Turkmen State News Agency) releases rather than produce content from

their own authors. Turkmenistan citizens are not able to check sources against each other, nor do they have access to (sanctioned) alternative sources of information. Media outlets are not allowed to have multiple points of view and absolutely disregard public interests. The only so-called private 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. Turkmenistan has mandatory policies that require its citizens, especially college students and state employees, to consume pro-government news stories.

Although the number of mobile phone users is increasing, media outlets do not possess mobile capabilities to distribute news. According to the panelists, it is difficult to determine the exact number of mobile phone users in Turkmenistan due to a lack of information, but there are approximately 3.5 million to 4.3 million users. This signifies a high mobile penetration rate for a population roughly estimated at 5 million.

There are seven state television channels, one national radio station, 26 national and local newspapers, and 17 magazines, all owned by the state. Russia's Perviy Kanal (Channel One) 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, the Turkmen government thoroughly reviews their content. It broadcasts outdated and mostly entertainment programs from Russian television channels. For example, reports covering the Ukraine crisis and western sanctions against Russia were removed. In 2013, Turkmenistan launched a website of the Turkmen Dowlet Habarlary (Turkmen State News Agency) for people around the world to access online. However, the website has been experiencing technical issues, and these channels are unavailable.

People obtain most of their information through domestic and satellite television. Satellite television is one of the few means by which Turkmenistan residents can access independent channels in a country dominated by state-controlled media. Rich households have satellite dishes and access to Russian and Turkish television, as well as foreign broadcasters, such as BBC, CNN, and Al Jazeera. Despite the availability of these programs, access requires a special device. The panelists could not present evidence to support whether these channels are blocked. However, access to these channels remains available mostly to wealthy Turkmens and/or government officials in their private apartments. Also, U.S. Embassy-sponsored "American Corners" (educational centers) around the country have television sets available for the public. These centers broadcast foreign news channels and appear not

### 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.

to be censored by Turkmen officials. However, because of language barriers, older and urban residents rely on Russian television for news, while younger and rural citizens with satellite access may turn to Turkish channels for entertainment. As reported in previous years, television and radio are often the only sources of information (when the power is not out) because newspapers are not delivered to villages that are too far from cities.

Media outlets are not open to alternative views and comments by non-approved individuals, including citizens and even government officials. Editors and journalists see their roles as serving state goals and policies rather than public interests. All media outlets spend a predominant amount of time/space reporting only on the president and his policies.

Official information is disseminated through the state's only news agency, Turkmen Dowlet Habarlary (Turkmen State News Agency). "All traditional media in the country are integrated into the state propaganda machine," said one panelist, and all news stories in Turkmen media are subject to approval processes that result in publication delays. For example, if an event takes place on a Monday morning and is submitted to the state news agency the next day, the piece is picked up by Turkmenistan.gov.tm and then finally republished by other media on Wednesday or Thursday. One panelist reinforced that the selection of topics focuses on government interests and not "on the people's needs."

As reported in previous years, state media outlets do not compete to win readers. Turkmen who work at the state prosecutor's office, the Ministry of Internal Affairs, and the Ministry of Defense, for example, are required to subscribe to the newspapers *Adalat (Justice)* and *Esger (Military)*. Those in the medical profession must subscribe to *Saglyk (Health)*. Interestingly, staff at the Ministry of Culture must subscribe to *Medeniyet (Culture)* magazine, which is printed in Turkmen, English, and Russian. The State Committee of Turkmenistan for Tourism and Sport publishes *Turkmen Sporty* newspaper and *Siyahat (Tourism)*, whose customers are also primarily government employees. If an industry does not offer a magazine subscription and/or newspapers, state employees are still required to subscribe to a publication from the available selection. For example, construction industry workers are forced to select two or three newspaper titles from those available and pay for the subscriptions out of their monthly salaries. One panelist noted that the "system" of "forced subscriptions" is a "flourishing" enterprise.

Government media outlets do produce their own programs and news content because there does not seem to be a shortage of funding from the state budget. However, there

Satellite television is one of the few means by which Turkmenistan residents can access independent channels in a country dominated by state-controlled media.

is little creativity from television channels and radio stations. Most of the content on television channels appears to be traditional Turkmen culture, music, dancing, performance art, etc.

Turkmenistan citizens know that the Turkmen government owns and controls the media outlets and do not know what it means to have independent media. There is no foreign investment in media in the country. Turkmenistan heavily restricts Internet access and blocks content from numerous websites and social networks, opposition websites, general news websites in Russian, sites about religion, and e-mail services such as Gmail. The most popular Internet sites and services, such as Facebook, Google, and YouTube, remain blocked. "The spread of mobile Internet has brought some changes, allowing Turkmen citizens to interact with the outside world. But all Internet activity is monitored. You need to register and present your passport when buying a Sim card or going to an Internet café. And most social media and opposition websites are blocked," said BBC correspondent Abdurasulov.

One panelist noted that "opposition websites and major news websites" are periodically accessible in the country, but "users fear that the government is potentially watching every online move." Another panelist stated that "citizens' access to domestic or international media, although not exactly restricted in principle under the law, is restricted in practice by social-economic conditions, forms of censorship—up to and including a nighttime knock on the door—and self-regulation." With regard to the blogosphere, the Turkmen editor of the new website NewEurasia.Net, Anna Soltan, said that Turkmen journalists have two options. The first is to work for Turkmen media outlets, and the second is to blog about music, football, cooking, and other hobbies for fun—in other words, all non-political topics.

Generally, Turkmen citizens are able to get news and information about their hometown and other regions of the country, but it depends on what is released by the Turkmen Dowlet Habarlary (Turkmen State News Agency). "Government websites are slowly developing; for example, only this year the Ministry of Justice started a website with a database of the addresses of the offices in the regions and in the capital. Most of the ministries' websites just have

If a foreign organization wishes to place an advertisement, it must gain government approval. In many cases, it could take up to a month or so before the advertisement is approved, and 50 percent of the payment is required upfront.

quotes of the Turkmen president and in some cases don't have even contact info and information about the minister. The legislative (parliament) and judiciary (courts) branches of power are not present online at all," said one panelist. International news is nonexistent in Turkmen media outlets, and therefore the average Turkmen citizen is ignorant about international news. "Foreign news topics usually cover international initiatives of President Berdymukhammedov or his visits abroad," noted one panelist.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Turkmenistan Objective Score: 0.14

Turkmenistan's score for Objective 4 is 0.14, about the same as last year's 0.11. Indicator 3 (advertising market) received the highest of all because of an advertising market that is growing due to increased investments from international companies. However, indicators 1 (media outlets operate efficiently), 5 (editorial independence), and 7 (audience measurement) all received the lowest possible score.

#### 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.

As discussed previously, Turkmenistan's mass media outlets are under strict government control and fully financed by the state budget. Print sales are garnered almost entirely through mandatory subscriptions for state employees. Aside from advertising by some international companies, donors, and a very few domestic services providers, media outlets are not involved in commercial activities. They do not have business plans that help them to secure independent funding, make decisions on expenditures and personnel, or plan for capital expenditures. The reason is simple: the state determines each outlet's budget, and the president appoints and dismisses editors-in-chief. These budgets are not known to the public. The government provides no transparency guidelines to mass media outlets to help them determine their personnel policies. Personnel policies are not in place to appoint the right people to perform tasks and determine the proper amount of human resources. It is widely known that individuals are appointed based on their loyalty rather than their skills and experience.

Turkmenistan's advertising industry appears to be slowly developing due to an increasing number of oil and gas companies and international companies entering the market, as well as international companies in the construction industry. According to Trend.az, the Turkmen president stated in October that Turkmenistan was implementing about two thousand construction projects totaling over \$45 billion, including oil and gas fields, multinational gas pipelines, a new airport, highways, and a brand-new Olympic complex with 40 new facilities in preparation for hosting the 2017 Asian Indoor and Martial Arts Games. "Classified ads" are becoming a possible source of revenue for online media, according to one panelist. Banner ads have also started to appear on online news sites, such as Ashgabad.net. However, no advertising-industry data are available. Advertising through the Internet and mobile devices has yet to be seen in Turkmenistan. If a foreign organization wishes to place an advertisement, it must gain government approval. In many cases, it could take up to a month or so before the advertisement is approved, and 50 percent of the payment is required upfront.

Most people do not buy newspapers and/or magazines because their content is dull and full of praise for the president, according to the panelists. One common form of content from public consumers is lost-and-found advertisements. Even an innocuous ad for a lost university diploma in a particular part of town must be carefully worded, as it can be seen as political. Instead of saying that someone has lost a diploma and is asking for it to be returned if found, the ad gets printed as saying that someone has lost a diploma and that the document is no longer valid and must be replaced.

Media managers do not feel pressured to use advertisements. In fact, media outlets' advertising departments often wait passively for potential advertisers to seek ad placements, reflecting the fact that media outlets rely on the state budget as their primary source of funding.

Market research is not used to formulate strategic plans and tailor products to the needs and interests of the audience. Turkmen institutions do not offer classes to help strengthen research skills and therefore seriously lack specialists to undertake market research. The panelists simply stated that research is prohibited.

The broadcast media sector has no ratings system. Observational evidence suggests that most Turkmen prefer Russian television programming to their own, if they can access it. Each print publication reports circulation assessments. However, these data indicate only the number of copies printed.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Turkmenistan Objective Score: 0.20

Turkmenistan's score for Objective 5 is 0.20, nearly identical to last year's 0.19. Indicator 3 (NGOs support free speech and independent media) received the highest score among Objective 5 indicators. This is apparently due to OSCE's ongoing trainings to educate Turkmen journalists. However, indicators 1 (associations representing media interests exist),

### 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.

2 (professional associations protect journalists' rights), and 6 (sources of media facilities are not politicized and monopolized) received the lowest possible scores.

Turkmenistan still has no trade or professional associations that represent media interests, provide member services, or work to protect journalists' rights. The government-run National Institute of Democracy and Human Rights under the President of Turkmenistan plays its ombudsman role on paper only, and there are no reports that can describe the institute's accomplishments.

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, if any, they undertake these days. The Union of Journalists of Turkmenistan was initially established in 1958 to unite professional journalists and provide various social, professional, and educational benefits, including internships for younger journalists. The union had several sections, including one for translators and photographers, and branches in major cities. However, the union was re-registered in 1992 with a charter that included "the protection of journalists' interests against state and public organizations, founders, and publishers of the media." The other union that used to operate in Turkmenistan was the Shamsyrag Association of Journalists of Turkmenistan. According to the USAID website, it appeared to have its last activity in 2001. At that time, it conducted two seminars for journalists, funded by the U.S. Embassy in Ashgabat, and one public presentation about its members' participation in a Moscow seminar on new technology, among other smaller projects. The fact that these exist only on paper makes little difference, as they would be unable to offer any real protection to journalists working inside the country. Recent incidents, such as those involving Achilova and other unnamed journalists of Azatlyk (discussed in Objective 1) demonstrate that these associations are either practically or legally non-existent.

As in past years, Turkmenistan's constitution and laws 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 NGOs' activity is punishable by fines, short-term detentions, and confiscation. The Turkmen government continues to deny registrations to NGOs and private organizations, using subjective criteria. Several years ago, the government even responded to a

**“The overall situation is getting darker,” said another panelist, referring to the international community’s declining support for the promotion of independent media in Turkmenistan and overall in Central Asia.**

foreign NGO’s attempt to register by stating that it “will not tolerate” the organization’s “activities in this country.”

In 2013, Turkmenistan’s president instructed the creation of a state commission to supervise all foreign-funded projects and programs functioning in the country. However, no update was provided in 2014 about whether the commission has accomplished anything. Activity is anticipated in 2015, as neighboring countries (e.g., Tajikistan and Kyrgyzstan) have already debated publicly—and are set to adopt—laws modeled after Russia’s that formally restrict NGO funding and labels those receiving foreign funding as “foreign agents.”

The Turkmen government requires that founders of associations be citizens of Turkmenistan and that associations operating domestically have at least 500 members to be registered. Other barriers include regulations that permit the Ministry of Justice to send representatives to association events and meetings, as well as regulations that require associations to notify the government about their planned activities.

After gaining independence, the government closed journalism programs and re-introduced them in 2008. Since then, coursework and programs have been offered at the Institute of International Relations of the Ministry of Foreign Affairs of Turkmenistan. The Ministry of Foreign Affairs controls who gets accepted into its international journalism program. In 2014, the president opened a new International University of the Humanities and Development in Ashgabat, which enrolls two thousand students. The university teaches exclusively in English and offers degrees in journalism, information and communications technologies, and other subjects.

There are no legal restrictions for students who wish to earn journalism degrees abroad. Those who study journalism in foreign countries typically do not return to Turkmenistan to use their skills and knowledge. In fact, most of these students do not even attempt to get a job even if they are in Turkmenistan. Not only will they be rejected for job

opportunities, but they also will be suspected of cooperating with foreign news outlets.

Short-term training opportunities exist, but they are possible only with the support of international organizations, such as the OSCE, UN, EU, and some foreign embassies in Turkmenistan. In 2014, the OSCE organized numerous trainings for experts within the Turkmen parliament, working journalists, journalism lecturers, and specialists at the State Committee for Television, Radio, and Cinematography. In February 2014, for example, the OSCE conducted trainings in journalism curriculum development for instructors at the Institute of International Relations of Turkmenistan’s Foreign Ministry and the Turkmen State University. It also conducted trainings for lawmakers on how to draft media [Internet] legislation and for working journalists on how to use new communications technologies. The OSCE also convened a roundtable on broadcasting regulations with experts from the Turkmen parliament. In October 2014, it sponsored a trip to Lithuania for a group of Turkmen journalists. Despite the government’s willingness to improve the quality of journalism in Turkmenistan, Turkmen officials maintain control over who can attend trainings organized and funded by international organizations. According to the panelists, the OSCE is a diplomatic mission working under special regulations and must confer with the Ministry of Foreign Affairs in Turkmenistan about every planned event. The Turkmenistan government’s cooperation with the OSCE creates the illusion of its commitment to international standards. The trainings were held only in the capital city of Turkmenistan and were not open to citizen journalists or the general public.

“There is not enough money from [international] funders to run [independent media],” said a panelist. “There has been continued downsizing and restructuring in several major funding agencies, most notably the Open Society Foundations, which shut down its Central Eurasia Program... Other funders, such as HIVOS, which had been active in Central Asia for 19 years, have withdrawn most of their involvement from the region as a whole and Turkmenistan in particular,” noted a panelist. “The overall situation is getting darker,” said another panelist, referring to the international community’s declining support for the promotion of independent media in Turkmenistan and overall in Central Asia.

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 distribute Russian newspapers, often well after their issue dates.



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On December 28, Turkmenistan.ru reported that the Turkmen president allowed the Ministry of Communications to sign contracts with the Russian printing agency Rospechat and publishing house Informnauka (Informational Science) to subscribe to their periodicals for the first half of 2015. “It is possible that Turkmenistan is inching toward 2 percent penetration on the Internet. Mobile phone penetration is promising, but without an effective strategy to circumvent the government’s monopoly—and hence, surveillance—of this arena, it will be difficult to leverage it for the purpose of increasing information access,” said one panelist.

One notable development in information and communications technology infrastructure is Turkmenistan’s plan to launch its first artificial telecommunications satellite in 2015. “Turkmen Alem520” will occupy an orbital slot controlled by Monaco’s government. Constructed by French

Thales Alenia Space, the satellite will reportedly be placed in orbit for at least 15 years. Turkmen media outlets have reported that the satellite accelerates the development of communications, television, and Internet services. The Ministry of Communications is reportedly working to provide Wi-Fi connections in Ashgabat and proper Internet communications as part of broader preparations for hosting the fifth Asian Indoor and Martial Arts Games in Ashgabat in 2017.

## List of Panel Participants

*IREX did not conduct an in-country panel discussion because of Turkmenistan’s repressive environment. This chapter represents desk research, interviews, and the result of questionnaires filled out by several people familiar with the state of media in the country.*

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*Many independent media organizations also were required to leave the country for reporting on the 2005 Andijan massacre, when government troops killed hundreds of civilians. However, these outlets continue their operations from abroad.*



## UZBEKISTAN

The government of Uzbekistan continues exerting rigid control on the information space within the country. Despite apparent diversity within the media sector, all print and broadcast companies produce content in line with the official stance of the Tashkent authorities. Independent journalists, rights activists, and opposition members that criticize policies of President Islam Karimov, who is expected to win presidential elections in March 2015, are either forced to flee or kept in prisons. Many independent media organizations also were required to leave the country for reporting on the 2005 Andijan massacre, when government troops killed hundreds of civilians. However, these outlets continue their operations from abroad.

Over the course of 2014, repression of the media continued. In June, a Tashkent court ordered investigative journalist and rights activist Sid Yanyshv to pay a heavy fine, and authorities confiscated his camera. The case was brought following an article he wrote about violations of property rights of Tashkent residents whose houses were demolished by the government. In November, prominent independent news website Uznews.net stopped its activities after cyber-attackers hacked Chief Editor Galima Bukharbaeva's computer. The hackers publicized her e-mails that contained confidential information on anonymous contributing authors residing in Uzbekistan. Founded in 2005, the website had been one of the few sources of independent information on the situation in Uzbekistan. Bukharbaeva has blamed the Uzbek authorities for the attack.

Uzbek authorities also block websites and radio frequencies. To bypass the censorship, media organizations such as Radio Ozodlik (Radio Free Europe/Radio Liberty's Uzbek station) and BBC Uzbek have been using new online tools and platforms, such as social networks and mobile apps. In September 2014, the government amended the Law on Information to address blogging, which has become increasingly popular among Uzbeks over the past several years. The law officially equates bloggers with journalists and categorizes blogs as media outlets, so Uzbek bloggers now bear the same responsibility for accuracy of information as professional journalists.

The election of a new parliament in December 2014 was fraught with violations, including ballot stuffing and fabrication of results, according to observers. Yet only independent media operating from outside the country reported on the fraudulent activity. Presidential elections are set for March 29, 2015. Karimov, the 77-year-old incumbent, has continuously ignored or revised limits on presidential terms and is once again running. Despite clear violation of the constitution, local media organizations, which authorities often boast are free and independent, never question Karimov's legal status as a candidate.

*IREX did not conduct an in-country panel discussion because of Uzbekistan's repressive environment. This chapter represents desk research, interviews, and the results from questionnaires filled out by several people familiar with the state of media in the country.*

# UZBEKISTAN at a glance

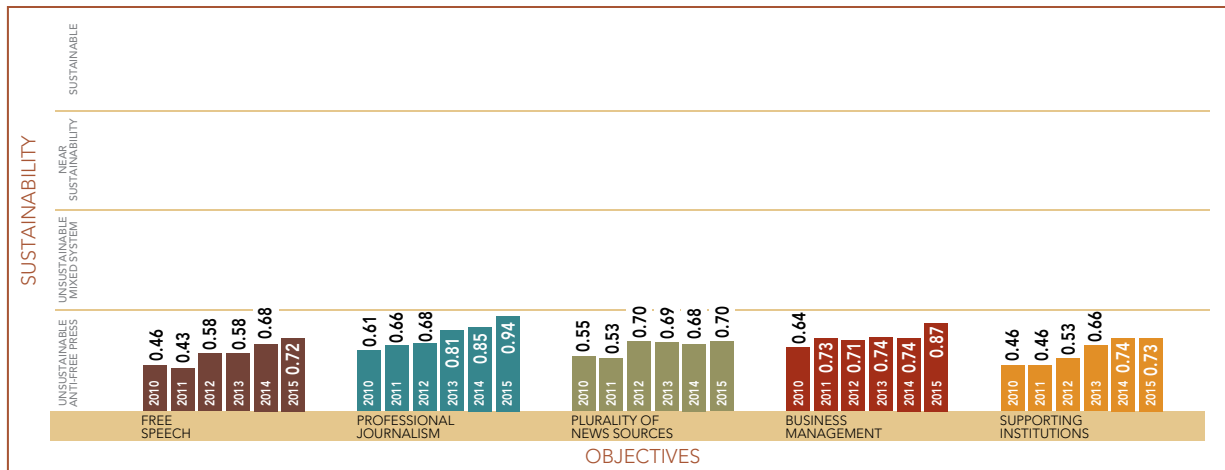
## GENERAL

- > Population: 28,929,716 (July 2014 est., *CIA World Factbook*)
- > Capital city: Tashkent
- > Ethnic groups (% of population): Uzbek 80%, Russian 5.5%, Tajik 5%, Kazakh 3%, Karakalpak 2.5%, Tatar 1.5%, other 2.5% (1996 est., *CIA World Factbook*)
- > Religions (% of population): Muslim 88% (mostly Sunni), Eastern Orthodox 9%, other 3% (*CIA World Factbook*)
- > Languages: Uzbek (official) 74.3%, Russian 14.2%, Tajik 4.4%, other 7.1% (*CIA World Factbook*)
- > GNI (2013-Atlas): \$56.86 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-PPP): \$5,290 (World Bank Development Indicators, 2014)
- > Literacy rate: 99.4%; male 99.6%, female 99.2% (2011 est., *CIA World Factbook*)
- > President or top authority: President Islam Karimov (since March 24, 1990)

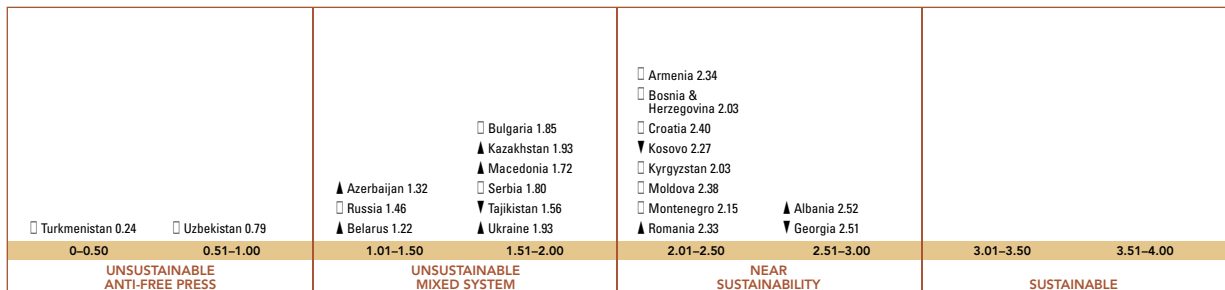
## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, and Internet portals: Print media: 1,015; Radio Stations: 35; Television Stations: 63; Internet: 300 websites registered as media (Uzbek government)
- > Newspaper circulation statistics: Total newspaper readership is estimated at 500,000; top publications include *Khalk Sozi* (state-run daily, reached 130,000 circulation in 2013), *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, Uzbekistan Today
- > 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 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (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

Uzbekistan Objective Score: 0.72

The ruling regime often touts Uzbekistan's liberal legal framework, but progressive laws are rarely put into practice. Despite the number of laws guaranteeing freedom of speech and access to information, any information interpreted as critical of the regime or that differs from the party line is still censored. This state of affairs has characterized Uzbekistan's legal environment for media for many years now, and as a result this objective's score has for more than 10 years fluctuated only slightly from one year to the next. This year, the score remained nearly unchanged from 2014.

This may change for the worse in the near future. On September 5, 2014 President Karimov signed a law that obliges bloggers to check the accuracy of information before publishing and to remove it if proven unreliable. In addition, under the amended Law on Informatization, bloggers are now considered journalists, with the intrinsic professional obligation to provide accurate information.

According to many local journalists and bloggers, changes in the legal framework have had a negative impact on the development of the blogosphere, which spreads information that officially registered media ignore and allows exchange of ideas among netizens. Some Internet activists have noted a significant decrease in blogging, while others have said

### 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.

that amendments to the Law on Informatization have not changed anything on the ground, as Uzbek bloggers have always been self-censoring given the regime's repressiveness.

Government bodies continue to be difficult for journalists to access. The established practice for government agency officials at all levels is to arbitrarily decide which media outlets may obtain information. However, the publications, TV channels, and radio stations that receive government agency information cannot rely on its accuracy. Refusals to give information are usually justified by the need to protect state secrets or the inappropriateness of publication of the requested information. The latter reason is being used increasingly in recent years.

Uzbekistan has mechanisms for protection of the freedom of speech indicated in laws on Principles and Guarantees of Freedom of Information, on Guarantees and Freedom of Access to Information, and on the Protection of Journalists' Professional Activities, but they are rarely enforced.

Few independent journalists are left in Uzbekistan today. The ones who remain in the country are often persecuted by the government. On June 28, 2014, investigative journalist and rights activist Sid Yanyshv was brought before a Tashkent court and ordered to pay a fine of UZS 9,610,500 (approximately \$3000). The charges stemmed from his May 2014 article in which he reported that several citizens had seen the government demolish their houses without offering adequate compensation, which is contrary to Article 17 of the Uzbek Law on protection of private property and of owners' rights. Yanyshv was found guilty of violating criminal code Article 165 (Engagement in activities without a license and other permits) and Article 184 (Production or storage, for the purpose of distribution, of materials which represent a threat to public safety and to social order).

Online and print media are required to register with the Uzbek Agency for Press and Information (UzAPI). Legislation does not call for a complicated procedure or burdensome conditions for media registration. But UzAPI officials, guided by the recommendations of the National Security Service, may refuse registration without substantiated reasons. The actual process of obtaining registration also applies to broadcast media outlets, which must pass a licensing procedure at the State Committee of Communication, Information, and Telecommunication Technologies. In February 2015, the committee transitioned into a separate Ministry for Development of Information Technologies and Communications—a move seen by local rights activists and journalists as an attempt to tighten media control and strengthen the government propaganda machine.

There are no economic barriers to registering as a media outlet; in fact, the government offers significant tax benefits



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to media organizations. Also, in 2012 lawmakers reduced by 50 percent the registration fee for all media outlets in the country. Despite this simplification of the registration system, the procedure for obtaining a media license remains murky.

Uzbekistan officially banned censorship in 2002. However, censorship is imposed unofficially by the National Security Service and is still practiced widely. Editorial self-censorship has emerged since the media law revisions of 2007, two years after bloody events in eastern Andijan city. The revised law assigns media outlets a higher level of responsibility to ensure the objectivity of the content produced.

The government's foreign affairs, socio-economic policy, and President Karimov's personality and his family are still among topics considered taboo. Throughout 2014, foreign media reported actively on the conflict involving the president's daughters, grandchildren, and wife, but the issue was never discussed publicly in Uzbekistan.

In December 2013, authorities suspended activities of two popular entertainment-oriented tabloids, *Darakchi* and *Sogdiana*. They are owned by Firdavs Abduholikov, a media mogul from Samarkand. He is also the former advisor to President Karimov on mass media and has close ties to Karimov's eldest daughter, Gulnara Karimova. The official reason for the tabloid suspensions was financial fraud that Abduholikov allegedly committed. But many observers claimed that the closures were part of a clamp down on associates of Karimova, who many saw as a potential successor to her father. However, she is now kept under house arrest for allegations of corruption.

Shortly following those suspensions, authorities shut down several television channels that Karimova and Abduholikov controlled, and the National Association of Electronic Media (NAESMI), headed by Abduholikov, stopped functioning. In January 2014, after charges against Abduholikov were partly dismissed, *Darakchi* and *Sogdiana* resumed their activities. The former still remains the most circulated weekly in Uzbekistan, with about 40,000 copies in Russian and about 120,000 copies in the Uzbek language.

Although the two tabloids are back in print, shutdowns have continued. In late December 2013, the Uzbek government terminated the analytical website Mezon.uz, due to allegations of tax fraud. Launched in 2012 with United Nations grant funds, Mezon.uz became quite popular in a short period of time, as it often covered vital social and economic problems. Several months before the closure, in September 2013, Mezon.uz received an award for the "Best Media Website of the Year." It was given the honor at the annual .Uz Domain Internet Festival, organized with support

of the State Committee of Communication, Information, and Telecommunication Technologies.

Olam.uz, a once-popular news site, was taken offline by authorities in 2013 and remains closed. It had been one of the top-visited news websites in Uzbekistan, actively working with its audiences by crowd-sourcing and interactively engaging readers. Its reports often criticized the work of Tashkent municipal services. No official statements were made in connection with the closure. But according to Radio Ozodlik, the Uzbek service of Radio Free Europe/Radio Liberty (RFE/RL, which is also blocked in Uzbekistan), the website could have been closed in connection with the criminal cases that authorities have opened against its publishers. The Olam.uz domain name is still active, but the website only has a short notice stating that it is undergoing technical maintenance.

Founded in January 2005, uznews.net was an Uzbekistan-focused news website and one of a few outlets to carry articles and reports critical of the Uzbek government in three languages—Uzbek, Russian, and English. In November 2014, unidentified hackers attacked the computer and e-mail account of Galima Bukharbaeva, a prominent Uzbek journalist and uznews.net chief editor. The hackers publicized names of the website's anonymous contributing authors in Central Asia and circulated internal financial documents. Bukharbaeva, who has been in exile for years, has accused Uzbek security agents of the hacking and said it was directly related to the critical posts that the website has been providing. Local journalists and experts have speculated that the attack on the independent site was part of the government's plan to prepare a favorable media landscape for the presidential elections in March 2015. On December 20, 2014, after a month of suspension for "technical reasons," Uznews.net's editorial staff chose to take down the website permanently, in order to protect the dozens of writers whose identities were disclosed.

The Uzbek government reportedly has the most sophisticated censorship technology in the region, and that enables it to not only block entire websites, but also restrict access to individual pages while retaining access to other parts of a website. Internet censorship in Uzbekistan takes place mainly through the country's international Internet connection, which is administered by Uztelecom. This national communication company distributes international traffic to local private ISPs.

In 2014, media organizations whose websites are blocked in Uzbekistan continued to actively promote their content in new media platforms. Radio Ozodlik, for example, has been successful. Its social network Odnoklassniki.ru is the most popular in Uzbekistan and many other former Soviet countries, and has close to 300,000 members and at

least 100,000 monthly active users. According to Ozodlik Director Alisher Sidikov, its group on WhatsApp, the hugely popular mobile messaging app in Uzbekistan, has more than 15,000 users.

International media watchdogs, such as the Committee to Protect Journalists (CPJ) and Reporters without Borders (RSF), include Uzbekistan in its list of the worst jailers of journalists in the world. According to RSF, at least 10 journalists were imprisoned in Uzbekistan in 2014. Six of the journalists were punished for human rights activism, and four were imprisoned for journalistic activities. The latter group includes Muhammad Bekjanov and Yusuf Ruzimuradov, both reporters of the opposition newspaper *Erk*, which Uzbek authorities closed. According to CPJ, Bekjanov and Ruzimuradov have been in prison since 1999—longer than any other reporters in the world. Bekjanov, brother of prominent exiled Uzbek opposition leader Muhammad Salih, was scheduled to be released in January 2012, but authorities sentenced him to an additional five years in prison for “violation of unspecified prison rules.” Last year, RSF awarded Bekjanov the annual Press Freedom Prize for 2013. The award was given to his family members, who are also in exile. In April 2014, in its annual Free the Press Campaign, the U.S. State Department voiced concern over the deteriorating health of Muhammad Bekjanov, and called upon the Uzbek government to provide him with urgent medical help.

Salijan Abdurakhmanov, known for his articles about corruption in law enforcement agencies, including traffic police, was imprisoned in June 2008 and given a 10-year sentence. The charge was drug possession, a popular method that the government uses to imprison opponents. The journalist denied possessing narcotics and said the police had planted them in his car. According to his defense lawyer Rustam Tulyaganov, the prosecution and trial process was marred with irregularities, and investigators failed to prove that the narcotics belonged to his client.

In 2013, Abdurakhmanov, who suffers from stomach ulcers, had to spend several weeks in prison hospital 64/18 (colloquially called Sangorod) in Tashkent. In April 2014, he was not allowed to see his son, who came to visit him in a prison in the southern city of Karshi. In May 2014, Abdurakhmanov’s family wrote a public letter to President Karimov to pardon the journalist due to his deteriorating health. The letter went unanswered. Later, in August 2014, the German Palm Foundation honored Salijan Abdurakhmanov with its press freedom award. The journalist was unable to attend the ceremony due to his imprisonment.

On June 28, 2014, investigative journalist and rights activist Sid Yanyshv was brought before a Tashkent court and ordered to pay a fine of UZS 9,610,500 (approximately \$3000). The charges stemmed from his May 2014 article in which he reported that several citizens had seen the government demolish their houses without offering adequate compensation...

Dilmurod Sayyid, the fourth journalist in prison for reporting, is serving a 12.5-year sentence after being jailed in 2009 for allegedly forging court papers and extorting \$10,000 from a local business owner. Even though a witness later withdrew her accusation, saying she had been coerced, the journalist was not released. Before the arrest and imprisonment, Sayyid reported for independent publications on officials’ abuses of farmers. As with other jailed journalists, Sayyid’s trial process was full of irregularities. He was convicted and sentenced in a closed-door proceeding in which his lawyer and family were not present.

In November 2009, Sayyid’s wife and 6-year-old daughter died in a car accident on their way to visit him in colony for prisoners with tuberculosis, a disease he contracted in jail. He also lost a third close family member—his mother, who had long been sick—while imprisoned. Administrators did not inform him of his mother’s death until a month later. According to his brother, Obidzhon Saidov, who visited him in prison in October 2014, Sayyid was given yet another official reprimand and his health condition has not improved. Each year, the journalist is deprived of the right for an annual amnesty due to penalties and reprimands from the prison administration. The Washington-based advocacy group Freedom Now introduced a complaint to the UN Human Rights Committee in March 2012, contesting Sayyid’s imprisonment and calling for his release. The complaint is still pending.

On November 24, 2014, eight U.S. senators sent a public letter to President Karimov, calling on him to release all the imprisoned journalists on humanitarian grounds. However, the senators’ letter remains unanswered.

In 2014, no violent crimes were committed against media members related to their professional activities. Usually,

authorities influence journalists using other measures, such as administrative and criminal prosecution.

The trend of posting critical pieces, which online outlets started several years ago, continued in 2014 despite widespread censorship and rigid governmental control. Internet outlets have become comparatively free in posting materials critical of the Uzbekistan authorities, albeit the municipal, ministry, and departmental levels. However, some local journalists have said that they consider this “an appearance of improvement of freedom of speech, controlled by the government.” All of the so-called revelations and open online media were established by direct orders from the National Security Service.

According to Uzbek law, defamation is a criminal offense, and the corresponding article in the criminal code has been used repeatedly against journalists in the past. The law was not invoked in any 2014 journalist prosecutions, however.

Access to information of public importance is still very limited. Such information is not even published on the National Security Service website or any other sites under control of government agencies. For example, Uzbekistan’s cross-border issues involving the National Security Service are often ignored by Uzbek media, while they are covered widely by neighboring countries. Uzbek media do not cover the skirmishes and shootouts that often happen on the Uzbek-Kyrgyz border when border guards from both sides shoot people for trespassing.

Government bodies at lower levels refuse to provide information deemed important to the public, due to orders from higher authorities. Upper-level government agencies consider most information to be state secrets or “inappropriate for disclosure.”

On paper, there are no legal restrictions on the use of various sources of information. But in practice, media outlets are forced not to use alternative sources. State-owned media in particular face these restrictions. However, several online media, such as Kun.uz, Daryo.uz, and Podrobno.uz, actively use popular social networks as sources of information, publishing critical posts authored by netizens from Uzbekistan.

Uzbek laws do not restrict entry into the journalism profession. University-level journalism education is only required for chief editors and deputy editors. Journalism practice is protected legally by the state, but in reality, the government controls journalists: given its heavy-handedness, sanctioned media will only employ those journalists who understand the limits of the practice in the Uzbekistan context.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Uzbekistan Objective Score: 0.94

On June 27, 2014, during a mass media day in Uzbekistan, President Karimov gave his annual greeting to journalists. He boasted about the growing quality of media and professionalism of journalists, especially among Internet media, saying that more than 600 media workers from Uzbekistan improved their skills in foreign countries in recent years. However, local independent journalists have noted that professional incompetence among media workers, especially young journalists, is still high. The score in this objective is slightly higher this year compared with last year; overall this objective’s score is buoyed by indicator 7, which covers employment of modern equipment by the media (although it should be noted that even this indicator scores only moderately higher than a 1.00).

The ruling regime heavily scrutinizes the media, which prevents the Uzbek journalism sphere from achieving professional standards of quality. In addition, media schools in the country still offer outdated programs that have not changed much since the fall of the Soviet Union.

Uzbekistan’s local online media outlets, registered with the government-controlled national domain .uz, widely use social networking websites such as Facebook and Twitter as a sources of information. This has allowed them to expand scope and post material consisting mainly of critiques of local governments, administrations, and municipal organizations. However, if critical posts affect higher authorities, the mainstream media, at best, limit themselves

### 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).

to reprinting these posts. In many cases, the mainstream media question the veracity of posts in social networks, taking the side of the government agencies and officials.

Uzbek media outlets rarely have their own codes of ethics. Even the exception outlets that have codes violate generally accepted standards. The most common violations among Uzbek journalists are favoritism, plagiarism, and the use of a single source of information. The blogging community, which is still small in a nation of 30 million, does not have a specialized code of ethics. Rather, bloggers are driven by a general understanding of what authorities do and do not allow.

Uzbek media do not yet make distinctions between news reporting and advertorials, so readers may not know that certain material is paid content. Often online media publish press releases of business companies, especially leading mobile communication operators, without changing a single word, yet editors do not label this content as advertising.

In addition, authorities use the local media regularly to publish obviously false information and to slander foreign journalists and independent media. In one example from August 2013, Fergana-area station Ruhsor TV aired a show entitled *Rotten Person* two days in a row. The program criticized Prague-based Radio Ozodlik journalist and editor Farruh Yusupov, who was born in Fergana. Experts assessed the move as psychological pressure exerted on his relatives living in Uzbekistan.

Mass media in Uzbekistan, regardless of ownership, are still very prone to self-censorship. The motives are the same as always—prosecution, deprivation of registration or license, or termination of the outlet under different pretexts. The government abolished state censorship in 2002, but at the same time made editors responsible for published information. Editors, fearing the prospect of being persecuted or prosecuted, endorse and sometimes force journalist self-censoring.

Protests against the government happen only rarely in Uzbekistan and are never mentioned in local media. In November 2014, several dozen women in the Bogot district of the Khorezm region organized a small rally in front of the local administration building to express their disagreement with the cuts in gas and electricity supply. Foreign media organizations that focus on Uzbekistan reported on the story, but local media ignored it.

Almost without exception, Uzbek media pay very little attention to or totally disregard news about protests in other countries. Developments in Ukraine, especially the culmination of anti-government protests in Kiev, have been a top international story since 2013, but the Uzbek media do

Even the exception outlets that have codes violate generally accepted standards. The most common violations among Uzbek journalists are favoritism, plagiarism, and the use of a single source of information.

not discuss the topic. Uzbek media consumers learn about the Ukraine situation mainly from Russian-government-controlled news channels, such as Channel One (Perviy Kanal). This channel is the Kremlin's main propaganda machine in Russia and all former Soviet countries.

On the other hand, 2014 saw the continuation of local media's desire to cover social problems, such as bad roads and poor municipal services. The reporting did not fundamentally change the situation, however, as it remains taboo to criticize top-level authorities or discuss the state of the economy, unemployment, or rising prices.

Usually, journalists at government-owned television channels earn more than their colleagues in the private media sector. Especially in the regions, reporters and editors are not remunerated sufficiently to meet their living expenses. As a result, many journalists from privately owned media often have to work for several organizations. Poor pay is also a main reason that many journalists accept bribes eagerly for positive coverage of the activities of NGOs or businesses. Bribery is particularly common among journalists at popular newspapers such as *Pravda Vostoka* and *Narodnoe Slovo/ Xalq So'zi* and at television channels.

Given the monotony of news programming on television and radio channels, which always cast the activities of the government in a positive light, entertainment content is very popular among Uzbeks and given more air time.

The technical equipment of most media outlets does not meet modern standards. As noted in the previous year's report, only state-owned media, and private media in the capital or large cities, have decent facilities and technical equipment for production. Most media organizations in the regions use obsolete technology and lack modern tools for multimedia production. Although poor technical equipment hinders media efficiency and quality journalism, it is much less an impediment than the numerous administrative restrictions that the government places on media.

Uzbekistan does not have many specialized publications. As noted previously, Mezon.uz, which published news and

analytical articles on the economic sector, was closed by the authorities in January 2014 after being in operation less than a year. Just before the shutdown, the website was given the “Best Media Website of Year 2013” award at the annual .UZ Domain Internet Festival.

In the view of local journalists, Mezon.uz practiced less self-censorship and its materials were higher quality than other Uzbek media. Formally, the government closed the website due to tax fraud, but experts noted that real reason was its liberal interpretation of the socio-economic changes in the country.

Uzbekistan has several sports newspapers and websites that mostly report on football and are hugely popular among Uzbeks. In 2014, stadion.uz reported that the Uzbek football league is rampant with fraudulent activity, including match fixing. The charges were supported by statements of international bookmakers, but the Uzbekistan Professional Football League, which regulates the domestic championship among football clubs, ignored the allegations. Stadion.uz publicly announced its boycott of Uzbek football and posted information on it on September 27. But the notice was taken down the next day, without any explanation.

### OBJECTIVE 3: PLURALITY OF NEWS

Uzbekistan Objective Score: 0.70

In June 2014, as part of a national media day, President Karimov presented official statistics on the number of registered media outlets in the country. Those statistics showed that Uzbekistan has more than 1,400 print and electronic media, about 80 percent of which are non-governmental. While the emergence of new online media sources is seen as a positive development, the plurality of information they deliver is questionable. Reflecting this situation, the score for Objective 3 remains largely unchanged from 2014.

Only a few dozen Internet outlets can be classified as serious media focused on covering the socio-political and economic issues of the country. The vast majority of registered outlets produce entertainment or propaganda. Increasingly, social media such as Facebook and Twitter are gaining ground as a source of aggregated information shared by users. For example, traffic accidents in Tashkent were reported quite often in 2014, via the 20,000-member “Drivers of Tashkent” Facebook group.

In November 2014, NAESMI launched the television channel MY5 (*Mening Yurtim*, or My Country). Reportedly, NAESMI started the channel in response to the closing of channels

NTT and TV-Markaz, which had been controlled by Gulnara Karimova. MY5 offers mostly entertainment programming and broadcasts popular films, youth programs, and Uzbek pop music. As NAESMI regulates free exchange of content between its members, it transmits the media content that MY5 produces to several regional television channels.

Despite the large number of media sources, many Uzbeks—especially residents of the capital and major cities—prefer Russian television channels and websites as main sources of information. Partly due to this, the government has been trying to restrict access to external Russian news sources, which the Kremlin often uses to force its agenda. Karimov’s government has long banned importation of some Russian print media, such as *Nezavisimaya Gazeta*. In October 2014, cable companies in Tashkent stopped transmission of the Russian-language MIR TV. The channel operates in the territories of the Commonwealth of Independent States, an association of sovereign countries formed after the collapse of the Soviet Union. As independent experts have noted, MIR has become increasingly pro-Kremlin and nostalgic of the Soviet period. On several occasions in 2014, President Karimov declared publicly that Uzbekistan will not be part of any coalitions resembling the Soviet Union.

Uzbek-language websites of international broadcasters became permanently inaccessible in Uzbekistan in 2005. The broadcasters include BBC ([bbc.co.uk/uzbek](http://bbc.co.uk/uzbek)), RFE/RL ([Ozodlik.org](http://Ozodlik.org)), and Voice of America ([amerikaovozi.com](http://amerikaovozi.com)). The authorities have also blacklisted websites with Uzbek-related content on socio-political and human rights. Among those sites are Fegananews.com, CA-News ([Centrasia.ru](http://Centrasia.ru)), Harakat.net,

### 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.



and UzMetronom.com. The government also blocks Internet pages of opposition groups in exile and major international human rights organizations.

Authorities have yet to ban satellite television antennas, but they do prohibit access to foreign Internet service providers via satellite. Starting in October 2014, the government-controlled Uztelecom blocked VoIP traffic in the country for several weeks. As a result, mobile communication apps such as Skype, WhatsApp, Telegram, Viber, and Mail.ru Agent became partially non-functional. Users could exchange only text messages, while voice and multimedia content was impossible to send or receive.

Unidentified hackers frequently attack websites that publish what Uzbek authorities consider undesirable information. On the other hand, news website Uz24.uz, largely believed to be run by the National Security Service of Uzbekistan, published all the confidential information that hackers retrieved in the November 2014 cyber-attack on Uznews.net editor Galima Bukharbaeva. Moreover, the website called for prosecution of Uznews.net's anonymous journalists for not paying taxes on their salaries.

Local journalists noted that the financial position of the only non-governmental news agency, Turkistan Press, deteriorated in the last year, on the eve of parliamentary and presidential elections. As online media became more critical in 2014, and television and press outlets were subjected to even stronger control and censorship, the range of themes for Turkistan Press narrowed and made its products less marketable.

Private media do produce their own news, but the only difference from the official news media is their less formal language. In many cases, private outlets such as Daryo.uz and Kun.uz translate content from popular Russian websites but sometimes fail to give any credit to the original source.

Most media organizations that publish information of public interest are state-owned. However, consumers care little about media ownership, given that private and state-owned media alike reflect one point of view. Online media, as in case of Uz24.uz, often do not publish information about their owners, which is a violation of media law.

All state media are disseminated in Uzbek and Russian languages. Uzbekistan has different print media in minority languages, such as Korean, Tajik, and Karakalpak. These publications are focused on their specific audiences. Although the authorities continually violate the rights of some minority groups, especially ethnic Tajiks, these newspapers never reflect on such issues.

Socio-political media devote their content primarily to the country as a whole, but they also publish information from the regions. Regional media also pay more attention to events of national importance, based on materials that the state news agency Uza provides. This is partly due to a deficit of journalists in the field to create original, regional content.

## OBJECTIVE 4: BUSINESS MANAGEMENT

Uzbekistan Objective Score: 0.87

Despite the large number of registered media, only a few media companies in Uzbekistan can be self-sustainable. Most media are totally dependent either on state subsidies or funding from private owners. This objective scored slightly higher this year compared with 2014 mostly thanks to a better evaluation of indicator 7 (audience measurement).

Among print socio-political media, only state-owned newspapers such as *Nardonoe Slovo/Halk Suzi* and *Pravda Vostoka* earn enough to fully support operations. They achieve sustainability largely due to the fact that public institution employees at all levels and people receiving state benefits (pensioners, disabled persons) compulsorily subscribe to these newspapers. In addition, given their high profiles and large circulations, these papers have always enjoyed an abundance of advertising.

For several years, *Novosti Uzbekistana* was the country's only private, self-sustainable socio-political weekly. It was suspended for several months beginning in 2013, allegedly for promoting terrorism. Authorities revoked the

### 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.

newspaper's license after it published a photo showing the Andijan city administration building and several armed men. The photo was taken during the bloody events of May 2005, when the Karimov government shot dead hundreds of demonstrators. The newspaper received its license back after Chief Editor Bakhodir Yuldashev left. In November 2014 it ceased publishing its print edition, most likely due to economic constraints. The news outlet now functions only online as Nuz.uz; once known for its mildly critical stance, *Novosoti Uzbekistana* is now posting content that does not pose a serious challenge to the ruling regime.

Online advertising in Uzbekistan is still developing. Only a few news websites in the .uz domain zone, such as sports media Uff.uz and Stadion.uz (one of the most visited websites in Uzbekistan), are self-sustaining. Entertainment print and broadcast media, such as the newspaper *Darakchi* and regional radio station Vodiy Sadosi, have sizable audiences and are mostly self-sustaining.

Despite the relatively large amount of ads in media, advertisers cannot in any way affect editorial policy, which is under tight governmental control. Even newspapers *Narodnoe Slovo/Halk Suzi* and *Pravda Vostoka*, which are fully self-supporting and financially independent mainly through advertising, are not editorially independent.

The advertising market outside of the Internet sector is well developed. According to official numbers, Uzbekistan has more than 500 advertising agencies, half of which are based in Tashkent. Television is still the leading medium, representing at least 50 percent of the market, with print, radio, and outdoor advertising trailing behind. The capital has a multitude of advertising agencies, although television's market share is comparatively lower than in other cities. In the regions, the advertising market is less developed than the capital, as companies seek to advertise in the central press and on national television channels, which have larger audiences.

Large businesses, especially mobile communication operators, regularly advertise in state media, thus achieving two goals—reaching big audiences and showing loyalty to the regime. Private media that have sizable audiences also receive advertising from large companies, but their main clientele are small and medium businesses since they have much cheaper rates than state media.

In April 2014, authorities launched an investigation into allegations of corruption at the National Television and Radio Company of Uzbekistan. As reported by Radio Ozodlik, several company employees, including top management, were involved in cases of bribery when accepting advertising. According to the report, one minute of airtime in state television channels ranged between

\$2000 and \$6000, depending on channel and time. The state received only half of this money, with the other half going into the pockets of corrupt company officials.

Media market research on audience demographics and preferences is conducted in Uzbekistan, but media organizations do not finance the research. The only local, non-governmental professional research company is Ijtimoiy Fikr (Social Opinion), which reportedly conducted six surveys during 2014. The surveys analyzed media coverage of the issues of human trafficking, judicial reform, and implementation of the state program "Year of the Healthy Child." Usually, international organizations and the government sponsor this type of media research. Increasingly, online media have been researching their audiences using free methods, mainly Google Analytics and Yandex Metrica.

Uzbek authorities do not exert overt financial pressure on the media; rather, media organizations are usually controlled through administrative measures. Media that carry out the government's information campaigns enjoy subsidies more than other, less loyal media.

Media experts have argued that most new online media outlets were opened with government grants, in order to artificially diversify the media landscape before the presidential elections in March 2015.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Uzbekistan Objective Score: 0.73

Since all independent media support groups were forced to leave Uzbekistan starting in 2005, today the country has only few local organizations that represent the interests of media organizations, owners, and editors. Little has changed in this regard and the score remains nearly identical to last year.

As mentioned previously, the support group NAESMI was suspended for several months in 2013 but resumed its activities after charges against its founder Firdavs Abduholikov were partly dismissed in early 2014. NAESMI's main function is to provide grants for renewing technical equipment, and to organize free information exchanges and news reporting between member broadcast companies. Given its close ties with the government, NAESMI also controls and even determines the editorial policy of its member outlets.

All media company staff members belong to the Creative Union of Journalists. However, the union does not promote its members' legal interests or offer protection from

media owners or government agencies. The union's Oltin Kalam (Golden Pen), awarded annually to journalists in the country, also does not promote independent or critically minded journalism. The union gives the awards to journalists and media outlets that are extremely loyal to the current government.

According to local independent journalists, the Tashkent-based International In-service Journalists Training Center is the only NGO in Uzbekistan that provides services to journalists. However, the center does not defend free speech and is absolutely loyal to the government, due to fears that any violation of the state's policies would result in closure of the center.

The Public Fund for the Support and Development of Print Media and News Agencies periodically organizes seminars and master classes for journalists from the capital and the regions. In July 2014, the organization held a training workshop for employees of central and regional media outlets on electoral law and reporting, ahead of the 2015 parliamentary and presidential elections. Despite the training, only independent media from outside Uzbekistan reported on the gross violations of law, electoral fraud, and fabrication of results that occurred in the December 2014 parliamentary elections.

Journalism schools within the country's universities include the Uzbek State World Languages University and the National University of Uzbekistan. Both schools are in crisis due to a shortage of qualified professors. Their training programs are outdated and, as in Soviet times, are aimed at preparing propagandists rather than journalists. At 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.

university level, students are taught to self-censor, so as graduates they are not equipped with the modern skills and techniques of qualified journalists.

The newsprint market is monopolized and divided among several players, with one of them a state-owned business. The same companies have a monopoly on print product imports. Owners of independent radio and television stations can acquire their own equipment freely.

All means of mass information—radio frequency transmitters and Internet and cellular communications—are either owned or tightly controlled by the state. This additional lever of influence makes the media even more dependent on the government and does not promote freedom of expression or opinion.

According to official statistics, the number of Internet users in Uzbekistan has passed 10 million, while 20 million people in the country (2 out of 3 people) use mobile phones. In December 2014, Uztelecom, which has a monopoly on communication, reported its fourth price drop for the year. It cut prices for international bandwidth for Internet service providers to a new rate of \$276.27 per Mbps. Moreover, according to the company, total international bandwidth in 2014 reached 11.8 Gb/s—a 34 percent increase since 2013.

Despite the officially stated increase in international bandwidth, actual Internet speed in Uzbekistan still remains the lowest in Central Asia. According to Netindex.com, an organization that anonymously collects broadband speed and quality test results from all over the world, Uzbekistan is placed 175 among 196 countries checked for Internet download speeds. (Netindex ranked neighboring Kazakhstan 58, Tajikistan 61, and Kyrgyzstan 82; it collected no data on Turkmenistan.)

Russian communications operator MTS returned to the Uzbekistan mobile market in December 2014, but did not significantly change mobile Internet quality. The Uzbek branch of MTS, which reportedly had more than 9 million subscribers at the time, was closed in July 2012 after allegations of massive financial fraud.

## List of Panel Participants

*IREX did not conduct an in-country panel discussion because of Uzbekistan's repressive environment. This chapter represents desk research, interviews, and the results from questionnaires filled out by several people familiar with the state of media in the country.*

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