

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

# MEDIA SUSTAINABILITY INDEX 2008

DEVELOPMENT  
OF SUSTAINABLE  
INDEPENDENT MEDIA IN  
EUROPE AND EURASIA



# **MEDIA SUSTAINABILITY INDEX**

---

**2008**

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



---

---

## MEDIA SUSTAINABILITY INDEX 2008

The Development of Sustainable Independent Media in Europe and Eurasia

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

Copyright © 2008 by IREX

IREX

2121 K Street, NW, Suite 700

Washington, DC 20037

E-mail: [msi@irex.org](mailto:msi@irex.org)

Phone: (202) 628-8188

Fax: (202) 628-8189

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

**Project manager:** Leon Morse

**IREX Project and Editorial Support:** Blake Saville, Drusilla Menaker, Mark Whitehouse

**Copyeditors:** Carolyn Feola de Rugamas, Carolyn.Ink; Kelly Kramer, WORDtoWORD Editorial Services

**Design and layout:** OmniStudio

**Printer:** Kirby Lithographic Company, Inc.

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

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

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

ISSN 1546-0878

---

---

## **USAID**

The United States Agency for International Development (USAID) is an independent agency that provides economic, development, and humanitarian assistance around the world in support of the foreign policy goals of the United States. The agency works to support long-term and sustainable economic growth and advances US foreign policy objectives by supporting:

- Economic growth, agriculture, and trade
- Global health
- Democracy, conflict prevention, and humanitarian assistance

USAID provides assistance in four regions of the world:

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

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

## **IREX**

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

Since its founding in 1968, IREX has supported over 20,000 students, scholars, policymakers, business leaders, journalists, and other professionals. Currently, IREX is implementing 40 programs in more than 50 countries with offices in 17 countries across Europe, Eurasia, the Middle East and North Africa, and the United States. IREX serves as a major resource for universities, governments, and the corporate sector in understanding international political, social, economic, and business developments.





**EUROPE  
& EURASIA**





Introduction.....	vii
Executive Summary.....	ix
Methodology.....	xix
<b>Southeast Europe</b>	
Albania.....	3
Bosnia & Herzegovina.....	15
Bulgaria.....	27
Croatia.....	37
Kosovo.....	53
Macedonia.....	65
Montenegro.....	75
Romania.....	85
Serbia.....	99
<b>Caucasus</b>	
Armenia.....	113
Azerbaijan.....	125
Georgia.....	133
<b>Russia and Western Eurasia</b>	
Belarus.....	149
Moldova.....	163
Russia.....	179
Ukraine.....	191
<b>Central Asia</b>	
Kazakhstan.....	207
Kyrgyzstan.....	223
Tajikistan.....	241
Turkmenistan.....	255
Uzbekistan.....	267

---

---

*Southeastern Europe has remained the leader in scoring since the first the MSI was published. The Russia and Western Eurasia region represents a mixed group of states with respect to their media sectors. The Central Asia region remains the least developed of Europe and Eurasia with respect to media development.*



I am pleased to introduce the Media Sustainability Index (MSI) 2008. The MSI 2008 provides an analysis of the media environment in 21 countries of Europe and Eurasia during 2007 and together with previous versions shows trends in the media sector since 2001. Since the MSI was first conceived in 2000 and launched in 2001, in cooperation with the United States Agency for International Development (USAID), it has evolved into a key benchmark study to assess how media structures change over time and across borders.

Media plays a central role in the broader development agenda, not only in democracy and governance sectors, but also in fields such as poverty reduction, economic development, health, and conflict mitigation, among others. The MSI provides a tool that allows policymakers and implementers to analyze the elements of a media system and determine the most effective areas in which assistance can improve the free flow of news and information critical to development.

Of equal and perhaps greater importance, the MSI should be seen as an important tool for the media and media advocates themselves in each country and region. The MSI reflects the expert opinions of media professionals in each country. MSI results and analysis can inform the media community, civil society, and governments of the strengths and weaknesses of the sector. We encourage them to use the opportunity the MSI presents to continue their own vital efforts at developing independent and sustainable media. In some countries, their presence also serves notice to repressive governments that independent media has a continuing voice.

IREX would like to thank all those who contributed to the publication of the Media Sustainability Index 2008. Participants, moderators, authors, and observers for each country, listed after each chapter, provided the primary observations and analysis for this project. At IREX, Leon Morse managed the MSI with editorial and administrative assistance from Blake Saville. IREX staff in the region provided important logistical support and guidance. USAID has been a consistent supporter of the MSI, helping to develop the project and supporting its ongoing implementation. All are essential supporters of independent media and advocates for the MSI as an analytical tool for development professionals.

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

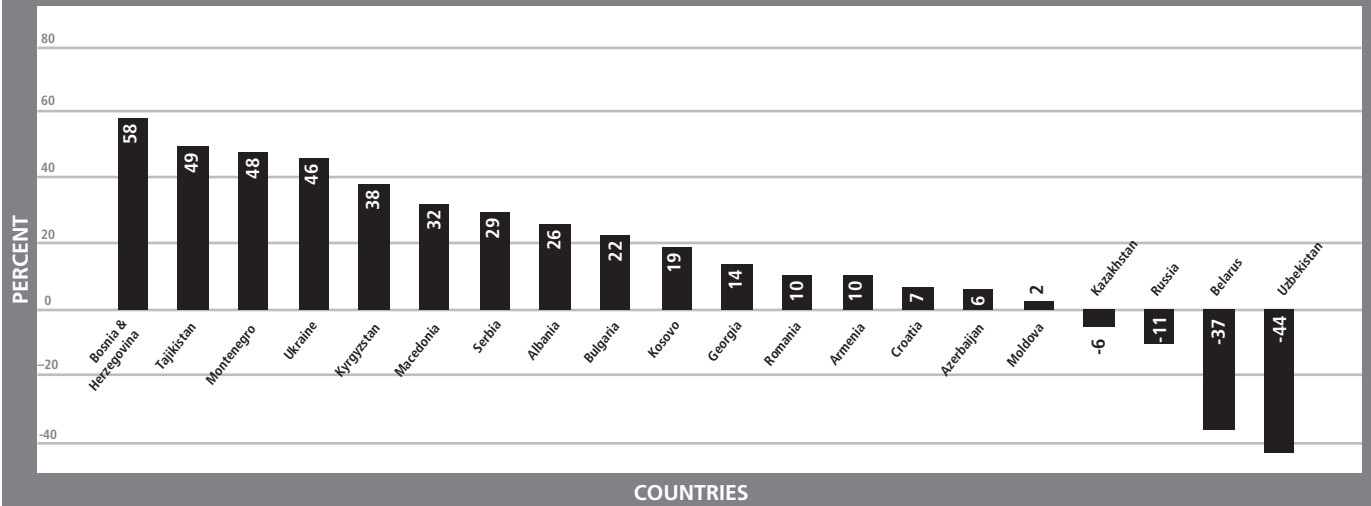
Sincerely,



Mark G. Pomar

President, IREX

PERCENT CHANGE IN MSI 2001–2008: EUROPE AND EURASIA



The 2008 Media Sustainability Index (MSI) represents the seventh iteration of this analytical report, first conducted in 2001. The analyses presented in this year's version show a largely stagnant media sector across the region as a whole and in subregions, with some specific exceptions.

A period of settling in seems to have occurred over the past two years. The period of "color" revolutions is a receding memory, elections proceed apace, and efforts continue in reform of media laws, developing sound management, and training the next generation of reporters. Some countries ensure that elections include little real competition, that civil society is weak, and that the media remain passive while under direct (and/or indirect) state control. Other countries are holding free elections and have witnessed a growing civil society, but in many cases, the issues have changed from democracy, human rights, and independence to relations with Europe, economic growth, corruption, and social welfare. Media reform and development remains on the agenda, but the agenda is crowded and the battle for attention more difficult.

## A. The Regions

Any downturn in a regional score should be taken in context. The decreases in regional averages and in individual countries are not large, and fluctuations can be expected from year to year while still observing a positive trajectory.

**Southeastern Europe** has remained the leader in scoring since the first the MSI was published. The "dangling carrot" of EU accession has helped pull along states such as Bulgaria, Croatia, and Romania. Meanwhile, Bosnia, Montenegro, Macedonia, and other states have been influenced by the potential of EU membership, even if it seems a distant possibility.

However, the MSI did witness a slight drop this past year in the combined regional average, from 2.65 to 2.45, driven by larger drops in states such as Kosovo, Bosnia, and Romania. In Kosovo, the panelists expressed frustration with a lack of progress in the media sector during a year in which it became apparent that Kosovo was heading for independence. However, little progress was made in the media sector during the year, perhaps in part because of the overwhelming attention paid to the status talks with Serbia on determining Kosovo's future.

Meanwhile, Bosnia demonstrated that media remain divided along ethnic lines. Debates over meeting the requirements of the Stabilization and Association Agreement with the EU reflected ethnic divisions and tensions, which spilled over into the media—including a boycott of the public broadcaster by the government of the Republika Srpska.

Romanian media experienced drops in scoring despite the country joining the EU. However, panelists pointed out that setbacks occurred in several other areas (including corruption, financial stability, and governance) after EU accession. As they noted, scholars have begun talking of a “Romanian post-accession syndrome.”

There is no clear evidence of a sustained decline in the region; the countries and the region itself fall into the range of near-sustainability. The transition to sustainability might be the hardest stage to reach.

The average for the **Caucasus region** would suggest few changes during the past year, but the number belies variations among the countries. While Armenia and Azerbaijan witnessed slight increases, the Georgia scores dropped more substantially following the political upheaval surrounding President Saakashvili, protests against his rule, a state of emergency, and subsequent elections in early 2008. The Georgia MSI showed that treatment of the media by the legal system and the state worsened considerably, and plurality of news declined due to the effects of the state of emergency. Whether this drop will reverse itself with stabilization of the situation or whether it reflects a new approach to the media remains to be seen. Regardless, the scores for the region reflect media sectors in a fragile state. A series of events late in the year damaged Georgia’s impressive progress, and media in both Armenia and Azerbaijan remain stuck in an “unsustainable, mixed system.”

The **Russia and Western Eurasia region** represents a mixed group of states with respect to their media sectors. Ukraine has demonstrated progress over the past seven years, while Moldova has remained stagnant and Russia and Belarus have seen backsliding over this timeframe. Compared to last year, the region demonstrated inertia at its current level, more than any movement in a positive or negative direction.

Belarus remains a repressive state where independent media struggle to survive and where many media and journalists have resorted to moving outside the country to work for external broadcasters and other media outlets.

Russia remained stagnant as it entered the election season and the government ensured that the media would not pose a threat to the ruling elites. Well-funded state media and private media close to the state demonstrated their sophistication, technical expertise, and, in many cases, business acumen, while independent media remained largely confined to newspapers and a few broadcast outlets.

Ukraine witnessed a drop in scores, declining from 2.37 to 2.00. The ongoing political confrontation between two opposing political camps, with one camp looking West and one East, did

not allow room for the media to operate and develop. As the panelists noted, “Previous achievements in free speech and media independence look now fragile and unprotected; strong legal and institutional protection mechanisms to make them irreversible have not been yet established.”

The **Central Asia region** remains the least developed of Europe and Eurasia with respect to media development. Turkmenistan (included in the MSI for the first time this year) and Uzbekistan are the two countries in the region that can be characterized as “unsustainable, anti-free press.” Turkmenistan is slowly emerging from the isolation imposed by its recently deceased leader, President Niyazov, but any steps towards more openness or freedom are being taken very slowly, including within the media sector. Uzbekistan remains mired in a repressive media environment following the 2005 government crackdown on civil society and media.

Kazakhstan, Kyrgyzstan, and Tajikistan continue to operate in the space between repression and tolerance. Independent media exist, critical coverage occurs, professionalism spreads slowly in journalism and management, and organizations do exist for advocacy and representation of the rights of journalists and media. Yet the limits are clear and the constraints, legal and extralegal, prevent substantial improvement. A market-based business model is difficult for media that are too critical, as the economy is tied closely to the state and the overall economic level of such countries as Tajikistan and Kyrgyzstan create an underlying obstacle to media development. Self-censorship is prevalent, and even when it is not practiced, legal mechanisms are used against journalists and media outlets. Judicial systems are not independent.

## B. The Issues and Objectives

The regional variations discussed above have stayed remarkably consistent since the MSI started in 2001. Undoubtedly, this reflects larger political and external forces at work. Whether it is the lure of EU membership for Southeast European states that have witnessed progression, or the lack of real transitions in Central Asia as authoritarian regimes remain in power, the results show that development in the media sector has been dependent on internal political and economic changes as well as external events, such as EU expansion or reassertion of Russian influence in Central Asia.

Interventions by donors and implementers can have a significant impact in some cases, particularly when they coincide with external incentives and internal motivation to reform. However, circumstances in the Central Asia region show that such interventions cannot overcome entrenched political obstacles to change. This is not to diminish the worth of such interventions, but rather to show that the

---

---

process is longer and donors must realize that they are laying groundwork for long-term change, not immediate movement from mixed to sustainable systems.

Evaluating the scores in relation to the five objectives of the MSI shows interesting changes since 2001, and can offer insights to donors and policymakers on which elements of a media system are most amenable—or resistant—to change.

Professionalism is the weakest of the indicators, scoring a 1.75. Since 2001, the score for this indicator has risen from 1.52—a 15 percent increase. If one accepts the belief that quality journalism lies at the heart of a professional media sector, these results point to the difficulty faced in improving media sectors throughout the region. Yet a 15 percent average increase across the entire region indicates that progress can be made. If the difficulties involved in changing a professional culture—creating a new generation of professional journalists—are considered, then it is not overly surprising that this remains a challenge.

However, a group of countries is showing real progress according to the MSI. Eight countries—seven within the Southeast Europe region—scored higher than 2 this year, indicating that they are “nearing sustainability.” Three countries (Belarus, Turkmenistan, and Uzbekistan) scored below 1, indicating “unsustainable, anti-free press.”

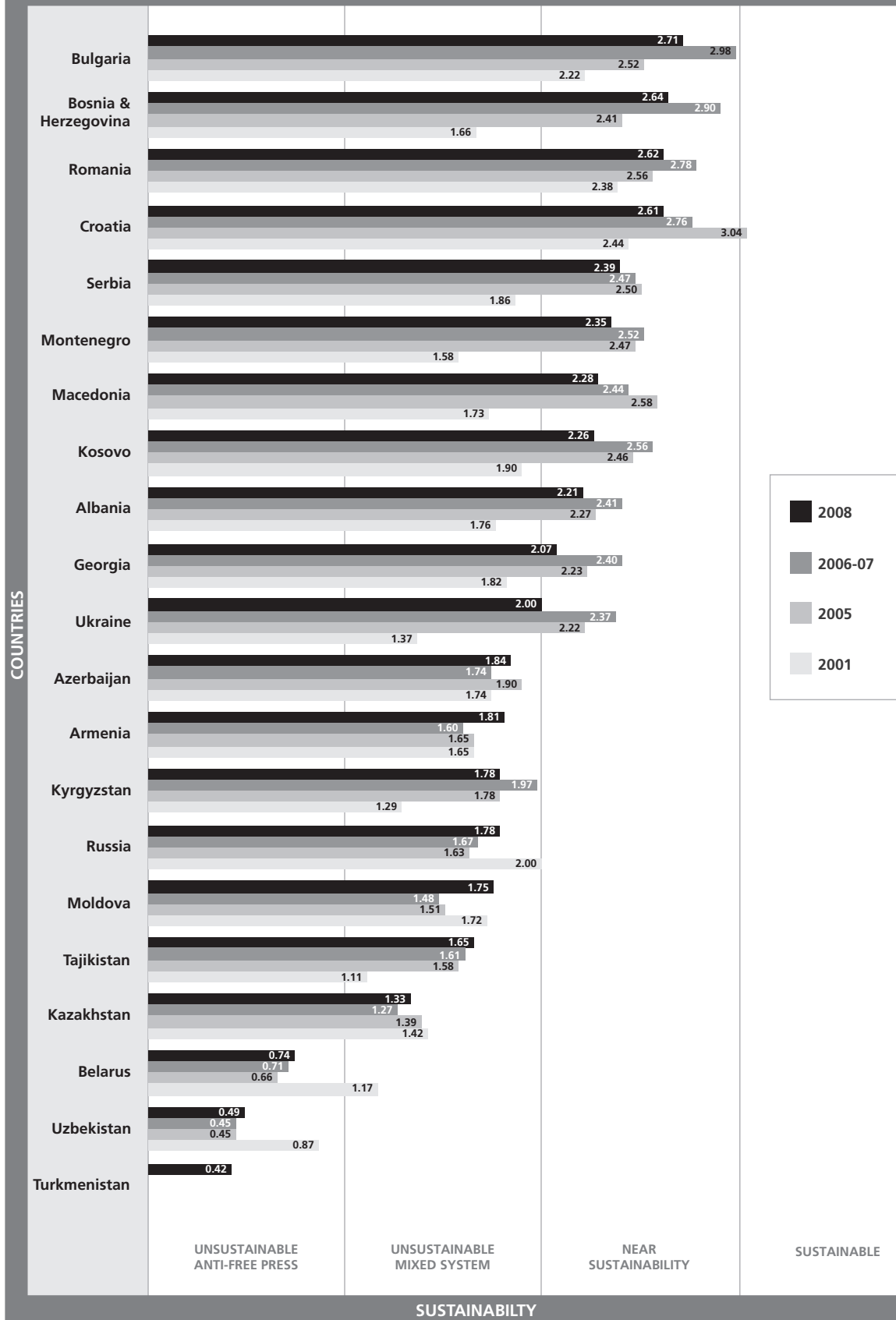
The objective for free speech, encompassing the legal and enabling environment for media, has improved only 6 percent since 2001, with the average of all countries in the region moving from 1.78 to 1.89. When the changes in media law across the region during that time frame are examined, the reason becomes clear. The development and implementation of media laws is a long-term process and one that requires the active support or acquiescence of the governments. While journalism training and witness improvements can be provided in a repressive environment, media laws cannot be passed or media law implementation improved without some form of cooperation from the government. Stable and repressive governments have not allowed this to happen in many instances, and such conditions bring down the average.

Plurality of news sources has also improved little since 2001, scoring 1.99 in 2008 as compared to 1.86 in 2001 (a 7 percent increase). Plurality encompasses many aspects of citizen and media accessibility to local, national, and international news. Many obstacles can hamper plurality; for example, poverty restricts the ability of citizens to buy newspapers, access cable or satellite television, or use the Internet—a frequent comment over the years by MSI panelists from Central Asia. Governments can restrict content of cable networks and terrestrial broadcasts as well as newspapers and magazines, as happens in states such as Belarus, Uzbekistan, and Turkmenistan. Poor business and technical infrastructure can restrict the distribution of news. Distribution of newspapers remains weak in most countries, according to the MSI panelists.

For media to become professional and independent, they must also be managed as viable and sustainable businesses, whether they are state, public, private, or community outlets. The soundness of journalism makes no difference if the outlet goes out of business. Sound journalism faces the danger of censorship, overt or covert, if outlets must resort to accepting money from political parties or relying inordinately on any one business to remain viable. The MSI has witnessed strong development of media management, with an increase of 16 percent since 2001 to an average score of 1.81. In addition, in 2008, 13 countries score above a 2.0 in business management, meaning that these countries are moving toward sustainability.

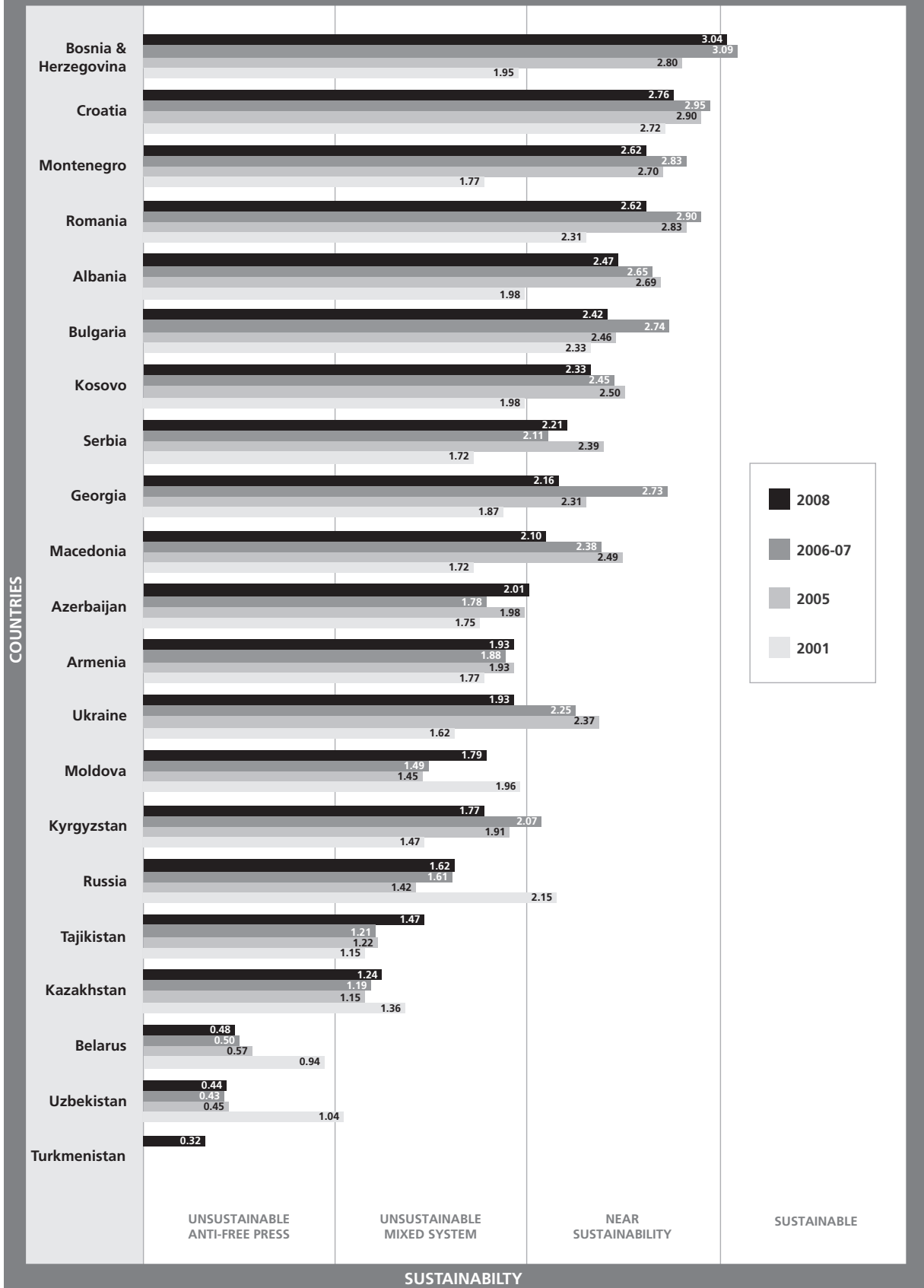
The supporting institutions objective demonstrates both the highest score in 2008 (2.01) and the highest percentage increase since 2001 (19 percent). The supporting institutions objective evaluates those institutions that support the professional development of the media sector in journalism, business, and management. It rates the viability and strength of advocacy organizations, training institutions, and distribution systems for print and broadcast outlets, among others. The relative strength of this sector in 2008 and the growth since 2001 is cause for optimism for the development of the sector, given that these local supporting institutions—not donors or international media support organizations—will be working over the long term to develop their sectors.

## MEDIA SUSTAINABILITY INDEX 2008: AVERAGE SCORES

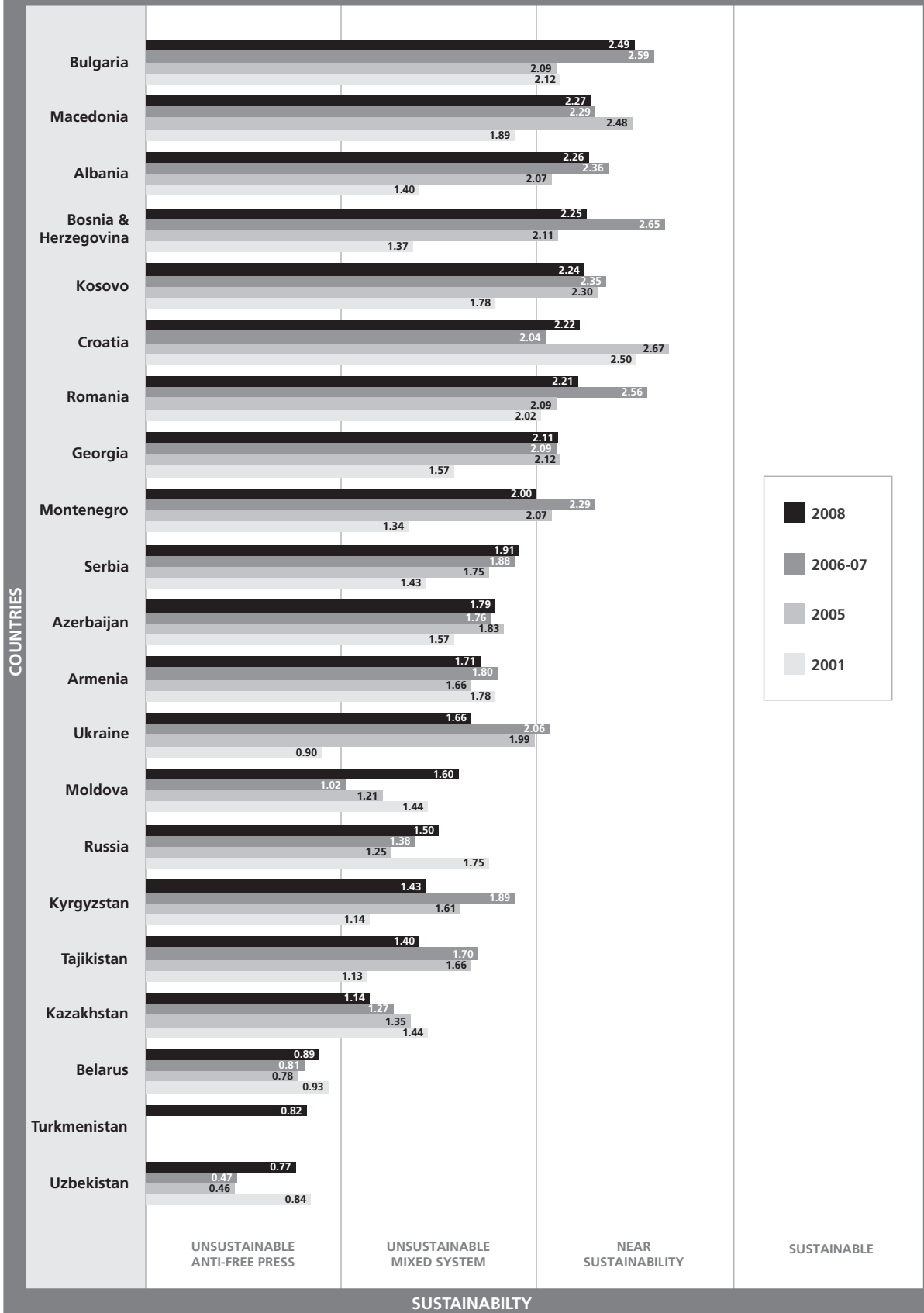




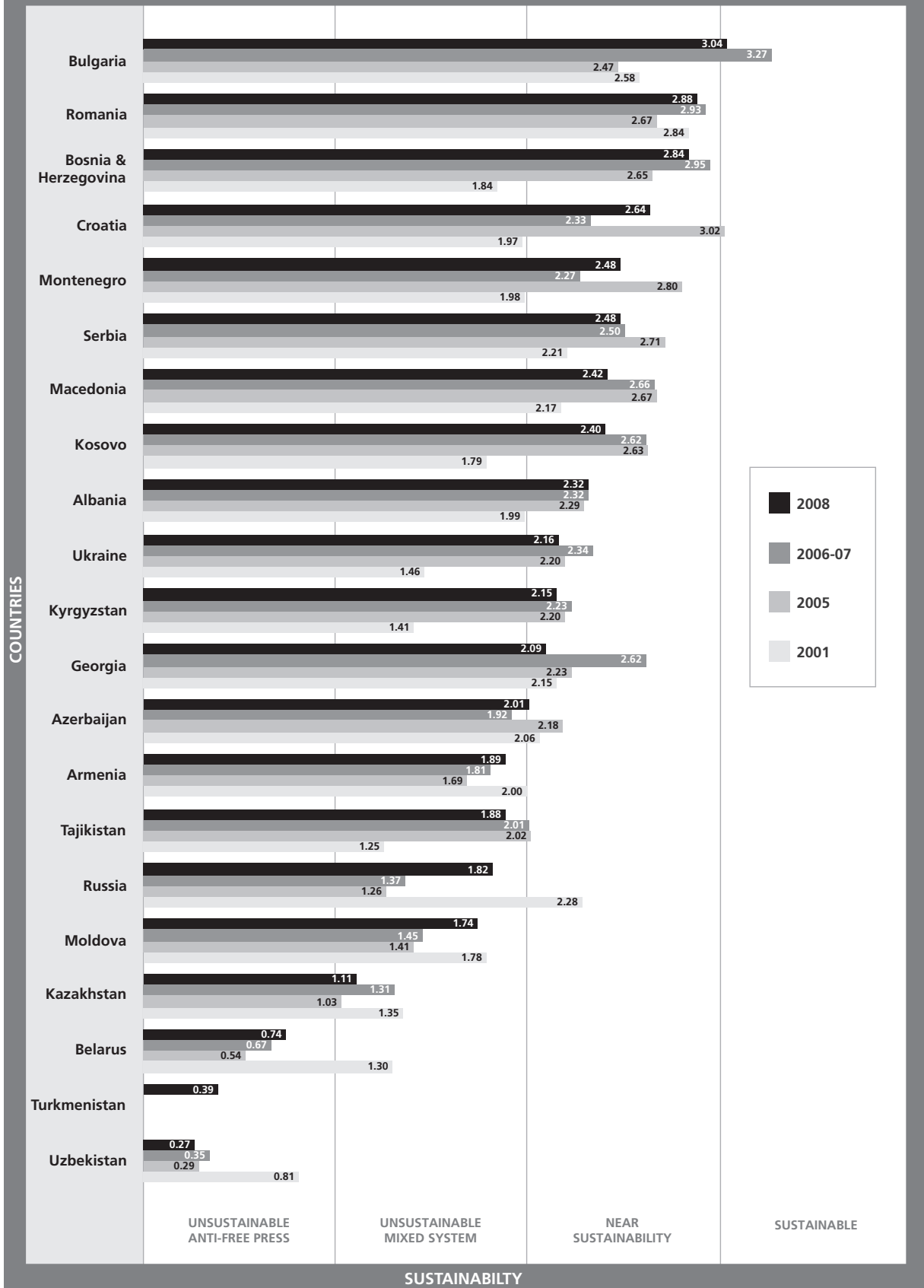
# MEDIA SUSTAINABILITY INDEX 2008: FREE SPEECH



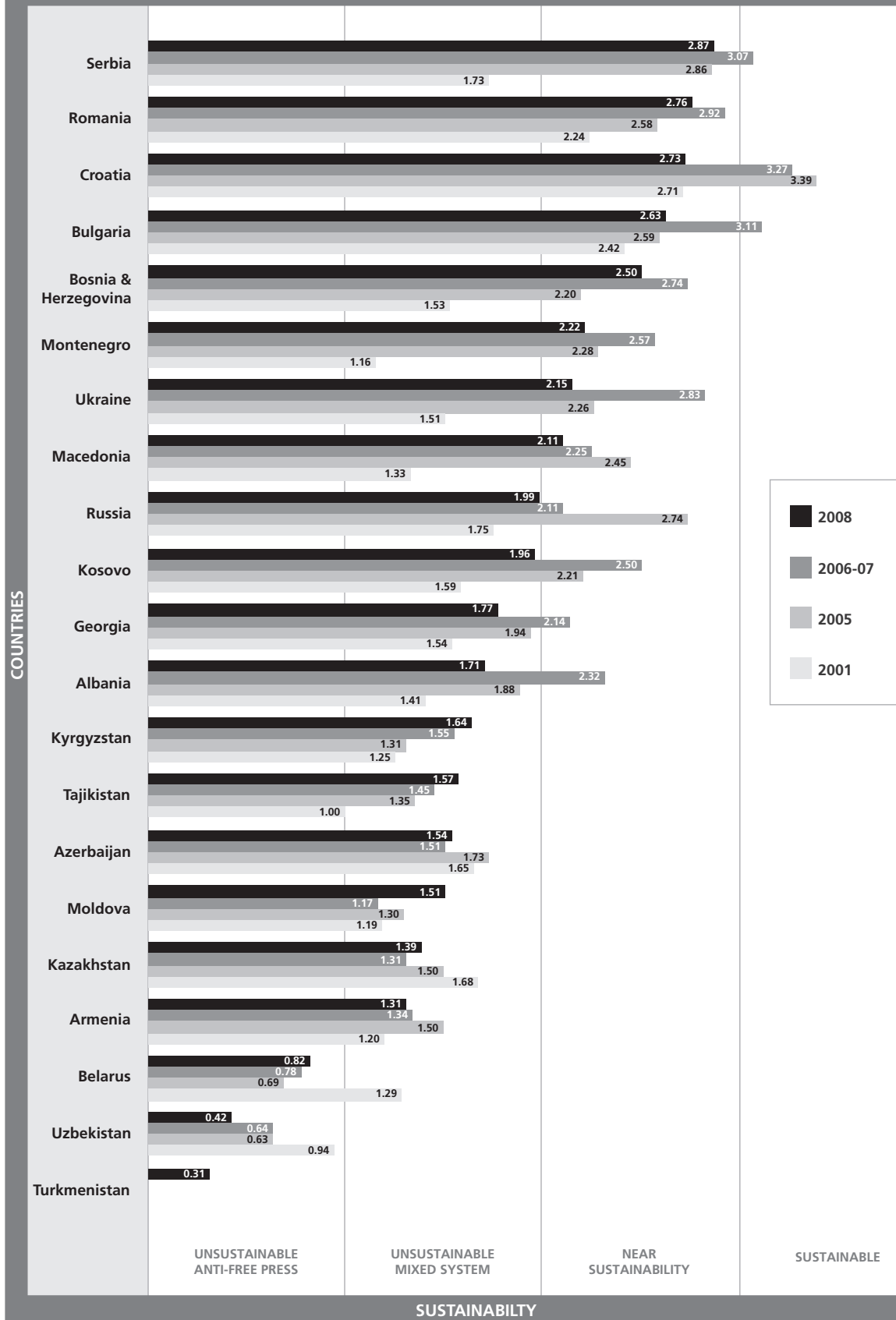
## MEDIA SUSTAINABILITY INDEX 2008: PROFESSIONALISM



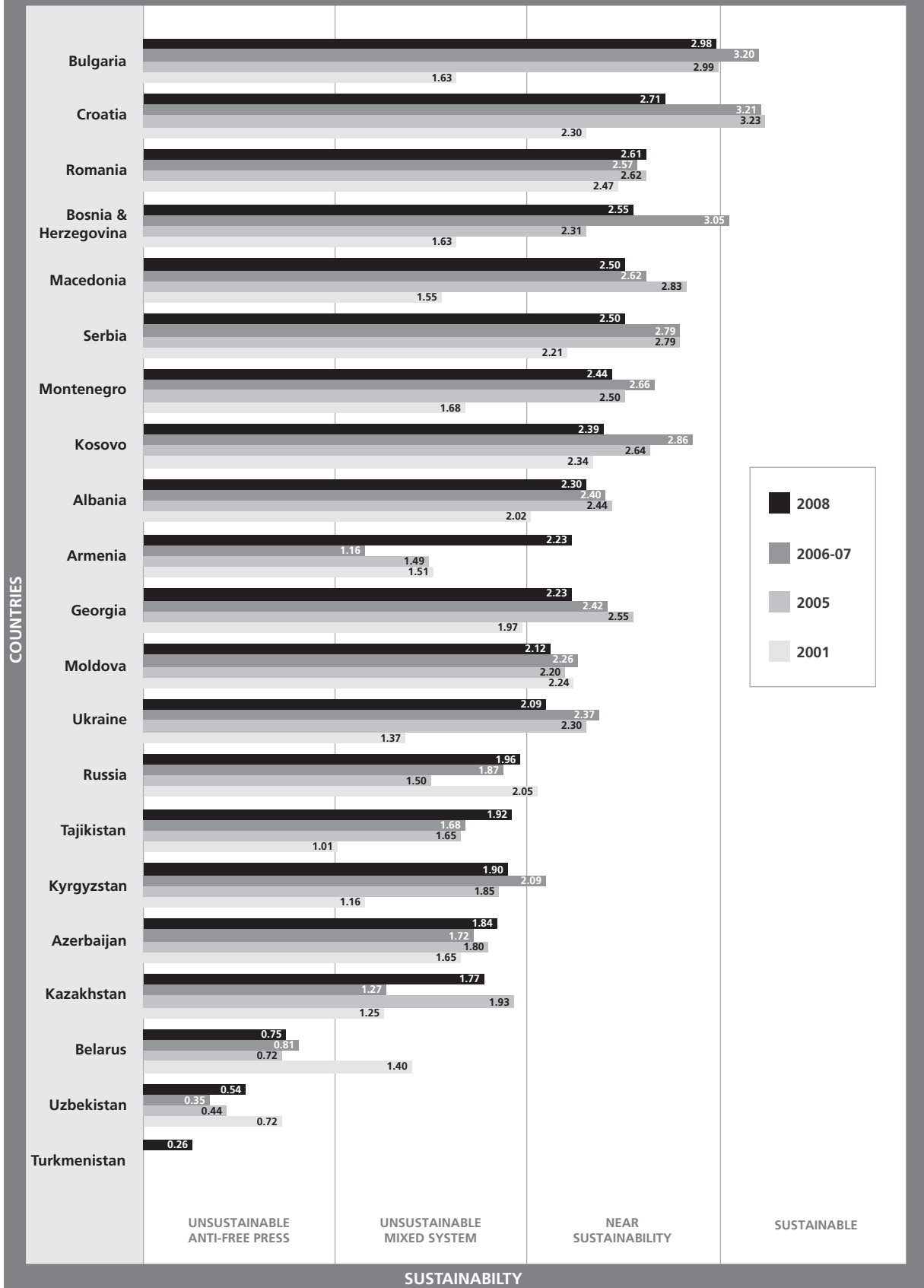
## MEDIA SUSTAINABILITY INDEX 2008: PLURALITY OF NEWS SOURCES



## MEDIA SUSTAINABILITY INDEX 2008: BUSINESS MANAGEMENT



## MEDIA SUSTAINABILITY INDEX 2008: SUPPORTING INSTITUTIONS



---

*A period of settling in seems to have occurred over the past two years. The period of “color” revolutions is a receding memory, elections proceed apace, and efforts continue in reform of media laws, developing sound management, and training the next generation of reporters.*



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

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

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

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

The scoring is done in two parts. First, a panel of experts is assembled in each country, drawn from representatives of local media, nongovernmental organizations (NGOs), professional associations, and media-development implementers. Panel participants are provided with the objectives and indicators and an explanation of the scoring system. Each panelist individually reviewed the information and scored each objective. The panelists then assembled to discuss the objectives and indicators, and to devise combined scores and analyses. The panel moderator, in most cases a host-country media or NGO representative, prepares a written analysis of the discussion, which is subsequently edited by IREX representatives.

The panelists’ scores are reviewed by IREX, in-country staff and/or Washington, DC, media staff, which then score the countries independently of the MSI panel. Using the combination of scores, the final scores are determined. This method allows the MSI scores to reflect both local media insiders’ views and the views of international media-development professionals.

## I. Objectives and Indicators

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

#### FREE-SPEECH INDICATORS:

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

### JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

#### PROFESSIONAL JOURNALISM INDICATORS:

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

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

#### PLURALITY OF NEWS SOURCES INDICATORS:

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

### INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

#### BUSINESS MANAGEMENT INDICATORS:

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



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

### SUPPORTING INSTITUTIONS INDICATORS:

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

## II. Scoring System

### A. Indicator Scoring

Each indicator is scored using the following system:

**0** = Country does not meet the indicator; government or social forces may actively oppose its implementation.

**1** = Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change.

**2** = Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces.

**3** = Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability.

**4** = Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions.

### B. Objective and Overall Scoring

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

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

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

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

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





**SOUTHEAST  
EUROPE**

---

---

*The numerous fiscal pressures that the government exerted on the media in 2006 produced negative results in 2007. Media who until recently viewed the government of Prime Minister Berisha quite unfavorably were forced to reverse their editorial policies.*



## ALBANIA

The attempts of political powers to dominate the media have not faded; in fact, they have become more sophisticated. In addition, the influence of different economic lobbies, linked to oligarchs in the political circles, has become increasingly visible. In an environment rich in political pressure and poor in institutions that might promote separation of powers, freedom of the media in Albania remains under threat.

The numerous fiscal pressures that the government exerted on the media in 2006 produced negative results in 2007. Media who until recently viewed the government of Prime Minister Berisha quite unfavorably were forced to reverse their editorial policies. This development and others, such as government institutions refusing access to information and the slow approval by Parliament of a series of freedom of expression and digital broadcast licensing laws, have notably influenced the media situation in Albania.

Continuing political rivalry exacerbated the deteriorating media situation in Albania in 2007. Local government elections, which once again were regarded as not meeting international standards, resulted in the ruling Democratic Party losing Tirana and all the main cities in the country but preserving a slight advantage in rural areas. President Alfred Moisiu's term drew to a close and Parliament took up the task of electing his successor. The opposition wanted this post, the highest of the state, to be held by a consensual candidate in light of Berisha's control of all other state institutions. However, by cooperating with his former political enemy, Fatos Nano, Berisha was able to engineer the election of Bamir Topi from his party as president.

A few months after obtaining the presidency, Topi dismissed the chief prosecuting attorney, which his predecessor had opposed. This action has intensified the fear that the prosecuting authority will be misused by the government against members of the opposition and other critics in media and civil society.

Transparency International again ranked Albania as one of the most corrupt in the world. The hopes of many that Berisha would fight corruption have turned into disappointment. Small-scale corruption has become massive. Projects of the previous Socialist government, which were denounced as corrupt by the then-opposition, were continued by the opposition once in power. Corruption and incompetence precipitated an energy crisis that causes blackouts ranging from four hours a day in Tirana to 17 hours in remote areas. New cases of government corruption are denounced in the media on a continual basis.

This year's MSI study returned a score of 2.21, slightly lower than last year's 2.41. Four out of the five objectives suffered drops; only Objective 3 did not change. All objectives fell relatively close to the overall average, except for Objective 4, Business Management, that came in at 1.71. Albania's overall average was last among Southeast Europe countries.

# ALBANIA AT A GLANCE

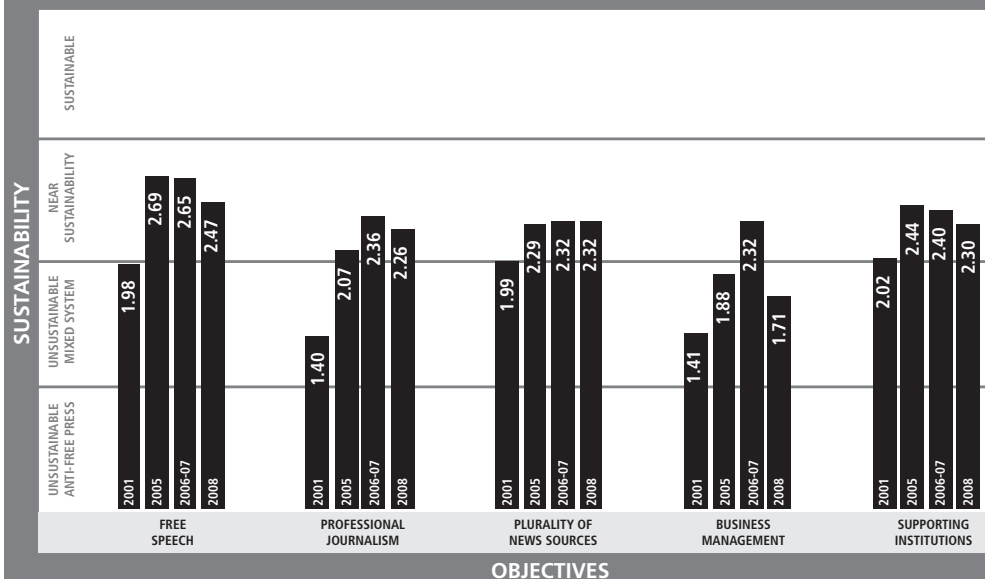
## GENERAL

- > **Population:** 3,600,523 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Tirana
- > **Ethnic groups (% of population):** Albanian 95%, Greek 3%, other 2% (Vlach, Roma, Serb, Macedonian, Bulgarian) (1989 est., *CIA World Factbook*)
- > **Religions (% of population):** Muslim 70%, Albanian Orthodox 20%, Roman Catholic 10% (*CIA World Factbook*)
- > **Languages (% of population):** Albanian (official - derived from Tosk dialect), Greek, Vlach, Romani, Slavic dialects (*CIA World Factbook*)
- > **GNI (2006-Atlas):** \$9.273 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$5,840 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 98.7% (male 99.2%, female 98.3%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President of the Republic Bamir Topi (since July 24, 2007)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 200 total; Radio: 46 local and 4 national; Television stations: 68 local and 3 national (Source: Albanian Media Institute)
- > **Newspaper circulation statistics:** Total yearly circulation is about 30 million; individual circulation statistics for newspapers not available
- > **Broadcast ratings:** N/A
- > **News agencies:** Albanian News Agency (state-owned), ALNA (private).
- > **Annual advertising revenue in media sector:** 15 million
- > **Internet usage:** 471,200 (2006 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ALBANIA



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREEDOM OF SPEECH

### Albania Objective Score: 2.47

This objective's average score showed a slight decrease compared to last year. Indicator scores varied quite a bit, with only four of the nine being scored near the average. Indicators 4, 8, and 9, crimes against journalists, media access to international news sources, and free entry into the journalism profession, all scored more than a half point higher than the average. However, panelists gave scores more than a half point lower than the average to Indicators 2 and 5, broadcast licensing and preferential legal treatment for state media.

Many speakers on the panel stated that there is a lack of political will to implement existing laws and also to improve legislation that supports freedom of expression and access to information. One of the panelists, lawyer Genti Ibrahim, said that his expectations one year ago on the improvement of media legislation have faded as long as the ruling majority has not yet approved a series of bills. This leads him to think that the hindrance is not just a technical one, but political will is absent altogether. "It is no coincidence that, similar to previous governments, the bills 'On Press,' regulating digital broadcasting and amending the Penal and Civil Codes regarding defamation continue to rot for some years now in the drawers of the Parliament," he said.

Meanwhile, panelists said that even with regard to the implementation of existing laws, there is a series of problems that hinder freedom of expression and access to information. According to marketing analyst Thanos Goga, sources of access to information for journalists not only have not increased this year, but they are at lower levels than before. Other panelists felt freedom of speech in Albania continues to be harmed in two ways: by obstructing it and by misusing it. "Public offices continue to be inaccessible," said panelist Ilir Yzeiri, journalist and professor of journalism in the University of Elbasan. Sharing his own experience as a journalist for the investigative anti-corruption program called "Hapur," financed by USAID, Yzeiri expressed his concern regarding the fact that journalists with cameras often find it extremely difficult or even impossible to enter the ministries.

Meanwhile, other participants in the panel stated that unlike the promises made for a more transparent and open governing vis-à-vis the media and the public, it is clear that government offices are increasingly shut to the journalists. A bitter feeling spread among the general public when the Council of Ministers refused to grant the general prosecutor's demand to possess, for investigation purposes of a corruption charge against one of its ministers, the minutes of a government

meeting. If the government refuses to hand over documents to the institution of the prosecutor, journalist's cannot expect much to come of their requests, asked the panelists.

Abuse of freedom of speech also appeared in the shape of indifference toward media. There were many cases when media denounced corruption but public institutions, whose job is to react, remained silent. This relates to the weakness that has long characterized Albanian society and its democracy, still in its infancy. This is particularly true in relation to the lack of independence of government institutions such as the judiciary. This renders freedom of speech a mere vanity, panelists said.

Licensing of the media continues to be shaped by a pronounced political clientelism, another symptom of politics and its power to control and use media. Gent Ibrahim is also member of the National Council of Radio and Television (KKRT), an institution whose task is to license media and oversee the implementation of broadcast-related laws. According to Ibrahim, the election of KKRT members continues to be a significantly political process. "When there is harmony between the decisions of KKRT and the government interests, the police or the tax police also obey these decisions; when this harmony is not existent, KKRT decisions are not implemented," he said.

Musa Ulqini, member of the opposition and member of the parliamentary media commission, referred to a KKRT decision to license a local station, TV Ora. "The licensing of TV Ora was a scandalous example of political pressure for establishing a

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

### FREE-SPEECH INDICATORS:

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

---

---

television station in [the government's] own favor, at a time when a license was denied to more [compelling applicants]," he said.

"Having a media business, you do not encounter any discrimination or disadvantage as compared to other businesses," said Bashkim Hoxha, long the owner of Teuta TV, one of the most successful local stations. However, Hoxha further clarified that a considerable number of media do not pay taxes as the law requires. Hoxha recalled a notorious conflict that emerged in 2006-2007 between the government and the media company DigitAlb. At the time the government accused DigitAlb, whose media were rather critical of the government, of tax evasion amounting to approximately €13 million. Public opinion was that this was an overblown figure. Political opposition, segments of civil society, and some media accused the government of attempting to exert fiscal pressure to silence a critical media outlet. Doubts increased in view of the fact that the charge on evasion was aimed only against DigitAlb, while other media close to the government, did not experience such interference despite the real possibility that they also did not fully pay their taxes. The issue has remained unresolved.

To Gent Ibrahim, the selective interventions by the government have been rather obvious and this affected his score. Other panelists shared this view, saying that it was not sufficient for media as a business not to be discriminated against compared to other businesses, which are much more profitable than media business. Incentives, such as tax breaks, are needed to help ensure media can play their necessary role in a tough economic environment.

There have been no cases of journalists murdered in Albania. However, different forms of pressures against them have been present. In the early years of post-communist transition the then-democratic government tried to "discipline" free speech by exerting, at times, severe violence on journalists. Several journalists were imprisoned, while the newsroom of an independent newspaper was torched. This violence on journalists and the media had very heavy political consequences on the ruling majority at the time and on President Sali Berisha, who inspired this hard line. It seems this was a lesson he learnt. Currently, back to power as prime minister, Berisha has tried to build up a facade that lends the impression of correct relations between government and journalists. However, beyond the facade, relations are not that rosy.

Many levels of society do not favorably view journalists and media outlets that are critical of the government. There have also been cases when relatives of journalists that oppose the government have been fired only for this reason. In a poor country like Albania, unemployment of relatives is a powerful pressure tool to convince journalists to change their attitude.

In society at-large, many people still think that a journalist that criticizes is not a symbol of free speech, but rather an enemy of the party, enemy of the government, and enemy of the people as was the case under communism.

Again this year, panelists stressed that Albanian Public Television (TVSH) continues to favor the government, although politicians' need to control the content is not the same due to the emergence of numerous private stations. Even though TVSH no longer has the monopoly of television industry like it used to, it still remains a government stronghold that no politician is willing to give up. Once again, with the change of power in 2005, a change of all management of TVSH followed. "Since the management of the public media continues to be appointed by politicians, this public media has no way of being independent, hence it cannot be public," said Genc Ymeraj, journalist and ex-director of TVSH, currently working at "News 24" commercial television. However, to Lutfi Dervishi, director of news in the public television, political pressure derives more from the small parties. "I receive most of the calls from small actors in politics, who try to occupy a few more seconds in the news editions," he said.

To lawyer Genti Ibrahim, it is an unjustifiable privilege for TVSH to hold two national frequencies (one of which it has not used for years) while some rather developed commercial stations like "Vizion+" still only have a local license. Musa Ulqini interpreted this situation in a different manner. According to him, by leaving two national licenses to TVSH, the law does not intend to favor public television, but the public itself, so that the public broadcaster can establish a digital platform, where children of poor families, who cannot afford to subscribe to private platforms, can also watch movies.

Until recently public television enjoyed the most extensive coverage in the country, but currently it is experiencing problems. "To me the public television does not have any public, as in my city it is not received at all said," Shkëlqim Bylykbashi, owner of a television station in the south of the country.

The issue of libel and defamation remains unsolved. A statement by Prime Minister Berisha that his administration would not sue any journalists for libel is not a satisfactory solution, according to the panelists. This is not only because such a promise is temporary, but also it does not foster the harmonization of the work of journalists with the demands of the professional ethics. Presently in Albania there is a situation diametrically opposed to few years ago, when many journalists were taken to court for political reasons, disguised under the charge of libel and defamation. Nowadays the opposite is true. No reporter is taken to court, even though he or she truly insults or defames a politician. To many panelists, this kind of "freedom," which does not respect



human dignity and does not stem from the law, is not a freedom. Actions can become right only when justice is made through the law.

However, this is where the challenges begin. Albanian law on defamation and libel is not up to international standards. For several years attempts to amend the Civil Code and decriminalize libel and defamation by removing it from the Penal Code have been underway. However, these amendments have not been passed by the Parliament yet. Panelists attribute this to a lack of political will and it still affects their scores negatively. Even though no journalist has been taken to court, this is not a consequence of improvement of the skills of journalists, but rather the mercy of the government.

In general, all panelists felt that laws on access to information are satisfactory. However, panelists pointed to two problems in practice. For one, journalists often suffice themselves only with a press conference and rarely exploit their legal right to access more in-depth public information. "The lack of attendance of journalists [at] the energy tender by the Electric Corporation was not positive at all, especially when thinking that it is exactly these reporters that make accusations of abuses with energy tenders," said Bashkim Hoxha. The other problem is related to an increasing tendency of the public administration to remain shut to the media. "While I was working for the investigative program Hapur, we experienced difficulties in gathering information at many of the ministries and with many employees who begged us not to request any information, as they feared loss of their jobs," said Ilir Yzeiri.

The government does not restrict the use of international media sources in any way. However, access is limited by a couple of factors. For one, media outside of Tirana may have limited Internet access or other technical limitations that prevent them from getting news from these sources. The other factor is cost. In particular, media outside Tirana cannot afford to pay for the use of such sources. Similarly, the government does not restrict the ability of journalists to enter and practice the profession.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Albania Objective Score: 2.26

Professional journalism remained more or less the same, with just a slight drop according to the panelists' scores. Most of the indicators scored within a half-point of the average. However, Indicator 3, self-censorship, scored about three-quarters of a point less than the average, while Indicator 6, balance of news and entertainment, scored almost three-quarters of a point more.

Panelists concluded that the emergence of an increasingly high number of quality journalists has not had the desired impact on the quality of news reports. According to the panelists, the weak link in the media is no longer the journalist, but the editor, who should demand compliance with the basic principles of journalism on a daily basis. It is not because of a lack of knowledge that it is very rare to find an article based at least on two sources, said Andi Tela, editor-in-chief of daily *Panorama*. "Many journalists write their news from their desk and only a few of them go on field to be in touch with the news," said Bashkim Hoxha. For other panelists, the problem stems from the overload journalists face, sometimes amounting to two or three articles per day. "Such an intensity of work forces journalists to be more superficial," said Iris Luarasi, professor in the journalism branch of the University of Tirana.

The more conflict in politics, the stronger the tendencies are to misuse newspapers and television stations as weapons against rival parties. Bitter political struggles also awaken internal struggles of media and journalists from rival political camps. The result is reporting by some outlets that is completely devoid of balance and does not reflect ethical standards.

A Code of Ethics has existed for some time in Albania. Only a few journalists with a high level of professional integrity follow this code. Many others ignore the code, and publish stories that defame outright officials or even fellow journalists with whom they disagree. Recently, the Council of Ethics was also established, but to date there is not one case when the Council of Ethics has addressed a problem regarding the violation of ethical standards by journalists. The panelists' opinion was that this problem is still unsolved.

## JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

### PROFESSIONAL JOURNALISM INDICATORS:

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

The overwhelming majority of panelists admitted that media and journalists are subjected to self-censorship for different reasons. While years ago the cause of self-censorship was mainly politics, economy has increasingly become a factor nowadays. "It is more the business interests and the interests of media owners that impose self-censorship," said Aleksandër Çipa, journalist and president of the Union of Albanian Journalists. For example, the overwhelming majority of newspapers and broadcasters did not report on the protests over, or themselves come out against, high mobile telephone fees because the mobile telephone companies are among the most powerful buyers of advertising in the country.

However, panelists said the pressure of politics remains a source of self-censorship. Many media tried to avoid reporting on the scandal related to the construction of the Rrëshen-Kalimash road. The main cause for this was not the pressure from Bechtel, the investment firm. Rather, this was part of a severe political debate, which put the government in the center of corruption charges.

Self-censorship is related directly to whether Albanian journalists will or will not cover key issues. To the panelists it was evident that media and journalists address many issues important to the public. However, it was emphasized that it often happens that self-censorship hinders the fulfillment of this mission. Using the terms ironically, one of the speakers said, "It is precisely due to self-censorship that in some cases media and journalists cover up, instead of *discovering* the key problems." This is not only done by some stations in the favor of government, but also to the benefit of the political opposition. Recently, "News 24," a local station in Tirana, did not report at all on protests by tens of thousands of people held in Tirana because it was not in line with the interests of the Socialist Party, the biggest opposition party.

Albania is the poorest country in the Balkans and Europe and the salaries of journalists in general remain low, although they are not among the lowest compared to the rest of the population. "The salaries of journalists are above the average level of salaries in the society," said Bashkim Hoxha. Many others shared the same thought, including Musa Ulqini, who said that "compared to police, health personnel, or teachers, the salaries in the community of journalists are more satisfactory." Panelists assessed as positive a policy that forces private businesses (including media), to determine a minimum salary for employees. As a consequence, one cannot find a reporter in Tirana whose salary is lower than €300 per month.

However, the speakers noted one cause for concern: salaries remain significantly lower in smaller cities. One of the

panelists humorously formulated the "law" of the salary level, saying, "The salary of Albanian journalists diminishes in proportion to the distance from the capital." Aleksandër Cipa, president of the Union of Albanian Journalists, said, "The level of salaries of local journalists is so scandalous that it cannot even reach the average level of salary as defined by government standards. It is 60 percent of the community of journalists in the country that receives these kind of salaries." Panelists also decried journalists receiving their salaries with several months' delay.

Although panelists admitted that better salaries would deter corruption and promote adherence to ethics, panelists could not help but note that salary is not everything. "Even some journalists or editors-in-chief, who receive very high salaries, are not immune to different kinds of corruption," said Genci Ymeraj. Meanwhile, for Andi Tela, "you could pay a reporter even €10,000 per month and he or she will regardless sell himself or herself and accept to write commissioned articles, if this runs in his or her blood." However, it was admitted in general that the lower the salary, the greater the willingness to use the profession for corruption purposes.

The strong tendency of journalists to leave the profession as soon as they have a chance is also related to the relatively low salaries. There are a significant number of journalists who turn into spokespersons, or even members of parliament, as soon as there is a rotation of political power.

Another problem related to salary is that about 90 percent of Albanian journalists work without contracts, therefore owners easily pressure them to engage in self-censorship. Being in a situation where there is not yet a strong union for the protection of their rights, Albanian journalists have had only two options: to conform with the owners demands and abandon their professional integrity or to lose their job.

All panelists shared the opinion that entertainment programs do not eclipse news programs. In general the program framework of television stations is well-structured, preserving the right ratio of news, information, and entertainment. There are also stations that are devoted entirely to news, such as News 24, Nesër TV, Top News, and Ora TV. Other stations regularly use a news ticker at the bottom of the screen.

With regard to technical equipment and production values, there is a visible difference between Tirana-based stations and local stations. In Tirana today it is possible to find the most advanced techniques of digital broadcasting, mainly thanks to the investment by Top Channel and DigitAlb. These two companies installed the first digital terrestrial and

satellite platforms a few years ago. DigitAlb later enhanced its services through television broadcasting to mobile telephones, as well as with the introduction in the digital platform of two high-definition programs. Other television stations, like Vizion + or Klan also use rather modern premises and technology.

However, the situation appears to be completely different in the television stations of other cities. Even media in somewhat bigger cities and located in an area where business is more intensive, such as Durrësi or Shkodra, find it difficult to compete with the media in the capital when it comes to technology. Media in even more remote towns, in isolated and poor areas like Tropoja or Dibra, are in situations of technical poverty. "Many local televisions have made no investment for years and their poor situation regarding premises and technology is not even monitored by the National Council of Radio and Television, which, after granting the license, is interested only in collecting the taxes," said Shkelqim Bylykbashi.

Regarding the diversity of programming, panelists noted that in both print and electronic media all kinds of programs are present: besides political news you will also find business, culture, and sports. One of the panelists said, "In spite of the priorities that politics still enjoys over economy, or sports and culture, we are at a stage when the lack of news on the economy, sports, or culture is perceived as a unforgivable shortcoming of the station or newspaper."

In the past few years investigative journalism has been more present in the media. The television program *Hapur*, financed by USAID, has aired hundreds of stories investigated by Albanian reporters throughout the country. The program helped to involve even local journalists and media outlets in the investigative reporting on corruption and trafficking. It was broadcast by nearly 20 television stations in the districts and also by public television in Tirana. In spite of the difficulties and obstructions faced (in some cases *Hapur* reporters received threats and some stations, public television included, has declined to broadcast some segments) the program has had positive impact on the public and even on the law enforcement. There have been several cases where prosecutors in the districts were motivated by *Hapur* reports to open investigations. For example, after *Hapur* reported on monopoly rates in the mobile phone industry, the Parliament opened an investigation. Unfortunately, funding for the program ceased and no media outlets in Albania have found the funding to continue it. Another show, *Fix Fare*, has been aired by Top Channel for five years. Despite a big audience, it does not engage in investigating corruption at the highest levels of government, rather it is content on ridiculing low-level corruption.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Albania Objective Score: 2.32

This is the only objective that did not suffer a decrease compared to a year ago, however, it did not improve, either. Panelists gave a very good rating to Indicator 2, citizen access to news. However, Indicators 3 and 4, public media reflect the views of the political spectrum and operations of news agencies, scored well below the average.

Panelists noted that the range of problems related to sources of information is the same. One of the most debated problems concerned several contradictory developments in the press industry. On one hand, there is an increase in the number of newspapers, and, on the other hand, there is a decrease in their total circulation. So, although today there are about 30 daily newspapers, their total daily circulation does not exceed 70,000 copies. To panelist Ilir Yzeiri, journalist and professor of journalism at the University of Elbasan, one of the causes for this situation is that newspapers are produced only in the capital and are distributed only in the main cities, but do not reach the villages and the remote areas. "We have an Albania that is habitable only in the capital, where there are newspapers and Internet. On the other hand, there is another Albania, increasingly not fit to live, where newspapers do not travel and even if there is any Internet café, the prices are too high for the citizens" said Yzeiri.

Currently, the national press is showing symptoms reminiscent of the times immediately after transition, when many

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

thought the failure of local print media was imminent. The increasing competition with electronic media hurts the circulation of newspapers. However, to the panelists, the main cause is poverty of businesses and poverty of people. The economic situation, which is still far from thriving, does not allow businesses to place enough advertisements in the printed press, at the same time that poverty is having its toll among newspaper buyers. Currently, the largest newspapers in the country hardly exceed a daily circulation of 15,000 copies. The fact that the two largest newspapers have the lowest price compared to other dailies was attributed to the poverty of buyers. "Many people with a monthly income of about €200 tend to buy a newspaper that costs 20 cents rather than another that costs 50," said Genc Ymeraj.

In fact, cover price remains one of the most debated issues among newspaper publishers. Even the slightest fluctuation in price is immediately reflected on the sold copies. Some publishers complain that a price below 20 cents is below the production cost. For this reason, they have demanded the drafting of a law that sets a floor price for newspapers. However, this is opposed by other publishers, who stress that such a measure not only counters freedom of the market, but will lead to fewer buyers, rendering the financial situation of the press even more difficult.

While to some panelists it is an alarming fact that in a country of about three million inhabitants only about 70,000 newspapers are sold per day, to other panelists the development of electronic media compensates as a way of informing people. Musa Ulqini appeared to be the most optimistic one regarding the plurality of sources of information, saying "I believe that in Albania, with its three million inhabitants, where one third of the population lives in the capital, and half of the population lives near the capital, where we have about 120 television and radio stations, the diversity of information sources is at its maximum".

Apart from technical and financial obstacles, there is no law in Albania to hinder access of citizens to local and international media. However, in spite of the expansion of the Internet, Albania remains the most backward country in the region and in Europe regarding Internet speed. This is rather worrying to Gent Ibrahim. According to him this might threaten freedom of information, because while information in newspapers and televisions can be controlled in many ways by politics and business, "Internet grants people a range of information that is difficult to control."

With regard to public media, which in Albania is represented by Albanian Public Radio and Television, the panelists said that in spite of an enrichment of programming at this station in the last year, government influence on its editorial policy is still visible. The panelists discussed why every time

governments change they continue to insist on controlling TVSH, at a time when commercial media are currently the main opinion makers. Bashkim Hoxha noted, "Public television continues to be considered as government media and not public media." However, to Musa Ulqini there is another cause, related to elections, which makes every government put TVSH under its control, and it is the fact that "public television is the only one whose signal is able to cover the northeastern part of Albania. In this area, due to the mountainous terrain and the low development of business, private media are not encouraged to invest."

There are no longer private news agencies in Albania. Attempts made in earlier years failed for different reasons. However, the public news agency, ATSH, does not seem to be any more successful. The panel noted that newspapers and stations rely increasingly less on news produced by this news agency. Apparently, the low quality of news produced by this agency makes Albanian media prefer to investigate and produce their own news. "Establishing a private or public news agency means that the news you produce is so good that other media want to buy it; this does not happen here," said Lutfi Dervishi. In fact, a strange relation seems to be in place between ATSH and private media. Instead of the news agency feeding news to the media, it seems that private media are the ones that feed news to the agency. Meanwhile, almost all newspapers and stations use as sources of information the news provided by internationally renowned agencies, such as Reuters or the Associated Press.

In general all media outlets produce their own news using in-house reporters. Newspapers, radio, and televisions concentrated in Tirana have the financial ability to employ far more reporters to cover wider areas. Local media is focused more on local news and some reporters employed there serve also as reporters for the biggest stations located in Tirana. National media in Tirana use local media as a source of local news and vice versa. Radio stations are mostly occupied with the music and other entertainment programming but both in Tirana and in rural areas they also provide brief news broadcasts during the day.

Regarding the transparency of media ownership, it can be said that while it is clear who the owners are, there is no clarity and transparency regarding the sources of financing. The fact that a year ago, the prime minister publicly charged some private media of being "daggers of the mafia" left a bitter feeling among the public. This rather grave charge remains unsupported to this day.

From the legal viewpoint there are no hindrances to developing private media for minorities. "The law allows for one or more individuals to open a local television in the Greek language or those for other minorities," said Musa

Ulqini. If this does not happen, it is only due to financial weakness of minorities. Meanwhile, the panel stressed that the public broadcaster has respected all conventions regarding sources of information for minorities. Currently the public radio and television broadcast programs in Greek and Macedonian where these minorities are present.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Albania Objective Score: 1.71

Panelists expressed concern that the economic and financial situation facing media is significantly undermining its independence and sustainability. The score decreased significantly, from 2.32 to 1.71 this year. All indicators fared rather poorly and scored near the average, although Indicator 7, audience and circulation measurement, received a score more than three-quarters of a point less than the average.

Almost all panelists shared the opinion that media and press distribution companies do not yet operate as efficient and professional businesses. With the exception of a few big television stations, such as Top Channel, TV Klan, or Vizion +, all other media cannot survive with advertising revenue or sales if they are not subsidized by parent companies or other interests that control them.

A large number of television stations in cities other than Tirana are in extremely difficult financial positions due to the anemia of businesses in those areas, making them unable to sufficiently support media with advertising revenue. Many of these media survive only thanks to the maximum reduction of costs, which translates into very backward technology, reduced staff, limited programs, and low salaries for journalists.

The present situation is similar to local newspapers, which disappeared in the transition years. Currently in Albania all newspapers and magazines are published only in the capital Tirana. Many people fear that this could happen even with electronic media, especially television stations. The concentration of the media only in the capital would have negative consequences. This would increase the potential for media control and manipulation by the central government. Capital-based media could not provide in detail the range of issues and information that citizens in other cities need. This is a particular problem during decentralization reforms: local media are needed to inform citizens on the governing process of these increasingly powerful local governments.

The panel discussion addressed in greater detail the press problem. There are currently about 22 daily newspapers in the country, but the number of sold copies is very low.

With the exception of a handful of newspapers that sell up to 15,000 copies per day, there are many newspapers that do not sell even 1,000. It is precisely the subsidies from the owners that keep them on the market. "Many newspapers are like a patient in the intensive care unit and would die immediately if you unplug all the 'equipment' and 'injections,'" said Genci Ymeraj.

The existence of many newspapers and the still-small advertising market (which is even smaller for newspapers, since most of the advertising pie is absorbed by television), leads to newspapers having significantly lower revenue compared to the cost of their production. Prices of advertisements are also very low. "If the price of an advertisement in a country like the Czech Republic can be €8,000, in Albania you can publish an ad in a newspaper even with €200," said Lutfi Dervishi.

The only successfully managed part of the press industry seems to be the printing houses. The same cannot be said about the press distribution companies, which, similar to newspapers, suffer the consequences of small advertising revenue. Supported by the owners of some newspapers, these companies distribute the press only in the cities and do not reach rural areas, where a sizable part of the population still lives. Nobody has ever calculated whether the expansion of the market to include the villages would bring enough revenue as to justify such a move. The problem remains caught in a vicious circle: newspapers do not go to the villages because there is no money to do so and newspapers lack money because they do not go to the villages.

Several local private advertising agencies exist, but there are no international advertising companies present in Albania.

## 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.

Several television stations, radio stations, and newspapers, prefer to manage their own advertising activity. The main problem for the media in the country is not how the advertising industry is managed. Clearly, with the passing years, the quality of management of advertising has improved a lot. Unfortunately the advertising market in Albania remains very poor, and the biggest stations in Tirana collect most of the available advertising. Working with advertising agencies, these stations receive advertising from the big companies in the country, like the mobile telephone providers or Coca-Cola. The advertisements of local businesses usually end up with local stations. Even though advertising remains the main source of revenue for all media, given that the fees charged are rather low this revenue is insufficient to make stations profitable, particularly local ones.

With regard to government subsidies to the media, legally they do not exist. However, to many participants in the panel informal subsidies exist. "Many of the notifications on tenders or privatizations are made by public entities based on political preferences," said Bashkim Hoxha. According to Andi Tela, "the pages of newspapers close to the government are filled with notifications of public institutions, while they are absent in other newspapers."

However, panelists did not assess as positive the government's policy to stop the placement of public advertising in private media. Instead of averting media dependence on the government, according to the panelists this measure further weakens the financial position of the media, increasing their chances to fall under the influence of other financial supporters. To Ilir Yzeiri, the cut-off of public advertising to media does not make sense and it is even harmful at a time when even after applying this policy the media have not changed, being still divided for and against the government.

Little, if any, market research is undertaken in Albania. Advertising decisions are not fully determined by the size or demographics of the audience, rather the political and other factors play a strong role in the distribution of advertisements among media outlets. Therefore, the media is not interested in scrutinizing the preferences of its own audience. Only the biggest television stations like Top Channel or Vision + have financial means for that. It was reported that these stations did some focus group research in the past, but none recently.

In recent years some private television stations or media companies have occasionally carried out audience measurement studies. However, since a media outlet commissioned these studies, rival media mistrust the results. According to Iris Luarasi, the main problem is that these studies allow for the potential of subjectivity. Luarasi indicated that it would be completely different if the study were carried out with joint financing of several media or by a

prestigious institution specializing in these studies. However, similar institutions do not exist yet in Albania, while the chances for competing media to cooperate on financing such a study are rather slim.

As a result of the lack of trustworthy research, many newspapers with a very small circulation or televisions with rather limited audiences sell themselves as important media. This misleads the advertising business. However, in general, many media owners are not interested in knowing the real dimensions of the media they own. "Asking a newspaper owner what is the circulation of his newspaper might sound as an impolite request and is equally unwelcome as asking a not-so-young woman about her age," one of the panelists stated wryly.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Albania Objective Score: 2.30

This objective experienced a slight decrease compared to a year ago. The drop might have been more significant, but panelists stated that they were prompted to temper their scores in view of the activity that the Union of Albanian Journalists (UGSH) has been carrying out. Nonetheless, scores on the performance of trade and professional associations were the lowest in the objective, and in particular Indicator 1, on trade association, scored a point lower than the average. On the high side, Indicators 6 and 7, access to printing facilities and apolitical channels of distribution, fared much better.

UGSH was established three years ago with the support of USAID. "Until now all organizations or media associations have only remained in letter. Only the Union appears as an active organization, which travels outside Tirana, organizes meetings with journalists and is registering them, and carries out press conferences on media problems. Finally, after 17 years we are noticing an embryo of an organization of journalists, which indicates that it is likely to grow," said Lutfi Dervishi. In addition, UGSH, for the first time, has helped develop and implement a strategy to enable the signing of labor contracts for journalists. The first step of this strategy was the signing of an agreement between the Union of Journalists and the Ministry of Labor. The Union has since helped journalists from several important stations, like Top Channel, to obtain contracts.

As it has been in past years, the associations of publishers and media owners have been active in protecting the interests of owners. They have lobbied the Parliament and government regarding media legislation, such as with the law on digital

broadcasting. However, their activity remains very limited and they do not have the strength to impose their opinions to the government in a more generalized manner to address the broad range of problems facing media in Albania.

Civil society and NGOs support media and freedom of expression. The Albanian Helsinki Committee is a particularly active NGO, having reacted swiftly and successfully every time there have been cases of violation of journalists' rights or freedom of speech. Many other NGOs have been involved by offering expertise to help improve media legislation.

There are numerous possibilities for training journalists in Albania. Currently there are three journalism faculties in three cities. There is also the Albanian Media Institute in Tirana, which carries out numerous trainings. However, the panelists noted that the willingness of journalists to be part of these trainings has decreased. According to one of the panelists, this is because the culture of lifelong training is not part of the mindset of media publishers or owners yet. In some of the more advanced media significant resources are invested on technology, but very little is spent on journalism training.

Panelists in general highly rated the role of printing houses and distributors, noting that they are commercial, apolitical, and not restricting the printed media in any way. Broadcasters own their own transmitters, however, the government has been known to shut down those belonging to critical media that they charge operate in violation of the terms of that station's license.

## List of Panel Participants

**Fatos Baxhaku**, freelance analyst and journalist, Tirana

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

**Luftim Vani**, station owner, Mati TV, Mati

**Lutfi Dervishi**, freelance journalist, Tirana

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

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

**Gent Ibrahim**, lawyer, Tirana

**Bashkim Hoxha**, owner, Teuta TV, Durres

**Genc Ymeraj**, editor, News 24 TV Station, Tirana

**Shkelqim Bylykbashi**, owner, TV 4 Station, Lushnja

**Thanas Goga**, marketing analyst, Tirana

**Ilir Yzeiri**, professor and freelance journalist, Tirana

## Moderator and Author:

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

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

### 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.

*As in previous years, the MSI panelists agreed that the media sector is still a largely underdeveloped market, characterized primarily by fragmentation along ethnic lines and a large number of outlets continuing to compete in a limited market. Other most commonly cited problems are vulnerability to political pressure and lack of mechanisms to prevent violations of ethical standards and declines in the quality of journalism.*



## BOSNIA & HERZEGOVINA



During 2007 the politics of Bosnia and Herzegovina (B&H) were marked by hostility toward the requirements for signing the Stabilization and Association Agreement (SAA) with the European Union (EU). Nationalist rhetoric, dominant in the postwar period, continued to pervade the political agenda. After months of negotiations these antagonisms ultimately thwarted B&H efforts to come to agreement on reforms required by the European Union, the most important of which was police reform. As a result, the signing of the SAA was postponed.

Despite some incremental movement on individual reforms, the ideology of irreconcilable differences among different ethnic groups were reproduced and reinforced in the media. Several cases are particularly illustrative as they indicate the tendencies of the political structures to engage the media in promoting their political agendas.

One of the most dramatic examples was the January 2007 boycott of public broadcaster BHT1 by the Government of Republika Srpska (RS). Officials refused to speak to BHT1 journalists in retaliation for what they considered the broadcaster's poor treatment of RS authorities. While the boycott was supported by various public and private entities in the RS, others saw it as extreme, unfounded and illegal, because RS officials had not attempted legitimate methods of protesting editorial policy, such as filing grievances to the Communications Regulatory Agency (CRA). The whole affair ended after the director general of BHRT and an RS government representative signed an agreement on 30 January and declared that, "BHT1 will inform citizens in all of B&H objectively, timely, and impartially."<sup>1</sup>

As in previous years, the MSI panelists agreed that the media sector is still a largely underdeveloped market, characterized primarily by fragmentation along ethnic lines and a large number of outlets continuing to compete in a limited market. Other most commonly cited problems are vulnerability to political pressure and lack of mechanisms to prevent violations of ethical standards and declines in the quality of journalism. The low socio-economic status of journalists was pointed out as the most prominent problem that can lead to low quality of journalism, self-censorship and corruption among journalists.

The overall score for B&H declined noticeably, from 2.90 last year to 2.64 this year. Objectives 1 and 3, free speech and plurality of news sources, essentially held firm to their previous scores and Objective 1 is now the leading scorer, with a 3.04. The other three objectives decreased significantly, however, accounting for the drop in overall score. Professional journalism showed the weakest performance, as Objective 2 fell from 2.65 last year to 2.25 this year.

<sup>1</sup> D. A., "Zvaničnici Vlade RS davaće izjave za BHRT," *Nezavisne Novine*, January 31, 2007, article available at: <http://www.nezavisne.com/vijesti.php?meni=3&vijest=5172> (accessed January 9, 2008)

# BOSNIA & HERZEGOVINA AT A GLANCE

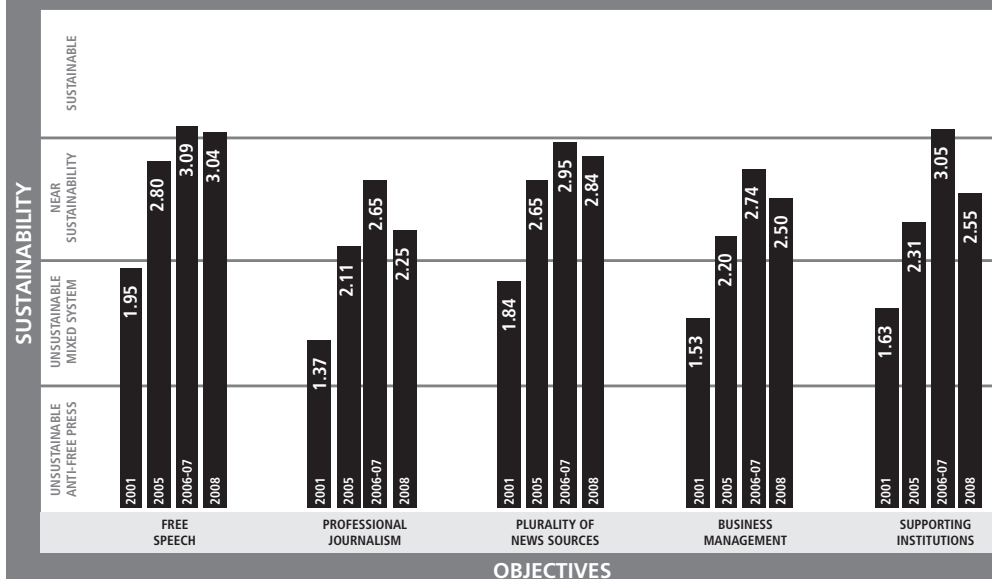
## GENERAL

- > **Population:** 4,552,198 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Sarajevo
- > **Ethnic groups (% of population):** Bosniak 48%, Serb 37.1%, Croat 14.3%, other 0.6% (2000 est., *CIA World Factbook*)
- > **Religions (% of population):** Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14% (*CIA World Factbook*)
- > **Languages (% of population):** Bosnian, Croatian, Serbian
- > **GNI (2006-Atlas):** \$11.65 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** N/A (World Bank Development Indicators, 2007)
- > **Literacy rate:** 96.7% (male 99 %, female 94.4%) (2000 est., *CIA World Factbook*)
- > **President or top authority:** Presidents Zeljko Komsic, Nebojsa Radmanovic, Haris Silajdzic (since October 1, 2006) (presidents rotate every eight months)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 7 daily newspapers, 46 weekly and monthly newspapers; Radio: 145; Television stations: 43
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** highest-rated television outlets: Pink BiH (12.5%), Federal TV (11.8%), BHT (7%) (*Mareco Index Bosnia, 2006*)
- > **News agencies:** Government agencies include FENA (B&H) and SRNA (Republika Srpska). ONASA is the most important private news agency.
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 950,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: BOSNIA & HERZEGOVINA



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREEDOM OF SPEECH

### Bosnia & Herzegovina Objective Score: 3.04

Objective 1 received the highest score from this year's MSI panelists, with a number of strong indicators. In particular, Indicators 8 and 9, media access to international news sources and free entry into the journalism profession, received nearly perfect marks. However, a few indicators still show weaknesses. In particular, Indicators 4 and 5, crimes against journalists and preferential legal treatment for public broadcasters, scored about three-quarters of a point less than the average.

The panel discussion participants mostly asserted that the Constitution of Bosnia and Herzegovina's guarantee of free speech is comparable to those in western democratic countries. They agreed that, on paper, the constitutional basis ensuring freedom of speech is satisfactory, but several panelists indicated that legal mechanisms are not adequately used in practice. Media legislation is generally inhibited by insufficient judicial protection and public indifference to freedom of speech. Exercise of free speech is also lessened because information published in B&H media is rarely treated as a significant means of critique, almost never initiating criminal investigation against public officials and rarely sparking public condemnation. As one journalist put it, "Journalists are free to the extent that no one cares what they are saying and writing."<sup>2</sup>

Media fragmentation was also mentioned as one of the primary reasons for the professional community's lack of initiative on expanding the boundaries of free speech. As Boro Kontić, director of Mediacentar Sarajevo, said, "The biggest problem may lie with the media themselves, which in our country and in the general divisions...don't want to support freedom because it's hard for someone to speak from a position that's not acceptable...to the majority, so this is a problem of the media, not a problem of the legislative framework."

Nevertheless, one of the participants, Borka Rudić, secretary general of the BH Journalists Association, emphasized that from 2006 to 2007 there were several attacks on free speech and that the Free Media Help Line received many complaints from journalists. (This is a service within the BH Journalists Association, which offers legal advice to journalists and places pressure on relevant institutions.) The service reported receiving 43 complaints from May 2006 to May 2007 related to journalists' rights and freedom of speech

<sup>2</sup> Čubro, Mirza, "Freedom of Speech," *Nezavisne Novine*, October 25, 2008, article available at: <http://www.nezavisne.com/vijesti.php?meni=18&vijest=1568> (as of January 9, 2008)

violations. "Journalists were seeking protection and support in the following cases: physical attacks and death threats, illegal questioning by the police, attempts to reveal their sources, confiscation of television equipment, withholding of information, boycott of journalists and PBS employees, irregular salaries."<sup>3</sup> According to Rudić, the situation became much more complex after the elections in October 2006; pressure on journalists increased considerably in the months after the establishment of the newly elected government of the Republika Srpska.

While the panelists considered criminal acts committed against journalists to be rare, they could point to several cases of open pressure and verbal attacks on journalists. They also said that subtler, yet just as severe, pressures on journalists still exist and should be met by decisive action from society as a whole.

Ljiljana Zurovac, executive director of the Press Council, cited several examples of the RS prime minister reacting inappropriately to the media: "[RS Prime Minister Milorad] Dodik has uttered so many threats this past year... They are not harmless threats; they are specific threats and pressure, which have silenced the media [including] entire newsrooms... In practice in the past year we have been the 'dark country...' In the end we will avoid writing about things where we can place ourselves in a situation of being threatened."

Borka Rudić and Boro Kontić called the previously mentioned RS Government boycott of BHT1 as a blatant case of media pressure, characterizing it as a testing ground for amplifying divisions in the media along entity and ethnic lines rather than employing legally prescribed procedures to resolve disputes over media content. The response—or lack of it—from the professional community and the general public to cases of media pressuring was crucial in such cases. Borka Rudić said that the police and other social actors sometimes react satisfactorily to cases of media pressuring, but that society very often remains silent. "[T]here are many cases when police forces support pressure on journalists, arresting them and taking their material from them," he said.

The physical attack by a police officer on journalist Sanjin Bećiragić in November 2007 was mentioned as an example of positive community and official reaction to media pressuring. The incident was publicly condemned and the officer was relieved of his duties until the conclusion of disciplinary actions.

One of the extreme cases mentioned was a threat made in October 2007 to a journalist from the public broadcaster FTV, who was told that, "he and his editor deserve a bullet in the forehead." This was especially serious given the

<sup>3</sup> Free Media Help Line press release, May 3, 2007, available at <http://www.bhnovinari.ba/linija/en/?ID=47> (accessed January 9, 2008)

statement was made by Vitomir Popović, B&H Ombudsman on Human Rights, who alleged that media criticism of his work contributed to his electoral defeat. Borka Rudić pointed out that death threats are criminal acts and should, at the very least, be publicly condemned. But in this case, only the Helsinki Committee for Human Rights reacted, along with a few other NGOs, illustrating society's continuing acceptance of media intimidation.

While crimes against journalists might be rare, self-censorship is less so, especially if negative reactions from influential political or criminal circles are anticipated. Also, as Amir Zukić, editor-in-chief of RTVSA, indicated, even legitimate public criticism of journalists by national leaders can be interpreted as "a call for lynching" in a country so sharply divided among ethnic and nationalistic lines. The professional community's lack of capacity and solidarity in confronting this kind of pressure was perceived as the most prominent problem.

However, B&H journalists did express their protest over physical threats made by Prime Minister of the Republika Srpska Milorad Dodik to Bakir Hadžomerović, editor of the Federal television magazine *60 Minuta*. In a press release they stated that "the announcement that 'you are going to knock down Hadžomerović if he ever appears in Banja Luka,' which you publicly stated first in a meeting in Laktaši and later repeated in the Croatian television program 'Nedeljom u 2' [On Sunday at 2 pm], represents the most severe demonstration of force and an attack on the physical integrity of the journalist Bakir Hadžomerović."<sup>4</sup>

The Communications Regulatory Agency (CRA) is the state agency that licenses and regulates broadcasters and the field of telecommunications generally. According to the panelists, this independent state body has been performing these tasks in a fair manner and with growing integrity. Dunja Mijatović, director of CRA's broadcasting division, emphasized that CRA decisions have survived several court challenges (there were approximately 60 lawsuits over the past five years), clearly demonstrating that licensing is indeed apolitical and fair. CRA performance was assessed as positive, especially compared to the experience of other countries in the region.

In contrast to broadcasters, the print media sector is self-regulated in accordance with Press Code prescriptions. The Press Council, a voluntary self-regulatory body, promotes the implementation of the Code and enhancement of professional standards in B&H print media.

There is no difference between the media and other companies regarding taxation patterns. The Law on VAT prescribes a uniform tax rate of 17 percent. Taxation was in

<sup>4</sup> The full press release is available at: <http://www.bhnovinari.ba/en/?ID=150>

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

### FREE-SPEECH INDICATORS:

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

the past challenged by the Press Council and associations of newspaper publishers, which stressed that the media should be exempted from the general taxation pattern due to their role in providing information in democratic society. This argument is still present among journalists, who clam that VAT taxation of media demonstrates the state's disregard for the role of journalism in democracies. However, Senad Zaimović, general manager of the marketing agency Fabrika, considers it an improvement in comparison to the previous taxation scheme: "We had this problem before, this problem was reflected on the press... The entry tax was so high... VAT has brought stability. This is our experience both in terms of advertising and in working with electronic and print media."

Participants did not indicate any relevant cases of preferential treatment of public media over private media.

Aspiring politicians and other ambitious public figures who wish to control their portrayals in the media often affect editorial policy in various ways. Editorial independence of public broadcasters is thrown into question because the members of public broadcasters' governing boards are appointed by state parliaments,<sup>5</sup> which raises the specter of political interference in editorial decision-making, especially in stories concerning politicians.

<sup>5</sup> The highest body of the Public Broadcasting System is the Board, comprising 12 members, (four members from each public broadcaster: BHRT, RTF BiH and RTRS). The House of Representatives of the BiH Parliament selects and appoints members of the Governing Board of PBS, from a short list of candidates, submitted by the Communications Regulatory Agency; Source used: T. Jusić, "The Media in Civil Society" in *Democracy Assessment in BiH*. Fond otvoreno društvo BiH, 2006

Amir Zukić stressed that editorial independence is especially compromised because of the governing board's questionable authority: "They tie the hands of the director general and program director... The governing board has to have a say in everything." In April 2007, soon after accusing the RS Prime Minister of interfering in the editorial policy of BHT1 in an interview, Zukić was released from his position as program editor. He interpreted his dismissal as evidence that his claims were true and that governing board members were not apolitical, but rather profoundly influenced by the political establishment.<sup>6</sup>

The panelists indicated that the CRA should be a corrective mechanism in the process of transforming PBS by assessing the competence of public broadcasters' editorial boards. This, however, does not solve the problem, because candidates with the potential to bring positive change to public broadcasters are discouraged by the politically charged atmosphere and decline to apply for seats on governing boards.

The CRA's Dunja Mijatović stressed that public broadcasters will not be completely impartial as long as the B&H parliament appoints members of the BHRT governing board on the basis of political, rather than professional, affiliations. The same goes for possible political pressure on CRA officials, which, according to Mijatović, is present and well known.

As Borka Rudić pointed out, journalists' resistance to political interference is negligible, since editors and journalists almost never resign, thereby initiating public debate regarding the pressure they are exposed to.

Since 2002, libel and defamation in Bosnia and Herzegovina have been fully decriminalized. According to defamation legislation, the burden of proof lies on the offended party, which must prove the existence of falsity and malice. Since the panelists' overall score for libel and defamation issues was not the maximum one, this indicates that the implementation of defamation legislation can be improved.

The Law on Freedom of Access to Information, which came into force in 2000, is supposed to oblige authorities to provide information of public interest to any citizen, including journalists. However, there have been considerable difficulties implementing the law. As previous MSI reports detailed, the law does not prescribe fines for violations of the right to access public information. Public debate on the implementation of the law, held in November 2007 at Mediacentar Sarajevo, suggests that access to relevant public information is often denied, especially by public

<sup>6</sup> Interview with Amir Zukić, START magazine, April 16, 2007, available at: <http://www.startbih.info/Default.asp?broj=218&ID=153> (accessed January 6, 2008)

firms and educational institutions. In particular, contracts on privatization processes are held in secrecy. The panelists also indicated that prolonging deadlines for providing information is a common way of bypassing legally defined procedures.

The right to follow international news is not restricted in any way. Also, there are no restrictions on becoming a journalist as no licensing is required. The panelists agreed that entering the journalism profession is free and without governmental pressure.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Bosnia & Herzegovina Objective Score: 2.25

This was generally perceived as an objective that requires much improvement. Quality of journalism and compliance with accepted ethical standards have been compromised in the past several years. Compared to MSI scores from previous years, the score this year is somewhat lower, especially when it comes to journalist salaries and quality of media programming. Only a few television shows, all produced by public television stations, were mentioned in a positive light (*Global*, BHT1; *Globus*, TVSA; and *Paralele*, FTV), in contrast to most of the media content that was evaluated as being of rather low quality. Most of the indicators scored more or less equally, although panelists gave a score of more than a half point below the average for Indicator 5, pay levels for journalists. Indicator 6, news and entertainment balance in media, was the leading indicator, with a score more than a half point higher than the average.

## JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

### PROFESSIONAL JOURNALISM INDICATORS:

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

The panelists often cited the incompetence of young journalists and the lack of time and resources for professional development. Professional standards in journalism are extensively neglected, despite a relatively large number of journalism faculties and short-term educational programs. This suggests that educational programs have serious limitations and do not produce journalists who are able to perform their tasks to professional standards. The dynamics of media operation and the work overload often do not allow journalists to take a serious investigative approach to their tasks. For the same reason, journalists who are appreciated within the professional and broader community generally do not engage in training programs for young professionals. TVSA's Amir Zukić, for example, stated that, "Most of the good old staff are employed with good salaries... There is no one to teach these children. They do not teach them at the university, and when they come to a media outlet for internship, it's not possible to put someone in charge of working with them."

The balance between entertainment and informational programming is evaluated more positively. However, private broadcasters are skewing more toward entertainment, increasingly leaving informational content on the margins.

The panelists said that ethical standards are violated on a daily basis. An especially common practice, they said, is the selective use of sources without presenting opposing views. Reporting is often not only badly sourced, but, according to Boro Kontić, also takes the form of personal communication between journalists and their favored sources, without needed information and clarification to help the general public comprehend the issue in question.

Self-censorship, as discussed above, is evident in the differing forms of pressure on journalists. A 2007 study on "Labor Relations and Media" showed that 18 percent of respondents considered that stories on labor relations within the media sector actually demand a certain censorship, or self-censorship, while 40 percent argued that there are occasional cases of censorship or self-censorship.<sup>7</sup> Poor socio-economic status leads to migration of some journalists into other, more profitable sectors, and presumably increases the likelihood of self-censorship.

The research results show that labor rights in media outlets are frequently violated, which is partly due to complexities of postwar transition and privatization, coupled with state building efforts. For example, 43 percent of respondents reported violations related to salary payments.<sup>8</sup> The problem

<sup>7</sup> Hodžić, Sanela. *Labor Relations and Media*, p. 17, available at <http://www.media.ba/mediacentar/documents/Labour%5Fand%5FMedia%5Freport%5FBiH%2Epdf> (accessed January 9, 2008)

<sup>8</sup> *Ibid.*, p. 8

with salaries included low wages, irregular payment, and minimum salaries reported to the state to reduce benefit payments for employers. Frequently violated rights also include the length of the workday and overall working conditions, while other violations occur less frequently. The research results also suggest that the practices of censorship and self-censorship are governed not only by political connections and interests but also by the commercial interests of media owners and advertisers.

Additionally, panelists indicated that resources for replacing outdated equipment are insufficient and need to be increased. Most panelists voiced concerns over the slow process of digitalization at public broadcasters. Although some steps towards digitalization have been undertaken, they are limited to a few commercial media, while in other segments the media generally linger behind professional standards in democratic western countries. This is particularly the case with commercial television and radio stations that have small market shares. An example that was mentioned related to problems with the video link from BHRT to the Eurovision Song Contest, which occurred because of the incompatibility of BHRT's equipment. Smaller commercial broadcasters are in a better position because they can invest continuously in developing their technical capacities, while the terrestrial broadcasting systems at state public media require considerable resources for maintenance, impeding digitalization.

Although digitalization of the broadcasting sector in B&H is one of the preconditions for meeting European standards, it is not recognized as a priority by governments and political parties. The strategy for transitioning from analog to digital broadcasting is still not developed (it is planned to be completed by the end of 2008 or the beginning of 2009) and action plans are still not defined, which leaves B&H far behind other European countries.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Bosnia & Herzegovina Objective Score: 2.84

The score in this objective experienced a minor decrease compared to last year: 2.95 to 2.84. All indicators received scores close to the objective average, with Indicator 2, citizen access to news, the highest and Indicator 6, transparency of media ownership, the lowest.

Overall, Bosnia and Herzegovina is characterized by an excessive number of media outlets. There are more than 180 broadcasters in the B&H media market—145 radio stations and 43 television stations. This number is considered excessive for such a small market with a relatively low average income.

There are three national public broadcasters (state-wide BHRT and entity-wide RTVFBiH and RTRS), several local public broadcasters and many commercial broadcasters (the major ones are OBN, Pink BH, and Mreža Plus, which is a network of television stations).

However, this large number of outlets does not mean that the market is pluralistic in terms of offering diverse voices and opinions. Media owners are not immune to ethnic and political polarization in the country, and many outlets are still clearly oriented towards certain political parties.<sup>9</sup>

Panelists indicated that the poor socio-economic status of the vast majority of B&H citizens prevents them from using many media resources. This, combined with the habits and prevailing culture of media consumers, makes television the most available and preferred information source.

Only a relatively small portion of the population has Internet access. However, the Internet penetration rate is continually increasing. According to CRA data, there were 237,660 Internet subscribers in 2006, although the number of actual users was estimated at 950,000. CRA assessed the Internet penetration rate in 2006 at 24.5 percent.<sup>10</sup>

The participants said that public media do not completely fulfill their role of presenting diverse political viewpoints, due in part to political pressure on public media, which has been discussed above. In addition, the existence of a huge number of broadcasters without any apparent commercial viability raises the question of their financial resources. According to Senada Ćumurović, editor-in-chief of BH Radio 1, the fact that a large number of outlets survives in a small market leads to the conclusion that undisclosed financial sources over and above advertising income must be present, presumably from the political and private sectors.

Even when outlets are financially sustainable and independent, media often promote certain political options. However, it was repeatedly mentioned by a few panelists that the editorial independence of the entity-wide public broadcaster of the Republika Srpska, RTRS, declined last year. Amir Zukić, for instance, stated that "RTRS was full of investigative stories... 'tearing apart' the SDS [political party] during their four-year rule, but with the arrival of [RS Prime Minister] Dodik to power, that edge became completely

blunt... Moreover, we have complete siding of the RTRS with Dodik's state-creating project."

BHRT's role in serving public interests is also compromised because, according to the panelists, members of the governing board who have excessive influence on editorial and programming policy are appointed by the state parliament. This is problematic considering that the state parliament operates along ethnic lines while professional criteria in decision-making are negligent. In other words, reflecting political views is limited to what is compatible with the political and financial interests of media owners or state institutions. However, there are no restrictions in terms of access to domestic or international media, so alternative opinions can be obtained from other media sources. All independent broadcast media produce their own news programs, but they are often marginalized in favor of other media content.

There are two major entity-based public news agencies: FENA (B&H) and SRNA (Republika Srpska). Independent news agencies also operate in B&H, gathering and distributing news. ONASA is the major one. Independent news agency services were scored highly by the panelists.

Data on court registration of every company and media outlet are accessible in principle. But in practice, transparency of media ownership is not absolute, since public insight is limited to whatever has been registered. Actual ownership and financial arrangements might differ significantly from what is declared publicly. The CRA's Dunja Mijatovi stressed that "[w]ho the real owners are, we as an agency can't and needn't know. This is also a matter for the tax administration and

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

<sup>9</sup> As indicated in: HCHR Report on the Status of Human Rights in FBiH, Analysis for the period January - December 2006, available at <http://www.bh-hchr.org/Reports/reportHR2006.htm#top> (as of January 5, 2008)

<sup>10</sup> "User" is defined as an individual aged 16 to 74 who uses the Internet during the year; data from Annual Survey of Holders of CRA Licenses for Provision of Internet Services in Bosnia and Herzegovina in 2006, pp. 3-4, available at <http://www.cra.ba/en/depts/observ/msword/ISP%20Izvjestaj%202006%20ENG.doc> (accessed January 9, 2008)

financial police. What is a relevant document and what should be accepted is the court registration because it's transparent."

Panelists noted the tendency towards increasing the number, strength, and share of several media conglomerates. Two conglomerates control the biggest national dailies, *Dnevni Avaz* and *Oslobodenje*. The print media were the most cited for ethical violations. Preferences towards certain political agendas were especially evident in election campaign coverage.

Representing the interests of minorities does not appear to be a priority in Bosnia and Herzegovina; there is little programming targeted to minority groups. According to Dunja Mijatović, there were no cases of complaints that ethnic minorities were not represented in the media. The presence of the languages of the three dominant ethnic groups in B&H in the public media is the most contested issue. "If we have complaints, they mostly refer to the absence of media that use the Croatian, Serbian, or Bosnian languages," said Dunja Mijatović.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

### Bosnia & Herzegovina Objective Score: 2.50

The score for this objective fell noticeably from 2.74 last year to 2.50 this year; all indicators received scores very close to the objective average. Panelists cited a highly competitive market that includes encroachment from neighboring countries as a key reason for this. Mehmed Halilović, B&H assistant ombudsman on media, stated that the media market is still insecure and that the independent media's struggle to survive is ongoing: "Independent media are barely surviving in the market. The market is fragmented and under a lot of political influence, and it doesn't guarantee a secure future to all media."

Among television broadcasters, public broadcasters previously held the leading position in the market. Their market share has declined significantly over the past years. While three public media operators suffered a significant audience decrease during the past several years (23.7 percent in 2006), the share of foreign (neighboring) television channels increased (33.3 percent in 2006) and the share of local and regional stations decreased in comparison to 2004 (40.3 percent in 2006).<sup>11</sup>

<sup>11</sup> Remaining shares in 2006: satellite TV channels 2.7 percent. Source used: Report MIB – BiH Gallup International "Mjerenje gledanosti TV stanica 2002 - 2006" [Measurement of Ratings of TV stations 2002-2006]

#### 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 increase in market share of commercial networks is related primarily to the flourishing of the three major commercial networks in B&H, while smaller commercial broadcasters face many challenges to their survival in the limited B&H market. There are also several smaller municipal broadcasters, which are not privatized and are still receiving financial support from the government.

The most important source of revenue for all three public broadcasters is the broadcast license fee (6 KM, approximately 3 EUR per month). The second important source of revenue for public outlets—and the leading source for commercial outlets—is advertising. According to Miklos Haraszti,<sup>12</sup> the public broadcasting service's budget derives 85 percent of its funds from license fees and 15 percent from advertisement revenues. It is estimated that the rate of collection is much lower than what public broadcasters require. According to the available data, the percentage of collected license fees is around 65 percent, while an estimated 85 percent collection rate would secure their financial sustainability.<sup>13</sup> Public broadcasters attracted 43 percent of advertising revenues, while the three strongest private broadcasters drew 32 percent.<sup>14</sup>

The largest share of advertising revenues was received by several highly positioned networks: PBS, Mreža Plus, Pink BH, and OBN, while other local television stations faced difficulties in attracting advertising revenues.

According to the CRA, the revenues of B&H television broadcasters in the 2004 financial year totaled around KM

<sup>12</sup> Ibid.

<sup>13</sup> See: BHRT "Public Radio and Television Service of Bosnia and Herzegovina Business Report for 2006," March 2007, p. 1

<sup>14</sup> Communications Regulatory Agency, 2005, p. 73 (Assessment for 2005 based on data for the first half of the year)



102 million (approximately €52 million), and remained at the same level in 2005.<sup>15</sup> As estimated by a panelist from last year, 2006 revenue was seven to eight percent higher than in 2005. However, the same panelist, Senad Zaimović stated this time that the B&H media market is actually stagnating: "I can say that our market is stagnating and won't grow next year... while Serbia had 35 percent growth this year."

When it comes to support of advertising agencies and related industries to the advertising market, Zaimović pointed out that the market is uncertain because of inconsistent advertisement offers made by different media outlets. He said that, either out of ignorance or poor finances, media outlets are often forced to lower advertising rates. This of course makes the process of planning, analyzing, and purchasing by marketing agencies very difficult to implement. Media outlets competing for better positioning in the market are lowering their rates. Zaimović indicated that offers for advertisers for 2008 have not yet been made in Bosnia and Herzegovina, unlike other countries in the region. Commercial stations are waiting for public media outlets to make their offers so that they can list lower rates.

It can be presumed that the panelists' ratings of independence and reliability of broadcasting ratings and circulation figures are somewhat low because print media circulation statistics have not yet been released.

Panel participants indicated that advertising revenue is the primary revenue source for commercial media and that key media outlets have advertising revenue balanced with their market potential. Senad Zaimović interpreted low revenue from advertisements as a reason for low production quality of broadcasters in B&H. This leaves room for foreign media, which are stronger in terms of production quality, to gain a considerable share in the B&H market.

Panel participants agreed that independent media do not receive government subsidies, but they mentioned that there are some positive developments when it comes to financing of television programs by cantonal governments. While in previous years the criteria for selecting broadcasters for this kind of cooperation were unknown, last year several cantonal governments published tenders for production of certain programs inviting all broadcasters to participate. One example was a tender for producing a television show for the deaf.

Introducing electronic measurements in market analysis was mentioned as an important step towards strengthening the media market, placing B&H ahead of other southeast European countries. However, as indicated by the panelists, market research is used only by a small portion of television

<sup>15</sup> Communications Regulatory Agency, 2005, p. 73 (Assessment for 2005 based on data for the first half of the year)

stations, including PBS and two commercial stations (Pink and NTV Hayat), while other broadcasters mostly fail to make use of available market data as a basis for adjusting their programming to the needs of the audience. Kenan Čerimagić, news editor of NTV Hayat, stressed that his outlet is using market analysis, but he also questioned its validity since systematic factors, such as occupational habits or habits related to housework, are not considered. However, he does believe that adequacy of investments in certain programs can be evaluated to some extent on the basis of program ratings.

Alenko Zornija, a journalist at the Internet portal Pincom.info, pointed out that precise registration of website visits and visits to specific website content are not used by advertisers in their full capacity.

The panelists listed several agencies for analysis of program ratings (MARECO, Global Network with its subsidiary in B&H, GFK, and an agency for measuring newspaper circulation), which could be useful in media operation. Zoran Pejičić, editor at RTRS, expressed his belief that pressure on media by advertising agencies can be an intermediary for economic lobbies. However, the marketing general manager Senad Zaimović stated that he has no knowledge of such cases: "I don't know of a single case of an agency conditioning advertising on any kind of program-related concession. The agency channel is very suitable for putting pressure on editorial policy and, as far as I know, there are such cases in Croatia, but there are none here, at least not with these professional agencies. Of course, a difference should be made between conditioning and lobbying; lobbying is a legitimate process."

While there is a code for advertisers, which came into force in January 2007, two panelists indicated that the code is not precise when it comes to print media and billboard advertising. Due to the regulatory void, a clear distinction in the print media between commercial and regular content is often missing.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Bosnia & Herzegovina Objective Score: 2.55

Panelists agree that some supporting institutions do not function adequately, that professional associations are fragmented and inefficient, and that institutions fail to give substantial support to independent media. According to Senada Čumurović, editor of BH Radio 1, "Supporting institutions directly support certain media and there are certain media they don't support." Frustration over this situation accounts for the large drop in score, from 3.05 last year to 2.55 this year. All indicators scored along the same

## 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.

lines as the objective average, with only Indicator 3, NGO support for the media, being somewhat behind the others.

Opportunities for professional training of journalists, as well as educational programs in general, are often regarded as unsatisfactory. However, panelists mentioned several training programs that allowed journalists to develop their professional skills further. One of them is the Sarajevo-based Media Plan High College of Journalism (HCJ), which provides specialized studies in press, radio, television and web journalism for students from southeast Europe. The school was founded in 1998 within the framework of Media Plan Institute, an organization for communication projects and media development in B&H and southeast Europe. Since December 2005, HCJ has operated within the framework of Media Initiatives, a NGO in Sarajevo. The panelists also pointed out training programs organized by Mediacentar Sarajevo, namely training for media managers and short training programs for journalists in investigative journalism. Mediacentar also started a regional project called the Online Journalism Resource Center,<sup>16</sup> in cooperation with Belgrade Media Center and the Investigative Journalism Center from Zagreb.

Panelists indicated that the education system overproduces journalists, which does not match the real needs of the market in terms of both quality and quantity. Journalism is taught at five faculties in Bosnia and Herzegovina—two in Banja Luka and one each in Sarajevo, Tuzla, and Mostar. In practice, the media market in B&H does not require the large number of journalists that are produced by the current educational system. The panelists did not think highly of the system and they expressed highly unfavorable opinions on the general knowledge and professional competence of the

<sup>16</sup> Information available at <http://www.netnovinar.org/netnovinar/compiled/p437.htm> (as of January 6, 2008)

graduated journalists. Professional criteria in employment policies of media outlets have declined in the past years, compromising quality of journalism in the country.

Panelists indicated that media outlets and editors should enhance professional criteria and develop better mechanisms for professional development of young journalists. Options for giving journalists practical experience do exist but are limited, and can offer opportunities to few young journalists.

The Association of Electronic Media and the Association of Newspaper and Magazine Publishers have been operating for several years and promoting the interests of their member broadcasters and print media publishers, but the overall score for operation of associations suggests that their services should be enhanced.

The right to organize independent unions in B&H is defined by labor laws in all three jurisdictions (Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District) and is also guaranteed by the entity constitutions. Currently, there are three trade unions in B&H, one for each state jurisdiction. An additional level of trade union organizing in B&H is a confederation of these three trade unions that operates at the state level and is made up of branch unions of graphic, publishing, and media employees.<sup>17</sup> At present, trade unions have a poor image and are often considered only as formal organizations that do not achieve substantial results in promoting the labor rights of journalists.

It is assumed that most journalists in B&H are members of one of the four journalist associations.<sup>18</sup> According to membership data issued by the associations, 1,758 journalists are members of these organizations.<sup>19</sup> These associations' initiatives are separate and independent, and their potential strength is diminished by the fragmentation of journalists along ethnic and regional lines. The B&H journalist association encompasses three separate organizations—the Independent Union of Professional Journalists from Sarajevo, the Association of Journalists from Mostar, and the Independent Association of RS Journalists in Banja Luka—but this did not mean complete unification in promoting journalists' interests. For example, a common stand of the union regarding relations between the RS Government and PBS was not published.

NGOs active in promoting free speech did not vigorously press their mission over the political pressure on journalists that characterized the past year. One that did play an active role

<sup>17</sup> See information published on the official site of the Trade Union of FBiH, at <http://www.sindikاتبih.ba/sssbih.asp> (as of August 10, 2007)

<sup>18</sup> See information on the official site of the BH Novinari association, <http://www.bhnovinari.ba/?ID=29> (as of January 6, 2008)

<sup>19</sup> Ibid.

---

---

was the Helsinki Committee for Human Rights. Other relevant organizations in this area are Transparency International B&H, Mediacentar Sarajevo, Centers for Civic Initiatives, and Open Society Fund B&H among others.

Sources of newsprint and printing facilities were not evaluated as politically influenced, but rather as underdeveloped. Journalist Alenko Zornija said, "I don't think that providers of supporting services, such as printing plants and distribution companies, impose political restrictions, but this industry in itself is relatively underdeveloped, which in my opinion is a problem."

## List of Panel participants:

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

**Boro Kantić**, director, Mediacentar Sarajevo, Sarajevo

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

**Zoran Pejičić**, editor, Radio Television of Republika Srpska, Banja Luka

**Ljiljana Zurovac**, executive director, BH Press Council, Sarajevo

**Amir Zukić**, editor-in-chief, Municipality Public Broadcaster RTVSA, Sarajevo

**Kenan Ćerimagić**, news editor, Independent Television Hayat, Sarajevo

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

**Nevenko Erić**, editor, News Agency SRNA, Bijeljina

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

**Alenko Zornija**, journalist, Web Portal Pincom.info B&H, Mostar

**Mehmed Halilović**, assistant ombudsman on media, Sarajevo

**Senada Ćumurović**, editor-in-chief, Public Service Broadcaster BH Radio 1, Sarajevo

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

## Moderator and Author

**Amer Džihana**, research coordinator, Mediacentar Sarajevo, Sarajevo

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

The Bosnia and Herzegovina study was coordinated by, and conducted in partnership with, MediaCentar Sarajevo.

---

---

*Despite the slight drop in the overall MSI value, the score of 2.71 places Bulgaria solidly in the top tier of countries moving towards a sustainable and professional media sector. In general, the drop reflected a lack of forward progress as opposed to reversals.*



BULGARIA

Bulgaria's EU membership, which commenced in 2007, brought hopes to the media sector. Many in the media believed that EU membership would bring stronger efforts to harmonize legislation and resume licensing of new broadcast outlets; more active self-regulation and adherence to ethical standards; and more foreign investment in the media. But at the end of the year, panelists agreed that such positive change was missing, adding to the generally critical judgment they made on key aspects of media development.

Objective 3, plurality of news sources, achieved the highest score as in years past. Additionally, Objective 5, supporting institutions, remained near sustainability despite a slight decrease from the previous year. The key reason cited by panelists is the waning activity of professional associations and free speech advocates.

The business management aspects of the media sector, Objective 4, ranked third. The generally favorable economic environment inevitably benefits the independent media. Outlets generate more advertising revenue, manage to keep up with the development of technology, and are in a position to offer quality productions to their audiences. However, there were no substantial improvements in the management that could multiply the benefits of an improving economy.

MSI panelists continued to view professional journalism, Objective 3, critically as they have in past years. The overall objective score of 2.49 reflects the lack of significant change. Most significantly, panelists noted that progress is still dependent on political and economic currents and not necessarily on the sector working to improve itself. Further, self-censorship remains a serious problem.

Objective 1, free speech, is the lowest scoring objective this year. Panelists' disapproval stemmed primarily from the practical halt of licensing of new outlets. Regulatory blunders, lack of strategy, and the clouded status of digital broadcasting all added up to a licensing standstill. Panelists were pessimistic about a quick resolution of the situation and the objective score is highly indicative of the dependency of the process on political and governmental forces.

Despite the slight drop in the overall MSI value, the score of 2.71 places Bulgaria solidly in the top tier of countries moving towards a sustainable and professional media sector. In general, the drop reflected a lack of forward progress as opposed to reversals. However, several aspects of the media sector have remained at consistently high levels, showing maturity and invulnerability to fluctuations in the political, economic, and social environment in the country. This holds true to the greatest extent for apolitical and unrestricted channels for media distribution, the virtually unlimited access of the media to international sources of information, free entry into the journalism profession, and private and apolitical sources of newsprint and printing facilities.

# BULGARIA AT A GLANCE

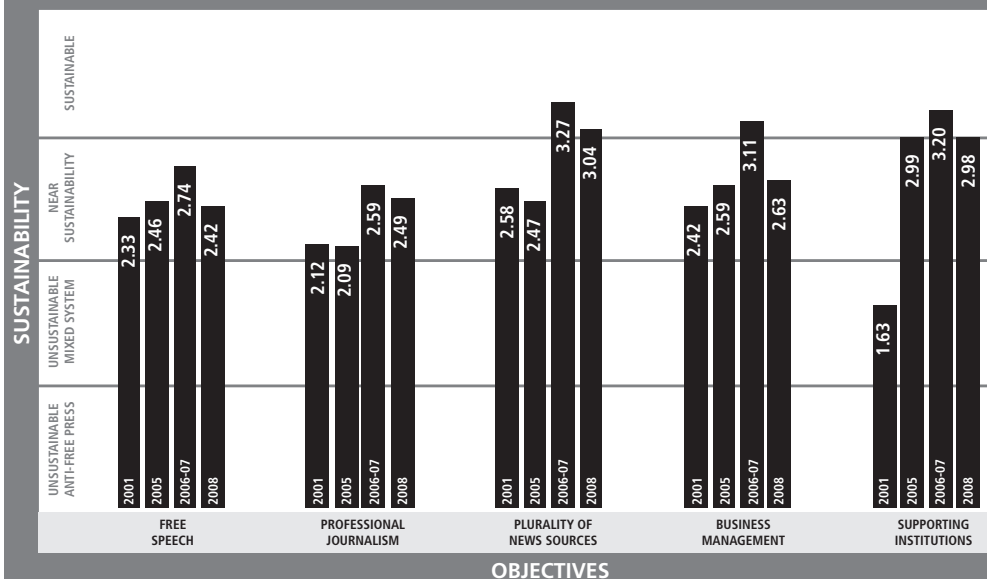
## GENERAL

- > **Population:** 7,322,858 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Sofia
- > **Ethnic groups (% of population):** Bulgarian 83.9%, Turk 9.4%, Roma 4.7%, other 2% (including Macedonian, Armenian, Tatar, Circassian) (2001 census, *CIA World Factbook*)
- > **Religions (% of population):** Bulgarian Orthodox 82.6%, Muslim 12.2%, other Christian 1.2%, other 4% (2001 census, *CIA World Factbook*)
- > **Languages (% of population):** Bulgarian 84.5%, Turkish 9.6%, Roma 4.1%, other and unspecified 1.8% (2001 census, *CIA World Factbook*)
- > **GNI (2006-Atlas):** \$30.73 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$10,140 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 98.2% (male 98.7%, female 97.7%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President Georgi Parvanov (since January 22, 2002)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 446 newspapers; Radio: 95; Television stations: 102 (*National Statistics Website*)
- > **Newspaper circulation statistics:** Total circulation: 325,733
- > **Broadcast ratings:** Top three: bTV, NOVA, BNT Channel
- > **News agencies:** Bulgarian Telegraph Agency (state-owned), Sofia News Agency, BGNES, Focus Information Agency, BulPhoto
- > **Annual advertising revenue in media sector:** \$386 million
- > **Internet usage:** 1,870,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: BULGARIA



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREE SPEECH

### Bulgaria Objective Score: 2.42

Objective 1 experienced a moderate decrease compared to the previous year, when it scored 2.74. Panelists gave high ratings, more than a point higher than the average, to Indicators 8 and 9, media access to international news sources and free entry into the journalism profession; Indicator 1, legal and social underpinnings of free speech, also received a strong score. However, Indicators 2 and 4, broadcast licensing and crimes against journalists, received scores more than a half point lower than the objective average.

Although Bulgaria has basic legislative and social guarantees necessary for a free and independent media, their implementation is not efficient enough to ensure the sustainability and irreversibility of positive trends in media sector. "As a whole, Bulgaria meets the international standards as regards the legal guarantees for the freedom of speech and media independence," said Petko Georgiev, executive director of BTC ProMedia. Yassen Boyadzhiev of Info Radio noted however, "A mixture of political and economic interests is posing obstacles to the proper implementation of the laws. There are not enough effective legal measures against instances of violating the freedom of speech. Bulgarian society does not fully appreciate the freedom of speech as a fundamental right. The public is over-tolerant of encroachments on free speech."

Bulgaria has legislation and rules by which the media exist and operate, but it turns out the regulatory framework fails to keep abreast of the rapid development of the media and to address the changing circumstances in the media sphere. This mostly holds true for the lack of an up-to-date strategy for the media sector. The strategy adopted a few years ago by the Bulgarian Parliament fails to address the key issues related to the licensing of new media outlets. This applies to both digital broadcasting and the framework for the development of regional broadcast outlets. Analog broadcast licensing is lagging behind seriously, while digital broadcasting is still largely uncertain. As Ivo Draganov, a media regulation expert, stated, "The Radio and TV Act is obsolete and the provisions in it are too general. Licensing was blocked for six years for political reasons. They messed up announcing the new National TV director general before the bid was over. It was a staged competition with the winner decided well in advance."

The licensing process came under substantial criticism for being politicized. The existing appeal procedure for unsuccessful bidders is capable of postponing the award of licenses almost indefinitely. Georgiev noted the political

control over the process, "...both the Council for Electronic Media and the Communications Regulation Commission are controlled by the government and, to a lesser extent, the president." Krassimir Dimitrov of Mixx Radio in Bourgas added, "The licensing procedures are overcomplicated, lengthy, and pointless. There are many ways to influence their implementation. Licensing is not unbiased and competitive. The procedure of electing members of the licensing bodies allows the awarding of licenses to be politicized; some members are appointed by the government. The process is not transparent—election criteria are vague and "flexible."

At the same time, new broadcasters are emerging through consolidation of ownership. With the acquisition of an outlet, the new owner takes possession of its license, and the radio station or television channel gets renamed and reformatted. This process represents a way to get around the dormant licensing process and get new media up and running. In the process of consolidation in radio, the big national networks acquire local stations, which brings increased advertising revenue and the advantage of a slick popular format against the remaining local competitors. With this consolidation, some of the developed regional media cease to exist and the rest are being weakened and lose their competitive edge. As Dimitar Lipovanski of the Association of Bulgarian Broadcasters (ABBRO) noted, "The consolidation of the market is practically obliterating regional and local outlets. The state has no clear view of whether it wants local media or not. The EU promotes regions and decentralization. But local media here are economic weaklings, and those 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 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.

have been around long enough are fed up. Whenever a big player is buying, they readily sell.”

Small media outlets are additionally burdened by transmission fees and their other liabilities to the state. Their revenues are impacted to the extent that they cannot afford to improve their programming and technical equipment. As Dimitrov argued, “Compared to other industries, broadcasters are burdened by excessive fees, which are incommensurate with the market reality. There are different market conditions for different types of media; print media don’t pay fees and don’t require licenses.”

Other than the broadcast licensing process, however, entry to the market as a business is as open as it is for other businesses. Media outlets in Bulgaria have no tax advantages over any other business.

Georgiev noted that violence and threats against journalists remains a problem: “Another alarming fact is the growing violence against people in the media by organized crime groups and individuals, and by those in power. The public is little responsive to such incidents, the professional community is reacting but that’s not enough.” The public does not see crimes against journalists as acts of violating free speech. They are considered a rather personal and private matter. The low indicator rating reflects in part the lack of public outcry to such occurrences.

While there are no legal advantages given to public media in terms of general operations, panelists still gave a relatively low rating to Indicator 5. This is mostly attributed to the fact that public media are legally allowed to have two sources of revenue: a state budget subsidy and advertising. This puts private outlets to a disadvantage, as their only source of revenue is advertising

The panelists noted progress as regards the legal treatment of libel. It is a civil code issue and there have been no libel lawsuits over the past year. Additionally, Internet service suppliers are no longer held liable for the content created using their services. These developments, the panelists noted, provide hope for journalists engaging in investigative and business reporting.

Panelists identified problematic issues related to accessing public information. An Access to Public Information Act exists and journalists and public officials have increased awareness of the act, but obtaining public information is still far from problem-free. The requirement for those seeking information to justify their inquiries encumbers the process. Panelists felt that the situation in this area was worsening. As Yuliana Toncheva, a former member of the Council for Electronic Media noted, “The changes to the Access to

Public Information Act are a setback.” Georgiev seconded her comments, “Access to public information is increasingly problematic. Although the regulations are in place, the practice is increasingly negative. There are more and more institutions failing to comply with the law. The lack of serious penalties and public response aggravates the problem.”

On a different note, unconditional sustainability has been achieved in terms of the unrestricted access of media outlets to international sources of news and information, as well as the free and unimpeded entry into the journalism profession. While the former is an undoubted accomplishment in the development of Bulgarian media, the latter involves subtle nuances worth considering according to some panelists. The ease of entry into the journalism profession in effect opens the door to people with inadequate experience and background required for fair and unbiased coverage of events. This reality also contributes to the excessive fluidity of the workforce and increases the need for continuous training.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Bulgaria Objective Score: 2.49

The 2007 scores on Professional Journalism show little change from the previous year. Progress was noted in the level of technical outfitting of the media—an aspect that has been strong traditionally in Bulgaria; as such, Indicator 7 received a score roughly a point higher than the overall average. Also scoring well was Indicator 4, journalists cover key events. One of the low scoring indicators showed improvement this year: Indicator 3, self-censorship. Pay levels for journalists, Indicator 5, also received a low score.

### 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).



Fair, objective, and well-sourced coverage of events was not a quality the panelists could attribute without qualification to the media in Bulgaria. On this, panelists decried the quality of the workforce in journalism as new reporters with inadequate experience enter the profession due to the outflow of qualified reporters to other higher paying jobs. The panelists felt much of this weakness in this indicator was from unintentionally one-sided reporting or failure to provide context by new and inexperienced reporters. Follow-up on issues is also weak. As Konstantin Markov, a media expert noted, "Quite typical of our media, something gets unveiled, looked at, and investigated, and eventually resolved. Nothing happens next—no attempts at a follow-up, no context."

Panelists did express concern over self-regulation in the media sector. The majority of outlets have subscribed to the Code of Ethics, but for a certain number of publications (such as those in the Monitor Press Group and the sensationalist tabloids), not signing the code is a conscious choice. Even those outlets, however, must see a point in ethical self-regulation, since they have turned to the Ethics Council for arbitration. With separate councils for print and broadcast media, the councils are impeded by the rising trend of joint coverage or investigations carried out by a print and a broadcast outlet. As Petya Mironova from the Ethics Council for print noted, "The practice of joint journalistic investigations is spreading. There's such an agreement between Nova TV and the *Novinar* daily. One story gets aired in the morning and gets printed word-for-word the next day. Neither bothers to cross-check and source it, and in case of a complaint it's a complete mess as to which Ethics Council should be dealing with it."

Outlets' penchant for different topics is dictated by the ownership's business priorities or political affiliation. Journalistic self-censorship is officially disguised as editorial policy. The concept implies a clear distinction between priority topics and issues that are consciously overlooked. The narrowing down of priority topics by editors limits a reporters' ability to carry out in-depth coverage and investigations. This is mostly the case in regional media, which are more exposed to pressure by advertisers or local powers. Regardless of the slightly higher score, this indicator remains among the most underachieving aspects, substantially undermining the country's media professionalism and, consequently, public trust in the media.

Daily news coverage is still comprehensive, according to panelists. The media cover key events and issues without giving advantage to some or suppressing others. Concerning the entertainment and news ratio in the programs of media outlets, panelists noted that the two types of programming are clearly signposted, and even though entertainment is clearly on the rise, it is not at the expense of news and

information. The scores reflect the recent upsurge of entertainment programming rather than any negative effect on the news and information presented. As Dilyana Kirkovska of the Monitoring Directorate of the Council for Electronic Media noted, "Quality entertainment does not eclipse news. But entertainment in general is given a lot more time. When entertainment is coming in large quantities, the news and information get sidelined."

Pay levels continue to lag in the media, contribute to turnover, and are an incentive for corruption. In addition to pay level discrepancies between media and other professions where an experienced journalist can make a larger salary, there is also a clear disproportion between pay levels for journalists in the national and regional media as well as between public and commercial outlets. These conditions continue to contribute to the workforce outflow into other industries. However, panelists admitted that even sufficiently high pay levels fail to guarantee resistance to attempts at corrupting journalists.

Facilities for gathering, production, and distribution of news are consistently within sustainability range and observations of this situation in 2007 reinforce this. There are no major obstacles to the media to update their equipment and raise the technical quality of the product they offer to the audience.

Panelists remarked that niche reporting had maintained its level of development over the year. Specialized coverage in different beats, especially investigative reporting, is well developed in the large national media outlets. However, it still fails to become a far-reaching characteristic of the whole media environment. Small and/or regional outlets are particularly handicapped by a limited workforce with insufficient experience that can be developed into beat reporters. Lipovanski of ABBRO, speaking of regional media, noted, "Beat reporting is a rarity and money is the reason."

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Bulgaria Objective Score: 3.04

The plurality of the media environment has been evolving steadily over the last several years. In 2007, this objective remained the most notable achievement in the country's media development. Regardless of the minor decrease from the prior MSI survey, the major indicators are scoring high enough to suggest sufficient sustainability and independence from direct economic and political influence. Most citizens can access a wide range of news and information throughout Bulgaria. Print, broadcast, and on-line media are readily accessible and largely affordable to most. Domestic and

international sources are available. And citizens have choices between sources within Bulgaria itself, allowing them to see different perspectives.

There remains one troublesome component of this objective, however. Transparency of media ownership continues to lag behind; panelists rated Indicator 6 more than a point lower than the average as a result. It is consistently the major deficit of the Bulgarian media environment, and together with the ever-intensive media consolidation, it questions the ability of outlets to maintain their independence from the economic interests behind them. The big media groups (such as Balkan News Corporation, which owns a number of television channels and radio stations; German WAZ, dominating the market of daily newspapers; and Economedia, with its big portfolio of business and other niche newspapers and magazines) are purely media conglomerates with no other non-media related businesses. They are focused on their media projects and related activities (printing, distribution, consulting). Nonetheless, the solidifying conglomerates are putting enormous competitive pressure on the small independent outlets.

Panelists saw this as troubling. As Yassen Boyadzhiev argued, "Problems with the transparency of media ownership are intensifying compared to last year, given the obscuring in licensing and the consolidation of ownership." However, Petko Georgiev of Broadcast Training Center cautioned against overstating the problems with transparency, "The issue of ownership transparency is overrated in Bulgaria. The national radio and TV are the most transparent outlets in terms of ownership, but that doesn't make them the least

vulnerable to political influence. Transformation of ownership is not the only way to uphold business interests. Ministers, and the government in whole, have no problems pushing their own agendas in the private media."

Panelists were critical also of the ability of the state and public media to reflect the diversity of opinions in society and serve the public interest. Bulgarian National Radio (BNR), Bulgarian National Television (BNT), and the Bulgarian News Agency have had their public status for a relatively short time. Their budgets are determined largely by the subsidy allotted in the state budget. The funding is not earmarked and can be used for improving the competitive ability of public media over commercial outlets. Public outlets' news and public affairs and educational programs are objective and comprehensive, but their general managers are appointed by regulatory bodies, which elect members based on political quotas.

Panelists did note that money remains an issue for accessing media, though less so than in the past. This mostly applies to using cable and digital television programs and household Internet service. Subscription fees for the new television services are not affordable for the whole population, especially in small and rural communities. Given that the services require new technical equipment, their availability is largely dependent on people's income. Boyadzhiev reiterated this point, "Media diversity is still inadequate in many regions. Access to a variety of media and news sources (let alone the Internet) is very unevenly spread." However, as Dimitrov of Mixx Radio noted, "Minority groups are probably number one in terms of access to satellite content."

The low purchasing ability of the population also affects the sales of daily newspapers and high-quality print magazines. Readership surveys note decreasing sales of newspapers and magazines. Part of the audience is making up for the decrease with viewing the online versions of the publications, while others are turning to radio and television and cheaper publications. Citizens have unrestricted access to international media. Language limitations and costs for satellite are the only reason that the full advantage of the unrestricted access is still not achieved.

Independent news agencies gather and distribute quality news for the print and broadcast media. No limits are imposed on using the agencies other than the subscription fees, which are sometimes unaffordable for small regional outlets and account for the still-inadequate access to these agencies.

Panelists also noted that private media produce their own news programs and even cable providers are required by their license to produce their own programming. However, this is a financial burden for cable companies and often the quality of programming is compromised. Generally

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

speaking, no obstacles block the production and distribution of in-house programming. As Ivo Draganov noted, "Almost every outlet has own programming; there are no problems here. Even the much-debated SKAT TV is entirely showing its own programs. The channel is known for its propensity for giving an emphatically nationalistic account of the Bulgarian transition. At the same time, two young reporters are making some of the most courageous investigations into corruption and wrongdoing."

Conditions are quite favorable for the existence and distribution of minority media, including minority-language outlets. Each minority group (including Roma, Armenian, and Turkish) has its publications in their own language. However, their reach is quite limited, not because of special restrictions imposed, but because of the cultural and social integration of minorities. National public media, such as BNT and BNR, as well as commercial television and radio cover minority issues and their views, religion, and cultural activities in the Bulgarian language for a wider audience. As journalist Violeta Draganova said, "The commercial outlets are often beating the public media on their own ground. The public media do not always live up to their purpose. The only example of minority-language information is the BNT Turkish language news."

#### **OBJECTIVE 4: BUSINESS MANAGEMENT**

### **Bulgaria Objective Score: 2.63**

In the process of shaping the Bulgarian media environment, media outlets continue to develop their business and management standards and clearly see them as a prerequisite for editorial independence. However, this objective has suffered a drop from last year as panelists raised questions about reliable broadcast ratings and the use of market research by media. Indicator 7 in particular scored more than a point below the overall average. However, Indicator 5, government subsidies for private media, continued to be strong and scored a point higher than the average.

Panelists noted the most significant decrease in the objectivity and reliability of broadcast ratings and circulation figures. In this aspect, Bulgaria seems to demonstrate a consistent problem: the perceived unreliability of the data. Until a year ago, there was only one peplemeter system for television, the ownership of which was alleged to have conflicting interests in the advertising and media markets. Now Bulgaria has introduced an alternative peplemeter system, managed by GFK, but it still fails to match the original, which continues to be favored by a significant number of advertising agencies and outlets.

The more important issue is that reliable figures on radio audiences are essentially non-existent despite the rapid development of the radio market and the active restructuring in anticipation of new licensing. There are many regional and small outlets that are practically excluded from the surveys, and work with no awareness of their market standings and potential.

Circulation and sales figures for the press are not provided by the existing (but *de facto* inactive) Audit Bureau of Circulation (ABC). After the ABC was conceived and set up, it never actually received circulation figures on a regular basis by most publications. Hence, the public and advertising agencies have no reliable information regarding the circulation of publications. This contributes to a media environment developing in the dark, without clear indicators to help outlets position themselves more precisely and make the best of the audiences they attract.

In general though, panelists indicated that many media are well run and do generate profits. Additionally, an adequate number of commercially driven printing facilities and distribution networks exist and effectively secure media production and distribution free of partisan considerations.

Private media generate their revenue from advertising mostly. They receive no government subsidies. Panelists from regional media claim their problem is the lack of accurate and objective information about their audience, which leads to regional media being ignored by nationwide advertising agencies and media shops. Hence, their major advertisers are limited to local businesses, which often work based on political influence or common interest with media owners.

#### **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 rapid development of the advertising market and growing size of advertising budgets fail to cover the whole media landscape. The big outlets remain most favored, as they are linked to the advertising agencies allocating the budgets. The big media groups, especially those combining radio and television, close the circle of distribution of advertising and small niche and regional outlets are often sidelined. Local advertising markets are underdeveloped significantly and the resources they offer regional outlets is inadequate. Krassimir Dimitrov felt that “Advertising agencies are not after the best coverage, but after discounts and friendly media.” Tsveta Nenova of Arena Media noted, “It’s hard for small outlets to make a living. Big media work with advertising agencies; agencies do no business with the local outlets. They prefer networks and transmission points.” Dimitar Lipovanski of ABBRO echoed this point, “On the regional level, media don’t work with agencies. It’s increasingly rare for a Sofia-based agency to buy local media.”

Petko Georgiev pointed out, “The problem...is the lack of transparency in the advertising market, which is heavily manipulated in favor of a few leading national outlets. Ratings are quite questionable—the big advertising money goes in the same closed circle of advertising agencies, rating agencies, and outlets. The Internet media are still relatively independent in terms of attracting advertisers, but this is rapidly changing.”

Advertising agencies are well run and professional. They are a mixed bunch of affiliates of some of the leading international agencies and local companies. There is an alleged connection, which is hard to prove, between media outlets and advertising agencies controlled behind-the-scenes by the same persons or entities. Hence, it is believed that some outlets are favored at the expense of others when it comes to receiving advertising budgets.

No change is visible on the indicator of the share of advertising revenue in the total income of outlets. Print media count on revenue primarily from advertising as well as from subscriptions and sales. The situation is expected to evolve with the growth of free newspapers as advertising becomes more important. Ivo Draganov, a media expert, noted some other sources of revenue: “Outlets are generating profits, but their most cashable asset is influence—on the local and national levels alike. Revenue is generated mostly from advertising, but there’s sponsorship, hidden PR, and publicity, which create dependencies. The advertising market is thriving, but the criteria for selection of outlets are still not clear enough.”

Panelists noted that market research is mostly employed by the big national-coverage stations and largely ignored by small or niche outlets which need comprehensive data

for more precise targeting of their audience. The most straightforward evidence is the current state of affairs on the radio market, which is now teeming with similar formats as a result of the recent transformation of ownership. Although research is slowly evolving, the volume of the audience still takes priority over finer segmentation.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Bulgaria Objective Score: 2.98

The institutions supporting independent media in Bulgaria have consistently advanced towards sustainability during the course of MSI studies dating back to 2001. In 2007, however, there was a slight reversal, reflected by the drop in ratings to 2.98. The objective manifests sufficient sustainability and independence of political and economic currents, but to a lesser extent compared to the previous year’s survey. Particular weaknesses evidenced by panelists’ scores include professional associations (Indicator 2), supporting NGOs (Indicator 3), and academic journalism programs (Indicator 4); these all received scores more than a half point below the average. On the other hand, scores for Indicators 6 and 7, access to printing facilities and newsprint and apolitical distribution networks, remained strong, receiving scores in excess of half a point of the average score.

Trade associations continued to receive relatively high marks. Reflecting their effective advocacy work. As Georgiev noted, “ABBRO is evermore shaping as a lobbyist structure—which, by the way, is great for its members.” ABBRO, which represents the private broadcast media in the country, is working actively and professionally with Parliament, the government, and the regulatory bodies to protect and promote the business interests of its members. The Union of Newspaper Publishers (UNP), representing the major print publications, is also developing as a strong voice for the industry and as an important player in the field of media self-regulation. Both organizations are professionally managed and are financially sustained by their members. ABBRO and UNP regularly initiate and participate in public service campaigns in partnership with NGO’s and public institutions.

In contrast to the effectiveness and maturity of trade associations, the professional associations protecting journalists’ rights are far from this level of performance and assistance. Panelists felt this was the weakest component of supporting institutions. This reflects the still-inadequate activities of the Union of Bulgarian Journalists (UBJ). Despite the entry of younger reporters into the organization, a large part of the UBJ membership is senior or retired journalists with little input and influence over the shaping of policies

or professional trends. However, Petya Mironova, of the Ethics Council noted some positive trends: "In all fairness, the professional qualification of journalists is taken seriously over the last couple of years. Maybe the establishment of the National Council for Journalism Ethics served as an incentive for UBJ. The Investigative Journalists' Club was restored, along with the International Journalists' Club. And legal protection has always been a priority; the UBJ has always provided legal support to its members."

NGOs supporting free speech and independent media are clearly showing less involvement and activity than in previous years. The support and advocacy organizations brought together in the Bulgarian Media Coalition are less active and less successful in trying to modernize media legislation and represent the community and individuals involved in the development of the media sector. Backpedaling can be explained partly with the maturity of the media sector in Bulgaria. Media and free speech are arguably regulated and self-regulated enough with a Code of Ethics and the two ethics councils in place. Petko Georgiev added, "We have a very bad situation and it's getting worse. The Bulgarian Media Coalition broke apart in scandal, and no one wants to take responsibility.... But there's not one serious media NGO out there."

Panelists criticized degree programs in journalism, noting they are failing to meet the requirements of a modern media market, especially with regard to practical experience. As journalist Violeta Draganova added, "Academic journalism education lacks quality, especially in advanced journalism degrees. Opportunities to study abroad are also limited." Panelists said the curricula are outdated and the training received is not sufficient to produce skilled media staff.

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

### SUPPORTING INSTITUTIONS INDICATORS:

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

The deficits of academic journalism education are partially compensated by the availability of short-term training programs. However, fewer short-term programs are offered than in past years, in part due to declining donor support. Panelists noted the discontinuation of subsidized, free training is a deterrent to media owners and managers investing in upgrading the skills of their staff.

Finally, as in the past, Bulgarian media enjoy essentially unlimited and unpoliticized access to printing facilities, newsprint, and distribution networks. Broadcast media own their transmitters and this is not a source of political pressure.

## List of Panel Participants

**Assya Kavrakova**, chairperson, Broadcast Media Ethics Commission, Sofia

**Petya Mironova**, chairperson, Broadcast Media Ethics Commission, Sofia

**Violeta Draganova**, Roma mainstream freelance journalist, Sofia

**Konstantine Markov**, Association of Bulgarian Broadcasters, Sofia

**Dimitar Lipovanski**, director, Arena Media Russe, Russe

**Tzveta Nenova**, head, Russe Media Festival, Russe

**Krassimir Dimitrov**, manager, Glarus Radio Burgas, Burgas

**Petko Georgiev**, executive director, BTC ProMedia Foundation, Sofia

**Juliana Toncheva**, media expert and former spokesperson, The Council for Electronic Media, Sofia

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

**Jassen Boyadjiev**, director, Info Radio, Sofia

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

## Moderator and Author

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

The Bulgaria study was coordinated by, and conducted in partnership with, BTC ProMedia Foundation, Sofia.

---

---

*The past year was marked by a long and fierce political campaign surrounding the parliamentary elections in November. However, this proved that implementing higher democratic values and practices has its difficulties. The pains of transition have carried over into most of Croatia's social sectors, including the media.*



CROATIA

Goran Sebelic/CROPIX

Croatia is becoming a stable democracy with a relatively prosperous economy as a result of significant governmental developments in recent years. The parliamentary elections in 1999 and especially the formal start of the EU accession process in 2005 marked the line between a society recovering from war and an authoritarian regime and a new Croatia opening to the promises and challenges of a Euro-Atlantic future.

The past year was marked by a long and fierce political campaign surrounding the parliamentary elections in November. However, this proved that implementing higher democratic values and practices has its difficulties. The pains of transition have carried over into most of Croatia's social sectors, including the media.

Just days before the MSI survey began, several events took place that brought the media scene in Croatia to a boiling point. A well-known investigative journalist was arrested and kept in prison overnight for publishing "top-secret documents." A convicted kidnapper and alleged organized-crime boss sent a letter to a publisher outlining the network of organized-crime figures, politicians, the judiciary, and the media. One of the top drug bosses in Croatia was shot by a contract killer during his weekend leave. He died in the arms of his fiancée, an important news editor at Croatian Public Television (HTV). A well-known crime reporter wrote a revealing article on the assassination and received a clear message the next day from the criminal underground: his own obituary was published in a daily paper. A notorious local tycoon accused of rape threw a bag of fresh cow bones at the court entrance, shouting at journalists, "This is for you, blood-thirsty jackals."

The year 2007 presented MSI panelists with many additional issues to consider. In January, the Ministry of Culture tried again to open and close in just one day a "public" debate on amendments to the Law on the Electronic Media. In April, the Council for Electronic Media declined to renew a key expert's term, proposing to replace him on the council with someone having a strong political background. Divisions inside the Croatian Journalists' Association (CJA) seriously endangered its position as a strong advocate for the profession. Many saw changes in the news department at HTV as a reminder of 1990s-era Croatia. In early December, an editor at a weekly business paper resigned because she no longer wished to publish paid promotional materials under the guise of articles written by the paper's staff.

Given these circumstances, Croatia's final score for 2008 is noticeably lower than the past few years. Modest gains in Objectives 2 and 3 (professional journalism and plurality of news) were offset by a small decline in Objective 1 (free speech) and drops of about half a point in Objectives 4 and 5 (business management and supporting institutions). Although setbacks and shortcomings are almost inevitable in a media market emerging from an authoritarian government, panelists expected higher standards both in legislation and professional practice. Panelists expressed that they cannot cope with market rules and trends that favor unscrupulous and blatantly commercial media over serious, responsible journalism.

# CROATIA AT A GLANCE

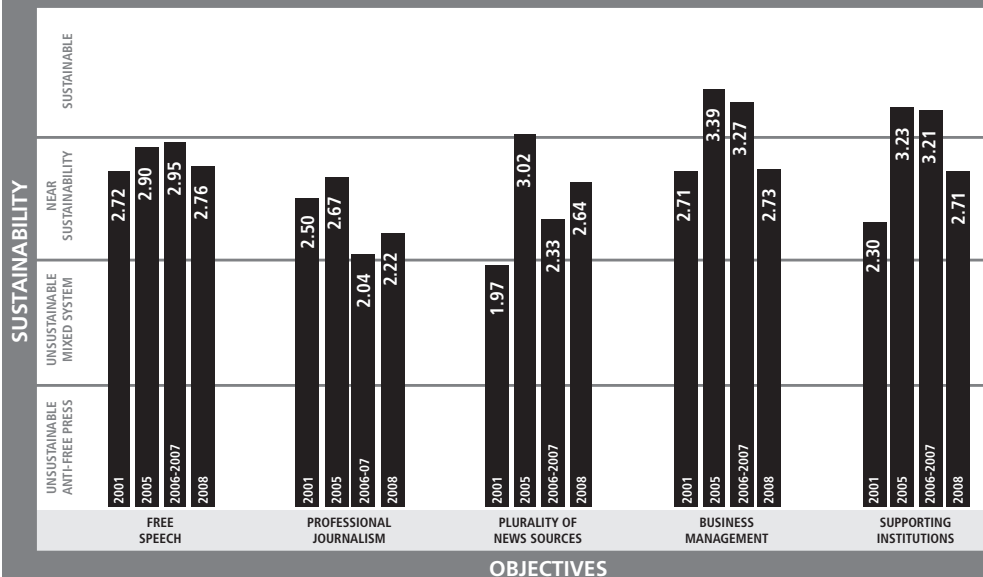
## GENERAL

- > **Population:** 4,493,312 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Zagreb
- > **Ethnic groups (% of population):** Croat 89.6%, Serb 4.5%, other 5.9% (including Bosniak, Hungarian, Slovene, Czech, and Roma) (2001 census, *CIA World Factbook*)
- > **Religions (% of population):** Roman Catholic 87.8%, Orthodox 4.4%, other Christian 0.4%, Muslim 1.3%, other and unspecified 0.9%, none 5.2% (2001 census, *CIA World Factbook*)
- > **Languages (% of population):** Croatian 96.1%, Serbian 1%, other and undesignated 2.9% (including Italian, Hungarian, Czech, Slovak, and German) (2001 census, *CIA World Factbook*)
- > **GNI (2006-Atlas):** \$41.40 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$13,680 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 98.1% (male 99.3 %, female 97.1%) (2001 census., *CIA World Factbook*)
- > **President or top authority:** President Stjepan "Stipe" Mesic (since February 18, 2000)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** 14 daily newspapers, 46 weekly newspapers, 19 television stations, 143 radio stations
- > **Newspaper circulation statistics:** The total circulation of daily newspapers is estimated at 550,000 copies a day.
- > **Broadcast ratings:** highest rated television outlets: HRT 1 (public television), RTL Croatia (private commercial television), HRT 2 (public television), Nova TV (private commercial television)
- > **News agencies:** HINA, IKA, STINA
- > **Annual advertising revenue in media sector:** Approximately \$900 million (estimated 60% of advertising income goes to broadcasters, 40% to print)
- > **Internet usage:** 1,576,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: CROATIA



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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



## OBJECTIVE 1: FREEDOM OF SPEECH

### Croatia Objective Score: 2.76

Panelists rated Objective 1 slightly lower than last year, partly as an expression of frustration over the lack of continued progress and partly due to a number of events that exposed some cracks in the media regulatory environment. Indicator 5, covering preferential treatment of public media, significantly held back performance in this objective, scoring more than a full point lower than the average. Indicator 2, regarding broadcast licensing, and Indicator 6, on libel laws, scored a little more than a half point below the average. On the positive side, Indicators 8 and 9 received scores close to a 4, reflecting the panelists' view that both media access to international news sources and entry into the journalism profession are secure in their current freedom.

Panelists concluded that the legal framework that protects freedom of speech in Croatia is well-elaborated and, in general terms, follows recognized international standards. Media and media-related legislation include the Constitution of the Republic of Croatia, the Media Law, the Electronic Media Law, the Croatian Public Radio and Television Law, the Penal Law, and the Freedom of Access to Information Law, plus numerous sub-laws. One general objection, defined by panelists Tena Perišin and Ivan Čičak, is that there are obviously over-regulated areas (for example, defining in detail the minimum area in square meters foreseen for the working spaces per each employee), while some open but undefined issues remain that are potentially subject to arbitrary decisions.

"The Electronic Media Law stipulates exact details, such as the exact percentage of news and original production in the daily schedule of each broadcaster or allowed advertising time per hour, but there is no efficient monitoring in place. Without it, these provisions are just empty words," Čičak said.

"Each time I turned to the Law on HTV for specific answers on specific problems, I couldn't find them," said Perišin, assistant to the news director at HTV. "There are so many technical details and general provisions, but just too many grey zones where concrete stipulations should be."

Panelist Emil Havkić, an attorney at law and a media law specialist, said that media-related legislation is very well-defined but that laws often have some obvious flaws in implementation. Havkić recommended implementing additional provisions on safeguarding privacy, which has become an important issue given the blatantly commercial media that control a significant market share. Havkić said, and other panelists agreed, that public opinion on media

freedom and civil society are generally mature enough to prevent potential misuse of privacy provisions by the government or others.

Still, panelist Neven Šantić made an important objection to the current media legislation. "I just can't consider [the law] good and just as long as a journalist or his editor could be fined for printing or broadcasting statements made by the politicians or public figures with no alterations," he said. "This opens just too big a window for the courts to make arbitrary decisions on it, although there haven't been any recent cases of this type."

The government in other ways still shows a lack of understanding on the importance of media's role in a democracy and an unwillingness to work cooperatively with media professionals. In January 2007, the Ministry of Culture (which is responsible for media legislation) revisited amendments to the Electronic Media Law by, among other things, adding the position of manager to the Council for Electronic Media who would be appointed by the government. Most media professionals considered this proposed change unacceptable and a step backward from the common standards already achieved. As in the past, the ministry tried to open and close in just one day a "public" debate on the amendments to rush them through. Only after an immediate reaction from the CJA and other NGOs did the ministry organize a proper public debate, which resulted in substantial changes to the first draft: the manager position was no longer government-appointed and had reduced responsibilities.

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

#### FREE-SPEECH INDICATORS:

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

*“The Electronic Media Law stipulates exact details, such as the exact percentage of news and original production in the daily schedule of each broadcaster or allowed advertising time per hour, but there is no efficient monitoring in place. Without it, these provisions are just empty words,” Čičak said.*

Licensing of the broadcast media has always been a lively topic for MSI panelists, and was again this year. Most of the panelists felt that the main shortcoming with the Council for Electronic Media, the body that allocates frequencies and licenses to broadcast, is no longer its political affiliation (as it was in 1990s), but rather incompetence and alleged corruption. Panelists pointed to an April 2007 decision by the council to not renew the term of one of its key experts. Renewal is normally common, but the council chose to replace him with someone having almost no media experience but strong political ties. Regarding the council’s decision-making process on licensing, the panelists said that the main problem is not a lack of transparency (bids for frequencies are public, as is voting), but rather the undefined criteria that give advantages to some bidders. Lack of criteria facilitates arbitrary decisions and applications that exaggerate financial means and professional experience, undercutting post-award enforcement of terms.

Most of the panelists agreed that the damage done in the 1990s, when the council issued licenses almost exclusively to government cronies, is almost irreparable. Most of the quality frequencies were allocated at that time, and given that no one has withdrawn a frequency, the broadcast scene (especially when it comes to radio) is cemented; also, due to the lack of new frequencies, quality competition is prevented from entering the market.

Panelists could not agree on the council’s practice of renewing licenses almost by default. Some thought that, given that no available quality frequencies are available, the practice prevents the development of the market and encourages license holders to openly breach license terms and conditions. As Perišin mentioned, “Who cares anymore to compare the original application of, say, national television channel RTL, which included obligations to produce a high percentage of educational and cultural content, with its current schedule, completely oriented toward commercial productions? Is that a breach of the contract that eventually could and should result with the license’s withdrawal?”

Other panelists said that the practice of withdrawing licenses could potentially lead to arbitrary decisions. In addition, these panelists said, given that licenses are issued for five to seven years, making a proper business plan (or involving a serious investor in a project that requires at least four to five years of capitalization) would be almost impossible to do without some kind of guarantee of the license’s renewal.

Panelists agreed that the tax structure and market entry rules for the media are fair, competitive, and comparable with other industries. After years of lobbying by CJA and Association of Publishers, the government in 2007 finally implemented tax breaks for the print media (lower value-added tax [VAT] on newspapers compared with other products), which should contribute to better overall financial performances in the industry.

Although the government should be praised for this decision, its timing raised some concerns. Panelist Zdenko Duka, CJA president, said, “The tax break to the print media is a good decision, by all means. But what worries me is that it happened only weeks before the general elections. It was almost like sending a subtle political statement to the media on whom to side with.”

Panelist Ante Gavranović, founder of the Association of Publishers, added that daily and weekly papers are probably the only large-scale products in Croatia that have not changed their prices since 2001. Preferential VAT status is, therefore, “well-earned,” he said, and could be of the utmost importance in keeping some of the publishers on the market.

There are no restrictions or special procedures in starting a print media business, compared with any other industry.

The broadcast media sector is more complicated. Market entry in broadcasting is defined primarily by the number of available frequencies, not by the investors ready to take a risk with a new market entry. Taking into consideration that only a small number of less attractive local radio and television frequencies are available after the last big frequency allocation process in 2003, few (arguably no) important new market entries have been made.

However, Croatia should become fully digital by 2012, and the switch to a digital frequency spectrum will dramatically improve the broadcast market and open almost unlimited new resources. Because the transition is less than five years from now, panelists expressed their concern that the council and other responsible institutions are not doing enough to prepare themselves, the broadcast market, advertisers, consumers, and the media legal framework for the forthcoming digital revolution.

Physical attacks on journalists in Croatia are very rare, but panelists are concerned with the increasing number of harassment cases. Although the public is very sensitive to harassment of the media, the prevailing opinion of the panel was that the police and judiciary should be more active both in protecting journalists and prosecuting offenders.

“My feeling is that the judiciary does not prevent the harassment of journalists. Even more, by being passive, it could be said that they are actually encouraging such attacks,” said panelist Anja Picelj-Kosak, referring to the two most recent cases (“obituary” and “cow bones,” described in the Introduction).

Čičak also mentioned the difference between working in a big, national media company, where journalists have a sense of security and protection, and working in a small local media company, where journalists—and their families—are far more exposed to different types of subtle or open harassment.

There has been a dilemma among MSI panels for years over Indicator 5, public media receiving preferential legal treatment. Does the fact that HTV collects subscription fees (in addition to its high share of the advertising market) mean that HTV has a preferential status over the other broadcasters? Or, is subscription vital for financing educational and other noncommercial programming and advertising revenue additionally safeguards editorial independence, as Perišin said? The panelists could not agree on this point.

They did agree, however, that interference in the editorial policy at HTV still exists and is even more visible after the recent changes in key editorial positions. The problem is not one of a defined and systematic interference, but rather about having “loyal” editors and journalists in key positions. Furthermore, while laws are quite clear on delineating editorial independence at public broadcasters, many powerful politicians still wield extra-legal influence and willfully ignore these laws in spirit and practice. Interference in the editorial policy is much more tangible in the local broadcast and print media, where municipalities still have ownership shares and do not hesitate to use them to leverage different forms of interference and pressure.

In practice, libel is regulated by the civil code, and the offended party must prove falsity or malice. Still, as Šantić mentioned above, journalists or editors are sometimes held responsible and could be fined for publishing direct quotes made by public figures.

An additional problem is the huge backlog of libel cases and the transferring of some to nearby local courts, a practice that panelist Denis Kuljiš said is a further insult. “Now it is not

*An additional problem is the huge backlog of libel cases and the transferring of some to nearby local courts, a practice that panelist Denis Kuljiš said is a further insult. “Now it is not only about going to the court, which is a kind of harassment anyhow, but going in the early morning hours to find some obscure local court. It is double harassment,” he said.*

only about going to the court, which is a kind of harassment anyhow, but going in the early morning hours to find some obscure local court. It is double harassment,” he said.

As shown by the December 2007 resignation of the minister of internal affairs (photos published on the Internet showed him and war-crimes suspect Mladen Markac, who was on parole but not allowed to leave his house, taking part in a Christmas boar-hunting trip), the expectation is that public officials will be held to higher standards. However, recent examples at both the national and local level have shown that the highest-positioned officials are still in a class of their own. The prime minister, for example, has never made good on his promise to make public the invoices for his collection of very expensive wristwatches, in order to prove that they were personal purchases and not gifts from “business partners.”

Regarding access of information, panelists agreed that no regulations restrict access per se, but they warned that public officials (especially at the local level) are still discriminatory in providing information. “It is not a problem to find one’s own sources from the government, but the real problems occur at the local level, where the officials talk only to ‘their’ media,” Šantić said.

Duka said that government and public officials simply do not comply with their legal obligation to provide an answer upon written request. “There are no sanctions for the public officials if they don’t answer within the defined time frame, so some of the officials are simply ignoring [the law],” he said.

Access to local and international news, including the Internet, is completely open and absolutely unrestricted, both for journalists and the general public. The high cover price of international newspapers is a definite factor preventing higher sales. However, ever more affordable rates for online services, and a relatively high percentage of households using broadband Internet connections, have decisively contributed to a massive and efficient flow of international news.

*There is no such thing as an “average salary” for journalists in Croatia, the panel concluded. Salaries and other benefits are as little as \$600 or as much as \$15,000 a month. But a higher salary is no guarantee that the earner is above corruption. As mentioned earlier, even some higher-paid journalists tend to be corrupt in some ways—by accepting paid travel packages, for example.*

Croatia has never required any kind of licensing for journalists. Accreditations in general depend on publishers/ editors, and there have been almost no cases in which accreditations were denied or withdrawn by the government or other public institutions.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Croatia Objective Score: 2.22

Objective 2 showed a minor increase over the score of 2.04 it received last year. The leading indicator, regarding modern facilities and equipment, scored significantly higher—more than a full point—than the overall average. However, the indicator about self-censorship scored nearly a full point lower. Pay levels for journalism and corruption also were a concern for panelists, and they scored Indicator 5 about half a point lower than the average. All other indicators fell relatively close to the final average.

The issue of fair and objective reporting has raised controversies among the panelists, and did so again this year. Kuljiš declared himself to be a “great admirer of Croatian journalism,” stating, “Have there been any important social or political processes from the ‘90s onward, without the media having a key role in exposing wrongdoings and involving the public by giving needed facts? No, there haven’t been any. We should be proud of it.”

Panelist Davor Glavaš, of the Croatian Radio Network and a professor at Zagreb University’s Study of Journalism, commented, however, that this role is inherent to journalism and that there is no reason to be proud—only satisfied with what the profession in general has achieved.

All panelists agreed that the quality of reporting has been on a downward trend since 2000. The events of 2007 reinforced

this conclusion and showed diminished chances to stop or reverse the trend. Triviality and sensationalism, generated by low-quality commercial media, tend to fill an increasingly greater proportion of the media content. Tabloid journalism does not have much regard for facts, sources, research, accuracy, or decency but has seized a large part of the print and broadcast media market. Some specific features of the Croatian media market also contribute to the trend of triviality—it simply takes offensive headlines for customers to single out one edition among dozens of others on newsstands and kiosks. (Only 3 to 4 percent of circulation is through subscription; 96 to 97 percent of copies are sold at kiosks.)

The downward trend has been supported actively by the high-circulation free papers and has reached mainstream media outlets as well—not (yet) with regard to the core content, but in the changeover to tabloid-like graphic design and layout, the adding of trivial supplements to print dailies and weeklies, and the introduction of commercial, low-quality “showbiz” productions on HTV.

The CJA and Croatian journalists have been well-known for their relatively efficient self-regulation and the high standards defined in their ethics code. More than 90 percent of all active journalists in Croatia are members of the CJA, and a large majority of them do follow basic ethical standards. Panelists felt that recent developments in the industry put this record at risk. According to Kuljiš, “When it comes to ethical standards, I wouldn’t say that journalists are a key problem in their implementation. On the contrary, journalists are recognizing and following these standards as much as they can. The problem is in their editors and owners. They are shaping the media to their interests, and journalists really can’t do much about it.”

## 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).

Certain groups lean more toward the accepting of different types of gifts in exchange for articles. Sports journalists often travel at the expense of the clubs they are reporting on and simultaneously take per diems from their publishers. Journalists covering the health system are very often guests at expensive presentations of new medicines and drugs, usually at exotic destinations, with all expenses covered. Journalists for car magazines often use cars owned by big car dealers, or buy them at bargain prices.

But gratuities are not the core of the problem. Ethical standards have declined with the new generation of journalists, who do not recognize the higher responsibilities of the profession but take it simply as a tool to promote themselves, or who are used by the publishers in promoting business interests.

Long gone are times when self-censorship was the result of direct political pressure, but self-censorship does exist—simply in a different form. “In March 2007, I gave my students at the Study of Journalism a list of the biggest advertisers in Croatia and asked them to search the archives to find any article in the media from the past six months critical of any of these companies,” said Glavaš. “Guess what? They couldn’t find a single piece.” Panelist Gabriela Galić, president of the Journalists’ Trade Union, added, “Journalists depend on editors, editors depend on owners, owners depend on the biggest advertisers.... My feeling is that our margin of professional independence is ever smaller. Frankly, we have contributed to it as well, being only passive observers of these trends for years.”

Havkić said that self-censorship in the Croatian media is stronger than it used to be. “It is not political self-censorship. It is about a new alliance that has been formed between the editorial and advertising desk in media, which tends to influence content—at times even more so than the authoritarian regime of the ‘90s did,” he said.

Interference of the big advertisers with media content sometimes assumes forms that are ridiculous, although not less dangerous. For example, a member of the immediate family of one of the biggest Croatian tycoons (and one of the largest advertisers) opened for the company a new shopping and business center in the second-biggest city in Croatia. A local daily paper published an article on the ceremony, mentioning marginally that the “godmother” of the new shopping center had “a retro hairdo.” The next day, a message from the company was on the editor’s desk, stating that the company would cease its advertising (a page a day, plus special weekly supplements) in that paper for the next two months.

*Kuljiš declared himself to be a “great admirer of Croatian journalism,” stating, “Have there been any important social or political processes from the ‘90s onward, without the media having a key role in exposing wrongdoings and involving the public by giving needed facts? No, there haven’t been any. We should be proud of it.”*

In more serious forms, big corporate money has undeniably found a way to discourage investigative reporting of their companies in most of the mainstream papers. The practice of mixing journalism and public-relations pieces has taken many forms as well. As mentioned previously, an editor of a weekly business paper resigned recently because she felt she could no longer in good conscience publish public-relations pieces under the names of the paper’s journalists, as ordered by the chief editor. Panelists felt that if such events happen in a national media company, one could only guess what is going on in local media.

This practice affects not only business media sections, but political content as well. It has taken more subtle forms than the public-relations/reporting mix, but professionals can see it almost on a daily basis. With a consensus achieved among all parliamentary parties on key national issues (EU and NATO membership, for example), a new space for promotion of certain political variances between political parties has opened. And, more often, these jobs are not the journalists’ responsibility. “One of the key spin-doctors recently told me: I don’t waste time with you journalists. I go to your publishers and arrange the type of article I want,” Kuljiš said, somewhat bitterly.

Panelists concluded that journalists cover all key events in the country, but there is an increasing lack of quality investigative and follow-up reporting, searching for background information, etc. Many of the events, including international events and processes, are covered only in a superficial or sensationalistic way. Still, imagining a situation in which all the media would accept a suggestion not to write about any event or scandal seems impossible. As always, it takes only one to publish the story; others would have to follow if they do not want to lose their reputation with their readership/audience. A typical example is the aforementioned demission of the minister of internal affairs following the publication of compromising photos. One Web portal published the photos, so the other media could not ignore the matter even if they had wished to.

*Foreign investors own a large percentage of the print media sector, along with two national television channels. After an initial adjustment period between the foreign entities and Croatian teams, the two sides have had no major disputes. Aside from the trivial content on the foreign-owned television channels, it could be said that the foreign owners have contributed to the transformation of the Croatian media industry from domination by politics and politicians to more market-oriented programming.*

There is no such thing as an “average salary” for journalists in Croatia, the panel concluded. Salaries and other benefits are as little as \$600 or as much as \$15,000 a month. But a higher salary is no guarantee that the earner is above corruption. As mentioned earlier, even some higher-paid journalists tend to be corrupt in some ways—by accepting paid travel packages, for example. Salaries in the private media are generally higher than in public media, with exceptions for the “star” journalists on HTV, to whom individually tailored contracts are offered.

Entertainment programming and related articles have been seizing more and more of the media content. Most of the print media still have a relatively respectable news section. This is true for HTV as well; news programming on HTV is still the most watched among all national channels. The more serious change is the prevalence in the commercial media of low-quality entertainment content, with no respect for accepted professional standards. Most of the “serious” papers do have entertainment pages or supplements, contributing to its somewhat schizophrenic content policy.

Generally, technical facilities are modern and efficient, especially at national print or broadcast media companies. In some cases, these media are equipped with state-of-the-art equipment, but the same cannot be said for some of the small local print or broadcast media.

When remarking on niche reporting, Glavaš reported, “Just by coincidence, I’ve recently found on one newsstand, among all the other dailies, weeklies, and monthlies, two magazines titled *My Carp* and *How to Catch a Carp*. I think this is ultimate proof that the niche market in Croatia is

well-covered.” Sectors such as business are well-covered by specialty outlets and journalists, with multiple print media dedicated to the topic as well as the success of 24-hour business news channel Kapital Network. The Croatian market is sophisticated enough to support such specialty media. However, when it comes to in-depth investigative reporting, panelists expressed frustration with what they called a “new alliance” of advertisers and media outlets. Essentially, there is an agreement to not rock the boat; media prefer to not take the initiative on uncovering crimes and misdeeds perpetrated by the business sector.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Croatia Objective Score: 2.64

The overall average for Objective 3, 2.64, is an aggregate of diverse indicator scores. Three indicators, covering plurality of news sources, independent news agencies, and private broadcasters producing their own news, scored above a 3. Indicator 2, on barriers to citizens accessing media, scored a perfect 4. However, Indicator 3, on the impartiality of public broadcasters, and Indicator 6, on transparency of ownership, both scored well below 2. On balance, however, the score reflects an improvement over last year’s 2.33.

Panelists agreed that plurality of public and private news sources exists and efficiently contributes to the goal of better-informed citizens. The Croatian media market has more than 950 registered publications, which makes one publication for every 3,000 adult citizens. Croatia has more

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

than 3,100 registered journalists, seven national daily papers, more than 150 radio stations, and four national television channels. Almost 40 percent of the population regularly uses the Internet, and nearly 25 percent of households have a broadband connection. Plurality of news sources is by all means secured.

A relatively high cover price of the print media (buying regularly just one daily paper and one weekly paper would consume about 3 percent of the average salary—high by all standards) is compensated somewhat by a higher number of readers per copy. Foreign papers, although available with absolutely no restrictions, are prohibitively expensive, so those interested use the Internet to access them. In general, people in bigger cities have better access to media, but with the further expansion of broadband Internet, satellite, cable, and IPTV, these differences tend to be increasingly smaller. Thanks to the ever-tougher competition, prices for broadband Internet and other similar services have dropped significantly and have become quite affordable.

There are no restrictions when it comes to using foreign news sources, whether provided by print, broadcast, or Internet. The free availability of foreign papers is a particularly Croatian phenomenon: since the early 1970s, they have been brought in mostly thanks to the many foreign tourists, but also to the hundreds of thousands of Croats working in nearby countries.

Another feature particular to the Croatian media scene is that foreign television channels and radio stations (for example, Italian or Austrian) have never been jammed and are tuned in to by a large percentage of the population.

Roughly 40 percent of households subscribe to cable and satellite television services, with penetration notably higher in urban areas. Internet and IPTV service might soon change this proportion more in favor of the rural areas. Given the country's geographic shape, most of the population has access to international terrestrial television stations as well.

Unlike in most of the previous Croatia panels, the MSI 2008 panelists raised serious concerns over the recent, partisan-inspired changes at HTV. "Applying high standards, as we in Croatia should apply, we could say that the recent parliamentary elections [in November 2007] have shown that politics managed to influence HTV again. It was surprisingly easy to achieve this. We were probably too naive in thinking that HTV has become resilient to such attempts. I am afraid it will take the Croatian media scene years to recover from that," Kuljiš said.

Čičak said that HTV and other media are still deliberately superficial, with no desire for quality reporting on crucial

matters. Havkić agreed, saying, "We couldn't say that any segment of the political spectrum or any party's activities remained uncovered, but media still do not use their strength for in-depth reporting or opening a public debate on certain important issues, taking the position of an uninterested and superficial observer."

Infotainment as a global trend has taken hold in Croatia as well. The programming schedule of the two national commercial television channels and the structure of their news programming (with a special features of "citizens-news contributors," which usually results in paparazzi-type video footage below accepted standards of technical quality) is proof of the change. "What happened with the educational and cultural programming on HTV?" Glavaš asked. "Instead of the high-quality and internationally awarded serials and dramas, HTV is now broadcasting miserable, local soap operas in prime time—all in the pretext of fighting for their share of viewers."

Perišin questioned whether the change in programming has affected the validity of broadcasters' licenses. "Where is the Council for the Electronic Media when it comes to comparing terms and references under which some national broadcasters got the national license and their current programming schedule and production?" she asked. "Shouldn't a shocking difference between license terms and current programming be enough for the license withdrawal?"

Croatia has only one national full-profile news agency, HINA, now under public management. The other smaller agencies (Catholic News Agency, IKA, and a smaller, privately owned news agency, STINA) are not capable of offering full service to their clients but contribute to the media market with their own features. Recent changes in HINA's customer policy (offering content on pay-per-use basis) have made the service more affordable, although the prices are still prohibitively high for smaller and local media. Aside from the high prices, there are no restrictions in using foreign news agencies. The larger Croatian media (both print and broadcast) have their own national and international correspondents, news-gathering teams, and niche specialists.

All broadcasters (public and commercial, local and national) are required by the Electronic Media Law to produce and broadcast their own news programs. There are no exceptions to this rule. For example, even radio stations that play only music must have some news programming. The law has resulted in a variety of news programming—at least in quantity.

Amendments to the Electronic Media Law adopted in the summer of 2005 resulted in the creation of the Fund for Pluralization of Media, dispensed under the auspices of the

*A relatively high cover price of the print media (buying regularly just one daily paper and one weekly paper would consume about 3 percent of the average salary—high by all standards) is compensated somewhat by a higher number of readers per copy. Foreign papers, although available with absolutely no restrictions, are prohibitively expensive, so those interested use the Internet to access them.*

Council for Electronic Media. The fund is devoted to supporting news and other types of noncommercial programming on local commercial radio and television stations. The legislation mandates that HTV must reallocate 3 percent of its subscription fees (about \$4.5 million a year) to the fund. Panelists praised the fund and its success in significantly improving the quantity and quality of news production of local broadcasters. However, they did express concern regarding the nontransparent criteria under which the Council for Electronic Media allocates the fund's resources.

Ownership of media outlets is treated in the same way as in any other industry: a registry of owners is available publicly at the Commercial Court, in theory allowing transparency regarding ownership. However, there is a lack of clarity and much speculation regarding whether some named owners are the actual owners or simply decoys.

The ownership status of major Croatian print media outlets is varied, preventing a monopoly. The biggest Croatian publisher, Europa Press Holdings (EPH), is owned by WestAllgemeine Zeitung (WAZ), which has a 49 percent share. *24 Sata* and *Vecernji List*, two of the most circulated daily papers, are owned by the Austrian company Styria. Dailies *Novi List* and *Glas Istre* are majority-owned by their employees. Other important foreign media owners are Sanoma, Kompetenz, and Media Development Loan Fund. The government still owns and heavily subsidizes the daily paper *Vjesnik*, although it has a marginal market share and clear political influence.

Technically speaking, the government (national and local) is still the largest media owner in Croatia, measured by the number of media outlets in which it has a share. This extends to more than 80 radio stations, founded in the 1970s and 1980s when only local government was permitted to hold licenses for radio broadcasting. The government

does not directly finance these media outlets, but it does provide certain tangential support, such as offering newsroom space free of charge or paying for coverage of the local government's activities, which could be avenues for interfering with media management and editorial policies.

There are some notable exceptions, however. A good example is Radio 101, the best-known Croatian radio station, which made immense contributions in the 1990s to both freedom of speech and the general democratization of the country. The station is partially owned by the Zagreb Municipality, which has no restrictions whatsoever on its editorial independence.

Recently, the CJA made recommendations to adopt legislation to exclude local government from owning media within a reasonable time frame (over the next five to seven years). But the recommendations have failed to gain support, mostly due to strong opposition from local radio stations. For them, local governments are still seen more as a means of financial support than as a threat to editorial independence.

Foreign investors own a large percentage of the print media sector, along with two national television channels. After an initial adjustment period between the foreign entities and Croatian teams, the two sides have had no major disputes. Aside from the trivial content on the foreign-owned television channels, it could be said that the foreign owners have contributed to the transformation of the Croatian media industry from domination by politics and politicians to more market-oriented programming. Still, some serious objections have been raised by the Journalists' Trade Union, which is demanding that foreign owners adopt and follow the same protections of employee labor rights as in their countries of origin—which is not always the case.

The panelists did not reach a consensus regarding the minority media. They questioned whether the coverage of minority issues in "mainstream" media means that minority groups still need their own media. If minority issues are treated mostly in the minority media, does that imply that minorities and their specific issues are being separated into a "media ghetto"? Factually speaking, public broadcasters have specialized programming for minorities, with a growing number of these productions aired by local broadcasters, thanks to the financial support from the Fund for Pluralization of Media. At the same time, some minority media have managed to shift from being low-circulated papers with almost zero impact to having a wider social context. A prime example is *La Voce del Popolo*, the Croatian daily of the Italian minority, with a 50-year tradition of journalism and more than 8,000 copies sold each day.



## OBJECTIVE 4: BUSINESS MANAGEMENT

### Croatia Objective Score: 2.73

This objective suffered a loss of nearly half a point from last year. All indicators shared a similar loss with the exception of Indicator 5, government subsidies of media, which gained minimally and tied as the highest indicator in this objective. Sharing the high position is Indicator 3, on advertising agencies. Both were rated a little more than half a point above the average. Others were rated as near the average except for Indicator 7, broadcast ratings and circulation statistics, which the panel rated a full point lower than the average.

In discussing business practices and management of the media, Denis Kuljiš of Article X pointed out, "Media as a well-managed business doesn't necessarily equal editorial independence." "Financial self-sustainability or profit-making definitely helps in securing independent status from, say, government or different lobbies. But it is no guarantee for the ever-more-important internal editorial independence—an editorial policy independent of the media owner," he continued. Panelists concurred that this sentiment affected their scores and played a strong role in their scores being lower than last year. They felt disappointed that media increasingly focus on profit irrespective of higher professional and labor standards. The previously mentioned alliance between media and advertisers seems ever more influential and, taking into account the trend of falling print circulation, ever more entrenched.

Panelists concluded that the growing number of foreign investors interested in Croatia's media, and the presence of some of the most respected international media companies,

#### 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.

*Printing houses and broadcast distribution networks are efficient as business entities, with enough resources to support the unrestricted growth of the media industry. The number and variety of the printing facilities prevent any kind of deliberate obstruction of quality service to media clients.*

prove that the media industry in Croatia is a profit-making venture, with flexible and efficient business management. As the panelists repeated often regarding this objective, the biggest publishing company in southeast Europe, Zagreb-based EPH, was founded in the late 1980s by a group of young local journalists and managed by them to reach the highest production and management standards. Foreign investors usually keep local management in place, recognizing the skill of local managers and profiting from their expertise.

However, shortly after the MSI panel completed its work, EPH faced criticism for transferring a number of employees from the *Slobodna Dalmacija* daily (which EPH bought from the government in 2005 under not entirely transparent conditions) to a newly formed "news agency," but did not extend the employees' contracts. That effectively served as the first step toward reducing the number of staff, which would be a breach of the contract under which EPH bought the paper. EPH attempted to explain that it was merely a mistake made by the legal department, which was late in sending the new contracts. The case is still far from being resolved.

During the 1990s, print distribution in Croatia was monopolized, politically controlled, and used as an additional tool for political pressure, most often in the form of financial extortion of the independent media (by delayed payments for sales at kiosks, for example). Print distribution is still largely controlled by one company, Tisak, which is the only national print distributor. In general terms, and from the publishers' point of view, today Tisak is an efficient company. Still, panelists expressed concern regarding the recent buyout of Tisak by the retail-chain Agrokor, one of the biggest corporations in Croatia (see more under Objective 5). This uncertainty contributed to lower scores in Objective 4 this year.

Printing houses and broadcast distribution networks are efficient as business entities, with enough resources to support the unrestricted growth of the media industry. The number and variety of the printing facilities prevent any kind of deliberate obstruction of quality service to media clients.

The media in Croatia receive income from a multitude of sources. Some of the traditional sources of income have always been in the very low percentages (subscriptions, for example, which are usually between 2 and 4 percent). Sold circulation, as the main source of income, has also experienced substantial changes recently. In the past five to six years, circulation of all print media outlets has dropped significantly. It could be argued that a fair comparison cannot be drawn between the media consumer of today and the heavily politicized audience of the 1990s. But a lower level of interest in political activities is not the only reason behind the drop in circulation. Other factors include a lack of trust in the media content, as a result of publishers siding with certain political or business interests; sensationalistic approaches to news; etc. Circulation has also dropped in other market niches (women's weeklies and sports magazines, for example), which indicates other factors at work.

A possible reason is the decrease in disposable income. Although statistics would show a constant increase in the average salary in Croatia, there has also been an increase in more favorable bank loans, resulting in almost two-thirds of households with a bank loan that often consumes more than half of the family budget. Many Croatians have less money available for expenses other than basic needs. In addition, with the prevalence of other "open" media sources (terrestrial television, satellite television) and other increasingly affordable media (cable television, IPTV, Internet), print media is no longer as important to the consumer as it was five or 10 years ago.

Decreases in sold circulation have been largely compensated for by higher levels of advertising income—in some cases, more so. Although the Croatian print media have not yet met the ratio of advertising-to-circulation revenue of Western countries (75 to 80 percent advertising and 20 to 25 percent circulation), revenue figures are inclining increasingly to advertising. Larger national papers (*24 Sata*, *Vecernji List*, *Jutarnji List*) are earning 60 to 65 percent of their total incomes from advertising revenue. Other papers still depend on circulation—sometimes more than 80 percent—which has a palpable impact on their type of journalism (more sensationalism, "screaming" headlines in order to sell more copies at the kiosk, etc.).

Public media (both radio and television, which combined are known as HRT) have different sources of income as well, which theoretically should support its editorial independence. Aside from the mandatory subscription fee (about \$12 per household per month, which equals about \$150 million a year), HRT manages to retain the lion's share of the advertising market, earning an estimated \$250 million from advertising in 2007.

Some of the panelists said that HRT should have two separate accounting lines—one for subscription income and the other for advertising revenue. "In this way, it would be completely transparent where the subscription money goes," Glavaš said. "I don't care if HTV uses its advertising revenue for financing and buying pure commercial programming. But I would like to see subscription money—my money—spent on programming inherent to HTV: news production; higher-quality drama; documentaries; educational, scientific, and other programming of public interest."

The Croatian media advertisement market contributes more than 1 percent to the gross national product, which is relatively close to the standards of higher-developed countries. Constant growth of the advertising market supports the market position of the print and broadcast media, especially considering the drop in circulation as a general trend. As expected, the market entry of a third mobile-phone operator and a few big chains of superstores have contributed to increased injections of advertising money in the media market. Trends indicate that the fastest-growing area is online advertising, although it is still in relatively low figures compared with the more developed markets. This growth will likely motivate even more publishers to create online editions.

Most of the prominent global advertising agencies have opened branch offices (or have bought local advertising companies) in Croatia. One of the biggest international advertising agencies, McCann Erickson, opened a branch office in Zagreb in 1984, which alone speaks of the degree of sophistication of Croatia's advertising market.

Independent media in Croatia do not receive government subsidies. However, panelists referred to "hidden subsidies," such as public announcements, advertising, and awareness campaigns, that are financed by the government or local authorities and are given more often to "friendly" media outlets than to those who are more openly critical.

With regard to financial self-sustainability and government subsidies, panelists, as in previous years, see the biggest problem in the local media, especially with local radio and television stations. A relatively high percentage of local media are still partially owned by municipalities or are dependent on financial and in-kind support from municipalities. So-called contracts on "regular coverage of local government activities" are quite often a normal and substantial part of local media budgets, with predictable consequences for the quality and impartiality of news productions. As mentioned under Objective 2, local media quite often use office space, communications, or other services for free or at below-market rates from local authorities.

Market researchers and advertising companies use sophisticated tools and methods in their surveys. But market surveys, even when done in the most professional way, still have not been a decisive tool in media business strategic plans. To a large extent, and especially in the local media, strategic plans still largely depend more on the owner's own projections or hunches than systematic market analyses and audience surveys.

Despite many attempts, print figures are still not provided by an independent institution. Most independently and professionally conducted surveys are still too expensive to be affordable for the smaller and local media. Many of the bigger advertising agencies make a serious analysis of circulation figures, but those efforts are not enough to produce a transparent and reliable number of the sold circulations. Kuljiš was very critical on this issue. "We haven't found a tool to convince publishers to give a realistic sold circulation figure," he said. "They are avoiding these figures. They are lying big-time to their own readership; they are lying big-time to the advertising agencies...which sometimes even don't care once they get a nice, detailed package of false information." The other panelists found this objection to be perhaps disparaging, but nonetheless illustrative of reality. Panelists agreed that persistent inaccuracies in research and readership or audience figures, attributable to lack of investment, willful negligence, and malice, compelled them to lower scores compared with previous years, especially as this situation seems to be a permanent fixture resulting from an agreement among media and advertisers.

The panelists concluded that broadcasting figures provided by more independent agencies and including sophisticated methods such as people-meters are more reliable, but still not as precise as they should be.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Croatia Objective Score: 2.71

Objective 5 suffered a drop in score similar to Objective 4, losing half a point from last year's 3.21. All indicators shared in the loss, with Indicator 7, channels of media distribution, taking a hit of one full point; this indicator has the lowest score this year. While last year all but one of the indicators was rated at 3 or above, this year only Indicator 6, sources of newsprint and printing facilities, came in above 3, but still almost half a point lower than last year.

Croatia has a well-deserved solid reputation for the trade associations that support the media industry. These associations are very active in backing different issues

affecting the media community, even if not always in a unified way. Local radio and television stations, plus some local print media, are organized under the Croatian Association of Local Radio and Print. Local commercial television stations are organized under the National Association of Local TV Stations. Jointly with national television stations (Croatian RTL, Nova TV), local television stations have formed the National Association of Commercial TV Stations. Publishers have their own association, although tense relations between some of publishers diminish its efficiency. All of these trade associations are active in promoting the agenda of media professionals. Far too often, however, the particular interests of these associations overshadow the common interests for which they should be fighting.

The CJA is by far the largest professional media association. Perhaps a unique case among transitional countries, CJA encompasses almost all professional journalists in the country, regardless of their political affiliation and other interests. It has a membership of about 3,100, more than 90 percent of active journalists.

During the authoritarian regime in Croatia in the 1990s, the CJA had an irreplaceable role in defending basic media freedoms. In later stages, the CJA's role was more focused on introducing and implementing advanced professional standards. In the new Croatian political climate, after the elections in December 1999/January 2000, the CJA redefined its agenda from being at least partially a political agent to a strictly professional trade association. Given the substantial changes in the socio-political environment as compared with the 1990s, some panelists said that they think the CJA should disperse its activities into smaller, more efficient task forces and pressure groups. In addition to the CJA, smaller journalists' organizations cover journalists of specialty beats

## 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.

*Supporting industries, such as printing plants and distribution networks, are privately owned and have neither limitations nor restrictions on their operations and preferences regarding services to publishers. Printing facilities are private and offer a multitude of options to publishers. There are more privately owned printing facilities than market demand for this service, which creates an advantageous position for publishers.*

or other categories, such as business, sports, ecology, science, freelancers, etc.

The CJA has been working actively on preparing, drafting, and lobbying for legislation and regulations favorable to media, and defining other elements related to the journalism profession (social and health insurance, pension funds, the status of freelancers, problems related to troubled privatizations in the print media, etc.). But despite the positive role the CJA plays, divisions within seriously endanger its position as a strong advocate for the profession. For example, the lack of serious, sharp, and unifying issues that were present in the 1990s has led to a degree of listlessness. It is not pursuing well-defined strategic goals. Competing interests have filtered down to the CJA, such that the most recent election of the CJA president was bitterly fought by diametrically opposed candidates that resulted in a one-vote victory.

Journalists are free to organize themselves in different forms. The Croatian Journalists' Trade Union is a relatively strong institution as well, working closely with the CJA and concerning itself mostly with employment law. The trade union has been actively involved in drafting and implementing labor agreements, especially regarding the newly privatized print media. Currently, labor agreements apply only to major nationwide publishers, but the trade union and the CJA are working on a national collective agreement that would apply to all media outlets. This would be an important achievement in promoting more social and labor security and higher professional standards for journalists and other media-industry employees.

The panelists had a lively debate over Indicator 3, the role of NGOs in promoting free speech. Kuljiš said that he is disappointed by the inactivity of NGOs in Croatia. "Where have they gone?" he asked. "There is no more foreign donor money, so nowadays NGOs are more like para-governmental

than nongovernmental institutions." Other panelists agreed that this sentiment had affected their decision to award lower scores to this indicator this year.

Indeed, many NGOs are partially financed with government funds channeled through the Foundation for the Development of the Civil Society. Other panelists view the current situation as more of a sign of a mature society and civil culture than of an NGO's transforming into subtle tools for promoting the government's interests. "There no longer is such a 'market of crises' as in the '90s that would have immediately engaged NGOs on the public scene in defending free speech," Havkić said. "I don't want to say that there is no need for NGOs to support free speech. But now, when there are situations that require reaction, the CJA reacts, and that should be enough to safeguard free speech."

Martin Mayer, from the Delegation of the European Commission in Croatia, agreed. "What I can see is that when there is a need, NGOs react. But, let's not forget that the CJA is an NGO as well," he said.

The panelists' discussions of studies of journalism, journalist trainings, and workshops did not vary greatly from those in past years. More short-term trainings were held in the mid- and late 1990s, while active foreign donors and media foundations were engaged in Croatia. The CJA and its branch, the International Center for Education of Journalists (based in Zagreb, with a training center in Opatija), are still providing quality trainings for Croatian journalists and journalists from the broader region, but the general opinion is that editors are less willing to give days off to their journalists to attend such workshops. The reluctance is also an indication of the level of burnout among journalists. In addition, too many journalists, even from larger media, work on a contract basis and do not want to risk their position by being absent. Small local media (with only one or two journalists working in the news departments) cannot afford to send journalists to workshops that last more than one day.

Studies of journalism are expanding in number; currently, there are four studies of journalism plus two active and two soon-to-be journalistic academies. But whether they can apply higher educational standards is questionable. The increase in degree studies will result in the inflation of the number of young journalists and will exceed media-market needs. Panelists expressed concerns with the overly traditional curriculum of studies of journalism. "Where can a young or mid-career journalist learn and gain the needed technical skills for online journalism?" Kuljiš asked.

Overall, panelists rated Indicators 4 and 5 lower than last year. The key problem is that just too many of the studies and trainings simply do not meet higher standards of quality.

The drop is the result of expectations that new learning opportunities would result in higher professional standards, instead of being purely profit-oriented. Panelists said that last year's results were partially based on higher expectations, while this year's were based on unfulfilled promises.

Supporting industries, such as printing plants and distribution networks, are privately owned and have neither limitations nor restrictions on their operations and preferences regarding services to publishers. Printing facilities are private and offer a multitude of options to publishers. There are more privately owned printing facilities than market demand for this service, which creates an advantageous position for publishers.

The cover price of papers is still arguably high (notwithstanding Gavranović's assertion that daily papers are probably the only mass product in Croatia that has not changed its prices in the past five to six years). But the reality is that all daily papers are in full color and offer many more supplements at the same price as the black-and-white and no-supplement editions of only a few years ago.

The multitude of private printing facilities is a substantial change from the 1990s, when both printing and distribution were in the hands of the government or government cronies and were used openly to economically exhaust the independent media (for example, printing presses using their monopolistic position to impose unrealistically high prices for their services; or distribution networks delaying payments to publishers for sold copies). As mentioned under Objective 4, print distribution in the 1990s was monopolized by the company Tisak. Today, Tisak retains its national monopoly on the print distribution market but has been functioning as a relatively efficient and well-managed company, devoid of political or other preferences with regard to selling papers. Tisak has points of sale in virtually all Croatian residential areas, including the smallest towns.

Also mentioned under Objective 4, panelists stated concerns over the recent buyout of Tisak by Agrokor, one of the largest Croatian corporations. It is not clear what Agrokor intends to do with the distribution network (aside from turning a profit)—start its own print media, perhaps? Regardless of the new owner's plans, panelists are somewhat worried by the fact that the company with the second-biggest print advertising budget bought the only national print distributor. Could that be an early warning to any print media that would be critical to Agrokor's corporate policy? Could they expect competitive placement in the distribution network should they dare to touch the corporation? "The company's intentions are not clear, but reasons to be concerned remain," Kuljiš concluded. Other channels of media distribution, such as broadcast transmitters, the Internet, and kiosks themselves, are private and free from political meddling.

## List of Panel Participants

**Denis Kuljiš**, president, Article X Croatia, Zagreb

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

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

**Neven Šantić**, executive editor, *Novi List*, Rijeka

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

**Anja Picelj-Kosak**, media specialist, Zagreb

**Tena Perišin**, professor of journalism studies, University of Zagreb, Zagreb

**Ante Gavranović**, founder, The Association of Publishers, Zagreb

**Gabriela Galić**, journalist, *Novi List*, president, The Journalists' Trade Union, Rijeka

**Ivan Zvonimir Čičak**, journalist and civil rights activist, Zagreb

## Moderator and Author:

**Davor Glavaš**, project coordinator, Croatian Radio Network, Zagreb

## Assistant:

**Kresimir Dominic**, independent public relations consultant, Zagreb

*Kosovo has enjoyed institutional and legal development to better support media sustainability. However, these institutions, laws, and regulations remain weak and unstable in practice. The overall Kosovo MSI score dropped slightly, from 2.56 last year to 2.27, with lower scores in every objective. This decrease may not be a result of a worsening media sustainability in Kosovo, but a reflection of dissatisfaction on the part of panelists with lack of further development.*



KOSOVO

The past year was filled with significant developments relevant not only for development of the media sector, but also for the future of Kosovo. February saw the tragic killing by international police of two protesters from Albin Kurti's *Vetëvendosje* movement who were demonstrating against negotiations with Serbia and the Ahtisaari package and for a referendum on independence. Negotiations between Kosovo and Serbia, mediated by UN Secretary General Special Envoy Marti Ahtisaari, ended in February 2007. The resulting proposal of conditional independence for Kosovo was accepted by Kosovo Albanian leaders, western countries, and the UN, but opposed by Serbia and Russia.

Expectations were high that Kosovo's status would be resolved by the middle of 2007; however, the UN Security Council failed to approve the Ahtisaari package, due to Russian opposition. The Contact Group for Kosovo proposed another set of 120-day negotiations between Kosovo and Serbia with the mediation of the so-called "troika," representing the United States, EU, and Russia. During the negotiations, there was much debate in Kosovo whether elections, both national and local, should be held, given that the time had legally come.

Elections were held eventually and returned surprising results: for the first time, the war-wing Democratic Party of Kosovo won with 34 percent, and the moderate Democratic League of Kosovo, winner of all previous elections, came in second, with 22 percent of votes. Soon after the elections, negotiations between Kosovo and Serbia ended without any success, leading to the support of Kosovo's leadership by most western countries to declare a coordinated independence, which was made on February 17, 2008.

These developments tested the media's ability to obtain firsthand information and adhere to standards of objective, ethnical reporting. Kosovo has enjoyed institutional and legal development to better support media sustainability. However, these institutions, laws, and regulations remain weak and unstable in practice. The overall Kosovo MSI score dropped slightly, from 2.56 last year to 2.26, with lower scores in every objective. This decrease may not be a result of a worsening situation with regard to media sustainability in Kosovo, but a reflection of dissatisfaction on the part of panelists with lack of further development.

The MSI panel gave its highest rating, 2.40, to Objective 3, plurality of news sources. However, this objective dropped slightly this year after three years at above 2.60. Business management of media outlets was the worst-rated objective by the panel, the score suffering a drop to 1.96 from 2.50 last year. The drop reflects a lack of development in this objective, as panelists perceived some media as unprofessional organizations due to political influence. Although Objective 5, on supporting institutions, was one of the highest-rated objectives by this year's panel, these institutions, with a few exceptions, are still considered to be relatively weak in providing protection for journalists and fighting for a better legal working environment. This objective therefore also suffered a loss of nearly half a point compared to last year, coming in at 2.39.

# KOSOVO AT A GLANCE

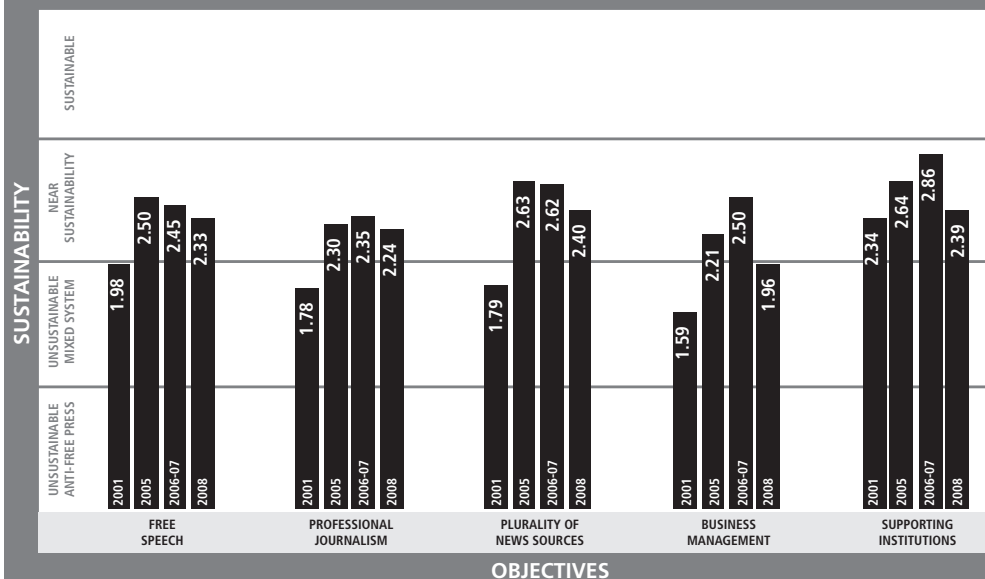
## GENERAL

- > **Population:** 2.1 million (Statistical Office of Kosovo, 2007)
- > **Capital city:** Prishtina
- > **Ethnic groups (% of population):** Kosovar Albanian 92%, Kosovar Serb 5.3%, Other 2.7% (Statistical Office of Kosovo, 2007)
- > **Religions (% of population):** Muslim, Catholicism, Eastern Orthodox
- > **Languages (% of population):** Albanian, Serbian and other (Turkish, Roma, Bosnian, Croatian)
- > **GNI (2006-Atlas):** N/A
- > **GNI per capita (2006-PPP):** N/A
- > **Literacy rate:** 94.2% (UNDP, 2004)
- > **President or top authority:** President Fatmir Sejdiu
- > **Next scheduled elections:** Local (2009), Presidential (2011)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** print: 8 daily; radio: 96; television: 25
- > **Newspaper circulation statistics:** N/A, *Koha ditore* is the leading newspaper (Index Kosovo, 2007)
- > **Broadcast ratings:** RTK 39%, RTV21 30%, KTV 19%; Radio Dukagjini 5%, Radio Kosovo 4%, Radio 21 1% (Index Kosovo, 2007)
- > **News agencies:** KosovaLive, Kosovo Press, Telegrafi, Kosovo Information Center
- > **Annual advertising revenue in media sector:** Approximately \$13.5 million (IREX and advertising agencies estimate, 2007)
- > **Internet usage:** Households with Internet access 28%, People claiming daily use of Internet 18% (Index Kosovo, 2007)

## MEDIA SUSTAINABILITY INDEX: KOSOVO



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

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

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

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



## OBJECTIVE 1: FREEDOM OF SPEECH

### Kosovo Objective Score: 2.33

The media had no significant developments with regard to free speech in the past year. According to panelists, this is mainly due to the lack of public interest; past public reaction to events impacting media typically produced no results or were followed by additional sanctions against the media. This lack of development resulted in a minor drop of the score from 2.45 last year to 2.33 now; both are down from a high of 2.50 in 2005. Most indicators fell close to the final average, with only Indicator 4, crimes against journalists, lagging noticeably behind. Indicators 8 and 9, covering media access to foreign news sources and entry into the journalism profession, did score nearly a full point higher each.

Indicator 4, dealing with crimes against journalists, fared the worst in the minds of panelists—not because of actual crimes, but because of the panel’s perspectives on working environment and lack of security. Almost all panelists agreed with Ibrahim Berisha, Professor of Sociology at the University of Prishtina, who said, “Journalists are not safe. One of the obstacles to them being completely free to investigate and practice free speech is the fact that they are unprotected financially and physically, and also from psychological pressure. It is hard for them to take any individual responsibility... there may be more consequences [to them for reporting on sensitive issues] than impact [on the reputations of the people they report on].”

In this respect, Besim Abazi, journalist for Voice of America, said that the procedures for journalist protection if one feels at risk are so complicated that “one may die and be forgotten by the time something is done by the authorities.” He also mentioned that journalists may have been attacked by the police in riots because of their attitude towards the *Vetëvendosje* movement.

Berat Buzhala, editor-in-chief of the daily newspaper *Express*, indicated that the safety of journalists had worsened in the past year, pointing to the fact that media professionals had begun to deal with the issue of Kosovo’s status. Furthermore, several panelists mentioned resistance by editors and pressure from politicians and international players to not undertake investigative journalism, as revealing problems might jeopardize the political equilibrium created for the sake of resolving the final status. However, this is seen as something that could hurt journalism in Kosovo in the longer term. Panelists felt that once organized crime, and the perceived fear of it, becomes institutionalized in journalism, it will be very hard to leave in the past post-independence.

Buzhala summed up the issues, saying, “Journalists feel betrayed, especially by internationals who informally support free speech and investigation of corruption, because as soon as your reporting uncovers corruption, you see that the same internationals do not take any action whatsoever related to the case.”

Legal and social protection of free speech exists formally; however, in practice, problems and restrictions remain. An indirect phenomenon that affects free speech is the government’s practice of canceling its advertisements in critical media outlets. Another problem raised by panelists is that officials in positions of power have in the past threatened journalists as part of their public denunciations of them. “Journalists have now learned the red lines and they don’t cross them,” Buzhala said. “The only times when journalists are courageous enough to talk about particular events with regard to these people is when these people show up in police reports, and their crimes become formal and official.”

Panelists could not recall any cases of assaults on journalists over the past year. However, the International Freedom of Expression Exchange reported one instance: a physical assault against Vesna Bojicic, a Prishtina-based journalist and correspondent for VOA’s Serbian-language service. Panelists asserted that the absence of attacks is not necessarily an indicator of a healthy media.

Buzhala explained that journalists and editors are recognizing that certain topics are off limits and therefore the quality

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

### FREE-SPEECH INDICATORS:

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

*The past year saw no progress on accessing public information. According to Berisha, all official documents are considered protected unless the issuing ministry decides to release them. Officials are often unwilling to go on the record, especially when they feel it goes against their personal or party's interests.*

and type of information presented to the public is affected. "Express has analyzed the first 1,000 editions of the newspaper, and out of the first 500 editions, 400 carried main stories on non-political issues (corruption, investigative journalism, etc.) and 100 carried main stories on straight politics. In the second 500 editions, the proportion was the other way around," he said.

The case of Albin Kurti, leader of *Vetëvendosje*, also surfaced in the panel discussion. Panelists criticized authorities for suppressing Kurti's ability to practice free speech over the past year. Berisha said that no one has reacted sufficiently, including the media, most likely fearing loss of funds from the international community or risking good relations with the government.

The system of licensing broadcast media in Kosovo still seems chaotic. All panelists agreed that after the initial licensing by KFOR, the international radio and television regulator Temporary Media Commissioner (TMC) simply renewed the same licenses without any criteria and without tendering procedures. TMC, now the local Independent Media Council (IMC), is considered to be non-transparent, discouraging market liberalization and foreign investment in the media, and above all, is responsible for the blockage of new licenses. "Licenses are simply not given to new TV or radio stations. The reasons may be political, related to the involvement of internationals, until now. It could also be due to monopolization and perhaps a lack of professionalism," Berisha said.

Nevertheless, Ardita Zejnullahu, executive director of AMPEK, the electronic media owners' association, expects downsizing in the number of electronic media in 2008, when the IMC will begin a tendering procedure for re-licensing. She said that she feels that this could also positively restructure the Kosovo media market.

Panelists indicated that the public media seem to be privileged with regard to the tax system in Kosovo. The

private media are considered ordinary businesses, whereas the public broadcaster is exempt from value added tax (VAT). The majority of panelists agreed that private media should pay less VAT, as well as enjoy other tax concessions, including a waiver for customs duties for equipment and lower interest rates on loans used for investment. Several panelists also thought that restrictions should be placed on the public media with regard to advertising space. They said that in a small and underdeveloped market such as Kosovo, public media is crowding out the only source of funding for private media.

Panelists reported that the financial and editorial independence of the public broadcaster, RTK, is threatened by political decisions. This was shown this year when the board of the Energy Corporation of Kosovo (KEK), headed by the minister of energy and mining, decided not to allow the public broadcaster RTK to collect its subscription fee (upon which RTK's budget heavily relies) through KEK bills. Although this decision was later reversed, Buzhala said that if Kosovars are committed to having a public service broadcaster, the law should not allow any minister to cut the source of financing. "We also cannot allow an adviser from the prime minister's office to threaten RTK for its reporting, as happened recently," he said.

Defamation and insult are included in the Provisional Criminal Code. Although no amendment was made to the Criminal Code in this respect, the Assembly of Kosovo passed the Civil Law on Defamation and Insult in 2007 (also promulgated by the Special Representative of the UN Secretary General), making defamation and insult a civil issue as well as criminal.

The past year saw no progress with respect to accessing public information and official documents. Berisha said that the problem with the Law on Access to Official Documents is that all documents are considered protected unless a review committee in the respective ministry decides to release them. He said that he felt that it should be the other way around. Generally, officials are not willing to provide comments and interviews, especially when they perceive the matter to go against their personal interests or their party's interests. Some also have preferences for certain media outlets that may show a bias in their party's favor.

According to all panelists, media in Kosovo do not face any problems with access to international news and news sources, and the government does not impose any licensing restrictions or special rights for journalists. However, some of the panelists mentioned that entry into journalism might be too free in terms of lack of quality criteria imposed by the media itself when recruiting journalists, though they quickly agreed that this is not a matter for the government.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Kosovo Objective Score: 2.24

The panelists agreed that the practice of journalism in Kosovo is less than satisfactory in terms of professionalism. The large number of media that sprung up in the uncontrolled media market after the war in 1999 has created a high demand for journalists. Kosovo has been unable to produce quality journalists in high numbers in a short period of time. However, some panelists also noted that Kosovo has never had as many good journalists as now, and that the good ones are overshadowed by a large number of unethical or poorly trained ones. Objective 2 also saw a slight drop from 2.35 last year to 2.24. All indicators came within one-third of a point of the average, with Indicator 3 (self censorship) the lowest and Indicator 7 (modern facilities and equipment) the highest.

Self-censorship remains a problem for professional journalism in Kosovo, as evidenced by it being rated lowest by the panelists. Self-censorship has grown among majority of media, especially after the violent events of March 2004 when the media, mostly broadcasters, were blamed for sparking inter-ethnic violence. Besim Abazi from Voice of America said, "Now, not only do they censor themselves, but they are completely consumed with trying to be cautious with reporting. This is mostly visible in the case of RTK, because they were the most criticized for poor reporting during the March 17 events."

However, Berat Buzhala from *Express* indicated that recently, censorship has been much more present when writing about organized crime or suspicious individuals than when writing about politics. He confirmed that this will be present in the future as well, which will continue to affect journalism negatively.

When reporting is not fair and objective, panelists observed, it can be traced to both the low level of professionalism among journalists and editors and the outright bias towards political parties or other interests by some media outlets. The current overall environment in Kosovo was described by some panelists as "controlled anarchy." But panelists decried the state of journalism, saying that even in these circumstances and even under dictatorial regimes, journalism should keep up standards of objectivity, fairness, and ethical reporting.

Buzhala said that there exists a pool of journalists (he referred to them as "free atoms") who lack respect for standards of quality journalism. "They wander from one media outlet to another, having no problem that these media are tools of political parties," he said. "These kinds of

*Besim Abazi from Voice of America said, "Now, not only do they censor themselves, but they are completely consumed with trying to be cautious with reporting. This is mostly visible in the case of RTK, because they were the most criticized for poor reporting during the March 17 events."*

journalists put a stain on the name of journalists in general, because there are definitely good, honest, professional, and uncorrupt journalists that are lost in this pool," he said.

The panelists generally agreed that professional and ethical standards of editors and managers are lower than those of journalists. Bytyqi mentioned the case of the prime minister canceling his participation on a local TV show in Prizren, causing the manager to instruct the journalist/host to publicly attack and insult the prime minister on the air in retribution. After the journalist refused to do so, the manager began suspension proceedings against him. In this respect, Abazi said, the large number of media has negatively affected professionalism in journalism, due to the negative impact of unprofessional managers in the work of journalists, as well as the incompetence of managers and their lack of information about journalism as a profession. "We hear a lot about journalist training. We would really like to hear about management and editor training, too," he said.

### JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

#### PROFESSIONAL JOURNALISM INDICATORS:

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

---

---

*Technical facilities and equipment for gathering, producing, and distributing news in the Kosovo media are mainly modern, thanks to investments in equipment and facilities from international donors and aid organizations.*

Despite the reality of the situation painted by the panel, a code of ethics does exist that was promulgated via the Press Council and formally accepted and signed by representatives of nearly all print media outlets. Also, AMPEK has developed a code of ethics for broadcast journalism.

Panelists reported having a sense that the best journalists are not encouraged to continue producing high-quality stories. Berisha mused that the exceptions among media outlets and individual journalists—those producing high-quality work—get bullied, with the intent of pushing those journalists out of business. “We tend to kill the exception: [the pervasive thought is] let’s all stay at the same level,” he said.

Kelmend Hapçiu, director of the news agency KosovaLive, said that the international administration in Kosovo had absorbed most of the young people who could have been good journalists, and this has negatively affected the professionalism of journalism in general. “Good journalists have also become targets for public relations and spokesperson positions in large public or private corporations,” he said.

Some of the panelists said that they felt that certain key events in 2007 were not sufficiently covered by the Kosovo media. For instance, the media were criticized for not giving more space to the visit by U.S. President Bush to Albania, and particularly the president’s remarks on Kosovo’s independence. Some of the panelists specifically blamed the public broadcaster RTK, saying that it does not produce up-to-date information because it has a stable annual income that is not impacted by the quality of information that it provides.

Other panelists placed wider blame, noting that other television stations did not do better in this case or in general provision of up-to-date news and information. Argjentina Grazhdani from East-West Management Institute mentioned the example of the November 2007 elections that, in her opinion, received better coverage on Albanian television stations. Buzhala added that there was not enough debate in the media about the preliminary election results; it was

Albanian television stations doing more calculations than the Kosovo media on the makeup of the future Kosovo government.

Pay levels for journalists are generally insufficient, though panelists said that this is the case for all occupations in Kosovo. Journalists are all paid more or less the same; there is no distinctive criteria differentiating high quality journalists. Some panelists disagreed with the specific situation facing journalists, saying that in most of the media, salaries are around twice as high as the average salary in the public sector.

Nevertheless, concern remains about difference in salaries, given that salaries still vary between public and private broadcasters. Zejnullahu pointed out that private broadcasters have become training centers for RTK because many journalists and other staff have been moving from private television stations to RTK. In addition to the salaries, job security at RTK is perceived to be higher as well. Albana Kusari, media program manager at USAID, said that the media do not do a sufficient job of motivating good journalists to stay in that company.

With regard to corruption in the media, panelists asserted that no salary is high enough to prevent corruption. Panelists agreed, however, that corruption in the media is somewhat low and is not organized or systematic. Buzhala said that the corruption that does exist is typically in the form of vacations, gifts, or employment of family members, rather than as cash payments. Panelists described situations where, if a journalist gets to know certain people in high positions, he or she avoids writing critically about them, but also avoids writing anything overly positive. However, Buzhala did mention cases in which journalists have blackmailed politicians with information that they possessed.

The panel agreed that entertainment programming generally eclipses news and information programming, especially on television stations. Buzhala noted that the radio market in Kosovo is mainly directed towards entertainment. Isak Vorgucic, manager of Serbian-language Radio KIM, explained how many radio stations in his region have mainly entertainment programming and they attract the majority of advertisements with ridiculously low prices. Generally, people can receive newscasts on television or radio at scheduled times. Occasionally, the media is not up to date on reporting recent events; sometimes the reports come out much later in the day or even the day after.

Technical facilities and equipment for gathering, producing, and distributing news in the Kosovo media are mainly modern, thanks to investments in equipment and facilities from international donors and aid organizations. However, last year, panelists noted that some of this equipment was already

nearing the end of its service life; this year's panelists did not report a significant investment in replacement equipment.

As in years past, panelists said that investigative reporting is often of good quality, but niche reporting was generally criticized as requiring more attention. The reporting on the developments surrounding the establishment of independence showed that the media has the ability to be efficient in gathering the information and presenting it efficiently to the public. Grazhdani pointed to the talks in Vienna: Although the process was closed, when the Ahtisaari package was released, it was no surprise for the public because the media had already obtained and written about the information. "The Kosovo media were determined to get information from the Vienna talks and from the Ahtisaari proposal, even before it was fully public, from many different sources," she said.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Kosovo Objective Score: 2.40

Panelists felt that plurality of news is generally strong in Kosovo, and the panel gave this objective its highest score. Nevertheless, problems remain in providing citizens with objective and reliable news, as well as with reflections of broad social interests, such as coverage of minority problems and minority-language information sources. This year's MSI panel still gave a somewhat lower score than last year—a decrease of .22 points. Indicator 2 (restrictions on foreign news sources) was by far the best-ranked indicator, while Indicator 3 (public media reflecting the views of the political spectrum and interests of society at large) fared the worst, trailing the average by half a point. The rest of the indicators fell very close to the overall average.

According to panelists, citizens can rely on multiple sources of news and information. Such sources include newspapers, television, radio stations, the Internet, or international magazines. Citizens' access to domestic or international media is not legally restricted. However, problems occur in rural areas, where receiving signals from some of the broadcasters is harder.

Panelists also noted insufficient proper distribution of daily newspapers in some areas of Kosovo. "There is a difference between urban and rural areas in having access to these news sources. It is usually hard to get information in rural areas due to a lack of a wider coverage. Only a small fraction of people who live in rural villages have a chance to read the daily newspapers," Buzhala said.

*"There is a difference between urban and rural areas in having access to these news sources. It is usually hard to get information in rural areas due to a lack of a wider coverage. Only a small fraction of people who live in rural villages have a chance to read the daily newspapers," Buzhala said.*

Another problem, emphasized by Vorgucic, is the lack of a Kosovo-wide broadcaster of news and information by and about Kosovar Serbs. He said that the amount of Serbian language programming on RTK is insufficient. Further, a network of Serbian-language radio stations broadcasts news and information, but only once daily. Kosovar Serbs have access to television from Serbia, but this is not specifically covering events affecting their daily lives. There are three Serbian-language print publications produced in Kosovo; one of them, *Gradjanski Glasnik*, is independent.

The panel did not report any changes in the character of RTK. Last year, panelists indicated that RTK takes sufficient steps to represent the political spectrum and obtains differing views on issues, but could do a better job acting as a public service broadcaster by presenting more programs serving youth, women, and educational needs. The panel's general feeling was that RTK's election coverage was not skewed toward any one party.

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

#### PLURALITY OF NEWS SOURCES INDICATORS:

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

Most news agencies (except KosovaLive, which is considered independent) are viewed as agents of particular political parties. Its subscribers include daily newspapers and 25 local radio stations that cannot afford to have correspondents cover the whole of Kosovo. However, some media occasionally will not properly cite KosovaLive as the source of the information.

A significant portion of news and information programming aired by commercial broadcasters is produced in house and is not simply a rebroadcast of recorded news feeds from other sources. The consensus is that private broadcasters do provide a slightly different perspective than, for example, RTK news and therefore they increase plurality. Panelists especially noted Koha Vision, which occasionally produces investigative stories.

The majority of panel participants agreed that there is a link between media and political interests that has an impact on programming and content. Panelists pointed to a pervasive feeling detrimental to the media landscape: that if one owns a media outlet, one has political power. However, according to Ibrahim Berisha, a university lecturer, the small size of the market in Kosovo means that it is not difficult to determine the ownership and financing of media outlets. "A good thing about our media is that newspaper management is composed of media personalities and not involved in criminal enterprises, money laundering, etc.," he said.

Generally speaking, the public at large is aware of what biases, if any, media ownership would impart on editorial content.

Although many social issues and interests are covered by the Kosovo media, panelists considered coverage to be overshadowed by political issues and therefore insufficient. Minority representation is even less sufficiently covered. Buzhala indicated that the hesitation of the media to deal with minority issues results in a difference regarding the selection of news. "The anger noticed in newspapers between Albanians and Serbs just after the war has been replaced with a total lack of reporting of these issues. Media should pay more attention to the case of minority issues in order to reflect the reality of how people of Kosovo live," he said.

Mifail Bytyqi from TV Prizren decried discrimination among different religions and nationalities. "All groups should be integrated and receive proper representation. However, it seems that sometimes some of the minorities [in this case Kosovar Serbs] living in Kosovo are influenced by Belgrade politics. The case when a team from a local TV station in Prizren visited an orthodox church in a village exemplifies this. The team was told by church officials that they needed to request permission from Belgrade in order to give a statement," he said.

This point was further addressed by Abazi, who said that due to lack of exchange between communities, there are discrepancies in information. He provided a recent example. "A robbery that happened in a church in Kamenica shows that the media have prejudices, as seen from speculation on who committed that act," he said. "The first mistake occurred when immediately the finger was pointed [by Serb media] at Albanians, while the second mistake showed racism in the [ethnic Albanian] media, when it turned out that the reported thief was a Roma." Initially, the ethnic-Albanian media had downplayed the possible involvement of ethnic Albanians in the crime, he said, but once it was discovered it was a Roma, it made a point of mentioning that fact prominently.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Kosovo Objective Score: 1.96

Business management of media outlets received the lowest ranking of any objective by the panel. The score suffered a drop from 2.50 last year to 1.96 this year. Panelists expressed a feeling that there was no development in this objective during the past year, and this colored their scores. All indicators fell very close to the final overall average.

Panelists questioned the level of efficiency and professional management in media organizations. Many emphasized the fact that some media, especially print media, are seen as instruments that serve political masters rather than investors interested in profitability. Panelists also brought into doubt media's independence in a climate of poor investment,

## 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.

though some panelists attributed the problem to Kosovo's (until very recently) unresolved political status.

Panelists also agreed that the print media market needed investment in supporting industries to be efficient and sustainable. "The problems media face, and especially the print media, are printing houses, distribution, and network coverage," Buzhala said. Kosovo still relies on kiosks for newspaper sales, compared to more developed countries, where the majority of newspapers are prepaid and distributed to homes.

Visar Hoti, manager of local radio and television station RTV Tema in Ferizaj, said that the financial sustainability of media is hurt by inadequate allocation of frequencies. He also complained about the lack of monitoring and enforcement by the IMC that allows the local media in particular to flout copyright laws, giving them a competitive edge in terms of budget and audience that translates into more advertising revenue. But other panelists pointed out the hardships faced by local media (although they indicated this is a problem for private broadcasters generally) in paying license fees. For some broadcasters, the fee amounts to upwards of 70 percent of their annual budgets.

For Kosovar Serbs, a limited audience means that, while there are a few television stations and many radio stations in the Serbian language, most have severe difficulties achieving financial sustainability. There are no local Serb print media—only national—and the vast majority of Serbian-language newspapers come from Serbia, distributed via OSCE van.

In the first years after the war, media received revenue from a multitude of sources, including donors, international aid, and advertising. Commercial media rely on many advertisers for their revenue, including, typically, a few large clients. RTK is financed through its subscription fee as well as advertising revenue. Advertising clients influencing news content is not a common practice.

In discussing the financial sustainability of local media, Bytyqi said, "The budget of local media depends on businesses or corporations that operate in our local environment. The public broadcaster RTK damages us very much with regard to marketing and advertising revenue, since it covers all of Kosovo." Zejnullahu indicated that donors favor national media stationed in Prishtina over local media.

There are several advertising agencies in Kosovo, most of them small. The advertising market is controlled by three or four main agencies—two affiliated with international companies (Zero Pozitive Publicis and Karrota-Ogilvy) and two home-grown companies (CMB productions and B2 PR).

*"The problems media face, and especially the print media, are printing houses, distribution, and network coverage," Buzhala said. Kosovo still relies on kiosks for newspaper sales, compared to more developed countries, where the majority of newspapers are prepaid and distributed to homes.*

Most of these agencies are well respected and they fiercely compete for bigger clients. Almost all of them operate centrally from Prishtina. Despite the quantity of advertising, panelists did not feel that advertisements crowd out news and information content.

Private media in Kosovo do not receive subsidies from the government. However, the panel pointed out the existence of the Minority Media Fund, which is mandated to be financed with five percent of RTK's subscription revenues. The fund was initially subsidized by the government with €50,000 for the first wave of grants, but the fund only functioned for a short period. Vorgucic said that the fund was implemented one time but the amount was very low—less than €5,000—since about a dozen minority media were selected.

Panelists said that the government, RTK, and KEK (which collects RTK subscriptions through its bills) have no interest in implementing the fund, although minority media showed enthusiasm for it at first. Panelists agreed that RTK is not interested in revisiting the matter. The fund never actually received the five percent from RTK subscriptions, and in the meantime, the money has been used for RTK's general operations.

Several agencies in Kosovo provide market research services, including two specializing in media audience research: Index Kosovo and Strategic Puls Research. Media outlets, associations, advertising agencies, GIMEK (the Joint Industry Committee), and advertisers use audience research, though the panel indicated that it is on a fairly limited basis. GIMEK research includes audience figures for television and radio and some readership data on printed press. However, auditing of published circulation figures does not exist at this time.

Panelists disagreed on the usefulness of the research. Zejnullahu said the national media use surveys to inform their strategic planning. Hoti said that the audience and market research is unprofessional, and all results consider Kosovo as

a single market without local market details, reinforcing the centralization of advertising revenue to the detriment of local media. On the other hand, Grazhdani said that the national media finance their own audience research through GIMEK, but it is not feasible for financial reasons to transfer the practice to the local level, mainly due to the large number of local media.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Kosovo Objective Score: 2.39

Although this objective was one of the highest rated objectives by this year's panel, similar to other objectives, it fell—from 2.86 last year to 2.39. Panelists praised the work of some associations in advocating and lobbying, but they were heavily critical of some associations that were unable to provide protection for journalists. All indicators were close to the final objective average, with the exception of Indicator 6, covering access to print facilities and newsprint, which was notably higher.

AMPEK is an association of commercial and electronic media in Kosovo, with 63 members. It focuses on advocating and lobbying for favorable laws and regulations affecting commercial media. "The association [AMPEK] has consistently lent its expertise to the legislative process," Grazhdani said. Ardita Zejnullahu, AMPEK's executive director, explained that the past year was characterized as a success for the association. It played a key role in stopping the implementation of an IMC license regulation that would have charged fees to media outlets without any specific criteria and influenced the drafting of regulations to make advertisements compatible with EU broadcast regulations.

#### 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.

Another achievement for AMPEK was the nomination of two of its members to the IMC.

Internationally, AMPEK is considered a regional partner and a legitimate representative of Kosovo's media, and is a member of regional media organizations. According to Zejnullahu and Vorgucic, AMPEK enjoys a good working relationship with local Serb media in Kosovo. AMPEK and RTK also work well together on promoting common interests, Zejnullahu explained.

Other associations include the Union of Regional Television Stations and the Association of Professional Journalists in Kosovo (AGPK). Buzhala asserted, and other panelists agreed, that AGPK does not sufficiently protect journalists' rights or use donor funds properly, and is not committed to accomplishing its mission. "There is no trade union for journalists in Kosovo," Buzhala said. "Most media outlets don't pay taxes and pension contributions for journalists; they work illegally; they don't have contracts. And this leads to a heavy movement of journalists from one media outlet to another. The most critical issue for the journalists' working environment is to have someone or something that protects them legally."

He further explained that the AGPK assembly is dominated by printing houses, RTK, and KTV, and that these influence the decisions of the board. A majority of media do not participate in this association, therefore issues raised by AGPK are usually related to the interests of these members. He said there should be more proportionate participation among the media. Berisha echoed the call for a trade union, adding that a union would review the status of journalists and help improve their security.

The Press Council was created as a way for citizens to provide feedback and complaints about stories and daily newspapers. But Buzhala and the rest of the panel said that they consider the council a failure because it never managed to analyze the concerns it received and it had no power to penalize the media. "It mostly served media's interests rather than those of citizens," Buzhala said.

A limited number of NGOs that deal with human rights and other issues also serve the media's interests in freedom of speech and media independence. While this work is important, and last year's panel had positive comments regarding the work of NGOs, this year's panel expressed a desire for stronger coordination and cooperation with the media to undertake media advocacy work.

Regarding journalism education programs in Kosovo, Bytyqi indicated that students from Kosovo's universities do not show an understanding of the qualities that make



---

---

up professional journalism, despite the fact that all seem to receive high grades. There are limited journalism degree programs, present only in private higher education institutions. All panelists agreed that these programs do not offer sufficient training, theoretical or practical, in order to have young people to enter the profession well prepared.

The Kosovo Institute of Journalism and Communication, founded in 2005, offers training programs for media workers, including a two-year program offered to practicing journalists. The institute was established at the request of media outlets, which serve as the ownership and help develop the curriculum. About 32 media outlets, including minority media, are members in this institute, which panelists said that they consider a success.

All panelists agreed that sources of newsprint and printing facilities in Kosovo are privately owned and unrestricted, allowing for diversity of choice and competition. However, problems remain with the services that these companies offer, primarily with regard to the quality of printing.

Channels of media distribution are generally in private hands or within the non-governmental sector, and they mostly try to remain apolitical. Internet providers are privately owned and most are efficiently managed, self-sustainable, and profitable. Other media distribution channels may not necessarily be self-sustaining. The Kosovo Terrestrial Telecommunications Network, for example, has many clients—including national television and radio stations, international broadcasters, Internet providers, and other entities—but is still funded by USAID, although it is seeking to become self-sustaining.

## List of Panel Participants

**Argentina Grazhdani**, director, East West Management Institute, Prishtina

**Berat Buzhala**, editor-in-chief, *Express* Newspaper, Prishtina

**Besim Abazi**, journalist, Voice of America, Prishtina

**Ibrahim Berisha**, professor of sociology, University of Prishtina, Prishtina

**Mifail Bytyqi**, managing director, TV Prizreni, Prizren

**Visar Hoti**, manager, RTV Tema, Ferizaj (participated only in the second part of the discussion, Objectives 4 and 5)

**Ardita Zejnullahu**, executive director, AMPEK, Prishtina

**Albana Kusari**, media program manager, USAID, Prishtina

**Isak Vorgucic**, manager, Radio Kim, Caglavica

**Hapçiu Kelmend**, director, Kosova Live, Prishtina

## Moderator and Author

**Visar H Berisha**, program director, Institute for Advanced Studies GAP, Prishtina

## Observer

**Driton Qeriqi**, legal media adviser, IREX, Prishtina

The Kosovo study was coordinated by, and conducted in partnership with, the Institute for Advanced Studies GAP, Prishtina.

Macedonia's overall MSI score is once again down from the previous year, indicating that the drop from 2005 to 2006/2007 was not incidental. All objectives save Objective 2 fell a limited but noticeable amount. As with last year, objectives 1 and 4, freedom of speech and business management, fared the worst; while objectives 3 and 5, plurality of news and supporting institutions, were the leading objectives. None, however, were far from the final average.



MACEDONIA

The practices of the Macedonian government and the police over the past two years have had a significant negative impact on the media. Macedonian journalists suffered unpunished violence in 2007: one journalist reporting from parliament was slapped by the personal security officer of one parliamentarian, and a cameraman of ALSAT TV was beaten up by police officers while attempting to film a police stop of another MP's vehicle. As a result of the police violence, journalists boycotted governmental press conferences.

Furthermore, police used the media to make spectacular arrests on camera. This practice was highly criticized by Macedonian human rights groups. They rightfully claimed that such actions breach the presumption of innocence, are intended to pressure the judiciary, and are, in essence, a modern version of mob justice through the media.

The year was marked also by high governmental spending on advertising. Panelists alleged that the campaigns were used for pumping money from the budget to the media in order to make them dependably favorable toward the government.

Politically, 2007 was marked by two events: NATO membership (an invitation to membership is expected in 2008) and the name dispute with neighboring Greece. These two issues were interconnected: Greece made substantial diplomatic efforts to use the NATO aspirations of Macedonia to force the country to change its name. Diplomatic activities around this issue were increasingly more hectic as the end of the year approached.

There is a downward trend in media sustainability, and members of the Macedonian media are not enjoying their previous freedoms. Again this year, the overall MSI score for Macedonia is slightly lower than the previous year, indicating that the drop from 2005 to 2006/2007 was not incidental. All objectives save Objective 2 fell a limited but noticeable amount. As with last year, objectives 1 and 4, freedom of speech and business management, fared the worst; while objectives 3 and 5, plurality of news and supporting institutions, were the leading objectives. None, however, were far from the final average.

# MACEDONIA AT A GLANCE

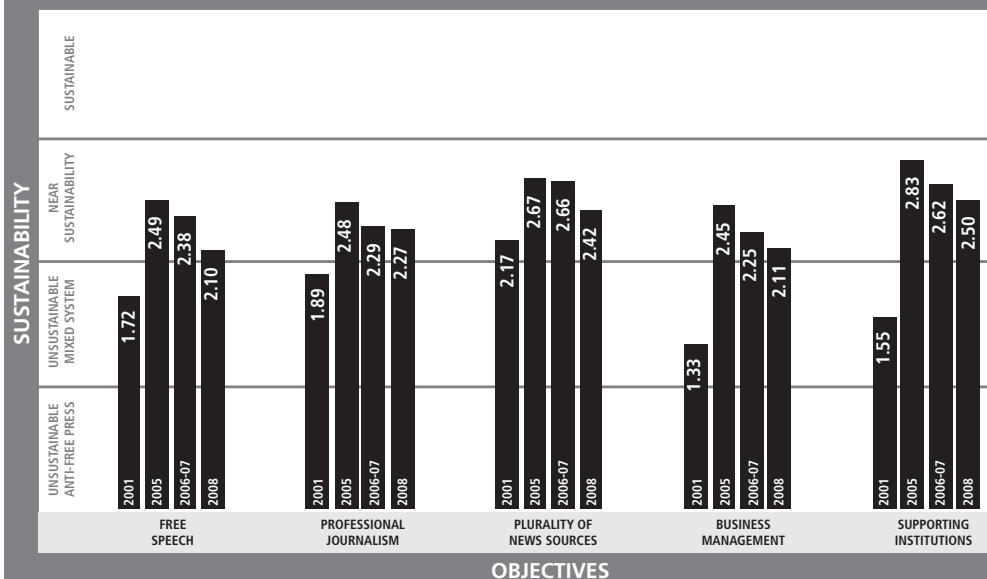
## GENERAL

- > **Population:** 2,055,915 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Skopje
- > **Ethnic groups (% of population):** Macedonian 64.2%, Albanian 25.2%, Turkish 3.9%, Roma 2.7%, Serb 1.8%, other 2.2% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Macedonian Orthodox 64.7%, Muslim 33.3%, other Christian 0.37%, other 1.63% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Macedonian 66.5%, Albanian 25.1%, Turkish 3.5%, Roma 1.9%, Serbian 1.2%, other 1.8% (2002 census, *CIA World Factbook*)
- > **GNI (2006-Atlas):** \$6.237 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$7,610 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 96.1% (male 98.2%, female 94.1%) (2002 census, *CIA World Factbook*)
- > **President or top authority:** President Branko Crvenkovski (since May 12, 2004)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: approximately 600 daily, weekly, biweekly, monthly, and periodical editions; Radio: 68; Television stations: 53 (Agency for Information)
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** top three: A1 (22.5 %), Sitel (13.2 %), Kanal 5 (7.7 %) (Strategic Marketing and Media Research Institute, March 2007)
- > **News agencies:** MIA (state-owned), Makfax (private), NetPres (private)
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 13% of households have access to the Internet; 27 % of population uses the Internet (Research done by SMMRI financed by USAID)

## MEDIA SUSTAINABILITY INDEX: MACEDONIA



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREEDOM OF SPEECH

### Macedonia Objective Score: 2.10

This objective's score fell again this year after a high of 2.49 in 2005. Panelists pointed in particular to the worsening security situation for media professionals, and this indicator scored lowest by far. Only Indicator 8, media's access to international news, scored significantly higher than the final average.

Constitutional and legal standards protecting free speech are in line with those commonly accepted in democratic societies. The state constitutionally guarantees freedom of expression and access to information. These rights have been developed further by several laws, such as the law on broadcast activity and the law on access to information. These laws were revised by European institutions and are of relatively high quality, with satisfactory standards.

However, the general perception of panelists was that freedom of speech has been endangered greatly during the past year. They agreed that legislation protects media freedoms, but according to Aco Kabramov, an editor at Channel 5, "Judges are not trained to exercise it in their courts. If the plaintiff is a minister, then the court procedures are swift and journalists are usually fined. If you cite freedom of speech, judges usually point out that you may [address that issue] in the appeals courts."

At the center of the problem is the political dependence of the judiciary and its level of expertise in these kinds of cases. That the public does not consider freedom of speech important does not help. "Freedom of speech and expression are not values in our society," panelist Naser Selmani said. "People consider them [the] exception, not a general right." This attitude contributes greatly to the hostility and unpunished acts against the media and journalists taken by state institutions, the judiciary, and powerful individuals.

Licensing procedures for the media are transparent, but the regulatory body that should perform the licensing, the Broadcasting Council, is under constant threat of collective dismissal. That has greatly contributed to its consent in the tendering procedures for digital terrestrial operators, even though in its strategic documents it states that Macedonia does not have a regulatory framework under which this kind of company should operate. It simply obeys the will of the government to grant that kind of license to one company.

According to Roberto Belicanec of the Media Development Center, the Broadcasting Council "spent the previous year in active opposition to the government, but this year [it is] kissing their feet...All of us know that this tender is premature; all of us know that it is bad for the media

because there is no guarantee of their access to the digital network; all of us know that the dice are marked; and we know which company will win. And the only institution that may raise that as an issue and oppose this—the Broadcasting Council—is giving its consent to this crucial decision. That is not independence."

Business regulations and the tax code do not differentiate the media from other types of businesses, with the exception that print media pay a five percent VAT instead of the standard 18 percent. In general, media operate in a poor economy and that influences heavily their economic independence and sustainability. Therefore, the panel graded this indicator very low.

Unlike in previous years, violence against the media and journalists is a problem. "We [thought] that violence against us [was in] the past, but it has showed up again in its nastiest form," said Robert Popovski, president of the Association of Journalists of Macedonia (ZNM). The problem lies with law enforcement officials not pursuing cases of violence. The media community was outraged by the minister of interior affairs' announcement that the police officers who had savagely beaten the cameramen of ALSAT TV would undergo only disciplinary procedures within the ministry. It took a journalist boycott of government press conferences for charges to be filed against the officers. This example shows that, without pressure on government institutions, either these cases do not receive due process or the mildest possible measures will be imposed on the perpetrators.

#### 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.

*Journalists are still not performing in accordance with common standards. In general, the level of professionalism and depth of coverage are relatively low. Issues are covered superficially and sources are mostly anonymous. One of the biggest problems is that issues are covered on a one-time basis; media do not follow up on issues and cover their outcomes.*

Public media such as Macedonian Radio-Television (MRT) have editorial independence guaranteed by law, but that law is not functioning. In reality, according to panelists, the government has total control over public broadcasters and it uses those outlets heavily for self-promotion. The government accomplishes this through direct budgetary control, which it leverages into the ability to place senior staff as well as induce generally friendly coverage. And while the law does not favor public broadcasters (indeed, the legal limit on the advertising time imposed on MRT is one of the most restrictive in the Europe), government officials do prefer to show up on the talk shows or current affairs programs of public broadcasters.

Libel is still a criminal act, but there is no longer the threat of jail sentences; generally criminal fines of €500 to €1000 are imposed upon the guilty party by the court. However, plaintiffs may then use a guilty criminal verdict to file a civil case. A recent case involved President Crvenkovski and former prime minister Hari Kostov against Nikola Mladenov, publisher and editor of *Fokus* magazine. *Fokus* had published a story alleging that Crvenkovski and Kostov had secret Swiss bank accounts. Mladenov lost the case and had to pay €25,000 in damages.

The burden of proof rests on the defendant and not on the plaintiff, and even then, proving truth is not necessarily a successful defense. A media outlet may relay accurate information and still face penalties for damaging reputation. In the past year, the number of libel cases against journalists increased, according to the panel, and they viewed this as a clear threat to journalists.

In general, the media have access only to unofficial or informal sources of information. The new law on access to information has not improved the situation for journalists: civil servants do not understand it, it does not protect

whistleblowers, and procedures and standards on complying with it are murky. The media do not have any formal limitations on accessing international news and news sources. They are hampered only by their financial ability to pay to use those sources.

The government does not require any special licensing for journalists.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Macedonia Objective Score: 2.27

The score in this objective is essentially the same as last year. Only two indicators were not close to the overall average: Indicator 4, coverage of key events, was about a point higher; and Indicator 5, pay levels for journalists, was close to half a point lower.

Journalists are still not performing in accordance with common standards. In general, the level of professionalism and depth of coverage are relatively low. Issues are covered superficially and sources are mostly anonymous. One of the biggest problems is that issues are covered on a one-time basis; media do not follow up on issues and cover their outcomes. Panelists agreed that another common mistake is that journalists do not adhere to the rule "listen to the other side."

Nearly all journalists in Macedonia recognize and work under ZNM's code of ethics, adopted in 2001. A Council of Honor, part of ZNM, oversees compliance with the code, hears complaints of violations, and issues findings on violations. A

## 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).

new and positive development is the formation of an ethics commission within the ZNM. The commission has begun to function, and its findings have already produced some reactions from the media. The ZNM has also begun a project to fight corruption in the journalism profession. The project's research should provide a clearer picture of corruption within the journalistic community.

"It is very pleasing to see that media and journalists finally have started to respond to the findings of the ethics commission within the association," Selmani said.

Panelist Robert Popovski of ZNM said that "self-censorship is ingrained" in the media. Journalists and editors practice self-censorship not so much out of fear of prosecution or other threats, but mostly because of opportunism. Practicing self-censorship can help career advancement prospects within a media outlet, perhaps leading to a spokesperson position in a state institution, and often has financial benefits for the media outlet.

The influence of editors and owners also has been noted as a factor contributing to self-censorship. "Younger journalists are subject to terrible abuse," Kabramov said. "They are put in a position where they have to wait for the approval of the media owner for their pieces. They are aware of that abuse, yet they are submissive."

Generally, journalists cover daily issues and important societal topics, but by failing to deliver in-depth reporting, they are not fostering open public debate. In the past year, however, huge steps forward were made in the coverage of international politics. For the first time, major Macedonian media are covering the NATO and EU accession process from within the country as well as from Brussels. In addition, coverage of the name dispute with Greece was intensive and thorough. "The market had finally pressured the owners to invest in international coverage, so now they are willing to pay the expenses for such coverage," said Goran Momirovski, A1 reporter.

The salary level of journalists is in line with the rest of Macedonian salaries and is between €200 and €400 per month. These low salary levels make journalists vulnerable to external influences and less resistant to corruption. According to Ljubica Mangovska, owner of TV Tera, "The media are not financially able to pay journalists as much as they deserve." As a result, over the last year, a substantial number of the journalists left the field, mostly to take spokesperson positions or work within the government.

Citizens do not have difficulty finding news in the Macedonian media. The ratings system shows that some entertainment programs have overtaken newscasts,

*Citizens do not have difficulty finding news in the Macedonian media. The ratings system shows that some entertainment programs have overtaken newscasts, but overall, newscasts are still the highest-rated type of programming. As Belicanec put it, "It is impossible to invent a program that would be more entertaining than the reality that we live in."*

but overall, newscasts are still the highest-rated type of programming. As Belicanec put it, "It is impossible to invent a program that would be more entertaining than the reality that we live in."

As noted in last year's survey, the equipment used by the broadcast media is in very bad condition. The problem is due mostly to the lack of owner investments and results in substandard production values. Print media, however, tend to have better equipment thanks in part to foreign investment in that sector.

Major media offer some niche reporting, especially regarding the economy and sports. These two areas are usually covered by teams of specialist reporters. Other niche sectors are covered by regular, generalist reporters. Investigative reporting is still missing from journalism in Macedonia.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Macedonia Objective Score: 2.42

After three years of scores above 2.60, the score for this objective fell slightly this year. Indicators 1 and 2, plurality of news sources and citizen access to foreign media, retained their strong performance, coming in well above the average as in the past. However, Indicator 6, transparency of media ownership, dropped significantly. Its score, falling to more than a point lower than the average, accounts almost single-handedly for the lower average this year.

Macedonia has an overcrowded media industry that is, the panelists joked, beyond sustainability. The audience can choose from a multitude of domestic and international sources and services: six national television stations, three

*Macedonian law presents no obstacles for citizens to access any form of media. Naser Selmani from Vest, however, said that he sees limitations to overall accessibility. "The problem of the accessibility to media exists in rural areas in general. The access is limited; there are no cable operators; there is no foreign—and often no domestic—press available to these people," he said.*

national radio stations, and six major newspapers. The offerings vary with regard to genre, language, and political stance. Television is the number one choice for news, followed by the daily newspapers and radio.

Macedonian law presents no obstacles for citizens to access any form of media. Naser Selmani from Vest, however, said that he sees limitations to overall accessibility. "The problem of the accessibility to media exists in rural areas in general. The access is limited; there are no cable operators; there is no foreign—and often no domestic—press available to these people," he said.

The Internet is not a significant news source for the population, due to the great digital divide. However, the price drop in Internet access and the entrance of the cable operators in the Internet broadband market have produced

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

a substantial rise in internet penetration. The penetration of the cable networks is around 60 percent of the population. The trend will probably continue, due to the governmental policy to liberalize the telecommunications market.

There has been a significant drop of the circulation of the newspapers. Newspaper prices are on the margin of their operational costs because they are forced to sell at the lowest possible price. The weak consuming power of their audiences is a general problem in the overall performance of the domestic economy.

International news sources are not limited in any manner. Foreign broadcast programming is available via cable distribution in almost half of the homes in Macedonia. The problem of affordability of the foreign press is significant, due to their unreasonably high pricing. Local distributors price those publications at almost twice their original newsstand prices. This situation is different for the press from the neighboring countries—those are priced reasonably.

In general, MRT largely fails to reflect the whole political spectrum. "MRTV [MRT's television channel] set a precedent when [it] aired the interview with the prime minister six times. That is MRTV," said Kabranov.

The restructuring of MRT into a true public service broadcaster has been stuck, and the problem increases every year. The internal system of MRT is obsolete and there is no will for improvement. Typically, the top leadership of MRT changes when new governments come to power, and these appointees owe their jobs to politicians. "They [employees] have a switch in their heads: as the government changes, the switch is activated [and they favor the new government]. They are used to serving the politicians in power," said Nebojsa Karapejovski of TV Menada.

Macedonia has three news agencies: one state-owned and two private. One agency is fully web based. All are functioning satisfactorily and are mostly used by the smaller media. Major private broadcasters produce their own news, which is more dynamic, more informative, and less biased than MRT news. Major broadcasters consider the newscasts the most important programming on their menu and thus devote significant resources in their production. "Even the local TV stations strive to have local newscasts," said Mevaip Abdiu.

Regarding the transparency of media ownership, in Macedonia the public is generally aware of who the actual owners are of the major media in the country. However, the related provisions in the broadcast law that mandate disclosure are not yet functioning, and print media have no obligation to reveal ownership. As in the past, the problem



comes down to determining various sources of financing. Media owners have shown the tendency to misuse the media for their own promotion and have started to heavily influence the content of newscasts. This issue contributed significantly to the lower scores in this indicator this year, according to panelists.

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

With regard to minority groups, the social issues of Macedonian ethnic groups are on the mainstream media agenda, and minority media are produced in minority languages. The problem is that mainstream journalists have a tendency to use ethnic stereotypes, and they fail to promote tolerance and social cohesion.

#### **OBJECTIVE 4: BUSINESS MANAGEMENT**

### **Macedonia Objective Score: 2.11**

This objective fell slightly this year, primarily due to a fall of about half a point in the score for Indicator 2 (media receive income from multiple sources) compared to last year. The lowest indicators were for indicators 6 and 7, related to market research and audience/circulation figures. While these were about a third of a point lower than the average, they were both up slightly from last year. Indicator 1, covering operational practices of media and media-related businesses, scored the best, coming in over a half point above the average.

A recent problem in Macedonia is the difficulty of some broadcasters to freely access distribution networks because cable operators have positioned themselves in a place of power. With almost 60 percent of the households as their subscribers, they blatantly force domestic television stations to provide their programming without any compensation.

Advertising is the primary source of income for the media, but revenue from advertising is not satisfactory. A significant amount of air time is available on the market, and harsh competition among the media has produced a drop in prices. Governmental advertising has increased to the point that it is the biggest single advertiser in the market. Panelists said that this is a subtle way to bribe the media. Further, it is unclear how the government decides with which outlets

*Advertising is the primary source of income for the media, but revenue from advertising is not satisfactory. A significant amount of air time is available on the market, and harsh competition among the media has produced a drop in prices. Governmental advertising has increased to the point that it is the biggest single advertiser in the market. Panelists said that this is a subtle way to bribe the media.*

to place advertisements, adding to suspicions that it is done capriciously.

However, other than through advertising placements, no other government funds are made available to private media. Because the advertising market is too small to support the multitude of media, the government's tactics have especially affected the media in small towns.

Advertising agencies support the media business, but small media usually complain that agencies are not buying there. "The evolution is evident," said Goran Gavrilov, owner of Channel 77. "Four years ago, there were only two agencies. Now there are 22, and the problem is that biggest media are selling with big discounts." Advertising agencies are a mix of local and internationally affiliated firms. The larger ones are well run and respected by the industry.

#### **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.

*"I agree that APEMM did not achieve spectacular results, but in some issues, such as collective negotiation in the field of copyrights, it has helped media a lot," said Mevaip Abdiu.*

No reliable data is available on the circulation and readership of newspapers, leaving agencies to operate with only approximations of circulation. Figures come from the publishers themselves and are considered unreliable. Unlike the press, broadcasting's data system for ratings has been in existence for years. However, some members of the media claim that the data are not reliable, and trust in the system has been very low. Panelists indicated that a second source of data confirming the numbers would help to build trust.

In the last months of 2007, an experimental setup of peplemeters was started in the capital, Skopje. The data is still not relevant, said Kabramov, "but we have to trust to some audience measurement system." The system should be fully functional in 2008, when a full evaluation will be possible.

The media have started to consider research data in creating their advertising rates, but with few exceptions, they lack the knowledge to fully incorporate the information.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Macedonia Objective Score: 2.50

All indicators in this objective scored close to the final average. The small drop in score compared to last year can be attributed to moderate drops in Indicators 1 and 7, covering trade associations and media distribution.

The Macedonian media are supported by several non-governmental organizations and one active association of broadcasters, the Association of Private Electronic Media in Macedonia (APEMM). Panelists had clashing viewpoints on the performance of APEMM. The disagreement was due to the high visibility of this association in contrast with the view of some media owners that APEMM has not successfully represented the interests of all media. Although APEMM has been dominated by members from national television stations, the advocacy issues it has chosen to pursue, such as respect of copyrights, have been relevant to all media. "I agree that APEMM did not achieve spectacular results, but in some issues, such as collective negotiation in the field of copyrights, it has helped media a lot," said Mevaip Abdiu.

Recently, ethical standards in journalism has emerged as an issue, mostly because of the constant work of the ZNM. The ZNM used the year for introspection and it is finally set on the right path, according to panelists. The association began publicly advocating for the rights of journalists, and several actions were undertaken in order to pressure the government into prosecuting violence against journalists.

Non-governmental organizations traditionally supporting media and journalists have downsized their operations and activities, focusing on one to two projects. The lack of financial resources due to donor exit has greatly diminished the internal capacity of these institutions.

With regard to journalist training, the Macedonian Institute for Media offers a one-year journalism course considered to be of acceptable quality covering general topics. Funding for the program is shared between students and donors. But overall, the courses that are available in Macedonia are considered unsatisfactory. The state university has journalism studies, and some private universities offer communications programs. The courses are highly theoretical, however, and after graduation, students find themselves having to learn journalism while doing their jobs.

The biggest newspapers have created a closed, largely unregulated system of printing and distribution. They impose price barriers for any newspaper outside of their system that wants to use their facilities and networks. "Access to the market for new initiatives has become very expensive," said Belicanec. "Access to printing presses and distribution networks has become almost impossible. This is not an economic issue; this is a freedom of expression issue. We will end up in a situation where only organized crime or very rich people may start a new initiative."

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

### SUPPORTING INSTITUTIONS INDICATORS:

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

---

---

## List of Panel Participants

**Aco Kabranov**, editor-in-chief, Channel 5 TV, Skopje

**Goran Gavrilov**, manager, Radio Network Channel 77, Stip

**Ljubica Mangovska**, program director, Tera TV, Bitola

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

**Nebojsa Karapejovski**, manager, TV Menada, Tetovo

**Roberto Belicanec**, executive director, Media Development Center, Skopje

**Anita Petrovska**, editor, MTV, Skopje

**Naser Selmani**, journalist, *VEST* Daily Newspaper, Skopje

**Erol Rizaov**, editor-in-chief, *Utrinski vesnik*, Skopje

**Muharem Zeqiri**, editor-in-chief, ALSAT TV, Skopje

**Goran Momirovski**, reporter, A1 – National TV, Skopje

**Mevaip Abdiu**, manager, TV Koha, Tetovo

## Moderator and Author:

**Gazmend Ajdini**, executive director, Media Development Center, Skopje

The Macedonia study was coordinated by, and conducted in partnership with, Media Development Center, Skopje.

*The Montenegrin media focused on a variety of issues besides the new Constitution, including institutional reforms, problems related to rule of law, economic development, social inequality, and various political and criminal scandals. Unlike the electronic media, which rarely practiced investigative journalism, print media were more engaged in unraveling some “unpleasant” issues.*



MONTENEGRO

The key political issue for Montenegro in 2007 was the adoption of the new constitution in October. Besides the ruling coalition (DPS/SDP), the biggest opposition party (Movement for Change) and the minority parties favored its ratification, and it received the necessary two-thirds majority. According to the new constitution, Montenegro is defined as a democratic, social, and ecological state with a republican form of government. The constitution guarantees freedom of speech and freedom of press (articles 47 and 49).

Significant foreign investment continued to flow into Montenegro. According to the most recent indicators, direct foreign investment will exceed €600 million, putting Montenegro at the top of transitional countries in Europe regarding direct foreign investments per capita. In addition, the economy is recording steady growth (seven percent). Inflation grew at a rate of four percent but salaries grew approximately 30 percent (with an average salary of €350 per month). The privatization process of state-owned companies is nearing completion, the real estate market is rapidly growing, the unemployment rate is falling (around 12 percent), and the state budget recorded a record surplus of approximately €100 million.

With this promising economic backdrop, the Montenegrin media focused on a variety of issues besides the new Constitution, including institutional reforms, problems related to rule of law, economic development, social inequality, and various political and criminal scandals. Unlike the electronic media, which rarely practiced investigative journalism, print media were more engaged in unraveling some “unpleasant” issues. The appointments to the governing council of Radio Television Montenegro (RTCG) showed political parties trying to eliminate candidates from their rival parties. There were attacks on journalists (Ivanović and Softić), which showed that journalists cannot feel safe if they publish challenging news.

The media community also prepared for the arrival of foreign media (FOX and ProTV), which will lead to a regrouping of electronic media. In addition, the announced privatization of the oldest daily *Pobjeda* will affect the nature of the print media market. The panelists noted that globalization has arrived for the media scene, and this will unavoidably have consequences on future professional standards, journalists’ working relations, and business operations of media companies.

Despite the improved economic environment and other positive developments, the Montenegro score dropped slightly compared to last year, with most objectives sharing in this decline. Panelists blamed this on a lack of implementation of laws, little progress in professionalism, stagnation in business management, and inability to improve and solidify supporting institutions. Montenegrin media remained “near sustainability,” with a score of 2.35, but this is down 0.17. The objective with the largest loss was Objective 4, business management, down 0.35. Objective 3, plurality of news, the only one to increase, showed a gain of 0.21. As with last year, Objective 1, free speech, received the highest score, 2.62, however this fell from 2.83 last year.

# MONTENEGRO AT A GLANCE

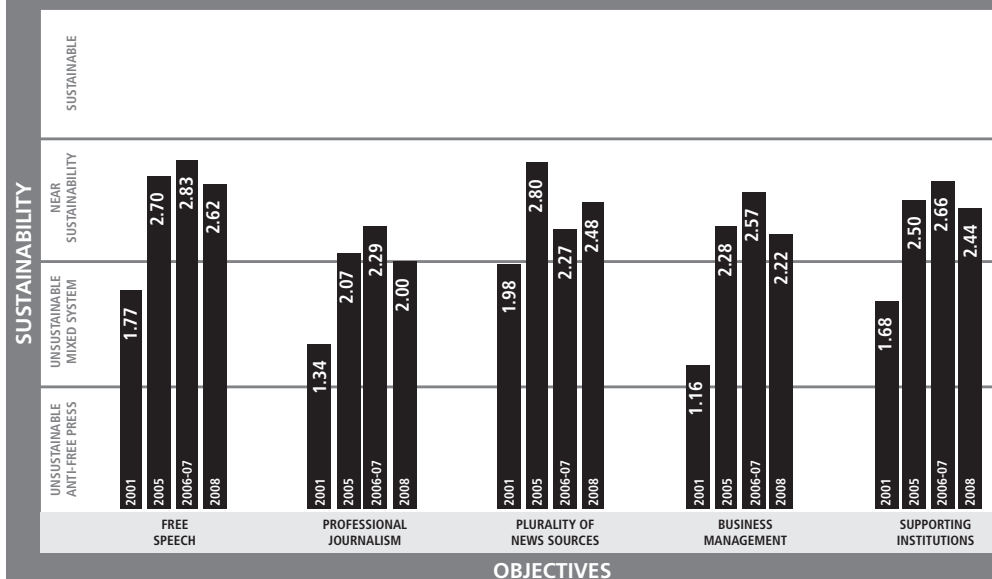
## GENERAL

- > **Population:** 684,736 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Podgorica
- > **Ethnic groups (% of population):** Montenegrin 43%, Serbian 32%, Bosniak 8%, Albanian 5%, other (Muslims, Croats, Roma) 12% (*CIA World Factbook*)
- > **Religions (% of population):** Orthodox, Muslim, Roman Catholic (*CIA World Factbook*)
- > **Languages (% of population):** Serbian (official; Ijekavian dialect), Bosnian, Albanian, Croatian (*CIA World Factbook*)
- > **GNI (2006-Atlas):** \$2.481 billion (World Bank Development Indicators, 2008)
- > **GNI per capita (2006-PPP):** \$8,930 (World Bank Development Indicators, 2008)
- > **Literacy rate:** 97% (Media d.o.o.)
- > **President or top authority:** President Filip Vujanovic (since May 11, 2003)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 46 (daily: 4; weekly: 2; monthly: 40); Radio: 38; Television stations: 35 (Media Ltd., Podgorica)
- > **Newspaper circulation statistics:** top 4: *Vijesti*: 20,000 (private), *Dan*: 15,000 (private), *Pobjeda*: 8,000 (state), *Republika*: 3,000 (private) (Media d.o.o.)
- > **Broadcast ratings:** N/A
- > **News agencies:** Mina News Agency (private)
- > **Annual advertising revenue in media sector:** \$8-10 million (Media d.o.o. estimate)
- > **Internet usage:** 266,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: MONTENEGRO



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREE SPEECH

### Montenegro Objective Score: 2.62

The score for free speech dropped slightly from last year, but also achieved the highest score of the five objectives. Only one indicator was scored noticeably distant from the average: Indicator 4, crimes against journalists, lagged well behind other indicators. Leading indicators, though not substantially ahead, included Indicators 2, broadcast licensing, 8, media access to international news sources, and 9, free entry into the journalism profession.

Reform of media regulations has occurred in Montenegro and current laws comply with international standards. The key laws in this respect were adopted five years ago (Media Law, Broadcasting Law, and Law on Public Broadcasting Services Radio Montenegro and Montenegrin TV) and together with the newly adopted constitution they provide solid bases for the development of the media community and the protection of free speech. However, the panelists noted that since the adoption of these new laws, the crucial problem in Montenegro has been the inconsistent implementation of regulations and the need for some regulations to be reformed.

As an example of poor implementation, the panelists pointed to the politicization of the appointment process to the RTCG Council, transforming it from one supposedly based on merit and non-partisan criteria to one based on political loyalty. However, some pointed not only to poor implementation, but to the profession itself. Slavko Mandić, the director of Radio Skala in Kotor, said, "...what we have here is an acceptable legal solution but a problematic practice. I would especially stress this court practice, which is not in favor of free media and the necessary protection of journalism. However, we should be critical even of ourselves; generally, media in Montenegro are bad, there is no professional solidarity, the influence of public debate is being discredited."

Panelists also noted that the Freedom of Information Act is not properly implemented due to government obstruction, although some put the blame on journalists and the public as well. Boris Darmanović, president of the Young Journalists' Association noted, "Journalists are not trained enough to implement the Freedom of Information Act. Even the government bodies cannot be seen, in general, as an obstacle to collecting the information, although there are some of them that do not comply with the law."

Pursuant to the law, media are registered at the Ministry of Culture, Media, and Sports. This is a simple procedure taking not longer than 15 days and the process can be considered apolitical. Media do not have special tax exemptions, except

the printed media, which benefit from a seven percent reduction in VAT.

There are no laws that favor private or public media. However, there is a problem related to RTCG. The National Parliament appoints the members of the RTCG Council and it is obvious that since the beginning of the transformation of state radio and television into public service broadcaster, leading political parties have rejected independent candidates from civil society and instead have insisted on candidates that are their supporters. This has led to a council unable to function, since appointments are blocked. Panelists noted that, again, it is not the laws and regulations, but rather their implementation.

The panelists also noted the inefficiency and incompetence of police and judicial bodies in cases where journalists are either attacked or threatened. The most serious cases of threatening media freedoms in Montenegro are still unsolved. The murder case of Duško Jovanović, director and editor in chief of the daily *Dan* has not been solved yet by the authorities, nor have police managed to discover the persons who seriously injured the famous author Jevrem Brković and murdered his bodyguard. During 2007, two extreme attacks on journalists took place: physical attacks on Željko Ivanović, the program director of the leading daily *Vijesti*, and Tufik Softić a journalist of a local radio station in Berane. Both cases are still unresolved and it is not clear whether they will be.

Furthermore, the general assessment of the panelists was that Montenegrin judicial bodies (prosecutors and the judiciary) interpret laws in a restrictive manner when

#### 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.

journalists are involved. One case of note involved a fine of €5000 for a journalist of the magazine *Monitor* for slander in a case initiated by movie director Emir Kusturica. Draško Đuranovi, a media analyst, stated, "Besides the criminal proceedings, even lawsuits are filed against the journalists in order to get compensation for damaged public image. There is no equalized and reasonable court practice with the intent to protecting freedom of the media and the democratic need not to suppress journalists' profession by the means of court rulings."

Nevertheless, other panelists pointed to positive judicial examples, in which judges invoked freedom of the press and the European Convention on Human Rights to support acquittal on defamation charges. However, the common assessment of the panelists was that the major problem for the Montenegrin judiciary is the lack of judicial practice, both regarding differentiating media freedom from an obvious intention to slander and regarding acceptable fines within criminal proceedings (according to the Montenegrin Criminal Code, fines for the offense of slander may range from €5,000 to €14,000 or a prison sentence if the convicted does not pay the fine).

Criminal verdicts do not eliminate the possibility of a civil lawsuit for material compensation. Civil courts base their awards primarily on previous criminal verdicts. In practice, this means that convicted journalist pays at least €10,000 in two separate charges (250 times the average journalist's salary). In a case where a convicted journalist does not pay the fine, s/he is obliged to serve a sentence as compensation equal to one day for each €40.

The conclusion of the panelists was that Montenegrin laws are good but that more efforts must be made to perfect them, and society should insist on their proper implementation. As Vojo Raonic of the Media Institute noted, "Montenegrin legislation is correct, in the meantime, we have identified what parts of the law should be changed, so the key issue is elimination of problems in implementation. Political intentions directed at worsening the current regulations should be opposed and in parallel to that promote legislative policy aimed at strengthening media standards and freedom of media." The panelists concluded that freedom of speech in Montenegro is threatened and that the circumstances are worse in comparison to the past several years. Duško Vuković, editor in chief of the private internet newspaper PCNEN noted in this regard, "The problem is that Montenegrin society, in terms of social awareness, is still authoritarian; citizens are not encouraged to speak freely and express their opinions. Political and social forces ignore freedom of press and disable the development of an open society."

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Montenegro Objective Score: 2.00

Montenegrin media have not yet reached a satisfactory level of professionalism according to the panelists, who gave Objective 2 the lowest score of the five objectives, with a slight drop from the previous year. Most of the indicators scored near the overall average. The only one noticeably different was Indicator 8, niche and investigative reporting, which scored more than half a point less than the average.

Although the media community has adopted an ethics code, it is evident that professional standards as well as media solidarity in committing to the rules of the profession do not represent the strong point of Montenegrin journalism. All the panelists agreed that professional standards have been introduced rather slowly and that journalism in Montenegro is often vulgarized. They felt the increased commercialization of both printed and electronic media present an obstacle for independent and professional editorial policies at media outlets.

Mistakes are often made in checking the authenticity of information sources, and the majority of journalists practice self-censorship. Journalists who feel legally and economically unprotected keep their positions by engaging in self-censorship. It is not so much the editors imposing this as it is journalists realizing what they have to do to protect themselves and their livelihood. In addition, media are often used as political weapons. As noted by Đuro Vučinić, editor in chief of the private television station Montena, "...the drastic case of the violation of ethical standards made by the [pro-government] daily *Pobjeda* when it published the article by Mr. Četković directed against the founder and editor in chief of daily *Vijesti*," was a politically ordered article whose aim was to discredit *Vijesti*.

In addition, below average salaries present a problem to the profession. There is a trend of journalists leaving journalism and changing professions. Average journalists' salaries are approximately €400 per month and are a bit over average salaries in Montenegro (€350). There is no precisely accepted boundary of poverty in Montenegro, but a Montenegrin trade union has stated that the average family of four cannot survive well if its income is lower than €680.

The panelists also agreed that the absence of specialized and investigative journalism is particularly worrisome, and this is the result of a couple of factors: passive editorial policies and lack of money. In order to survive economically, media are becoming more commercialized and making various concessions to the detriment of professional standards and



principles of the free press. These trends have a negative effect on the confidence of the public in local media. In addition, editors are not actively pursuing such specialized reporting in most cases. Key issues are covered in some senses, as political and economic events receive coverage. But there is not an investigative element in that coverage. Issues beyond politics and the economy often receive little coverage. As noted by Vladan Mićunović, deputy editor in chief of *Vijesti*, "Journalists often avoid so-called sensitive issues (corruption, crime, sloppy institutional reforms, etc.), and this is directly discrediting journalists' profession." It was agreed by the panelists that print media does a better job in this regard than the electronic media.

Montenegro has a journalists' self-regulatory body but its influence is limited and very often even ignored by the very media who are members. Journalists do not trust its decisions because they feel it makes them selectively (and treats nonprofessionals in the media the same as professionals). As Draško Đuranović, an independent media analyst noted, "Media are rejecting self-regulation and reacting negatively on decisions of the self-regulatory body." Branko Vojičić, program director at RTCG seconded this point, "The problem is that the media are running away from self-regulation. The self-regulatory body is seen as some foreign body."

Debating the profile of programs available on electronic media, the panelists said that media are favoring commercial and entertainment programs to the detriment of news and educational programming. Political, economic, social, and cultural problems are pushed aside, while the entertainment programs spread, favoring entertainment shows that do not evoke any conflict or partisanship. The absence of

investigative journalism and issues of public interest are particularly visible in electronic media.

Most equipment in print media is suitable. Some electronic media face problems such as the absence of digital technology, e.g. RTCG, which will cause serious problems in the coming years, but the situation is better than in previous years due to investment in equipment and technology. Minority media are considered in somewhat worse shape in terms of technology.

The opinion of all panelists was that Montenegrin journalism must be revitalized and should concentrate on so-called life-issues, and this requires an "investigative and professional spirit" and an understanding of real social problems. The panelists concluded that it will take much more time for Montenegrin journalism to reach the level that would represent professional sustainability.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Montenegro Objective Score: 2.48

This objective received a small increase over last year, going from 2.27 to 2.48. Nonetheless, the panelists felt that the Montenegrin media space is oversaturated with electronic and printed media with over 150 different media outlets active in Montenegro. However, panelists noted this quantity does not correspond to quality, nor does it imply democratic potential and pluralism of viewpoints within the media sector. Most of the indicators scored near the overall average. Indicator 2, citizen access to news, scored nearly a point higher than the average. On the other hand, Indicators 3 and 6, public media reflect the views of the political spectrum and transparency of ownership, scored more than a half point below the average.

Panelists noted that it is quite obvious that the most influential media are polarized as in years past. On one side, you have those close to the Government (*Pobjeda*, and the public broadcaster RTCG), while on the other side those recognized as critics of the government (e.g., *Vijesti*, *Dan*, *Monitor*). The majority of other media, both at the national and local level, try to remain open to different political opinions or they simply distance themselves from debatable political issues. Unfortunately, the panelists found that the political class demonstrated an intolerance regarding critical press and uncontrolled public opinion; various parties tried to impose their interests on the media sector.

All news media primarily use the same news agencies' sources and have undeveloped networks of correspondents. In Montenegro there is still just one local news agency

#### 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).

(MINA) and several agencies with headquarters in Serbia. Most often the same news is used by all news media. Since all but a few leading dailies have poor networks of their own reporters, the quality of reporting and pluralism in the media scene suffers.

The number of citizens with Internet access has increased and stands at around 20 percent of the population. In principle, the media are more readily available to citizens than in previous years due to new services such as the Internet and cable. A crucial limitation is cost for many citizens who may want to read newspapers more frequently or use cable or satellite television. Foreign media also remain quite expensive.

Public broadcasting is generally under the influence of the ruling parties, according to the panelists. The opposition and independent views often have less space in public media. This means that private media in many situations provide the function of public service media. This is visible during all elections, as well as in cases of treating almost every issue that is unpleasant for the authorities. However, panelists all stressed the need for a viable public service broadcaster. Duško Vuković, editor in chief of the private Internet newspaper PCNEN argued, "I would particularly point to necessity to have media even when they are not economically justifiable, because that is in the interest of democratic and open society. This is why public services are important."

Speaking of ownership in the media sector, the panelists pointed out that the transparency of ownership of media companies is better than it used to be, but there are still suspicions regarding the true ownership structures of some media.

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

It is quite clear that Montenegrin media scene will change significantly after arrival of new media players, such as FOX and the Romanian regional network PROTV. Local media companies will face fierce competition from global networks. The investment trend into Montenegrin media sector is continuing (last year a Slovenian media group took over the leading private station, TV IN). In this sense, the departure of the German media company WAZ from ownership of *Vijesti* in 2007 is not indicative of overall foreign investment interest in the media. The panelists also pointed out the importance of the upcoming privatization of the oldest daily in Montenegro, *Pobjeda*. Expectations are that this will stimulate competition in the print media market.

Public services are obliged to broadcast part of their program schedule in languages of the minority population, and they follow these regulations. There are also private media (TV Teuta and Radio MIR) that broadcast bilingual programs in Montenegrin and Albanian. The media does also cover other social issues, the print media being the better at this.

Panelists agreed that Montenegro will witness a winnowing of media outlets since the current number is not sustainable. Branko Vojičić, program director of RTCG noted, "In the future we will definitely witness the reduction of this number, and we can only hope that the process of reducing the number of news companies will result in improved professional standards and higher quality journalism."

#### OBJECTIVE 4: BUSINESS MANAGEMENT

#### Montenegro Objective Score: 2.22

This objective dropped to 2.22 this year from 2.57, reflecting continuing profitability issues in Montenegrin media.

Panelists noted that the majority of local and national media, including the public service broadcasters, are barely making ends meet. Although there are positive exceptions (*Vijesti*, *Dan*, TV IN, TV Pink), the profitability of media companies in general is questionable. Despite the concern over profitability, most media do have developed business planning. However, with the competition, a less developed advertising market, and a past dependence on donor support, concerns remain. All indicators scored relatively close to the final average.

With electronic media the situation on profitability is complex because of the relatively large number of radio and television stations (close to 100) covering Montenegro. These stations face many commercial problems, such as illiquidity, poor management, poor human resources, shortage of investment, and limited marketing possibilities. There is also an unwillingness on the part of current ownership to consider

integrating and merging media companies for the sake of making them financially viable. Some private electronic media also survives exclusively thanks to foreign donors, but currently there is a trend of reducing the amount of grants. It is realistic to expect that a number of electronic media in Montenegro soon may be bankrupt if they cannot begin to operate as profitable businesses.

Darko Šuković, editor in chief of the private radio station Antena M, noted, “I don’t think that media are viable business. Antena M, although a leading news radio station, faces daily struggles for survival. The advertising market is limited, and we are managing to cover only 30 to 40 percent of our total costs from marketing. I believe that one of the key problems regarding poor viability of media is related to poor management and weak commercial management.”

Panelists representing local media voiced many issues with sustainability. Slavko Mandić, director of Radio Skala in Kotor said, “In the case of Radio Skala, marketing brings some 30 percent of revenues, certainly not enough for economic survival of the media. Radio is surviving thanks to a policy of low salaries and thanks to grants from donors. We are facing special problems regarding unfair competition from the public services, which are subsidized and therefore able to offer low advertisement prices. Overall, media business at the local level is not profitable and hardly sustainable.”

However, Dino Ramović, editor in chief of the Albanian language TV Teuta from Ulcinj stated, “In our case, because we are specific bilingual media—Albanian/Montenegrin—we don’t have so many problems regarding advertising incomes. We are satisfied, because we manage to make 80 percent out of total revenues from advertising activities. Nevertheless, I

agree that it is very hard to keep alive a media company in Montenegro, and in that regard we should not forget the importance of international donors, because without their support many media wouldn’t be able to survive.”

While one cannot say the media is subsidized by the government, the subscription fee paid by all citizens is shared by Broadcasting Agency in accordance with the following criteria: 75 percent to RTCG, 10 percent to local public services (radio and television), 10 percent to private media (radio and television), and five percent to the Agency itself. Private media receive part of the fee in accordance with their produced programs.

This year, as in previous years, representatives of the electronic media stressed the problem of poor implementation of the Broadcasting Law. Panelists felt the criteria are not clear and overlook media producing content in the public interest. On the other hand, panelists did point out that the Broadcasting Agency has a transparent and liberal approach in granting frequencies, thus preventing creation of monopolies.

There is market research in Montenegro and media do use what they can get. Some NGOs publish data on perception of citizens regarding media, up to ten times per year. Media themselves do not finance such research and NGOs are doing it too rarely and only when they have the support of foreign donors.

In general, the media business in Montenegro is still hardly sustainable and this directly affects the quality of editorial policies, especially investigative journalism, as well as professional standards, according to the panelists. It is becoming clear that current media companies will have to reform their business policies if they want to survive on the market, or else they will face increased competition that will consequently threaten their survival.

**INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.**

**BUSINESS MANAGEMENT INDICATORS:**

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

**OBJECTIVE 5: SUPPORTING INSTITUTIONS**

**Montenegro Objective Score: 2.44**

Journalists expressed concern about the state of supporting institutions in Montenegro and returned a slightly lower score compared to last year: 2.44 compared to 2.66 last year. The panelists felt that journalists’ associations are doing their job poorly and with little influence on the media community or individual journalists. However, unlike the professional associations established to protect the professional interests of journalists, there are some positive examples related to business associations representing interests of media companies. All indicators scored within a half point of the

average, with the exception of Indicator 2, professional associations, which came in more than a point lower.

The problem with professional associations, which represent primarily print journalists, is their weak organization and ephemeral activity. Journalists show little interest in their operations, as they are not viewed to provide any services. In Montenegro there are two journalists' associations (one is the inheritor of the old socialist association and the second was established 15 years ago as an expression of professional resistance toward journalism under Milosevic). As Dino Ramović stated, "There is little solidarity within the media community. Journalists' associations are inactive and unproductive. Journalists' trade unions are still not defined and, in that respect, we are faced with serious problems in protecting labor and social rights of journalists. Obviously, we are still to see attempts to create serious professional journalists' organizations as well as establishment of independent trade unions." Neither functions in a manner providing adequate professional protection of journalists. They have neither professional officers nor adequate offices. As a result, several issues, including the lack of proper labor contracts, remain unsolved.

Business associations that represent owners operate much more efficiently and professionally. The Association of Independent Electronic Media (UNEM) and the Association of Local Broadcasters (ULES) represent electronic media owners and managers. They provide training, advocacy and representation, and information to their members. Dragan Klarić, the director of Radio Budva noted, "Associations are unavoidable if we want to protect our interests in a quality way. I would like to give as a good example, the establishment of Association of Local Broadcasters, which aims to promote the status and interests of local electronic media."

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

##### SUPPORTING INSTITUTIONS INDICATORS:

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

In principle, all relevant NGOs in Montenegro support independence of the media and press freedom. However, there is a small number of NGOs specialized in media, with the most notable being the Association of Young Journalists and the Centre for Development of Non-governmental Organizations. Other NGOs working in the civil society field do support free and independent media through civil society and human rights projects. Organizations include Cedem, Cemi, the Center for Civil Education, Nansen Center, Anima, and others.

The Panelists said that when it comes to educational programs for journalists, the positive role of the Montenegro Media Institute (MMI) should be stressed. MMI operates a journalism school and offers short-term training for practicing journalists. In parallel to this, this year will see the first generation of graduates coming from the Department for Journalism within the School of Political Sciences in Podgorica, thus significantly improving the intellectual potential of the journalism profession in Montenegro. Panelists pointed out the importance of such programs on the development of future generations of journalists and strengthening the work of current media professionals.

Printing houses in Montenegro are mostly private, with the exception of the printing plant used by state-owned *Pobjeda*. There are no problems with printing; newspapers are printed with no obstacles and at competitive prices, although slightly higher than in surrounding countries. With reference to distribution, there are also no specific difficulties other than reaching far villages in a decent timeframe. Kiosks are owned by private companies and there is no apparent political selectivity in distribution.

For the electronic media, the government agency The Broadcast Center (RDC) has the authority to erect masts used for broadcasting. Media can rent space for their transmitters and antennas and pay in accordance with RDC's tariffs. There is no apparent politicization in this process.

---

---

## List of Panel Participants

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

**Dusko Vuković**, editor-in-chief, PCNEN, Podgorica

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

**Branko Vojičić**, program director, RTCG, Podgorica

**Darko Sukovic**, editor-in-chief, Radio Antena M, Podgorica

**Bojana Radulovic**, program editor, TV MBC, Podgorica

**Djuro Vucinic**, editor-in-chief, TV Montena, Podgorica

**Dino Ramovic**, editor-in-chief, TV Teuta, Ulcinj

**Drasko Djuranovic**, independent media analyst, Podgorica

**Boris Darmanović**, president, Association of Young Journalists, Podgorica

**Dragan Klaric**, editor-in-chief, Radio Budva, Budva

**Slavko Mandić**, editor-in-chief, Radio Skala, Kotor

**Vojislav Raonic**, director, Media Institute of Montenegro, Podgorica

## Moderator and Author:

**Rade Bojovic**, executive director, Media d.o.o., Podgorica

The Montenegro study was coordinated by, and conducted in partnership with, Media d.o.o., Podgorica.

*The media confront the same threats pinpointed last year. Ownership is concentrated and many outlets have no clear legitimate resources to support them. Professional ethics remain a problem. Public debates on issues such as the relationship between journalists and owners represent important steps forward, but they have yet to bear fruit.*



ROMANIA

In 2006 political stalemate gripped the country as President Basescu squared off with his rivals in Parliament. Despite this, that year's MSI panel was optimistic, returning slightly increased scores. A divided government, they felt, could not inhibit media freedom, as was the case before the 2004 elections.

Romania joined the European Union on January 1, 2007; the political crisis reached its peak shortly afterward. The president's opponents in Parliament initiated impeachment proceedings against him, even though the Constitutional Court had cleared him of violations. A referendum in May on the impeachment led to a landslide victory for the president.

This intense political conflict endangered the perception of "objective journalism." Politicians variously charged media outlets with being Basescu's pawns or tormentors. Public television was a clear victim, as a top politician was appointed to lead it.

Despite previous resiliency in the face of political turmoil, this year's panel reflected a gloomier mood, with a decrease in the overall average from 2.78 to 2.62. Objectives 1 and 2, freedom of speech and professional journalism, suffered the largest decreases. Objective 1 fell from 2.90 to 2.62 and Objective 2 decreased from 2.56 to 2.21, the lowest score of the five objectives. Objective 3, plurality of news, remained the highest scoring, with only a slight drop to 2.88.

In light of EU accession, this drop might seem surprising. EU membership was the climax of a major undertaking that focused public and political attention for at least eight years. However, such gloom is not limited to the media sector, but extends throughout politics and civil society. It is obvious that major reforms pushed forward by the European Commission enjoyed neither genuine political will nor a critical mass within the public. For example, the new anti-corruption office created with EU support is now constantly harassed by the Parliament after it started prosecuting important politicians.

For years the EU supported Romanian journalists and, indirectly, Romanian media freedom. Yearly European Commission reports on the media obliged the government to act. Progress was made under EU pressure, from the regulation of state advertising to scrapping calumny offenses from the Penal Code. But now that Romania is a full EU member, the Commission's influence over the Romanian government has decreased, allowing a return to old habits.

Meanwhile, the media confront the same threats pinpointed last year. Ownership is concentrated and many outlets have no clear, legitimate resources to support them. Professional ethics remain a problem. Public debates on issues such as the relationship between journalists and owners represent important steps forward, but they have yet to bear fruit.

# ROMANIA AT A GLANCE

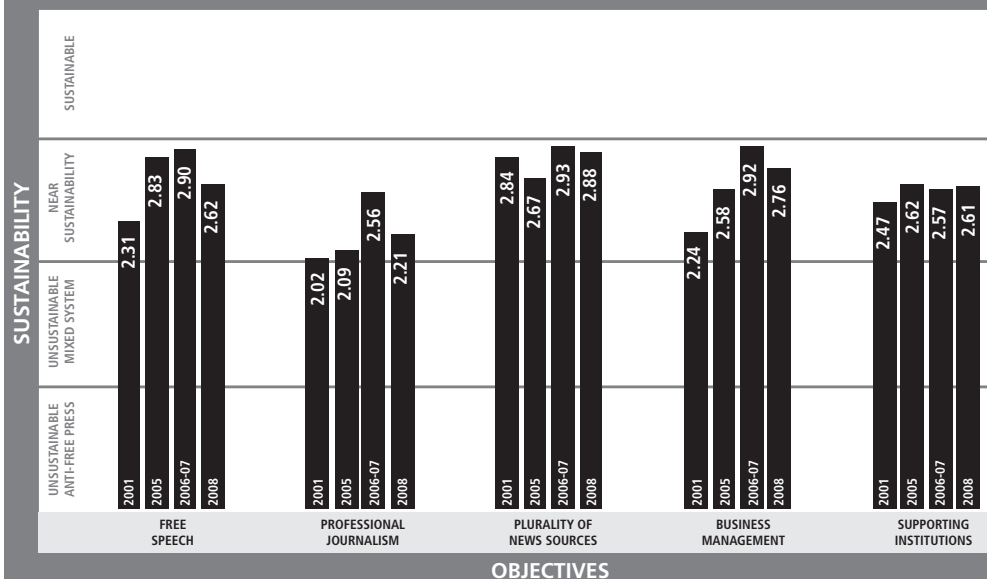
## GENERAL

- > **Population:** 22,276,056 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Bucharest
- > **Ethnic groups (% of population):** Romanian 89.5%, Hungarian 6.6%, Roma 2.5%, Ukrainian 0.3%, German 0.3%, Russian 0.2%, Turkish 0.2%, other 0.4% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Eastern Orthodox 86.8%, Protestant 7.5%, Roman Catholic 4.7%, other (mostly Muslim) and unspecified 0.9%, none 0.1% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Romanian 91% (official), Hungarian 6.7%, Romany 1.1%, other 1.2% (*CIA World Factbook*)
- > **GNI (2006-Atlas):** \$104.4 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$9,820 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 97.3% (male 98.4%, female 96.3%) (2002 census, *CIA World Factbook*)
- > **President or top authority:** President Traian Basescu (since December 20, 2004)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 1000+, exact numbers not available; Radio: N/A; Television stations: N/A
- > **Newspaper circulation statistics:** Top ten papers have a combined circulation of approximately 650,000 (Audit Bureau of Circulations, 2007)
- > **Broadcast ratings:** top three: Pro TV (3.1%), Antena 1 (2.4%), Acasa TV (2.0%) (TNS-AGB)
- > **News agencies:** Mediafax (private), Rompress (state-owned), NewsIN (private), AM Press (private), Romnet (private), AMOS News (private)
- > **Annual advertising revenue in media sector:** Approximately \$550 million (2006 panelists)
- > **Internet usage:** 5,063,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: ROMANIA



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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



## OBJECTIVE 1: FREEDOM OF SPEECH

### Romania Objective Score: 2.62

Objective 1 scores fell noticeably from 2.90 last year to 2.62 this year. Few of the indicators scored near this average. Indicators 3, 8, and 9, market entry, media access to foreign news sources, and free entry to the journalism profession, scored very well: one point or more higher than the average. However, Indicators 5, 6, and 7, preferential legal treatment for state media, libel laws, and freedom of information fared poorly, as each was nearly a point or more lower than the average.

The National Council of Broadcasting (CNA) controls broadcast licensing and nominally is an autonomous body subordinated to the Parliament. The 11 CNA members are appointed by the president, the government, and the parliament. Panelists expressed doubts that this mechanism ensures the autonomy of CNA. Cezar Ion, the director of editorial production department within public television said that “CNA is a sort of cooperative, strongly politically manipulated. The most recent CNA newcomers have a perception that slightly touches horror about what is happening there.” Ciprian Stoianovici, editor-in-chief of the popular Radio 21 underpins this point: “CNA member selection is a political process and not a transparent one. And the politicization is stronger now than ever.”

In 2006, the political factions in parliament were unable to reach an agreement to appoint new members to the CNA. Some MPs wanted to change the law to increase the number of members to 13 in order to overcome this deadlock and please all those involved. The then-president of the CNA, Ralu Filip, protested and threatened to resign. His position being supported by most prominent NGOs, this idea was dropped. Unfortunately, Filip died at the beginning of 2007. His vacant chair became the object of an odd political bargain. Since the president of public television resigned around the same period, the ruling National Liberal Party and the opposition PSD traded these positions among them in order to gain an advantage in their common struggle against President Basescu.

Ion detailed this scandal: “There was a political bargain between liberals and social-democrats for CNA leadership versus television leadership. Nobody would publicly admit to the bargain but it was obvious from procedures unfolding in the Parliament. Because they did not trust each other, they delayed the vote for the whole summer and appointed interims to lead the institutions.” PSD appointed as a CNA member Valentin Nicolau, the former head of the public television, who had resigned among accusations of corruption and editorial interference formulated in a parliamentary report. He tried to compete for the position of CNA chairman,

a move contradictory to the bargain made by his party, which traded this position for the control over the public television presidency (see the below discussion about television). Ion confirmed this, reporting, “PSD withdrew its support to Nicolau because he tried to run for the CNA chairmanship.” Nicolau resigned completely from CNA, charging that people there “are blackmailed and there are pressures made upon one institution which pretends to be independent.”<sup>1</sup>

Panelists were also skeptical of the broadcast license granting process, saying it lacks clear procedures. “The granting process is made upon CNA members’ wishes, none of them having expertise in the media field or running a radio or TV station for at least 10 minutes,” said Ciprian Stoianovici. Comparing with the last years, the panelists questioned more the monitoring and regulatory activities of CNA. Under the law, CNA is the guardian of public morality and fairness in broadcasting. It monitors the airwaves and intervenes with warnings and fines against the broadcasters that breach the rules. But panelists considered its decisions as being biased depending on how powerful the different media owners are. “CNA gets fixated on some TV stations. On the other hand, in some cases of flagrant infringement, the regulatory body turns tolerant, as a result of negotiations made by those who represent political forces within CNA,” said Ion.

Since the CNA interventions have an impact on the media market, some panelists are discontent with its lack of transparency and accountability. George Ene, general-secretary of the Romanian Press Club (CRP) said that “the decisions transmitted by CNA are not supported by arguments, there is not a public justification.” Ion even believed that there are “negotiations on how the decision should be publicly communicated,” since they can affect advertising contracts. However, some improvement has been noticed in CNA’s behavior as a public institution. It regularly advises broadcasters about public interest issues such as journalism ethics, protection of children, correct use of the Romanian language, etc. “CNA has a sanitary role which I appreciate,” said Stoianovici, although he is very critical of other aspects of the institution’s activity. Editor-in-chief of a local newspaper and a local radio station, Catalin Moraru considered that, “CNA’s activity improved compared with the past. At least you can change their decisions without one setting themselves on fire in front of their building.”

Market entry for a media business is no different than for other businesses, and panel participants agreed that this was not a problem for Romanian media. However, Razvan Martin, program coordinator for Media Monitoring Agency, underlined the point he made in last year’s report: “only commercial companies have the right to get TV-radio license.”

<sup>1</sup> “Nici n-a venit bine ca a si plecat,” *Gandul*, June 28, 2007

*Ciprian Stoianovici, editor-in-chief of the popular Radio 21 underpins this point: "CNA member selection is a political process and not a transparent one. And the politicization is stronger now than ever."*

Thus the NGOs and community-based organizations are excluded from registering broadcast activities. But this is not an effective barrier in practice for powerful organizations. The Romanian Orthodox Church obtained licenses for a network of radio and television stations in the eastern region of Moldavia, under the initiative of Bishop Daniel. The Church exercises the control through intermediary companies. CNA encouraged this tendency by granting preferential treatment for church-controlled firms, as the late CNA president Ralu Filip publicly acknowledged. In 2007, Daniel was elected as patriarch of Romanian Orthodox Church and expressed his desire to expand the local religious media network at the national level.

While violence against media in Romania became less spectacular over the past several years, harassment continues. There were no direct attempts to assassinate journalists, but a number of cases occurred when reporters and cameramen were physically assaulted while gathering information.

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

##### FREE-SPEECH INDICATORS:

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

Razvan Martin is in charge of monitoring assaults against journalists within the Media Monitoring Agency. He said, "There were some violent attacks, especially sport related, around the stadiums. Media pressures made the authorities react." In 2006, a cameraman with the public television was severely beaten by a soccer fan. Ene expressed his outrage that "this man is free now." Panelists agreed that Romanian society does not properly value freedom of expression. Stoianovici thought that "Aggressions against journalists do not trigger public outrage; when it comes to public mentality we are very far away. We have the legal basis but we don't have a real public exercise of freedom of expression, there is no public desire to protect freedom of expression. Some attacks are even welcomed by the public."

President Basescu displayed a sad example of this. On the very day of the referendum over his impeachment, Basescu went shopping with his wife, driving his personal car. A pushy reporter from Antena 1 (a television station that Basescu considered unfairly attacking him) hammered him with trivial questions ("what did you buy, what book is that you bought, how come you did not read it up until now, etc."). He confiscated her recording device and drove away in his car, with the device still turned on in his pocket. While leaving, the president said to his wife: "Look at this stinky Gypsy." He later gave back the recording device, but failed to delete his recorded words. Although the journalist was not Roma by origin, Basescu's remarks were considered racist. This incident overshadowed his landslide victory in the referendum with over 70 percent.

The National Anti-Discrimination Council publicly warned the President for discriminatory behavior. He attacked this decision in court saying the remarks were made in private circumstances for his wife's ears only. The court rejected this claim, saying that an important public figure does not enjoy the same right to a private life as ordinary citizens do.

It was not the only aggressive remark Basescu made towards journalists. Razvan Martin counted "three or four such reactions." CRP filed a claim against Basescu for stealing the recording device. It is not clear under the law if the president can be prosecuted for such an offense. Ene, working for CRP, said, "The charges against Basescu are passed on between different institutions" and considers this to be proof that institutions lack the will to act. Moreover, Basescu's popularity made his supporters consider his actions to be in self defense and led them to condemn the journalist involved. Ene said, "After the 'stinky Gypsy' event, when we announced our action to denounce the theft, we received about 100 emails of outrage from citizens and only 10 supporting our action." Iulian Comanescu, a media consultant and well-known blogger writing about media, considered that, "There is a

sort of aggression [resulting] from the political environment and the journalists don't have the means to react." Moraru saw a positive aspect in the functioning of judiciary, "which is more independent," as was visible in the intervention of Antidiscrimination Council and the failure of the president to reverse the decision in court.

Public media include Romanian Television (TVR, with four channels), public radio (four channels), and the public news agency, Rompres. The president, the Parliament, and the government appoint the boards of national radio and television stations, according to the 1995 law. While a public debate took place in 2005 over efforts to change the law, no changes were ultimately made. The NGOs working for media protection participated in these debates and endorsed the final draft prepared by Raluca Turcan, the head of Media and Culture Committee of Parliament. Razvan Martin who participated in this debates representing Media Monitoring Agency criticized the MPs for failing even to discuss the bill: "The draft law lies down in a drawer." Ion indicated a political motivation for blocking the draft: "It is blocked because is promoted by Raluca Turcan." Turcan is a part of a dissident faction within National Liberal Party that split from the party because of its anti-presidential stance.

Currently, public television still functions according to the outdated 1995 law. Ion, who works in an editorial top management position within the public television, thinks that the Board appointed according to this law "is set up based on political procedures. The law does not require any professional criteria; therefore none of the members is obliged to prove any competence in the field." Stoianovici also thought that public television "is affected by the political environment. All political actors admit the laws are bad, but they use them all the same."

Despite good intentions displayed by some in control of TVR, panelists characterized the situation there as depressing. The former president of TVR, Tudor Giurgiu, who was appointed after the 2004 elections, tried to reform the institution, but the politically appointed board asked the Parliament to remove him. Giurgiu resigned, but not before making the controversial decision to publicly announce his intention to dismiss Rodica Culcer, the editor-in-chief of the news department. Culcer had succeeded in reshaping the news, and the motivation for her dismissal was unclear.

After Giurgiu's resignation, the above-referenced political bargain allowed Alexandru Sassu, a former MP and a top-management member of the Social Democrat Party, formerly in charge of communication strategies, to become the head of TVR. Culcer kept her job. The transfer of a party spin-doctor directly to the top of public television showed the lack of any scruples on the part of Romanian politicians. Sassu

*Currently, public television still functions according to the outdated 1995 law. Ion, who works in an editorial top management position within the public television, thinks that the Board appointed according to this law "is set up based on political procedures."*

was the first-ever head of TVR coming openly and directly from the staff of a political party. Until then, parties used to appoint apparently independent public figures close to their views or linked to their leaders through social ties.

The effect of this move was immediately felt by journalists working for the public broadcaster. The Anti-Corruption Department (DNA) started the prosecution of the Minister of Agriculture for accepting a bribe. TVR obtained some images featuring the minister allegedly negotiating the bribe. The images were broadcast and this led to a conflict between Sassu and the head of the news department, Rodica Culcer. The public debate was hijacked and diverted from the spectacular bribe case to the supposedly unethical behavior of TVR, which publicized images from a judicial dossier that was supposed to be confidential under the right of a fair prosecution.

CRP intervened and stated that the TVR journalists did what every journalist was supposed to do after obtaining such information. But CRP also considered that TVR committed a mistake by not mentioning that the source of the images was DNA (although no one ever confirmed that was the source). This was enough for Sassu to punish Rodica Culcer. In order to avoid the law that protects journalists working there, Sassu simply promoted Culcer to a higher position within the newly created News and Sport Department and emptied the new position of any managerial or editorial responsibilities (Culcer filed a law-suit against this decision). To replace her, Sassu brought in a new editor-in-chief, a journalist previously working for Antena 1, a private station owned by Dan Voiculescu, head of the minor Conservative Party and a harsh enemy of President Basescu. The effect was immediately visible. Journalists working at TVR publicly complained that they were forced to broadcast pieces of news about the Conservative Party even though the images were covering two-day old events. The media monitoring also reveals an imbalance in the coverage of the different political forces.<sup>2</sup>

<sup>2</sup> According to a study released by Monitoring Media, the ruling Liberal Party made up for 44 percent of the stories in the main newscast of the public television, compared to 22 percent last year. See [http://www.hotnews.ro/stiri-politic-2250501-liberalii\\_fac\\_aproape\\_jumatate\\_din\\_stirile\\_politice\\_tvr1.htm](http://www.hotnews.ro/stiri-politic-2250501-liberalii_fac_aproape_jumatate_din_stirile_politice_tvr1.htm)

*Moraru said that reporting “is not fair and impartial. The professional quality of Romanian journalists is very poor. Journalism as a job has a very bad image. The quality of reporters gets even poorer from one year to another.”*

Political tensions also transformed into tensions among journalists. Since the new management team installed after 2004 brought new people, the “old guard” within TVR waited for the right moment to fight back. Once Culcer was marginalized, reporters no longer respected the editors she selected via public competitions. A spectacular conflict occurred between the editor Radu Gafta and reporter Marius Zamfir. Gafta edited a piece of news by eliminating the name of a commercial bank specifically appearing in a story. Zamfir was upset and a fistfight occurred between the two. The picture of the editor’s swollen face covered the front pages of the next day’s newspapers. Sassu and the disciplinary committee of TVR later made the astonishing decision to sanction Zamfir by only decreasing his salary 10 percent. Because he was considered close to Culcer, Gafta was removed from the position of editor for the main news bulletin. Ion, who works for TVR, explained the benevolence shown towards Zamfir by the fact that “he was covering the government and Liberal Party. I think there was an intervention in his favor, but I don’t know exactly who made it.” Gafta resigned later from his job within TVR. At least three other pieces were later reported in the media as being stopped from broadcasting by the new editorial team, two of them covering corruption cases.

The Romanian parliament passed a law in 2006 that eliminated prison terms for libel. However, the Constitutional Court reversed this decision on the grounds that the honor of a person cannot be defended only by receiving money. The Court’s decision cannot be overruled, and it makes it compulsory for the parliament to maintain libel in the Penal Code. To date, however, the Parliament has not taken any action to re-introduce libel into the Penal Code. The situation creates problems of interpretation, even for legal experts. Moraru said that the confusion has a positive side for the time being: “a person who wanted to sue us was advised by the lawyers to go under civil law, not the penal one.” All panelists criticized the decision of the Court. Martin said he downgraded his score because of this decision, and other panelists agreed that they had done the same.

Romania adopted a Freedom of Information Act in 2001. In 2006, a significant improvement was made to the law

by including all national companies and state-owned firms. Nonetheless, the implementation of the law still encounters problems. Ene said: “I still have the feeling that people paid by us don’t have the conscience to report back on their work.” Stoianovici also felt that the “law is not helping me too much, because the information comes too late.” A 2006 law on public procurement included a special transparency clause, making all procurement files accessible to the public. Ioana Avadani, who contributed to drafting the new provision also observed problems in implementation: “The transparency of public procurements does not function. When the web-news portal Hotnews requested information on facilities obtained by three big companies from the Romanian government, the same government that negotiated the transparency clause said this was not public information.”

Free of any legal restrictions, panelists did not consider access to international media to be a problem. Further, there is no need for a special license to practice journalism in Romania. Some voices from within the industry want to require special certificates to be issued by professional organizations, but this idea remains unimplemented. Avadani thought, “From time to time, this discussion comes up about who is a journalist. While kept in a professional environment, without state intervention, it is a healthy discussion.”

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Romania Objective Score: 2.21

In this objective, panelists’ scores resulted in a perceptible drop of 0.35, from 2.56 last year to 2.21 this year. While most indicators were not far from the average, startlingly, four of them were rated below 2.00, the lowest being Indicator 3, self-censorship. Indicator 7, modern equipment and facilities helped to keep the average up somewhat, with a score almost a point-and-a-half higher than the average.

Panel participants generally expressed dissatisfaction with the quality of reporting. Catalin Moraru said that reporting “is not fair and impartial. The professional quality of Romanian journalists is very poor. Journalism as a job has a very bad image. The quality of reporters gets even poorer from one year to another.” The group split on the subject between pessimistic and optimistic. Manuela Preoteasa saw a positive sign: “I believe the trend is positive. The audience is moving toward quality information. The channels with good information are winning the audience, for instance Realitatea TV.” This station is the first private all-news channel in Romania (there are three of them now). But Ciprian Stoianovici rejected the argument: “Realitatea TV is becoming a tabloid. The best selling newspapers are one tabloid

(*Libertatea*) and one tabloid that pretends to be quality (*Jurnalul National*). About 80 percent of Romanian journalists are working in a tabloid related environment.”

Romania has many different professional codes developed by various organizations and associations. The journalistic community started a series of debates in 2005 to adopt a unified code, but little progress has been made to the date. The most prominent existing codes are those adopted by the Convention of Media Organizations (COM) and by CRP. Ioana Avadani, the informal leader of COM, said, “The discussion related to merging the two deontological codes is on the agenda but nothing has happened so far. It takes time for the idea to mature into action.” In 2006, an ethical code was imposed as an annex to the collective contract for the media industry, signed between a trade union and some owners’ associations, but this has had little impact on the profession to date.

Stoianovici thought, “Ethical rules are not known by the journalist.” But Martin considered this not a problem anymore: “They know the rules but they do not apply them, they are not reflected in the journalistic product.” A significant case happened in late of 2007. Bogdan Chireac, deputy editor and share-holder to the influential newspaper *Gandul* and a daily presence on television screens as a political analyst was accused by another newspaper, *Evenimentul Zilei*, to be the owner of a company that intermediated sales of communication equipment to the Romanian secret services. Chireac recognized the validity of the information but rejected any link between his journalistic activity and his other businesses. Taking into account the influential public figure Chireac was in Romania, one can wonder if his company would have been granted contracts

*Preoteasa observed a paradoxical situation: “Profitable institutions pay less than the ones losing money. The spine starts to bend. Local moguls are paying better than foreign investors.”*

by the state without his involvement in media. However, Chireac’s colleagues were taken by surprise by his involvement in the otherwise flowering business with the state and he later resigned from the editorial position, accusing unspecified higher interests of attacking him. He continues to be a successful businessman and popular guest commentator on political events. Martin considered that, “In Chireac’s case there were good reactions both in the press and in the Romanian Press Club.” This case revealed the importance of dealing with the issue of conflict of interest from the professional and ethical point of view, as Chireac’s actions did not breach any legislation or conduct rules in place.

Participants agreed that the biggest threat to journalists’ freedom in Romania is not coming from politics anymore, but from ownership. They pointed out towards the involvement of rich businessmen in media, who have no immediate interest in obtaining profits but who use them as a political weapon. President Basescu attacked these people by naming them “media moguls.”

Stoianovici exemplified the situation of Intact Media Corporation. Controlled by the powerful businessman Dan Voiculescu (via his daughters to whom he sold his shares), who is also the leader of the Conservative Party, Intact was used for increasing his party’s potential for alliances (see the MSI 2004 and 2005 for details). Thus, the small party led by Voiculescu entered the Parliament and became a key player in forging parliamentary majorities. Voiculescu became one of the most vocal enemies of President Basescu and he led the parliamentary committee that initiated the impeachment of the president. Intact Media Group (owning the second most watched commercial television station, second most watched television news station, and second largest newspaper by circulation) adopted a clear anti-Basescu editorial policy, with Antena 3 (news television) organizing obsessive campaigns against the president no matter the issue. Stoianovici said, “There have been so many journalists working within Intact company and doing anything other than journalism in the last two years. Intact performs press manipulation, the journalists working there are no longer journalists.” Preoteasa agreed, “They manipulate over there, but in the way they organize debates, not the reporting. The above overall conclusion 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.
- > 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).

*Panelists expressed concerns that this concentration left few possibilities and options open for journalists if they were to flee pressures from owners. Cezar Ion said, "Those who did not join the politically-backed media outlets have a fragile job."*

pertinent but there are some good journalists working there and the news reporting is acceptable." Stoianovici maintained his initial point adding: "I don't deny that many of them are doing their job honestly; I only criticize the overall product which is so obviously lacking objectivity."

However panelists agreed that self-censorship is more prevalent in Romania media than direct intervention from the ownership. Stoianovici maintained his pessimistic opinion: "There is a general lack of ethics in our society, journalists are not threatened by the employers, there is no need for that." Preoteasa agreed this time: "Self-censorship is related to ethical principles. When you are lacking principles, you become insecure. A huge uncertainty is developing and that is when self-censorship occurs." Avadani also supported the conclusion: "The journalists are not forced into covering or not covering an issue, it is a voluntary choice."

Although they did not consider that any thorny issues are taboo for Romanian media, panelists still observed some tendencies in avoiding various subjects. Iulian Comanescu observed, "It is difficult to write about corporations." In 2007 Romania adopted a compulsory contribution to a private pension system. The companies running pension funds savagely competed for the newly created market and invested significant amounts of money in advertising. Cezar Ion linked this money to the coverage of the subject: "Pension funds appeared in the media only at the advertising level. Private systems' risks were not reported." But panelists generally agreed with the conclusion drawn by Moraru: "There is not a single subject risky for all journalists," so sooner or later an issue is going to be reported by someone.

Last year's MSI report observed a rapid increase in journalists' pay. This tendency slowed down in 2007. Comanescu observed that the salary bubble started to break. The difference between Bucharest-based and local media is still sizeable. Panelists estimated pay ranges for entry level to editor at €300 to €2000 in Bucharest but only €250 to €400 in the regions. The panelists still considered wages for experienced journalists in Bucharest to be unrealistically increased after

years of investment from "the moguls" in opening new outlets. "Several years ago we used to say that journalists are not well paid, now it is the other way around," Avadani said. Preoteasa observed a paradoxical situation: "Profitable institutions pay less than the ones losing money. The spine starts to bend. Local moguls are paying better than foreign investors." Other panelists did not agree that there is a connection between payment level and corruption: "The ones which want to be corrupt are so, regardless the amount," Moraru said.

Panelists complained about the increased amount of entertainment in media products. Ion said, "News on TV is shown on anything. They avoid political news and they excuse themselves by saying they only adjust to what the public asks for." Stoianovici agreed: "It is not the entertainment that overshadows the news, but the news that became entertainment."

Panelists did not perceive the technical capacity of media to be a problem, given the broad access to high-tech technology in Romania. The only problem observed by panelists was that some media outlets, especially at the local level, still use illegal software.

The market for niche publications is developed and continues to grow. Specialized magazines for IT, autos, women, fashion, and pets are strongly market-oriented and flourish. A special problem, however, is community-oriented reporting, as some cable television companies stopped producing local news. Stoianovici considered that, "The financial media is the most functional one." Indeed there are four weekly magazines and three dailies covering economic issues. One wonders if the Romanian economy produces enough news and subjects for such diversity. Martin thought that, although developed in terms of number of outlets, "The niche media is poor in quality."

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Romania Objective Score: 2.88

After a slight increase in 2006, this objective stayed essentially the same, with a negligible decrease from 2.93 to 2.88. However, the panelists expressed a rather pessimistic opinion despite the increasing number of the media outlets in Romania, mainly due to the effects of the political crisis on the media. Most indicators scored in line with the average. Indicator 2, public access to media, scored well in the lead, approaching a point higher than the average. However, Indicator 3, state media reflect the political spectrum, scored more than one point lower.

More than 17 Bucharest-based daily newspapers are on the market, and one can get three to four local daily newspapers in the main cities. The public television has four channels. A multitude of private broadcasters have established themselves, including all-news channels. Urban areas receive a variety of television stations via cable, and in recent years, more cable firms have penetrated the rural areas.

The concentration of the ownership in media is a problem. A special report<sup>3</sup> prepared by the Center for Independent Journalism reveals the build-up of five major media conglomerates:

- Around Sorin Ovidiu Vantu. A highly controversial businessman that built his fortune through an investment fund that left 300,000 Romanians without their life's savings, Vantu organized a media empire using various intermediary persons. He controls (without owning them on paper) 14 print outlets, three television stations (including the leading news channel), a radio network, and the second biggest news agency. Of note, Vantu has a criminal record for fraud and, under the Romanian broadcast law, he cannot own a broadcast license, hence his need for intermediaries.
- Owned by Dinu Patriciu. The richest Romanian, a highly controversial businessman, and former politician, Patriciu is involved in the oil industry and currently being prosecuted for manipulating the stock exchange. He owns one newspaper and four magazines.
- Around Adrian Sarbu. This includes five television stations (among them the most popular commercial one, Pro TV), six Bucharest based publications, two radio networks, a network of local newspapers, and the main news agency.
- Around the Voiculescu family (see above for details about Dan Voiculescu). Five television stations, six Bucharest based publications, and a number of radio stations are controlled by the family.
- Ringier. A foreign company based in Switzerland, it is the biggest foreign investor in Romanian media, with three newspapers (among them the most circulated Romanian newspaper, the tabloid *Libertatea*), an economic weekly, and several magazines.

Those five conglomerates control 45 percent of the television market in terms of audience (with TVR controlling another 22 percent) and 90 percent of national newspapers (in terms of circulation). Panelists expressed concerns that this concentration left few possibilities and options open for

<sup>3</sup>Centrul pentru Jurnalism Independent. "Tendințe în Reflectarea Presei în Presă (III)." Studiu de caz: Concentrarea proprietății și a competențelor în mass media românească ianuarie - martie 2007

journalists if they were to flee pressures from owners. Cezar Ion said, "Those who did not join the politically-backed media outlets have a fragile job."

Panelists agreed that people's access to media in Romania is not a problem. The legislation sets absolutely no restrictions on access to foreign news. The only limitations are dictated by the prohibitive prices, but this could be overcome by the Internet, as Romania leads in Eastern Europe for broadband connections.

With the above-described situation of TVR in 2007, the gloomy expectations of state-owned outlets expressed by the panelists came as no surprise. An insider when it comes to TVR, Cezar Ion said, "Under former [TVR] president Tudor Giurgiu there was no intervention at all on the editorial side. Now the interventions are quite visible." All panelists criticized the appointment of Alexandru Sassu, a prominent party leader, as president of TVR. Preoteasa said, "Until Sassu's arrival, the situation was relatively OK." Ioana Avadani added, "We are talking about a clear regression after Sassu's arrival. The comeback of random, arbitrary will of superiors is obvious."

The state-owned news agency is formally controlled by the parliament, but its market position is rather poor. The most important news agency is the privately owned Mediafax, which has been the only relevant player on the market for the past decade. But a new agency, NewsIn, entered the market in 2006. Moraru, who heads a local newspaper and is highly dependent on agencies for national news, welcomed the new arrival. He said that NewsIn brought real competition and led to a decrease in prices. But Stoianovici is not satisfied with the content provided by the new agency: "NewsIn rarely

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

*For Iulian Comanescu, “media concentration in five conglomerates is very concerning. The small press owners are taken over by moguls. On the other hand, it may be good for the media, because they get the needed financial force.”*

has news which Mediafax would not have. They move slowly and they are making more mistakes. They still have to prove they are reliable.”

All television stations produce their own news programs. Most radio stations do also. Martin is worried because “Many local TV stations broadcast national programs, they are not producing any local information.”

Progress was made in the last couple of years toward more transparency of media ownership. Now, panelists felt, transparency by itself is not a problem. The Center for Independent Journalism developed the project Media Index, a web portal with details about the official ownership of all media outlets, detailed down to individuals. The maintenance of the portal is currently not financed since it was developed as a donor-supported project. Ioana Avadani, director of the Center, observed, “Media ownership became a subject of debate in the press. It is discussed over and over. What is the consumer doing with this information? Usually nothing. Intact trust for example, its situation is well known, the political involvement of its owner is openly admitted, its content is heavy with the Conservative agenda, but ratings did not drop, the party did not rise in the polls. Why is the voter smarter than the viewer?” Stoianovici agreed, “Progress was made in terms of transparency, but we still have a problem with the public reaction.” Moraru still considered that, “This progress was registered only at a national level and less for the local media.”

Avadani considered that there are some important issues not covered by Romanian media, such as the situation of persons infected with HIV or mental health. Also, Stoianovici expressed his worries concerning the rise of racist opinion stirred up by the well publicized case of a Roma Romanian who allegedly killed an Italian woman. Italian authorities passed a special piece of legislation to make it easier to deport immigrants, which primarily affects the one-million-strong Romanian community there. The common attitude in the Romanian media was to say that “we” should not pay for something that Roma did. “We got rid of guilt by blaming it on others,” said Stoianovici.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Romania Objective Score: 2.76

This objective showed a small drop compared to last year, going from 2.92 to 2.76. All indicators close to the objective score, with Indicator 5, government subsidies for private media, in the lead and Indicator 1, media are efficiently run businesses, bringing up the rear.

Panelists observe two main trends: while Romanian media have become more and more concentrated, they also tend to be more professionally managed. For Iulian Comanescu, “media concentration in five conglomerates is very concerning. The small press owners are taken over by moguls. On the other hand, it may be good for the media, because they get the needed financial force.” Panelists also raised concerns that media is not yet a business-oriented domain. Although the investment in new outlets is impressive (new financial dailies appeared in 2007), few newspapers generate profit. Panelists restated last year’s observation that 10 local newspapers at the most function as self-sufficient businesses, which is a small percentage of the more than 150 local papers. For Bucharest-based newspapers, several of the key papers appear profitable, such as *Libertatea*, *Jurnalul National*, and *Evenimentul Zilei*.

The print media still have problems with the Romanian Post Company, which handles subscription-based distribution. The company operates slowly and inefficiently. For direct sales distribution, the market is still dominated by the formerly state-owned company Rodipet, privatized in 2003. Nothing has changed after privatization: Rodipet still delays payments, causing financial problems for many publications.

### 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.



Generally speaking, the print media depend too much on sales. The situation is better for the large papers in Bucharest, where the advertising market is better developed. Here, panelists estimated the proportion of advertising in total revenues at around 60 percent. Some local newspapers also reached this level. One of the most powerful local dailies, *Monitorul de Botosani*, led by panelist Catalin Moraru, receives 70 percent of revenue from advertising.

There are many advertising agencies active in Romania. Among them there are the big international players: McCann Ericsson, Grey, Saatchi & Saatchi, Leo Burnett, BBDO, Young and Rubicam, etc. Despite a large number of indigenous agencies, some 80 percent of advertising money is circulated among these international agencies. Preference is given to large media outlets with national distribution and to television stations. Ioana Avadani said, "All big international agencies are present here. The market is getting professional; the advertising agencies are working full speed." But Cezar Ion still noted some questionable practices by these agencies: "The advertising market is not mature. The advertising agencies practice some forms of blackmail over the editorial teams: if you do this you have the contract, if not, I won't give it to you."

There are no direct subsidies for media outlets in Romania. In previous years, the MSI had identified state advertising as a form of hidden subsidy. After the 2004 elections, the new government quickly passed a law to establish a more transparent and competitive mechanism to allot and pay for state advertising. As an indirect result, the total amount spent by the state on advertisements in 2005 decreased to €4 million, from €14 million in 2004. The panelists maintained last year's conclusion that the problem of state advertisement was no longer jeopardizing the media industry, despite an inconsistent and imperfect application of the law.

For the first time in Romania, MSI panelists expressed some doubts concerning the accuracy and honesty of market research. The Romanian Audit Bureau of Circulation (BRAT) was founded in 1998 as an independent, non-for-profit organization. Many advertising agencies have set the existence of a BRAT certificate as a precondition for allocating any advertising contract. Also, BRAT developed the National Readership Survey (SNA), research that approximates the total number of readers for publications and establishes the demographic data. Iulian Comanescu said: "the audience indicated by SNA raises some doubts, I've heard it is an industry's 'sold game.'"

Through the broadcast law adopted in 2002, the state interfered with the broadcast rating system by allowing CNA to select a single rating system, which is currently in place. The system functions as a private operation and not all

ratings data are freely accessible. Avadani considers that to be a problem: "The ratings' measurement is for the first time challenged in public. We don't have any way to monitor and evaluate the situation, as we don't have access to TV ratings, at least a minimum public data. This is why Dan Diaconescu always brags about his ratings." He is the owner of a small, tabloid style television station that proclaims each night that it has the biggest audience in the country.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Romania Objective Score: 2.61

Objective 5 experienced a minor increase over last year of 0.04, reflecting a situation that is unchanged. Indicator 6, access to printing facilities and newsprint, scored more than a point above the average, while Indicators 1 and 4, trade associations and academic journalism programs, scored noticeably behind the rest of the indicators.

The journalistic community in Romania remains generally skeptical of joining a trade union. Although started with promise, the MediaSind union did not make significant progress. In 2004, it signed a collective labor agreement for the media industry. The contract establishes the clause of conscience as one of the fundamental labor rights for journalists. It was reinforced in 2005 and 2006. Its membership remains generally unclear regarding benefits and few journalists mention publicly their affiliation. Panelists were asked if they are members or even if they had heard about journalists being members of MediaSind. Catalin Moraru said: "I never heard about a journalist being a member of MediaSind." Most panelists shared this opinion, with the exception of Manuela Preoteasa, who

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

### SUPPORTING INSTITUTIONS INDICATORS:

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

*The journalistic community in Romania remains generally skeptical of joining a trade union. Although started with promise, the MediaSind union did not make significant progress.*

declared, "I am a member, since MediaSind is affiliated with the International Federation of Journalists I wanted their internationally recognized card and thus I was made a member of MediaSind also."

The Association of Local Editors and Owners gather the most important local newspapers in terms of circulation. At the national level, the CRP used to be the most powerful media organization, counting the most important media outlets and journalists as members. CRP experienced a self-imposed revolution in 2007 and at the beginning of 2008, and was radically transformed. The president of CRP, Cristian Tudor Popescu, started a process to separate the journalistic side of CRP from the media owners. Thus was created the Association of Romanian Journalists (AJR) that undertakes from CRP the representation of journalists. At the beginning of 2008, panelist Cezar Ion was elected the first president of AJR. He described AJR not as a union but as a professional organization. To become a member one needs three years of experience in media and recommendations from two members of the Board. Stoianovici was involved in the creation of this AJR. He thinks that "The Romanian Press Club will stop protecting directly the owners' interests; it will remain the place where owners and journalist meet and negotiate." The owners' representatives from CRP started legal procedures to officially create the Association of Media Owners.

Broadcasters have their own organization called ARCA, but it does not deal with editorial matters. There are some 40 journalists' associations, but most of them are low-profile, inactive, or immature. Several exist only on paper.

The most important NGOs dealing with media freedom are the Center for Independent Journalism (CIJ), Media Monitoring Agency, and the Romanian Helsinki Committee. They act as an informal coalition and on numerous occasions have defended press freedom. The group also kept international observers informed and succeeded in placing media on the agenda of international organizations. Since they were highly dependent on international support there are concerns about their survival now that Romania is a full member of the EU. The attention of international donors is moving toward other parts of the world. Panelists expressed concerns that an internal critical mass is not yet present that

is able to protect media freedom against the pressures of politicians and owners. Speaking about the creation of AJR, Stoianovici said: "These NGOs that have supported media freedom may die and we are not even grown up. They stood up in the role that professional associations [should have played but] were not up to." An old activist in the field of media freedom, Razvan Martin said, "This job became more and more frustrating and a lousy thing to do."

There are 20 journalism university programs across Romania, both state and private. The average number of students per class is 60, so a huge number of new journalists floods the market every year. Panelists working in top editorial positions are not impressed by the newcomers. Stoianovici said, "I couldn't care less if they graduated journalism or not." Ion added, "We have many students coming to work voluntarily but they are weak, from the point of view of the professional skills, and are also poorly educated."

After the closing of the BBC School in 2001, the CIJ remained the only short-term training provider. The CIJ provides courses for journalists, journalism students, and students in related fields such as political science, economics, and law. CIJ also provides targeted assistance to media outlets. Visiting professionals from abroad (mostly from the US) also provide instruction at CIJ. According to Avadani, the CIJ director, over 5,000 journalists and other media professionals, journalism students, and high-school pupils have attended CIJ courses and programs since November 1994.

Panelists agreed that newsprint and printing facilities are widely available. Most of the newspapers own a printing house in order to reduce their costs. A single newsprint factory exists in Romania. Its owner is a very controversial businessman and politician. The plant does not function in a customer-oriented manner, but it is preferred over imported paper because it costs about 10 percent less.

Kiosks for media distribution are, in principle, independent and free. The largest print media distribution company, the former state-owned Rodipet, is still inefficient, and cases when it generated financial problems for media outlets appear quite often. In 2006, the weekly financial magazine *Saptamana Financiara* wrote articles about the new owner of Rodipet, and the firm counterattacked by refusing to distribute the magazine that day.

---

---

## List of Panel Participants

**Adrian Voinea**, director, *Gazeta de Sud*; vice-president, The Association of the Local Publishers, Craiova

**Catalin Moraru**, editor-in-chief, *Monitorul de Botosani*, Botosani

**Cezar Ion**, editor-in-chief, editorial productions department, Public Television, Bucharest

**George Ene**, general-secretary, Romanian Press Club, Bucharest

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

**Iulian Comanescu**, freelance journalist and blogger specialized in the media, Bucharest

**Liviu Avram**, investigative journalist, *Cotidianul*, Bucharest

**Manuela Preoteasa**, editor, EurActiv.ro, Bucharest

**Ciprian Stoianovici**, editor-in-chief, Radio 21, Bucharest

**Razvan Martin**, program coordinator, Media Monitoring Agency, Bucharest

### Moderator and Author:

**Cristian Ghinea**, journalist, *Dilema Veche*, Bucharest

*The Romania study was coordinated by, and conducted in partnership with, the Center for Independent Journalism, Bucharest.*

*The trend in media sector from last year continued. The MSI shows general stagnation: there is a slight drop to 2.39 from 2.48. While the objectives for free speech, professionalism, and plurality of news sources remained relatively unchanged, business management and supporting institutions declined. Serbia has reached a point where media development becomes more difficult, a period far removed from the relatively quick improvement after the toppling of Milosevic in 2000.*



SERBIA

The issue of Kosovo's status dominated Serbian politics for most of 2007. Almost all political forces invested their efforts in trying to keep Kosovo from achieving its independence from Serbia. This focus on Kosovo had negative effects on political, economic, and social developments in Serbia as those issues were driven to the sidelines. The Kosovo issue led to the strengthening of the nondemocratic conservative forces in Serbian society, with the media not being immune from this trend. The year began with parliamentary elections, although it took until May 15th for a government to be formed. The Democratic Party of Serbia (DSS) (a party with a democratic orientation but strong nationalistic and religious profile) made a deal with the ultranationalist Serbian Radical Party (SRS). The deal brought Tomislav Nikolic, the SRS acting leader (Vojislav Seselj, the leader of the SRS is in the Hague facing trial on war crimes) to the post of Serbian parliament speaker. Nikolic immediately signified a possible state of emergency and his opposition to Serbia's integration in the EU. "From a 'Euro-skeptic,' I have become an 'EU opponent,'" he said. After strong reactions from democratic centers in Serbian politics, Nikolic lost the support of the DSS and a new government was formed consisting of the Democratic Party (DS), a coalition of the DSS and New Serbia (NS), and the G17. Vojislav Kostunica (DSS) was elected as prime minister.

During the year, a series of negotiations to resolve the status of Kosovo was held between Serbian and Albanian leaders, without any success. Meanwhile, problems continued for Serbian society: slow progress in transition, deregulation, democratization, and especially privatization; the spread of poverty; uneven and slow economic growth; slow development of entrepreneurship and exports; and continuing strong state control of the economy. These problems produced strong political pressure on political leaders from an unsatisfied public and workers. The government faced strikes of public workers and employees of state institutions.

The trend in media sector development as outlined last year continued. The MSI shows general stagnation in the media sector: there is a slight drop to 2.39 from 2.48. While the objectives for free speech, professionalism, and plurality of news sources remained relatively unchanged, business management and supporting institutions declined. Serbia has reached a point where development of the sector becomes more difficult, a period far removed from the relatively quick improvement of the media sector just after the toppling of Milosevic in 2000. The MSI panel viewed the strong influence of conservative political forces as slowing improvements in the media environment, primarily by stopping implementation of laws, slowing the processes of media privatization, and ongoing pressures against media independence. Substantial pressure was placed on journalists and media outlets from state or ruling coalitions. These pressures were significantly greater in areas outside of Belgrade.

# SERBIA AT A GLANCE

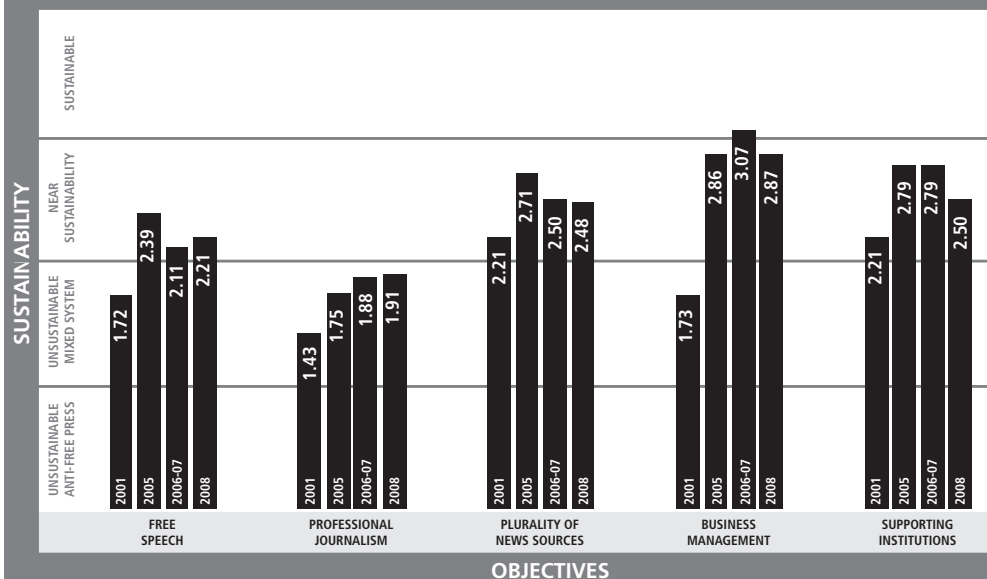
## GENERAL

- > **Population:** 10,150,265 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Belgrade
- > **Ethnic groups (% of population):** Serb 82.9%, Hungarian 3.9%, Romany 1.4%, Yugoslavs 1.1%, Bosniaks 1.8%, Montenegrin 0.9%, other 8% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Serbian Orthodox 85%, Catholic 5.5%, Protestant 1.1%, Muslim 3.2%, unspecified 2.6%, other, unknown, or atheist 2.6% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Serbian 88.3% (official), Hungarian 3.8%, Bosniak 1.8%, Romany 1.1%, other 4.1%, unknown 0.9% (2002 census, *CIA World Factbook*)
- > **GNI (2006-Atlas):** \$29.01 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-Atlas; PPP unavailable):** \$3,910
- > **Literacy rate:** 96.4% (male 98.9%, female 94.1%) (2003 census, *CIA World Factbook*)
- > **President or top authority:** President Boris Tadić (since July 11, 2004);
- > **Next scheduled elections:** Presidential (2008)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** print: 149 (dailies 19, weeklies 28, bi-weeklies 14, monthlies 69, others 19); radio: approximately 500; television: approximately 150 (AGB Nielsen, SMMRI Belgrade)
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** top three television: TV RTS 1, TV Pink, TV B92; top three radio: Radio Beograd 1, Radio B-92, Radio S (AGB Nielsen)
- > **News agencies:** BETA (private), FONET (private), TANJUG (state-owned)
- > **Annual advertising revenue in media sector:** Approximately \$250 million (AGB Nielsen)
- > **Internet usage:** 1,400,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: SERBIA



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREEDOM OF SPEECH

### Serbia Objective Score: 2.21

Media laws exist, and many are in line with international and European standards; however, their implementation is limited and selective. Panelists agreed that entry into the profession is free and fair, that tax structures do not discriminate against media, and that international news is not restricted; these three indicators scored highest, all coming in at more than 3. However, panelists expressed concern over the fairness and transparency of broadcast licensing and over the fact that crimes against journalists are not rare and are not vigorously prosecuted; panelists ranked the indicators covering these two issues equally low—one-and-a-half points lower than the overall average. This objective score came in at 2.21, a slight increase over last year.

The constitutional and legal norms protecting freedom of speech are largely in line with European norms and international standards. Free speech is guaranteed in the constitution and in legislation. However, the implementation of these norms is more limited, with a number of provisions being not applied at all, or being enforced unevenly. For instance, panelists noted that the Public Information Law states: “No one may exert any form of physical or other pressure on a media outlet or its staff...Breaches of the freedom of public information shall be ruled on by the courts, by urgent procedure.” In practice, the courts do not act on such breaches of the law. As Vesna Sladojević of Radio-Television Serbia (RTS) stated, “We have attacks on free speech, the breaking of journalists’ forums, and the state’s being indifferent and not taking any steps to prevent such behavior.”

Another problem the panelists pointed out is the fact that many of the laws were adopted more than five years ago and still are not adequately implemented. The media are still fighting for the implementation of provisions in these older laws. As Goran Vladković of O.K. Radio in Vranje said, “The laws are getting old-fashioned without being implemented. The reason is the very strong pressure of the state and political forces to prevent or drastically reduce the implementation of the laws. The media community has been waiting patiently for the implementation of laws, but it has gone too far.”

The licensing of broadcast media continues to be a weakness in Serbia. The Republic Broadcasting Agency (RRA), according to the panel, is not professionally staffed and operates under political influence. Panelists noted that the controversial practice of issuing regional licenses was politically determined. Specifically, the criteria for licenses were not

adopted when the bid documents for licenses was published, so applicants did not know of the specific requirements when evaluating and preparing applications. The RRA has also interfered in editorial policy—for instance, by ordering RTS to broadcast parliament sessions in their entirety. Additionally, there were expectations that the RRA would actually reduce the number of electronic media in Serbia given the crowded media scene. However, according to the latest data, RRA will approve approximately 600 licenses for electronic media in a country with 8.5 million people. Panelists report that the media complain about the high prices for licenses and note that those who did not get the licenses still go on the air, paying nothing to the agency and gaining a competitive advantage since there is no effective enforcement.

Panelists were therefore very critical of the RRA. Slobodan Kremenjak, a media lawyer, said “the RRA is a little better equipped, and that is the only progress in 2007.” The editor of O.K. Radio said, “The damage would be less if RRA had not been established at all.” Nadežda Gaće, president of the Independent Journalist Association of Serbia (NUNS), said, “In Serbia, there are attempts to stabilize the regulatory bodies, but the situation is very difficult since there are still very strong political pressures. Despite that, those working in regulatory agencies are supposed to abide by the rules of civilization and protect societal norms, but obviously they are not willing to work freely and professionally.”

There is no discrimination toward media compared with other economic activities, including tax treatment of media. They

#### 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.

*For instance, panelists noted that the Public Information Law states: "No one may exert any form of physical or other pressure on a media outlet or its staff... Breaches of the freedom of public information shall be ruled on by the courts, by urgent procedure." In practice, the courts do not act on such breaches of the law.*

are treated as other businesses, and the state does not use this mechanism to either promote or discriminate against media. Value-added tax for print media is 18 percent, the same as for all other businesses.

Panelists said that crimes against journalists, including the notorious murders of several journalists in previous years, are not vigorously pursued. Some of cases have reached the statute of limitation. There were a number of attacks on journalists in 2007, with the attack on Dejan Anastasijević of *Vreme* magazine being the worst. Hand grenades were thrown through his window at night. Fortunately, neither he nor his family were injured. The public prosecutor, Gordana Čolić, announced that the evidence clearly showed that it was a criminal act of terrorism. But the police said they considered the attack not attempted murder but an act to "cause general danger." Though the prime minister and the minister of police promised a quick and effective investigation, nothing has happened.

Another characteristic case was the open death threat against Dinko Gruhonjić, head of the Vojvodina office of the independent news agency BETA and chairman of the Independent Journalists' Association of Vojvodina. The threats, which were openly posted on a neo-Nazi website, stem from Gruhonjić's coverage of National Formation, a neo-Nazi group based in the northern city of Novi Sad. The website included his address and photos of his family. The police, acting on President Tadić's urging, held the leader of the group for 48 hours and provided police protection to Gruhonjić and his family. The police, noting that the website was hosted in the United States, said there was nothing they could do to pursue criminal charges. Gruhonjić specifically believes the state is not adequately protecting journalists. "The ...mechanism of the state is intentionally forcing non-protection in order to keep journalists in fear," he said.

Gaće summed up her feelings about ranking the MSI's crimes-against-journalists indicator: "The mark 0 is too high, but unfortunately there is no lower mark."

The laws do not favor public media, but there are cases of discrimination in practice. One obvious practical form of favoritism is that the prime minister gives interviews only to the state news agency Tanjug. In other cities, there is a similar practice that local politicians use only the nonprivatized state media and ignore the private media. The deeper issue was raised by Sladojević of RTS, "Public services do not have special legal treatment, and the laws guarantee them an independent editorial policy. What they are missing is the introduction of ethical and professional norms in the form of obligatory rules. A control body should be established and should defend the independence of public service from political pressures."

Libel remains under the criminal code, but, according to panelists, there is a strong passive opposition of the judiciary. Because of this, in 2007 there were a number of accusations but no libel verdicts handed down. However, journalists prefer to not have to rely on the judiciary and its interpretations, a state of affairs that will remain as long as libel remains a criminal offense.

The law on access to information is not selective, but in practice some institutions or state employees refuse to disseminate information to certain independent media. Commissioner for Information of Public Importance Rodoljub Sabic announced that he had 4,000 cases where he decided that state institutions had to provide information to the public. In only 196 cases the state refused to act; panelists considered this a big step forward compared with previous periods. However, panelists noted that the media in Belgrade are in a much better position compared with regional and local media in obtaining information. In Sandžak region, for instance, two big, rival political parties have their "own" media and are communicating only with the media that are "on their political side." Additionally, journalists are not necessarily well-versed in using the law to obtain information. As Jelena Leskovac of Press Now notes, "A significant problem with the availability of information is the fact that a number of journalists are not aware of the possibilities the law is giving them."

Media outlets have no restrictions on accessing international news and news sources. Economic factors are the only limiting factor since many media cannot afford expensive agency subscriptions.

Entry into the journalism profession is free, and it is accepted that there should be no restrictions. Although no panelist advocated for a reversal of this situation, Vladković, editor-in-chief of O.K. Radio in Vranje, wryly noted: "There are more and more amateurs in the journalism profession, with the state backing this trend because it means confronting a weaker rival."



## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Serbia Objective Score: 1.91

Panelists felt there is a dichotomy in the professionalism of the media with the so-called serious media providing professional reporting, although these are fewer in number. Other media, namely tabloids and many radio and television programs, suffer from subjective and unprofessional reporting. Specialized reporting still remains the exception, partly due to a lack of financial resources but also due to a lack of professional skills of editors and journalists to engage in specific specialized reporting, such as investigative journalism, health, economics, etc. Panelists also reported that in many cases, editors oppose such reporting. Panelists felt that key events were covered well (this indicator scored highest, one full point above the average) and that entertainment programming did not eclipse news. However, they expressed concern over low pay levels and the effect of that on the profession and awarded that indicator the lowest score by more than a point. They also felt that overall, reporting was not up to professional standards of being fair, objective, and well-sourced. This objective remained basically unchanged from last year.

The panel reported a trend of diminishing quality in reporting and indicated that this was a consequence primarily of the difficult political situation and the increasing pressure of owners on editorial staff. As the panelists indicated, the difference between pure journalistic content and public-relations content is narrowing. The MSI panelists estimated that about half of the information in the media comes from different political or economic public-relations

#### JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

##### PROFESSIONAL JOURNALISM INDICATORS:

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

*The technical capacity of media is improving every year, and panelists felt the level could not be characterized as poor. With a general lowering of prices for technology, its wide availability, and an increase in user-friendly production technology for print and broadcast, panelists believe the trend will continue.*

units. Students of television journalism analyzed content of news in Serbia and concluded that all the news programs are very similar. Sources such as announcements and statements by political parties and state leaders dominate more and more, while real reporting is declining. Such an editorial concept was especially strong in the few last months of 2007; the Kosovo issue was treated as the most important state and political question, with a consequence that reporting in line with general Serbian public opinion is considered a patriotic act. One politician threatened the editor of a Belgrade daily over the publication of an article on everyday life in Pristina, the capital of Kosovo.

Gaće, president of NUNS, recounted a survey of members recently completed. Explaining the findings, she said, "Most of the journalists do not think highly of their own profession; they want to change it, and they do not want their children to be journalists." Meanwhile, the same survey showed that the public ranked journalists poorly, but still not as bad politicians in terms of "lying" to the public.

Serbia also witnessed a trend toward "tabloidization" in the print media and in the electronic media as well. Tabloid reporters do not aim for fair, objective, and well-sourced reporting but toward sensationalism. Both major journalists' associations, NUNS and the Journalists' Association of Serbia, adopted ethical codes similar to those in Europe. However, the codes are not widely implemented in media houses or by individual journalists. Panelists indicated that self-censorship continues to be present in Serbia. As Sladojević, the deputy editor-in-chief of RTS, said, "There are cases of self-censorship, especially in the traditional state media, where politically motivated removal of journalists happened in the past. It is difficult to get rid of self-censorship, especially in those media where the editors are not strong professional personalities."

Panelists agreed that almost all media report on key events and cover them well. The media in minority languages may cover key national events less thoroughly, but mainly because they are aware that citizens from minority groups stay informed on key events of national significance by

*A plurality of news sources exists in print, broadcast, and the Internet. In the past year, blogs have also become a very popular source of information for citizens, while cable, the Internet, and SMS news are spreading fast as well. Though cable penetration is still modest in Serbia, the number of people watching cable or accessing the Internet jumped to 40 percent of citizens.*

using national media. The editorial policy of much of the minority-language media is to focus on specific issues facing that minority.

Panelists indicated that salaries of journalists are consistent with the overall average salary in Serbia, approximately €300 per month. However, they indicated that this amount is not enough to discourage corruption. This is especially the case in most local media, where salaries are lower. The other negative consequence of low salaries is a high outflow of quality journalists from the profession. Vladković, editor-in-chief of O.K. Radio, summarized the issue: "In the areas outside Belgrade, salaries are far below the dignity of journalists. Such a situation provides a fertile ground for corruption and unethical behavior of editors and journalists. That includes cases of being paid for not publishing information on local events."

In most media, entertainment programs are dominant, but in Serbia there exist enough news and public-affairs programming for a citizen to easily acquire most any information they desire. In the national television stations, the percentage of news and information programming is above the European average, according to AGB Nielsen Media Research/Serbia. The main news of RTS has for decades been one of the top five programs, demonstrating the continuing public desire for news. The only exception to this is on cable television, where news and information are rare, since cable relies on inexpensive entertainment programming.

The technical capacity of media is improving every year, and panelists felt the level could not be characterized as poor. With a general lowering of prices for technology, its wide availability, and an increase in user-friendly production technology for print and broadcast, panelists believe the trend will continue. They did, however, acknowledge that the capacity of local media in this regard is generally below that of national media.

Niche reporting is an ongoing problem with Serbian media. With globalization, technological development, and an ongoing transition, the life of Serbians is getting more and more complex as new issues enter the public agenda. Environmental protection, privatization, financial markets, and public health threats all require journalists with specific knowledge. Yet as the panelists noted, there are few such reporters, and the capacity of media to report is therefore limited. Additionally, panelists noted a lack of young journalists with knowledge in these issue areas and also noted how the media's financial situation has meant that media are not dedicating resources to covering such topics in a consistent or in-depth manner. Žarković, editor-in-chief of *Vreme*, pointed to one of the problems, saying, "It is difficult to report on the selling of such huge state companies, such as the national electric or oil companies, if in the newsroom there is no journalist familiar with the problems of such specific and complex processes."

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Serbia Objective Score: 2.48

This objective was basically unchanged from last year; panelists still rated it as one of the best-performing objectives. Many sources of news are available to citizens, and new sources continue to multiply. Media are available even in the least developed areas of the country. Cable television allows citizens to watch regional television, and all broadcasters who recently received national licenses have finished their transmission expansion so that they now cover

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

the whole country. Foreign programs are available through cable and satellite, and there is no limitation on the Internet. Many of these indicators were rated as significantly higher than the overall average. However, as with last year, the transparency of media ownership remained a problem within the objective. Panelists indicated the problem of the “formal” owners of many media serving as the effective front person for the real interests behind certain outlets. This indicator was rated nearly two full points lower than the overall average; otherwise, the overall average would exceed a 3.

A plurality of news sources exists in print, broadcast, and the Internet. In the past year, blogs have also become a very popular source of information for citizens, while cable, the Internet, and SMS news are spreading fast as well. Though cable penetration is still modest in Serbia, the number of people watching cable or accessing the Internet jumped to 40 percent of citizens. There remain problems of newspaper distribution that lower access to newspapers, however. For instance, *Dnevnik*, the main daily in Vojvodina, is not distributed in around 200 outlets there. While citizens’ access to international news is not legally limited in any way, at present Serbian citizens’ limited buying power remains a barrier.

Gaće of NUNS raised a concern over interpretation of media pluralism: “It looks at first glance that Serbia has a pluralistic media scene. But the editorial positions in electronic and print media in most cases do not approach the fundamental issues seriously, so often they are only a flat-out transmission of political positions, positions of new tycoons, or other strong lobbies. The public interest is often losing the battle against the media campaigns by different political and interest groups.”

The state broadcaster, RTS, is improving, and there is an effort to have it approach a public-service model: it is trying to include opposition parties and other opinions as much as possible. Compared with last year, some progress is evident. While RTS still airs long presentations by politicians in office, the opposition political spectrum is present as well. Additionally, RTS has increased the amount of private and independent productions it airs on the station. However, there is resistance to change at RTS. Sladojević, deputy editor-in-chief of RTS, said that “public media have evidenced improvement in showing all political opinions and have made an effort to be neutral and balanced. But alternative opinions are more and more unwelcome by some editors.” And Dinko Gruhonjić of the Independent Journalists Association of Vojvodina, pointed out that RTS (and Radio Television Vojvodina) remains far from being truly a public-service broadcaster. “RTS and RTV (established in 2006) still behave as state television channels. They are under pressure from

*Gruhonjić of the Independent Journalists Association of Vojvodina summarized the situation, saying, “There are taboo themes that a large number of media do not want to touch, and coverage of some issues is characterized by stereotyping (for example, Kosovo and Albanians).”*

economic and political strongmen. Public services are not doing enough to improve cultural and educational programs,” he said.

Some national television stations gave more time to SRS, the opposition nationalistic party, than to the parties in power. On the local level, media come under more strenuous political pressure, so some stations resort to representing only one political opinion. Panelists indicated that the situation in Sandžak is especially poor, with stations broadcasting announcements of political parties extensively so as to “not get into the position of annoying political parties.”

There are still three noteworthy news agencies in Serbia: two private (Beta and FoNet) and one state (Tanjug). Electronic media are interested in using all three but do not have the funds to do so. The problem is not in the price of the services, as they are relatively low, but in the economic standing of most media. State media are still pressured to use the state agency Tanjug. Panelists felt that Tanjug played a negative role: they have selective distribution and engage in dumping (low prices) or give the service free of charge. Additionally, Tanjug favors news originating from the state. It is estimated that the state finances 50 percent of Tanjug’s budget. While most media use agency material, it also remains the case that a large number of electronic media produce their own news programs, although the quality varies widely.

Most of the panel participants thought that ownership of the media is not transparent in Serbia. There is a law that obliges all owners to register, and there is a register of all formal owners of private companies in Serbia. But the panelists believed that the real owners are hidden behind the formal owner of the media outlet. They base this in part on observing that, at times, groups of media launch coordinated attacks on one political party or political leader, although the formal owners are not the same. A new rule on the origin of capital for privatization is in effect now, and it should prevent those who have a criminal background of any kind from acquiring media. The Ministry of Culture is preparing a draft law to define clearly the stakeholders and to introduce

the obligation to present financial reports on sources of capital for those purchasing media. Svetlana Kojanović, editor-in-chief of *Čačanski glas*, felt the transparency problem extends particularly to local media.

While most issues are covered by the print and electronic media, a number of social and economic themes do not receive coverage because of a lack of adequate knowledge by journalists and editors. The media's treatment of minority groups is a particular problem, according to the panel. While national ethnic minorities still have their own programs and newspapers, other social minority groups (e.g., invalids and sexual minorities) receive minimal coverage and are sometimes attacked by individual media. Tanjug produces news only in Serbian, though private agencies produce stories in minority languages also. It is to be stressed that minority-language media are also under pressure from their political leaders. Gruhonjić of the Independent Journalists Association of Vojvodina summarized the situation, saying, "There are taboo themes that a large number of media do not want to touch, and coverage of some issues is characterized by stereotyping (for example, Kosovo and Albanians)."

#### OBJECTIVE 4: BUSINESS MANAGEMENT

### Serbia Objective Score: 2.87

Business management has consistently scored high in relation to other objectives in Serbia, as media have increasingly used professional management techniques and market research and have engaged in increasingly sophisticated advertising. As might be expected, national media are in a much better position than local media in terms of resources and managerial expertise. State media have an advantage of having a financial source unavailable to private media: the state or local budget. This objective declined slightly from last year to 2.87 from 3.07, reflecting the uncertain financial future of the still oversaturated media market in Serbia and the dichotomy between those who have adapted to a market approach and those who continue to struggle or rely on the state or political sources of funding. Additionally, with ongoing delays in privatization, a market approach may not have motivated those media who remain in limbo. However, it remains an open question whether improved business management has led to more editorial independence. Gaće of NUNS shared her belief: "Independent media in Serbia most probably are good business for the owners, but there is less and less independent editorial policy in Serbian media." Panelists rated all indicators close to the overall average.

There are no formal obstacles for media to operate as a competitive business. Success depends not on laws or

regulations, but on the quality of products and management. While there are profit-generating media in Serbia, a large number of media, including private, are working consistently around the breakeven point. The media outside Belgrade are in a poorer situation. Their local market has lower buying power, and, as Belgrade-based media received national licenses, they have access to the large advertisers with an interest in national coverage. As Kojanović, director and editor-in-chief of *Čačanski glas*, noted, "The distribution of national frequencies (all given to Belgrade media) gave them an advantage in earning revenue from the advertising industry, further deepening the gap between Belgrade and local media in terms of growth potential." However, panelists agreed that media, for the past several years in Serbia, are earning revenue from a multitude of sources in advertising.

Advertising agencies are active and professional in Serbia with six or seven strong companies, compared with three or four in surrounding countries. Additionally, their activities are showing significant growth. The total advertising budget for all media in 2007 was 50 percent higher than in 2006, according to AGB Nielsen Media Research/Serbia. One disparity in the market did emerge: after seven national television stations received licenses, regional television stations were kept waiting for regional frequencies and for privatization. Advertising agencies therefore were not in a position to enter into long-term contracts with them, which would provide some stability. Those stations were kept waiting a whole year in "standby mode" and lost substantial revenue. The percentage of revenue from advertising is permanently growing in all media, while the percentage of donor support is dropping significantly. Subscription to magazines and newspapers is still a non-existent category in Serbia—a loss of a potential stable revenue source for print media.

#### INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

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

There are no direct subsidies to private media, while almost all media in state ownership are financed from the budget, with the state portion often constituting up to two-thirds of their revenue. A potentially positive trend is that some ministries are now using open tender procedures for purchases or projects for media, including programs and technical infrastructure for local public media.

The use of market research in the media business is becoming a standard in Serbia, especially in the electronic media. While this practice was started with donor intervention eight years ago (largely through the USAID/IRES ProMedia program), the practice has acquired local buy-in and financing. In 2007, radio research was financed for the first time by the users, radio stations, and advertising agencies. The number of buyers of research results is growing, including small and local media who understand how important research is for business development.

A number of ratings surveys are reliable and in line with international standards. Trust in the data exists, evidenced by more and more contracts being tied to AGB Nielsen ratings results. The main problem is misinterpretation and misuse of results by a number of users. Sometimes misinterpretations are intentional, as when media outlets purposefully focus on only the positive aspects of the research while purposefully avoiding the greater detail that may show a more nuanced analysis that does not favor them. Print media lags, however: there is still no reliable data on circulation. An audit bureau of circulation was established in Serbia but has not received the trust of the print media. To date, it has mainly covered the circulation of several print media close to the state.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Serbia Objective Score: 2.50

This objective has ranked consistently high over the past several years but suffered a noticeable decline this year, falling from 2.79 to 2.50. The drop can be attributed in part to the decrease in donor activity, which had supported training and association work. Professional and trade associations do exist, with mixed quality and results. Panelists noted again the lack of an effective syndicate to support journalists' labor rights. They also noted that the fruitful practice of educating journalists, editors, and other media staff through donors' activities is, unfortunately, fading away. The distribution system remains in a transition phase. Panelists rated the sources of newsprint and printing facilities the highest in this objective, by a full point above the average, while ranking the indicator on quality degree programs the lowest.

*There is support from the NGO community, but there are a large number of NGOs that support free speech only in word but not in practice. Some NGOs do not understand the role and workings of professional media and therefore criticize the media for not covering their issues or for being too critical on other issues.*

Trade associations do exist, although the association of media owners in Serbia is not well known publicly. But the "media association" is gathering new members (print and broadcast) and is lobbying for mutual interests. Their specific successes were oriented toward tax and tariff treatment of media and on mutual interest of print media in publishing data on circulations. However, journalists' associations are worried over a lack of cooperation and coordination with this group. Gaće of the journalists' association NUNS noted: "The association of media owners is very closed and is not willing to cooperate or talk in cooperation with other media associations." The Association of Independent Electronic Media continues to represent broadcasters' rights and is most known for its advocacy on abuses of press freedom and legal advocacy on behalf of its members. It also provides training. It straddles a line between a journalists' organization and an owners' organization.

Professional associations are trying very hard to protect the rights of journalists and portray journalism in a positive light. Two associations are seen as leaders: NUNS and the Independent Journalists Association of Vojvodina. The

## 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.

---

---

*Gaće of the journalists' association NUNS noted: "The association of media owners is very closed and is not willing to cooperate or talk in cooperation with other media associations."*

president of the latter, Gruhonjić, praised NUNS' work, saying that "NUNS is good in defending the rights of its members and never left anybody without support. NUNS' defense of journalists from attacks is very effective and prompt in every single case." The Journalists Association of Serbia, the successor to the former state union, is seen by many in the media community as a competitor to NUNS and also as representing a dated viewpoint on media and journalists' rights, according to the panel.

However, the syndicates received criticism for being weak, as opposed to the associations. Gruhonjić observed that "there are several journalists' associations; the two main ones are in conflict, and the process of establishing a media council of Serbia is very slow and contentious. In particular, they should do more to energize young journalists. The syndicate organizations of journalists are inefficient, and syndicate rights of journalists in Serbia are minimal." Gaće of NUNS agreed, saying, "There are also several journalists' syndicates in the country but they are very anachronous, inefficient, and conservative." These include the media trade union Nezavisnost and the independent union of employees in the graphic, publishing, informative, and cinema activities.

There is support from the NGO community, but there are a large number of NGOs that support free speech only in word but not in practice. Some NGOs do not understand the role and workings of professional media and therefore criticize the media for not covering their issues or for being too critical on other issues.

The Institute for Social Sciences published a research study in 2007 on journalism education programs. There are seven institutions for journalist education, but only two (Belgrade and Novi Sad) have the right conditions for producing good journalists, according to the study. Currently 1670 journalists-to-be are studying, yet there is little research or knowledge of the market's capacity to absorb graduates. There may be progress at the two leading universities in terms of preparing students. Sladojević of RTS says, "We in RTS have 10 young journalist interns, students in their final year of the media faculty program. They have shown surprisingly good results and are much better than groups we had in previous years. We believe that in the past five years the hiring of faculty who are professional experienced journalists is bringing results."

Short-term education organized by international donors was very important in improving the skills and knowledge of journalists, according to the panelists. The panelists indicated that there is a strong need for this, especially in the local media. But there are few such trainings now that most donors have left the country, and the economic conditions in Serbia cannot yet support quality market-based training. Panelists noted that it is especially rare for journalists to have the opportunity to gain knowledge through training and study tours to, or work in, foreign countries.

Sources of newsprint and printing facilities are private, apolitical, and unrestricted, according to panelists. Obtaining newsprint and printing services are now normal commercial activities.

The problems facing print media distribution remain in Serbia. Media are forced to work with a number of distributors that can create complications, higher costs, and inefficiencies. While the number of distributors may point to positive competition, the problem print media face is that there are still too many distributors covering different areas. A print media outlet needs to engage multiple distributors in many cases. The monopolistic transmitter ownership by RTS has not been changed, and the system is not truly independent. Additionally, it is out-of-date and will need substantial technical upgrades.

---

---

## List of Panel Participants

**Svetlana Kojanović**, director and editor-in-chief, *Čačanski glas*,  
Čačak

**Nadežda Gaće**, president, Independent Journalist Association  
of Serbia, Belgrade

**Zlata Kureš**, deputy general director, BETA News Agency,  
Belgrade

**Lila Radonjić**, CEO, Independent TV Production Group Mreža,  
Belgrade

**Vesna Sladojević**, deputy editor-in-chief, Radio Television  
Serbia, Belgrade

**Suzana Jovanić**, media specialist, Open Society Fund, Belgrade

**Voja Žanetić**, marketing specialist, MOSAIK Marketing Agency,  
Belgrade

**Slobodan Kremenjak**, lawyer, Živković & Samardžić Law Firm,  
Belgrade

**Dragoljub Žarković**, editor-in-chief, Vreme weekly, Belgrade

**Darko Bročić**, director, AGB Nielsen, Belgrade

**Goran Vladković**, editor-in-chief, O.K. Radio, Vranje

**Ms Jelena Leskovac**, local representative, PressNow, Belgrade

**Dinko Gruhonjić**, president, Independent Journalist  
Association of Vojvodina, Novi Sad

## Moderator

**Dragan Kremer**, project manager and consultant, mediahilfe,  
Belgrade

## Author

**Goran Cetinić**, independent consultant, Belgrade







# CAUCASUS

---

---

*The discussions and panelist scores did not reveal any major changes over the last year, with the exception of Objective 5, supporting institutions. Developments in that objective caused scores to increase from 1.16 last year to 2.23 this year, exceeding the previous high of 1.94 obtained in 2004 and becoming the highest scoring objective.*



ARMENIA

The parliamentary elections in May 2007 and the presidential elections in February 2008 were among the central issues facing the Armenian media in 2007. Armenia's Central Electoral Commission records showed that a total of 1.3 million out of the 2.3 million officially registered voters participated in the parliamentary election. A total of 38,002 of those ballots were invalidated and removed from the count. The political parties elected to parliament were, in order of vote count, the Republican Party of Armenia, Prosperous Armenia, Armenian Revolutionary Federation Dashnaksutyun, Rule of Law, and Heritage. Nearly 20 other political forces did not make it into parliament.

Economically, Armenia's GDP continued to grow, up 12.1 percent over the January-July 2007 period compared to the same period in 2006, according to preliminary data from the Armenian government's National Statistical Service. Despite this and other promising economic measures, the US dollar continued its steady depreciation pattern, dropping from AMD 360 for \$1 in January 2007 to AMD 300 in December. It should be noted that the dram has appreciated against the dollar at a rate nearly double that of the euro.

Another topic in the headlines was leading Russian mobile operator Mobile TeleSystems' (MTS) purchase of an 80 percent stake in Armenian mobile operator K-Telecom, which operates under the VivaCell brand, for €310 million. The deal also gave MTS the option of purchasing the remaining 20 percent of K-Telecom shares after 2010. MTS will make a "technical loan" of €140 million to K-Telecom to refinance existing debt and fund future investment, and will pay an initial €50 million from 2008 to 2012. K-Telecom's only competitor in the Armenian mobile market is VimpelCom-owned Armentel, which had 471,000 active mobile subscribers at the end of the first half of 2006. Armentel also has 610,300 fixed-line subscribers.

An important development in the media sector was Haymamul, Armenia's largest press distribution agency, selling the majority of its assets (including 200 kiosks across Armenia) to a local business owner. Newspaper reports claimed that the takeover will effectively place the company at the disposal of Mikael Minasian, the increasingly influential son-in-law and senior adviser to Prime Minister Serzh Sarkisian, a presidential hopeful.

The discussions and panelist scores did not reveal any major changes over the last year, with the exception of Objective 5, supporting institutions. Developments in that objective caused scores to increase from 1.16 last year to 2.23 this year, exceeding the previous high of 1.94 obtained in 2004 and becoming the highest scoring objective. The rest of the objectives did not gain or lose more than one-tenth of a point. As in the past, Objective 4, business management, was the laggard, with a score of 1.34.

# ARMENIA AT A GLANCE

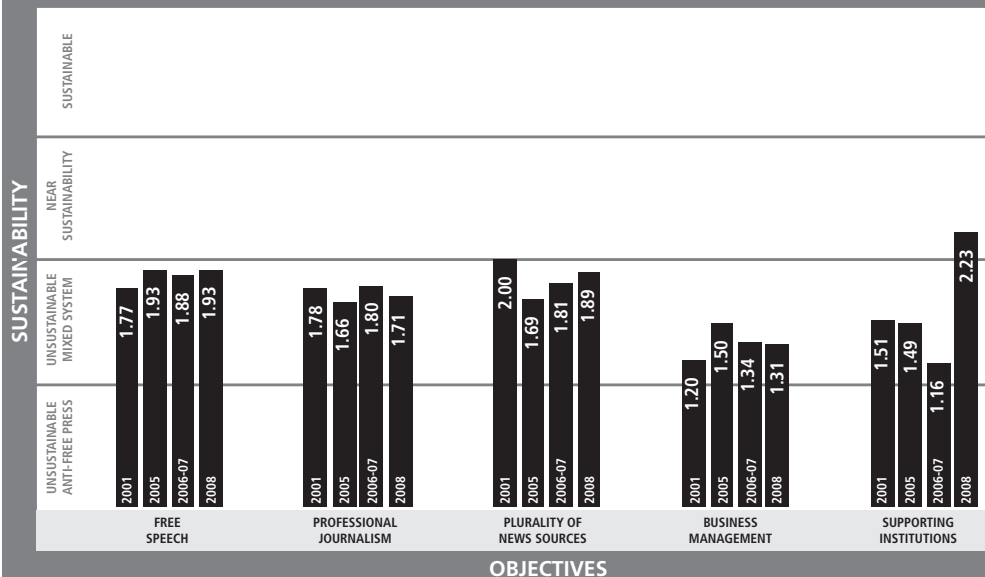
## GENERAL

- > **Population:** 2,971,650 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Yerevan
- > **Ethnic groups (% of population):** Armenian 97.9%, Yezidi (Kurd) 1.3%, Russian 0.5%, other 0.3% (2001 census, *CIA World Factbook*)
- > **Religions (% of population):** Armenian Apostolic 94.7%, other Christian 4%, Yezidi 1.3% (*CIA World Factbook*)
- > **Languages (% of population):** Armenian 97.7%, Yezidi 1%, Russian 0.9%, other 0.4% (2001 census, *CIA World Factbook*)
- > **GNI (2006-Atlas):** \$5.799 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$5,890 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 99.4% (male 99.7%, female 99.2%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President Robert Kocharian (since March 30, 1998)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print 30; Radio 21; Television stations: 18 (3 local, others relaying from Russia) (National Statistical Service of the Republic of Armenia)
- > **Newspaper circulation statistics:** The maximum circulation cited is 9,000 copies and the average real circulation for most popular newspapers is 5,000-6,000. (National Statistical Service of the Republic of Armenia)
- > **Broadcast ratings:** top three: H1, Shant TV, Armenia TV (AGB Nielsen)
- > **News agencies:** Armenpress, Noyan Tapan, Arka, Regnum, Arminfo, Mediamax, Photolur, New Image and Spyur
- > **Annual advertising revenue in media sector:** \$45 million (International Monetary Fund)
- > **Internet usage:** 172,800 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: ARMENIA



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREEDOM OF SPEECH

### Armenia Objective Score: 1.93

The discussions showed no substantive changes from the previous years: legal norms protecting free speech exist, and they do correspond to international standards. However, they are not enforced uniformly in practice. Selective prosecution remains a problem, libel is still a criminal offense (articles 235 and 236 of the RA Criminal Code), and all of the panelists still expressed their discontent with the National Commission on Television and Radio (NCTR) connected with licensing of broadcast media.

Indicator scores in this objective varied widely. Panelists felt secure in media access to international news sources and free entry to the journalism profession, and therefore Indicators 8 and 9 scored well over a point higher than the objective average. Indicator 3, market access and tax structure also scored well. However, Indicators 2 and 4, broadcast licensing and crimes against journalists, scored very poorly. Indicator 5, preferential treatment for state media, scored slightly better, but still about a point less than the average.

The panelists agreed that laws and regulations are not enforced often against media outlets, in order to have leverage should the need arise to subdue a particular outlet. "The NCTR violates its own regulations by not pursuing the regional outlets that show unlicensed films and other content," said Karen Arshakyan, president of Fortuna TV in Stepanavan. In addition, elections advertising violations remain unchallenged. These violations revolved around starting the campaign early, before the official legal start, by showing paid-for debates or programs favoring a candidate.

According to constitutional changes passed in 2005, half of NCTR's board members are appointed by the National Assembly (NA), while the others are selected by the president. As current board members resign or retire, the NA will choose replacements; by 2011 it is expected that the balance of four and four (for a total of eight board members) will have been reached. However, at the end of 2007, the first vacant position to be chosen by NA appointment had yet to be filled and the NA had not even held a hearing on the matter. "Perhaps the NA hasn't been told yet whom to appoint," said Avetik Ishkhanyan, editor-in-chief of *Ditord* magazine and chair of the Armenian Helsinki Committee. "Theoretically, this should provide half-independence. However, even so, nothing is so straightforward here either," meaning that the parliament's majority is also pro-government.

Most of the panelists agreed that violations against freedom of speech do cause public outcry; however, typically the

energy fades in a matter of few days. All of the panelists agreed that it is perhaps due to the fact that the people feel that they cannot change anything in a place as controlled as Armenia.

"I think 80 percent of the population protests in such cases, but they do not show it because they are sure that nothing will be changed and that their outrage will have no results," said Ishkhanyan. "Also, the people value freedom of speech, but they aren't ready to struggle or sacrifice anything for it."

"They don't value [freedom of speech] to a degree where they would struggle for it, and five years ago, the number of people who would struggle for it was more than today," added Tigran Harutyunyan, president of Noyan Tapan (a holding company with a news agency, advertising agency, printing and publishing house, and newspaper).

Legal protection for media is covered in Armenian law, but in reality it is not enforced uniformly. The panelists agreed that recent court cases were brought in order to enforce Article 164 of the Republic of Armenia Criminal Code, which provides for punishment for hindering the lawful professional activities of reporters. In these cases, according to the panelists, although the law was enforced and good precedent was set, the outcome of the court hearings and the verdicts—small penalties—showed that enforcement of the law would provide no real deterrent to hindering journalists.

"These cases had the opposite effect and will actually encourage further violations. The judicial system doesn't

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

### FREE-SPEECH INDICATORS:

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

*The panelists agreed that laws and regulations are not enforced often against media outlets, in order to have leverage should the need arise to subdue a particular outlet. "The NCTR violates its own regulations by not pursuing the regional outlets that show unlicensed films and other content," said Karen Arshakyan.*

protect journalists. I think that it would be better if those cases weren't taken to the court at all; at least the impression that journalists are protected would remain," said Harutyunyan.

The panelists agreed that the market entry and taxation for media are more or less comparable to other industries. The print sector enjoys a tax break (distribution is VAT exempt), but according to Anna Satyan, a reporter from *Novoye Vremya* newspaper, the exemption "is not a big relief, since we still need to pay VAT on production and other associated costs that actually encourage expanded print runs. If the whole chain were VAT exempt, that would be different."

All of the panelists agreed that 2007 saw relatively little violence against journalists, but they also cautioned that media repression might still be a possibility in the race to the February 2008 presidential elections. Panel discussion took place before the elections were held, and indeed the fears of panelists were well placed. These events will be included in the 2009 edition of the MSI.

"In my opinion, photojournalists' condition is worse than journalists," said Anahit Hayrapetyan, a photojournalist from the Yerevan-based *ArmeniaNow* online publication. "When people see the photo/video camera, they start getting nervous. I do not feel protected myself as a photojournalist. That is probably why most of the other journalists have chosen to be neutral, i.e. to make photos/videos in neutral places; speak about things that do not lead to any problems; and the like," she concluded.

"It's not only the case with photo/video camera, but also with a pen and paper, when people start getting nervous," added Satyan.

Armenia has no specific regulations that specifically favor public media over private in securing access to information. However, the overall dynamic between public and private media has not changed from previous years. In reality, Armenia's public television does get some preferential

treatment, given that it receives ever-increasing funding from the state budget—the funding rose from a reported \$5 million in 2006 to \$16 million in 2007. Advertising by certain private businesses is non-transparently funneled into public television.

Additionally, public television is regulated by the Council on Public Radio and Television (CPRT), while the private broadcast media are regulated by NCTR. The impact on, and benefit to, public television is threefold. First, public television requires no license. Second, it is exempt from legal provisions applied to private television that limit advertising to 10 minutes per hour. Finally, unlike the NCTR process described above, the president appoints all CPRT board members. This situation gives a competitive edge to public television and keeps it under political control.

Under Armenian law, libel remains a criminal offense. The panelists agreed that no one has ever been prosecuted for libel, but they cautioned that the law might be enforced at any time, if the government decides that the level of self-censorship among the media is insufficient. Reporters and media outlets are fully aware that these provisions could be used against them.

According to the panelists, the law regulating access to public information (Law on Freedom of Information Access) is a good law, but the situation is a bit different with its enforcement. Sometimes obstacles arise that require journalists to take a case to court. Increasingly, courts have upheld the law in favor of journalists, and panelists reported that in fact, the mere threat of taking an official to court has been successful in shaking loose needed information.

The panelists agreed that media outlets have unrestricted access to international information.

The government does not control entry into journalism schools in any way. However, formal accreditation with the government is still required for journalists, and attendance at certain events (National Assembly sessions, for example) requires accreditation that can be withheld. Panelists said that this rarely, if ever, prevents a journalist from covering an event, but that it could in theory. Harutyunyan highlighted a new restriction for newspapers: only papers with a circulation of 2000 or higher are allowed to send journalists to cover matters in the Public Prosecutor's office.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Armenia Objective Score: 1.71**

Little change has been made in the area of professional journalism. Only two indicators stood out as being noticeably

higher or lower than the average: Indicator 3, self-censorship, was well below the average; while Indicator 7, modern equipment and facilities, was quite a bit higher than the objective average.

While certain limitations on fair, objective, and well-sourced reporting exist, the limitations depend on the event, i.e., whether it is political, social, or pertaining to other spheres. Some events may not be covered at all, particularly those held by the political opposition. Threats have been made against certain media outlets if they cover certain “unfavorable” political events. Many issues are ignored, such as those related to sexual minorities. The television stations and print media, with rare exceptions, give single-angled coverage, without presenting any opposing views on the issue.

The panelists agreed that the media does not provide objective and balanced information; rather, coverage tends to be polarized in support of either the government or the political opposition. Coverage also depends on for whom a reporter is working.

Reporters often do not consult a variety of relevant sources and often do not verify or fact-check the information they present. “There are cases when the information is published as soon as it is received from a source,” said Ishkhanyan. Media outlets’ financial position impacts the quality of news produced. Technical experts are consulted on stories as needed, but ethical reporting is sometimes sacrificed because a media outlet does not have sufficient resources to allow its journalists to check information from several sources. Higher quality reporting requires fewer news stories within a given time per reporter. Deadline rushes leave reporters little opportunity to verify information by consulting various

*Reporters often do not consult a variety of relevant sources and often do not verify or fact-check the information they present. “There are cases when the information is published as soon as it is received from a source,” said Ishkhanyan.*

sources. “If journalists are paid more, they will work better and will double-check information,” said Arshakyan.

In 2007, some media outlets came together to form a committee on ethical norms. However, as with previous efforts, this committee is not widely accepted and has limited enforcement mechanisms at its command—the committee can take actions only in regard to its members. While Armenia has no universally accepted code of ethics, many individual media outlets have such codes. In some cases, these are official and available in written form. In other cases, they are more or less verbal guidelines.

Journalists receive payments in exchange for certain types of coverage, and they usually share the compensation with the editor, much like a salesperson getting a commission from an advertising deal. “We also have to bear in mind that some journalists are on good terms with certain political or government figures, and treat them mildly in exchange for information they get from them on a regular basis. I would also consider this as taking bribes,” Harutyunyan said.

As in previous MSI studies, journalists, editors, and owners continued the practice of self-censorship, which pervades all levels. Additionally, journalists generally shy away from coverage of key events and issues that are taboo. These issues include security issues of local and international concern; the Nagorno-Karabakh issue; and the dealings by business oligarchs, particularly if a media outlet is a beneficiary of advertising from one of that oligarch’s companies.

The panelists agreed that the pay level for journalists and other media professionals is not sufficiently high to discourage corruption. Some television reporters receive salaries lower than those of print reporters, which is contrary to usual expectations, and panelists said that print reporters’ salaries are too low in proportion to the amount of work they do. The difference between public and private media pay levels is not striking. In fact, again contrary to what might be expected of the well-funded public media, private sector wages are actually slightly higher on average. However, there is generally a difference between print and broadcast media salaries in favor of the broadcast. As mentioned

## 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).

*“There are many newspapers that cannot afford to hire a photojournalist and therefore they use the content of Photolur agency. Newspapers prefer more or less low-quality photos with lower prices than hiring a photojournalist,” said Hayrapetyan.*

previously, journalists do sell favorable articles to politicians and businesspeople (or refrain from coverage of certain issues or people) to augment their income as well as that of their managers or media outlet.

To some extent, entertainment programs do eclipse news and information programming. Panelists said that they feel that this is a growing trend, and that people have started losing interest in information programs and news in general. However, in the regions, the picture is slightly different: “Local news takes actually a lot more space than entertaining programs,” said Ashot Khandanyan, president of Kyavar TV. “People watch regional channels to get local news, rather than for some entertaining programs,” concurred Arshakyan. However, Khandanyan noted that entertainment programming sells more advertising than the news. In the absence of an in-depth study to support these observations, panelists noted, a comparative examination of the television-programming guide from seven years ago with one from today is all that is needed.

Technical equipment and facilities differ greatly from outlet to outlet and from Yerevan, the capital, to the regions. For example, Armenia TV and Armenian public television, as well as Yerkir Media TV stations, are well equipped. However, in the regions, they use what they have (from grants, scarce resources, obsolete equipment), and the whole news production chain (gathering, producing and distribution) still needs aid. The quality of journalism, however, is not directly impacted by scarce resources: good journalism sometimes comes out of impoverished regional outlets, and well-equipped newsrooms do not always produce quality news.

High-quality printing presses are available in Yerevan but not in the regions.

The panelists’ optimism continued to rise in terms of niche reporting, and they agreed that it exists today, although it needs to be developed even further both in terms of quality and quantity. The panelists agreed that for quality investigative journalism to exist in Armenia, enthusiastic and committed journalists are needed, given that there is not much money

in this field. The most critical element to positively impact investigative reporting would be media outlets becoming more willing to air and publish investigative content.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Armenia Objective Score: 1.89

Panelists said that little has changed regarding plurality of news sources, and the scores in this objective showed only a slight increase. In particular, panelists said that they still feel as though state media do not reflect the whole political spectrum, and they gave a score more than a point lower than the overall average to Indicator 3. On the other hand, they appreciated the work of private, independent news agencies and returned a score roughly a point higher than the average for Indicator 4.

The panelists agreed that although Yerevan residents have multiple sources of either local or international information, the same is not true about villages and smaller towns. Newspapers are generally affordable, and people buy newspapers when there is certain tension on the political or social stages. Otherwise, people have little interest in buying newspapers. The situation in the regional centers is different, panelists said; newspapers will sell out if the information is important. In general, television is the main source of news. The Internet is becoming increasingly popular as a source of news during important events such as elections.

In small towns, typically one person buys a newspaper that gets passed around, so everyone can read it. Although

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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



newspapers prices are not high, Anahit Hayrapetyan noted, "To have a more or less objective picture, people have to buy four to five newspapers at once." Therefore, it might become a bit expensive for a regional resident to spend 500 to 600 drams [around \$2] on a daily basis. Outside of cities and small towns, panelists reported that print media is rare.

Television is a vibrant medium in Armenia. There are dozens of stations, both local and national. Yerevan is home to 12 private stations, four of which also have national coverage. There are also two public television channels with national coverage. A public local station exists in Gyumri. About 25 other stations operate locally outside of Yerevan, some of them affiliated with small networks based in Yerevan.

"There are enough news sources in Yerevan for people to be able to compare. Yet, for example, in Garni, people can watch only Armenian Public Television, and thus have no idea what else is going on in the country," said Mary Harutyunyan, marketing director for Hrazdan TV, Radio Hay Hrazdan, and *Hrazdan Newspaper*.

The creation of the Hay radio network was reported in last year's MSI study. It has grown to its target of 20 affiliate stations. Each station broadcasts the same content, but some local stations also have their own local programming but in a format compatible with Hay's sound. Each affiliate carries network ads and their own local ads.

Regarding Internet access, the situation is more or less favorable in Yerevan, while access in the regions remains poor. Text-message news alerts are non-existent in the country, and while blogs and news sources exist on the Internet, they are not widely used by the population in Armenia because of the poor quality of Internet access.

There are seldom cases in which the government directly restricts citizens' access to media. Except for Russian newspapers, foreign newspapers are not sold widely and can typically be found only in select places where the Diaspora and the expatriate community meet. Otherwise, there are no formal restrictions. "The only case [of government interference] I remember was the case with NTV," said Satyan.<sup>1</sup>

Public media do not reflect the views of the political spectrum, are partisan, and do not serve the public interest. The exception was the parliamentary pre-election campaign period. However, most observers believed that this was a result of temporary factors: election laws that required equal coverage during the election period; and the international attention and

<sup>1</sup> The Russian NTV channel was taken off the air ostensibly for technical reasons in 2003 prior to the presidential elections; it was then turned on again before being shut down altogether. After remaining unused for months, the frequency formerly used by NTV is currently broadcasting the Russian channel, Kultura.

*Although newspapers prices are not high, Anahit Hayrapetyan noted, "To have a more or less objective picture, people have to buy four to five newspapers at once." Therefore, it might become a bit expensive for a regional resident to spend 500 to 600 drams [around \$2] on a daily basis.*

monitoring of Armenia's media sector in general, and public media in particular, during the election period.

News agencies seem to be the only sphere in which media institutions are not so dependent on a particular power. However, as noted by Harutyunyan, "News agencies are on the verge of extinction as a kind of media outlet. Many newspapers have started finding the information they need [on their own]. As a result...the functions of news agencies becomes weaker."

Armenia has news agencies that specialize in certain type of news, e.g. economic news, international news, photo news reporting, etc., and the prices are affordable.

"There are many newspapers that cannot afford to hire a photojournalist and therefore they use the content of Photolur agency. Newspapers prefer more or less low-quality photos with lower prices than hiring a photojournalist," said Hayrapetyan.

Media outlets use the services of international agencies if necessary. However, the subscription to such agencies is quite expensive, so they resort to barter or they re-air original satellite broadcasts.

Independent print and broadcast media produce their own news stories and programming. "We, as a regional outlet, produce the local part of news program but take the national news from national television channels," said Mary Harutyunyan.

The panelists have always found it hard to tell whether the transparency of media ownership allows consumers to judge the objectivity of news, since by the very nature of their profession, media professionals know who the real owners are. However, most of the time, to a regular consumer, ownership is unclear; thus, they cannot judge the objectivity of news. "There are no particular laws that govern the disclosure of media ownership. But on the other hand, there is freedom of information," said Ishkhanyan.

*Market research is used to formulate strategic plans, enhance ad revenue, and tailor the product to the needs and interests of the audience; however, the level of research varies from media outlet to media outlet.*

For example, according to the Law on Radio and Television, one entity cannot own more than one television channel; by the same token, a political party or a religious institution cannot own a television channel. However, it is generally accepted that Armenia TV, Arm News (the local affiliate of Euronews), the station broadcasting CNN locally, and TV5 all belong to the same people, although the individual channels have been registered under different formal names. Hayrenik TV and AR TV belong to one person but are registered under different names; Yerkir Media TV belongs to the Armenian Revolutionary Federation party; and ALM belongs to Tigran Karapetyan, who is the leader of the People's party. The panelists stated that the owners greatly interfere with media management and editorial content.

As for foreign investment, with the exception of one example (Armenia TV, whose co-owner is Diaspora Armenian), there is no other significant foreign investment in media in Armenia. "In terms of the technical quality, foreign investment definitely has good influence," said Satyan. However, other panelists did not agree, stating that foreign investment, which is not market-driven but more like grants, creates an unhealthy competitive atmosphere.

There is a certain resistance to include a variety of social issues in the media, and there are issues that media tend to shy away from covering.<sup>2</sup> "The main pressure comes from the government. Both business circles and editorial management depend on the government," said Ishkhanyan.

Minority-language media are allowed by law, but their number is limited. The Greek, Georgian, and Kurdish communities in Armenia are known to publish periodicals, and there are a few publications in Russian produced in Armenia. Normally, such newspapers are not sold but distributed to the members of a certain community. Broad social interests are not represented in mainstream media outlets. The media are very weak from that standpoint.

<sup>2</sup> For example, the Armenian Copper Program, with approval from Armenia's Ministry of Nature Protection, plans to clear-cut more than 1,500 acres of Teghut's forest in order to establish an open pit strip mining operation for copper and molybdenum ore.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Armenia Objective Score: 1.31

All indicators scored relatively close to the overall objective average, with one exception. Panelists gave a score more than a point higher to Indicator 5, government subsidy of private media. The two indicators finishing worst, although not far behind the average, were indicators 6 and 7, market research and measurement of audience and circulation.

"I don't know any newspaper in Armenia that would be self-sustainable," said Ishkhanyan. The majority of the panelists agreed with this statement, making a possible exception for television listings magazines. On the other hand, most of the television companies, especially in the capital, are well-managed businesses today. This is due mostly to the introduction of internationally accepted ratings research in 2005. Prior to 2005, the advertising market was around \$4 million, and since the introduction of diary panels and subsequent peoplemeter technology by AGB Nielsen in 2006, Armenia's advertising market increased to an estimated \$45 million.

Printing houses are now not subsidized by the state, and most of them operate as profit-making businesses. Printing is often obstructive to the work of regional media, as there are printing facilities only in Yerevan, Gyumri, and Vanadzor. Distribution networks are private but function ineffectively.

Media outlets have various sources of financing. Subsidies are only for print, particularly regional, and comprise a very small portion of the total revenues. "In our

### 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.

newspaper, advertising constitutes more a proportion of the total revenue than subscriptions,” said Satyan of *Novoye Vremya* newspaper in Yerevan. “We do not use advertising agencies unless they are interested in us,” said Karen Arshakyan, summing up relations between media outlets and such agencies.

Quality broadcast advertising is not well developed in Armenia. “If we analyze the situation around us, every large company has chosen or founded an advertising agency that manages its advertising budget,” said Harutyunyan. All panelists agreed that the volume of ads has been increasing and they take a great portion of broadcast programming time. However, Armenian law limits advertising to no more than 10 minutes per hour and advertising breaks should be at least 20 minutes apart.

For print media, ad revenue as a percentage of total revenue is not in line with accepted international standards. Advertisers are reluctant to place ads with low-circulation newspapers. Furthermore, many newspapers receive political patronage and do not make major efforts to increase circulation or increase advertising sales. In the television industry, however, advertising is often the most important source of revenue, and the proportion with other sources is in line with international standards.

Market research is used to formulate strategic plans, enhance ad revenue, and tailor the product to the needs and interests of the audience; however, the level of research varies from media outlet to media outlet. Market research for regional television and radio outlets is abundant and includes individual focus groups for selected regional outlets. The research has greatly helped the management of those outlets to formulate strategic plans, enhance ad revenue, and tailor the product to the needs and interests of the audience. Print research is also underway.

AGB Nielsen, one of the world’s leaders in television audience measurement, is measuring Yerevan’s television audience through high-technology peplemeters. “Both television companies and advertisers/advertising agencies buy the ratings provided by AGB Nielsen,” said Harutyunyan. The ratings data are commercially sold only to a limited number of clients, e.g. ad agencies, advertisers, and Yerevan television outlets. Targeted regional broadcast research is conducted every six months for regional radio and television stations, and is publicly available. With regard to newspaper circulation, no audit bureau of circulation exists to certify circulation numbers, and many publishers make claims that few believe.

*“It’s not that easy to become a member of a professional association, but they [potential members] surely don’t line up to join those, either,” said Aram Mkrtychyan.*

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Armenia Objective Score: 2.23

This objective received a significant increase compared to previous years. Indicator 1, trade associations, was still the lowest scoring indicator at about three-quarters of a point lower than the average, but it received a much higher score than in previous years, simply because a trade association has been founded. Other indicators improved as well, and the highest score went to Indicator 5, short-term training opportunities.

Previously in Armenia, no trade association existed, but this year’s panel discovered that an association of mass media, the All-Armenian Mass Media Association, has formed. Its publicized goal is to unite media organizations and protect members’ rights. Because the association is new, said Harutyunyan, panelists “can’t highly rate its work so far... the [media] field is so separated, divided, disconnected, that just to bring them together is a serious challenge and is quite difficult.”

The situation with the professional associations has remained static: there are around 15 such associations, but the provision of legal services and assistance is still quite poor. They are engaged mostly in lobbying.

“It’s not that easy to become a member of such an association, but they [potential members] surely don’t line up to join those, either,” said Aram Mkrtychyan, the director of Radio Hay. Hayrapetyan added, “There also exists the Association of Photographers, but it’s more of a joke than association.”

The Yerevan Press Club is an example of an active professional associations, but panelists said that most associations do not do significant work unless they receive a grant. The panelists did agree that these organizations promote journalism to the public in a positive way, to some extent. They do whatever they can, and they try to assist journalists.

Armenia does have NGOs that support free speech and independent media. They are involved in reviewing legislative changes regarding the media. Among the most active

*Print distribution is problematic. Companies do not operate efficiently and they often are very slow in remitting funds for sold copies to the publishers.*

organizations are the Freedom of Information Act organization, and Asparez in Gyumri. "They regularly 'terrorize' state bodies by taking them to court," said Mkrtychyan.

The situation regarding journalism degree programs has not changed from previous years: Armenia still has no programs offering quality journalism degrees and practical experience. "I'm also a professor at one of the universities, teaching to both bachelor and graduate degree students, and the situation is awful," said Harutyunyan. "I don't remember a single case at our outlet when we would take a newly graduated student from a university, train him for two weeks, three weeks, [or] a month, and he/she could start producing decent, publishable content."

All of the panelists agreed that there is a huge surplus of students, since almost every university, be it a state or private, feels obliged to have a journalism department. "People don't realize how serious it is to be a journalist, and for them, journalism is just something fancy and prestigious," said Satyan.

Short-term training programs allow journalists to upgrade or acquire new skills, are free of charge, and are set up by international media organizations. USAID supports several programs that provide ongoing training opportunities for practicing media professionals in the editorial, advertising,

marketing, programming, and business management fields. The British Council also provides training opportunities for practicing journalists.

As for management's attitude towards letting staff take part in those trainings, Satyan said, "It is very hard to afford to send a reporter to an all-day training, and several days in a row, since every reporter counts at our outlet."

Printing facilities and sources of newsprint are in private hands. However, this does not mitigate pressure being brought to bear on media. "As a person who has been working in this sphere, I can say that in recent years, there have been indirect—and sometimes even direct—pressure attempts," said Harutyunyan, "Under the guise of inspection, they come and check out what we print, and ask, 'You guys aren't printing this or that, are you?'"

However, the other panelists agreed that anyone who wishes to print something can print it.

Print distribution is problematic. Companies do not operate efficiently and they often are very slow in remitting funds for sold copies to the publishers. The leading and largest distribution agency was recently sold from one private owner to another, who is said to be closer to the government. Panelists were somewhat anxious that this might translate into a source of pressure on critical media in the future. For now, distribution and kiosks have not been politically discriminatory in their operations.

Transmitter towers belong to the state, although access to them is not denied to critical broadcasters.

The state does not control access to the Internet, and 2007 saw a positive step: According to a Commission for Public Services of Armenia decision, ArmenTel's monopoly on transfer of Internet data and international services for voice transmission was abolished on October 1.

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

##### SUPPORTING INSTITUTIONS INDICATORS:

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

---

---

## List of Panel Participants

**Mary Harutyunyan**, marketing director, Hrazdan TV, Radio Hay Hrazdan and *Hrazdan* Newspaper, Hrazdan

**Karen Arshakyan**, president and chief editor, Fortuna TV, Stepanavan

**Tigran Harutyunyan**, president, *Noyan Tapan* (News Agency, Ad Agency, Printing and Publishing House, Newspaper), Yerevan

**Anna Satyan**, reporter, *Novoye Vremya* Newspaper, Yerevan

**Aram Mkrtchyan**, director, Radio Hay, Yerevan

**Arevhat Amiryan**, editor-in-chief, *Vorotan* Newspaper, Sisian  
Ashot Khandanyan, president, Kyavar TV, Kyavar

**Anahit Hayrapetyan**, photojournalist, *ArmeniaNow*, Yerevan

**Avetik Ishkhanyan**, editor-in-chief, *Ditord* Magazine,  
chairman, The Armenian Helsinki Committee, Yerevan

**Samvel Aleksanyan**, editor-in-chief, *Syunyac Yerkir*  
Newspaper, Kapan

## Moderator and Author:

**Artashes Parsadanyan**, deputy chief of party, IREX Core Media  
Support Program for Armenia, Yerevan

---

---

*At this point, the government's focus is on the print media because that is the only sector that is not directly or indirectly controlled by the establishment. Defamation, libel, and slander are all crimes that still are adjudicated under the penal code in Azerbaijan. The government is reluctant to change the laws for "fear that the journalists will run amok" and that they do not know the difference between reporting the facts and prevarication or fabrication.*



## AZERBAIJAN

“And then there were none.” Of course, that is an exaggeration of the plight of opposition and independent journalists in Azerbaijan, but no less an exaggeration than the charges brought against them by the ruling party’s establishment. Although President Aliyev has prohibited members of his government from initiating litigation against reporters, that does not preclude the government from employing stalking horses to do their bidding. Members of the vast, pervasive police force set traps for journalists. Opposition newspaper offices frequently find themselves forcibly closed.

At this point, the government’s focus is on the print media because that is the only sector that is not directly or indirectly controlled by the establishment. Defamation, libel, and slander are all crimes that still are adjudicated under the penal code in Azerbaijan. The government is reluctant to change the laws for “fear that the journalists will run amok” and that they do not know the difference between reporting the facts and prevarication or fabrication. There may be some truth to that assumption, however, based on the results of the MSI survey.

The opposition press is not totally without culpability. It does tend to fill its pages with egregious statements where one might find a thread of truth but seldom a balance, and usually a mix of editorial comments with innuendo and then a damning conclusion.

Eight journalists were imprisoned during the 2007 calendar year on charges ranging from defaming Islam to inciting cultural hatred to hooliganism. In one case, the 120-pound editor of *Azadliq* was convicted of beating up a 200-pound police associate. However, the indictments and jailings are all one-sided. None of the journalists charged reports for a government-sponsored newspaper, despite the equivalent offenses being made in those outlets. All of those imprisoned worked for what is euphemistically called the “independent” press. But in Azerbaijan, if one is not part of the establishment, then one is against it and thus is a threat.

The overall score for Azerbaijan changed little this year. It still reflects an “unsustainable mixed system” with significant elements unfriendly to the free operation of the media.

# AZERBAIJAN AT A GLANCE

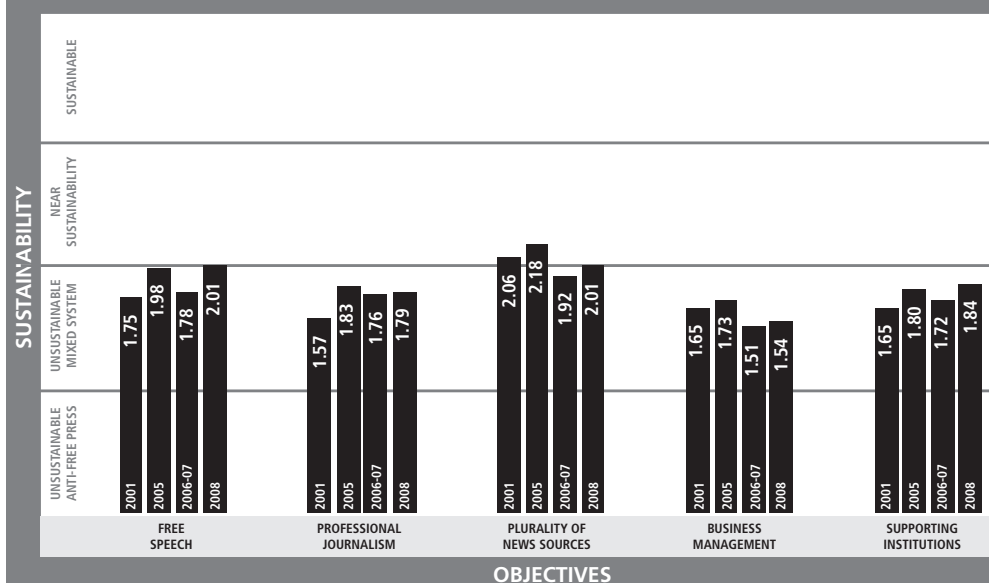
## GENERAL

- > **Population:** 8,120,247 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Baku
- > **Ethnic groups (% of population):** Azeri 90.6%, Dagestani 2.2%, Russian 1.8%, Armenian 1.5%, other 3.9% (1999 census, *CIA World Factbook*)
- > **Religions (% of population):** Muslim 93.4%, Russian Orthodox 2.5%, Armenian Orthodox 2.3%, other 1.8% (1995 est., *CIA World Factbook*)
- > **Languages (% of population):** Azerbaijani (Azeri) 90.3%, Lezgi 2.2%, Russian 1.8%, Armenian 1.5%, other 3.3%, unspecified 1% (1999 census (*CIA World Factbook*))
- > **GNI (2006-Atlas):** \$15.71 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$5,960 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 98.8% (male 99.5%, female 98.2%) (1999 census, *CIA World Factbook*)
- > **President or top authority:** President Ilham Aliyev (since October 31, 2003)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 32 dailies, 43 weeklies, 85 monthlies; Radio: 10 AM, 17 FM; Television stations: 17 (7 in Baku, 10 regional), but two more are approved in the regions
- > **Newspaper circulation statistics:** Most widely read publication is *Azadliq*, the party organ of the Popular Front Party which is oppositional
- > **Broadcast ratings:** Azad TV (entertainment), ANS-TV (news), AZTV (state-owned) (AGB/Nielsen, SIAR)
- > **News agencies:** Turan, Trend, APA, and Day.Az. Day.Az is the mostly widely read of the group perhaps because it is a free service, while both Turan and Trend are subscription based. The government has its own service called AzerTag.
- > **Annual advertising revenue in media sector:** TV: \$30 million (2004 est.). Newspaper: Approx. \$500,000. Radio: Minor.
- > **Internet usage:** Approximately 8% or 700,000, most in Baku

## MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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



## OBJECTIVE 1: FREEDOM OF SPEECH

### Azerbaijan Objective Score: 2.01

Although the laws of Azerbaijan proclaim that speech is free, it appears that the consequences of speaking openly in the press are very costly. As the presidential elections draw nearer, free speech could become even more precious—so much so that the panel chose to evade the topic completely, focusing more on the court system and its impunity in dealing with the journalists who have been arrested, indicted, and, in some cases, sentenced all in one day. According to Rashid Hajili of the Media Rights Institute, “There are no regulations or court system that defend public dignity and support normal freedom of speech.”

In short, criticism is not tolerated, either by the administration or those who support it, and there is little question as to which way the scales of justice will be tipped when an action is brought to trial. This was best explained by Alesger Mammadli, an IREX attorney, when he said, “The supreme branches of the government make regulations according to their own ideas, but they basically ignore the expectations of the society. In fact, our courts are supposed to use European laws, but again, they never obey them in practice.”

None of the panelists could recall any incident in which a crime against a journalist, other than those who work for official outlets, has ever been brought before the courts. On the other hand, there have been instances of beatings and intimidation by “private parties” against members of the opposition media. The assassination of Elmar Huseynov still remains unsolved, as do the beatings of various reporters from *Azadliq* and *Yeni Musavat*, both opposition newspapers.

Azerbaijan continues to be condemned by Western diplomats for retaining libel and slander as crimes punishable under the penal code, yet the government refuses to consider making them matters for civil courts. Officials justify the policy as a deterrent to journalists running amok, yet it is not serving as a deterrent now: even with the threat of imprisonment, journalists are still frequently charged with the crime of libel. Perhaps this is because libel has a different meaning in Azerbaijan, and only those in authority have the ability to discern libel from editorial comment.

Licensing of broadcasting facilities is not a significant issue in Azerbaijan, given that the regulatory body does not have control of the spectrum. Control rests in the hands of the Frequency Commission, which is supposed to provide the National Television and Radio Council (NTRC) with a list of available frequencies each year but seems loath to do so. In the past year, only two television licenses have been granted,

*Officially, all citizens of Azerbaijan have access to information. Realistically, not all citizens enjoy access. Furthermore, it is apparent that not all government agencies are aware of their obligation to provide information.*

even though the spectrum has vast room for expansion, especially in radio. NTRC announces tenders in a whisper, and only a chosen few hear it. Ownership of broadcast licenses, for the most part, remains an enigma.

Taxes in Azerbaijan are problematic, but it is the Ministry of Taxes, not the tax system, that warrants examination. The administration uses the ministry as an enforcer; even if the entity being examined runs a flawless operation, the intimidation that the tax officials bring with them is enough to still the most strident voice among the opposition.

Officially, all citizens of Azerbaijan have access to information. Realistically, not all citizens enjoy access. Furthermore, it is apparent that not all government agencies are aware of their obligation to provide information. The opposition media have difficulty getting the information they require to inform their readership.

## 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.

*Politics is the most discussed topic in the media. However, according to Rovshan Hajiyev editor of Azadliq, "The media does not reflect any political views. The media itself is a political view." None of the other panelists disagreed.*

At this point, there is no legal prohibition on receiving information from foreign sources. However, within the past year, the authorities have restricted programming from broadcasters such as the BBC that were critical of the administration.

Azerbaijan law also has no restrictions on joining the journalism profession.

**OBJECTIVE 2: PROFESSIONAL JOURNALISM**

**Azerbaijan Objective Score: 1.79**

The panelists conceded that very few Azerbaijani journalists adhere to an ethical approach to reporting, and instead make up the facts as they go along. On the question of whether journalists follow ethical standards, the panel's response is best summed up by Mammadli, who said, "I would say yes, but not completely." Second sourcing is rare because of the time that would be involved for the beleaguered correspondent.

Censorship is not imposed by the authorities, because it has no need to do so. As one of the publishers of the primary Russian language daily told a delegation from the U.S. State Department recently, "There is a line we do not cross if we wish to survive."

Panelists said that primary news events are covered, but the information in news articles may vary, depending upon the political orientation of the media outlet.

Journalists, especially those in the print media, are among those at the bottom end of the pay scales in Azerbaijan. Newspapers are understaffed and their journalists are overworked. According to Sanan Rzayev, correspondent with *Echo*, "I know a newspaper which publishes eight pages a day, but it has just five people in its staff. There is not enough money in media in order to make progress and professionalize."

The capital city of Baku is the center of media in Azerbaijan. Most of the newspapers are printed in Baku and distributed

throughout the regions, often arriving days later and long after the news has been provided via the Baku-based television stations. There is no comparison between the facilities of the Baku stations and those in the regions, except for a newly reopened broadcaster in the tiny city of Xhamaz that has some questionable ownership and a facility estimated to cost several hundreds of thousands of dollars.

Radio is an ignored medium. The NTRC is unwilling to consider the establishment of regional radio, even though the spectrum is vacant for the most part. The NTRC contends that the stations would not be viable financially, even though international NGOs have presented the commission with facts that prove the contrary.

The time dedicated to television entertainment reports does not eclipse news reporting. But the Baku-based stations seem to have more interest in developing the sets for the news program than in the actual presentation of the information. If the same investment were made on developing the staff as building the anchor's desk, the quality would be vastly improved.

Politics is the most discussed topic in the media. However, according to Rovshan Hajiyev editor of *Azadliq*, "The media does not reflect any political views. The media itself is a political view." None of the other panelists disagreed.

The television stations each produce their own news programs, yet there is a similarity among them all. Items of constant interest usually revolve around the status of Nagarno-Karabakh and the comings and goings of the president of Azerbaijan. The program that is considered to be the least biased is aired on the station Ictimayi. This program

**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).

is one of the very few where all segments of the political spectrum participate.

Investigative reporting is a never-learned art. The opposition papers do not investigate; they merely print rumors or innuendo. Broadcasters are controlled by the authorities or owned by friends of the ruling party, and thus anything that would shed a negative light on the establishment is verboten.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Azerbaijan Objective Score: 2.01

The primary source of information in Azerbaijan is television, which is controlled either by owners who have allegiance to the establishment or by the local authorities. Newspaper distribution has improved over the past couple of years, primarily due to international assistance for the Gaya Distributing Company. But even this improvement is in jeopardy, now that the two government controlled distributors, Gasid and Azermetbuatyayim, have been “privatized.” These are now under the control of an organization called Caspi that is owned by Ali Hasanov of the presidential apparatus. Circulation of newspapers is diminishing precipitously.

The Internet is a secondary news source, mainly because access is limited, especially in the regions. But even given its limitations, the authorities are taking steps to control content on the Web. As an example, in the beginning of the year, when the electric company tripled its rates, a young man

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

#### PLURALITY OF NEWS SOURCES INDICATORS:

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

*If political programming can be regarded as involving social interests, then Azerbaijan has more than its fair share. But, aside from the occasional program about the displaced persons and their plight, which in essence is political, little programming is available that reflects the social conditions of the country.*

complained on his blog and within three days he was arrested for “resisting the authorities.”

Citizens have many alternative sources of information from places other than Azerbaijan. The BBC has a radio frequency in the country, as does Radio Liberty. Satellite dishes abound in the country and the programming fare is nearly limitless.

Several news agencies operate in Baku. Most toe the line of the establishment, and those that do not are not given access to government functions. Reliability of national news is somewhat suspect, especially among those that adhere to the policies of the current government.

Aside from ANS-TV and some of the regional broadcasters, whose ownership is quite clear, the rest of the Baku stations, those in Lenkeran, and the Xhamaz station are puzzles. Rumors abound as to who owns what, but it is certain that a given station does not operate without some connection to the powers that be.

If political programming can be regarded as involving social interests, then Azerbaijan has more than its fair share. But, aside from the occasional program about the displaced persons and their plight, which in essence is political, little programming is available that reflects the social conditions of the country.

### OBJECTIVE 4: BUSINESS MANAGEMENT

#### Azerbaijan Objective Score: 1.54

Within the media are “haves” and “have nots.” Newspapers definitely fall within the latter category: few of the Azerbaijan newspapers are profitable. Most operate as subsistence businesses. Advertising revenue in print decreases as the circulation drops. Television stations, especially those that operate in Baku and have national licenses, draw the lion’s share of the advertising revenue, estimated to range

*Commercials are the main source of income for the broadcasters, but some also rely on support from grants and "other" sources. Revenue is rumored to be controlled by the administration, and the rumors must have some credibility, as most of the major advertisers (especially the very competitive banking industry) are connected to the government.*

near the \$30 million level. Most broadcasters outside of Baku are far from breaking even.

But no matter how successful the operator, independence in editorial policy still remains a distant goal. ANS-TV, long viewed as the most independent broadcaster in the country, was closed for a short period when it became a bit too vocal. Of course, that was not the reason given for the closure; instead, the license was suspended for airing commercials beyond the 15 percent limitation, an infraction that is prevalent among the capital city broadcasters.

As for distribution companies, Gaya Distributing should be an example to all. The ownership is meticulous in its record-keeping, and the efficiency of the operation has been a boon to the newspaper industry. Due to its business practices, Gaya does not require huge print runs and it pays the publishers quickly.

#### 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.

Commercials are the main source of income for the broadcasters, but some also rely on support from grants and "other" sources. Revenue is rumored to be controlled by the administration, and the rumors must have some credibility, as most of the major advertisers (especially the very competitive banking industry) are connected to the government.

The major international advertising agencies have resident agents in Baku. But for the most part, they rely upon the Baku stations to advertise their clients' wares and services. AGB/Nielsen, the international ratings service, is working in Azerbaijan with its peplemeters and quarterly diaries. At present, the company restricts its polling to Baku and Ganja, the second largest city of Azerbaijan, but it is in the midst of expanding operations to include four other regions. As far as can be determined, the real strategies come from the resident advertising agencies, not from the broadcasters. They would rather argue that AGB/Nielsen has been bought off by their competition.

Television can be said to reflect the normal ratios of advertising revenue, but print revenue has decreased significantly from the heyday of the late 1990s. Probably only one paper in the country has the 70/30 split that is considered appropriate. "The development of media depends on social and economic freedoms," Hajiyev said. "Unfortunately, we do not have them."

There are no specific subsidies for the media, but given that the advertising market is somewhat controlled, the word "subsidy" could be considered to have a different definition in Azerbaijan.

#### OBJECTIVE 5: SUPPORTING INSTITUTIONS

#### Azerbaijan Objective Score: 1.84

The indicator regarding trade associations received the absolute lowest grade of the MSI, reflecting their levels of effectiveness and activity.

Few organizations in Azerbaijan are willing to defend journalists in their battles with the courts. The Institute for Reporters' Freedom and Safety is vocal, but powerless in itself. The Media Rights Institute is in the vanguard, appearing before the judiciary in most of the cases. But to date, the institute has had limited success, even when the defense presents irrefutable testimony and logic.

Journalism faculty in the state universities are mired in the theories of the Soviet era, and nothing has been done to modify or improve that situation. Various Western trainers have offered sporadic training, but the mainstream of the

journalists are untouched by progress. Journalists have been taught the basics and the “dos” and the “don’ts,” but their editors and publishers seem to be the obstruction to applying the ethics of journalism.

The State Customs Office controls the flow of newsprint, and the supply seems to become scarce for some of the newspapers, usually during election periods. The state also maintains the primary printing facility, but there is at least one privately-held company that services mostly the opposition press. Unfortunately, that press facility is in dire need of repair or, even better, replacement.

Newspaper kiosks have been known to be confiscated and not returned, as is the case with Gaya Distributing, even though the president of the country ordered their return on July 22, 2005.

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

##### SUPPORTING INSTITUTIONS INDICATORS:

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

## List of Panel Participants

**Farid Gahramanov**, correspondent, Turan News Agency, Baku

**Mahir Orujov**, owner and president, Gutb TV, Guba Region

**Rashid Hajily**, director, Media Rights Institute, Baku

**Khadija Ismailova**, Azerbaijani service correspondent, Radio Liberty, Baku

**Elishad Farzaliyev**, democratization assistant, OSCE, Baku

**Sanan Rzayev**, correspondent, *Echo* Newspaper, Baku

**Ilham Safarov**, director, Internews, Baku

**Gafar Jabiyev**, member, National Teleradio Council, Baku

**Tahir Mammadov**, head of the public affairs department, Public TV, Baku

**Rovshan Hajiyev**, editor, *Azadliq* Newspaper, Baku

**Emin Huseynov**, director, Reporters’ Freedom and Protection Institute, Baku

**Alesker Mammadli**, media lawyer, Baku

**Farman Nabiyeu**, editor, *Mingachevir Ishiglari* Newspaper, Mingachevir

## Moderator:

**Shahin Abbasov**, deputy chief of party, IREX, Baku

## Author:

**Shelly Markoff**, chief of party, IREX, Baku

---

*The state of emergency imposed temporary restrictions on mass gatherings and private broadcasters. Only Georgian Public Broadcasting was allowed to provide news coverage. Imedi TV was the first station to be closed after one of its owners said he would spare no resources to rid the country of President Saakashvili. The closure was characterized by police violence against the staff, witnesses said. Two other stations were closed the same evening.*



GEORGIA

Georgia's media sector has been affected greatly by the political and societal turmoil of the fall of 2007. On November 8, President Saakashvili announced that he would resign later that month, that snap presidential elections would be held on January 5, 2008, and that he would run for re-election. The decision followed a standoff between the government and the opposition that began when former defense minister Irakli Okruashvili accused Saakashvili of corruption and of suggesting an assassination of billionaire businessman—and political ally turned foe—Arkadi “Badri” Patarkatsishvili. Patarkatsishvili subsequently died of a heart attack on February 12, 2008. Two days later, Okruashvili was arrested on various corruption charges. Protest rallies spread throughout the country, leading up to a major demonstration on November 2 in Tbilisi, initiated by the opposition. After six days of protests, the government declared a state of emergency.

The state of emergency imposed temporary restrictions on mass gatherings and dissemination of information by private broadcasters. Only Georgian Public Broadcasting was allowed to provide news coverage. Imedi TV was the first station to be closed in the hours prior to the state of emergency, after Patarkatsishvili, one of its owners, stated that he would spare no resources to rid the country of President Saakashvili. The closure of Imedi was characterized by police violence against the staff inside and outside the station, according to witnesses. Two other television stations were closed the same evening.

Mass demonstrations in support of Imedi took place throughout the country, and in December, the government reversed its decision to close Imedi. However, the general prosecutor released covert recordings featuring Patarkatsishvili, then running as a presidential candidate, speaking to the head of the Interior Ministry's Special Operations Department about planning rallies on January 6 to protest the election results. On the tape, he offered money for neutralizing the interior minister during the demonstrations. Imedi staff temporarily suspended broadcasting in order to distance themselves from the imbroglio, now protesting the actions of Patarkatsishvili *and* the authorities.

Although restrictions did not apply to newspapers and online outlets, a few newspapers, uncertain whether the restrictions applied to them, chose not to publish. Some news agencies opened their websites for free public access, and use of online news sources drastically increased.

Meanwhile, the media scrambled to plan election coverage. Initiatives were launched, such as four television stations jointly commissioning exit polls. Internews Georgia and Civil.ge launched separate websites devoted to the elections. However, the opposition harshly criticized the media for favoring the authorities. Indeed, media monitoring during the campaign by OSCE showed a general lack of balance in the news coverage of presidential candidates.

# GEORGIA AT A GLANCE

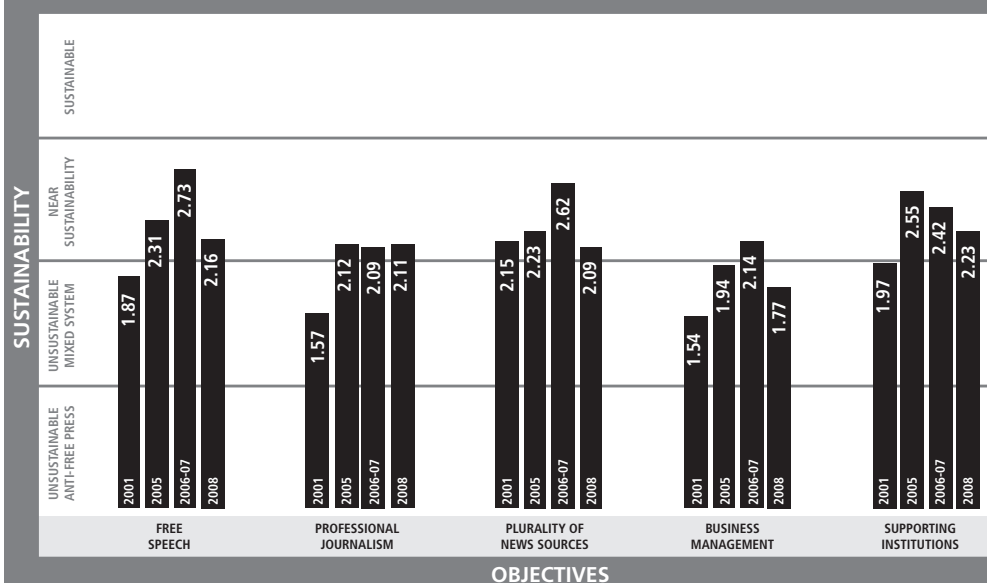
## GENERAL

- > **Population:** 4,646,003 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Tbilisi
- > **Ethnic groups (% of population):** Georgian 83.8%, Azeri 6.5%, Armenian 5.7%, Russian 1.5%, other 2.5% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Orthodox Christian 83.9%, Muslim 9.9%, Armenian-Gregorian 3.9%, Catholic 0.8%, other 0.8%, none 0.7% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Georgian 71% (official), Russian 9%, Armenian 7%, Azeri 6%, other 7%
- > **GNI (2006-Atlas):** \$6.938 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$3,690 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 100% (male 100%, female 100%) (2004 est., *CIA World Factbook*)
- > **President or top authority:** President Mikheil Saakashvili (since January 25, 2004);

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** 83 newspapers, 28 radio, 37 television ([www.media.ge](http://www.media.ge))
- > **Newspaper circulation statistics:** *Kviris Palitra* (50,000 weekly circulation), *Rezonansi* (42,000 weekly circulation), *24 Saati* (35,000 weekly circulation) (Sources: individual newspaper claims)
- > **Broadcast ratings:** highest rated television outlets in Tbilisi: Imedi (29.54%), Rustavi2 (27.42%), Mze (5.30%) (TV MR GE, Licensee of AGB Nielsen Media Research, January 2008)
- > **News agencies:** AP Bureau, Reuters Bureau, Black Sea Press, Novosti Gruzia, Sarke, Interpressnews, Infozavri, Iprinda, Kavkazpress, Media News, Prime News, Prime News Business, GBC News, GHN, France Press ([www.yellowpages.ge](http://www.yellowpages.ge))
- > **Annual advertising revenue in media sector:** For TV, approximately \$25 million (unknown for print and radio) (TV MR GE, Licensee of AGB Nielsen Media Research)
- > **Internet usage:** 332,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: GEORGIA



### 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.



These events added to the perception of media serving first as political actors and less as businesses and impartial providers of news. In comparison to last year, the overall MSI score dropped, reflecting lower scores for four of the five objectives. The drop is due largely to the events of the fall, according to panelists. Most objectives scored near the overall average, though Objective 4, Business Management, came in noticeably lower at 1.77. Only Objective 2, professional journalism, scored slightly higher in comparison to last year.

## OBJECTIVE 1: FREEDOM OF SPEECH

### Georgia Objective Score: 2.16

Legislation directly regulating the activities of the media in Georgia witnessed no change in 2007 and remained liberal and progressive yet poorly applied. However, according to the panelists, amendments introduced to other laws and some new laws enacted in 2007 allow limited freedom of speech and access to information. The events leading up to and surrounding the state of emergency further demonstrated a lack of proper enforcement and abuse of existing laws. This objective, therefore, decreased from last year's score of 2.73 to 2.16 this year. Although two indicators, covering access to international news by the media and registration of journalists, fared well (about a point higher than the average), many indicators were significantly below, led by those covering broadcast licensing and crimes against journalists.

While the General Administrative Code of Georgia secures freedom of information with only some exceptions, and makes all sessions of public institutions open, some policies violate these principles. For example, the tax code states that all information related to taxation is closed, with only a few exceptions; and the newly adopted Law on the Government of Georgia makes all government sessions closed. Amendments to the Organic Law of Georgia on Courts of General Jurisdiction banned photo and video shooting in courtrooms and buildings, despite an appeal by journalists urging a veto by the president. Journalists can now only attend the trials with audio recording, unless a judge rules otherwise.

Panelists agreed that the laws are poorly applied, and they discussed in particular the case of Imedi. According to Irakli Sharabidze, head of the legal department of Teleimedi Ltd., the police provided no warrant when entering Imedi to prove the legality of their actions. According to Civil.ge accounts and journalists' recollections, masked men burst into the rooms and studios of Imedi and forced journalists and others present, among them women and children, onto the ground at gunpoint, and some report being beaten. Police officers confiscated the staff's mobile phones then allowed them to

leave. Outside journalists were again attacked with batons, rubber bullets, and tear gas by special police. Many stated that they were injured and had to seek medical assistance. The court order on the seizure of Imedi property, dated November 7, was not provided to the company management until November 13.

On November 8, the broadcasting license of Teleimedi Ltd. was suspended for three months by the Georgian National Communications Commission (GNCC). The decisions of GNCC did not appear on the commission's website until November 16. One dated November 7 simultaneously warned and fined Imedi, and the other, dated November 8, suspended the license. The commission's decisions were based on the Article 56, p. 2 of the Georgian Law on Broadcasting that prohibits license holders from broadcasting programs that in any form contain appeals towards violence. According to GNCC, the statement of the television owner, Arkadi (Badri) Patarkatsishvili, aired by Imedi on November 7, contained obvious encouragements for further escalation of violence, and directly jeopardized constitutional order.

The sanctions were carried out with numerous procedural violations. Article 71 of the Georgian Law on Broadcasting states that first the commission has to provide a written warning, and in the case that a license holder fails to consider the warning in the set period, the commission can impose a fine, according to paragraph 2 of the same article. However, the commission issued two sanctions—a warning and a fine—in one simultaneous decision. Second,

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

### FREE-SPEECH INDICATORS:

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

the document set contradictory terms for fine payment. At one point, it obliged immediate payment, while elsewhere in the same document, it granted one month for payment. Third, the decision to suspend the license, according to the commission, was carried because Imedi failed to pay the fine immediately and because it repeatedly aired Patarkatsishvili's statement. However, as noted, the terms did not clearly state when the fine was to be paid, and given that Imedi TV was taken off the air by the authorities, it could not air the statement repeatedly.

Likewise, the police that closed of television Channel 25 in Batumi provided no warrant. The station was allowed back on the air after the state of emergency was lifted. "The press service of the Ajara Internal Affairs Administration informed me that the decision about letting us back on air was made by the Ministry of Internal Affairs of Georgia," said Merab Merkviladze, the channel's deputy director.

Kavkasia TV, also taken off the air by police on November 7, received no warrant. Company director Nino Jangirashvili said that when she referred to the Prime Minister and GNCC regarding the issue, she received a blank letter with the minister's signature as a reply from the cabinet while the commission replied that it did not issue any decision on license suspension.

Yet another concern of the panelists was access to public information, especially in the regions, despite provisions in the constitution and administrative code for access to public information. Individuals and press services responsible for providing public information either fail to do so on time or refuse to release the information, providing no written justification for their actions even when the information is envisaged for immediate release. Often journalists are not let in to public buildings. These cases mostly are not taken to court, given that the process consumes time and effort. With regard to obtaining public information, print media companies often complain that they are discriminated against versus broadcasters, while some broadcasters believe that they are selectively boycotted by different politicians who refuse to participate in their programs or provide them with comments.

Two cases illustrate the difficulties in access to public information. The newspaper *Khalkhis Gazeti* in Gori requested a draft budget for the Gori district at the beginning of 2007. After being refused the document, the paper had to go to court, and the draft budget was provided only after the Supreme Court ruled in favor of the newspaper. However, the paper received the document in October, after the budget had been long approved. In a similar case, the newspaper *Rezonansi* had to wait for more than a year

and for a court decision in order to receive information on tenders announced by the Tbilisi City municipality. The panelists expressed regret that no substantive legislative mechanism exists to penalize those who do not provide access to information.

Panelists assessed negatively the work of the GNCC. The main claims concerned licensing issues, access to information, and the commission's selective approach toward broadcasters. Panel participants considered the commission biased and influenced by the government. "If before November 7, the commission—at least for show—tried to keep independence and objectivity, after these events it completely lost face," Jangirashvili said.

According to the GNCC website, four new licenses were granted this year: one to Radio Muza; one to TV 33, which later rented out the license to the Ministry of Defense's television channel, Sakartvelo; one new license to radio Odishi in Samegrelo region; and one new license to radio Hereti, from Kakheti region.

The Hereti license became a sticking point. The station won a contest for the frequency in spring of 2007; nevertheless, the commission granted the license only on December 11, explaining the delay by the radio's supposed failure to pay a license fee of 20 percent by a deadline in May. Radio management claimed that the payment was made on time; the letter notifying the commission about the payment was sent in July, and all supporting documents were provided. The GNCC insisted that the radio provided the payment proof only at the beginning of December and during this time was broadcasting illegally without a license. The same day, the commission issued an order fining the radio.

The radio management alleges that the reason for the commission's grievances lay in the radio's coverage of political events. According to Hereti Director Ramaz Samkharadze, the radio provides balanced reports, allocating air to all voices and opinions. He indicated that a person affiliated with the ruling party threatened him, promising problems if the radio did not stop airing reports critical of the authorities.

Two community radio stations were established in Georgia's Kvemo Kartli and Javakheti regions (populated with Azeri and Armenian minorities, respectively) by the BBC World Service Trust and the local association Studio Re, with financial support from the European Commission and other donors. Studio Re referred to the commission three times with a request to announce a competition for community broadcasting licenses. The commission did not provide any clear response, leaving the project implementers uncertain with regard to the radio stations' possible future in terms of licensing. The competition still has not been announced

and today, both radios go on air through loudspeakers as an alternative to broadcasting.

Media are not unduly taxed compared to other industries, and do have some tax advantages. After tax benefits for print media expired on January 1, 2007, the only privilege for them remained an exemption from the 18 percent value added tax (VAT), with no specified period of time for this exemption. The print media mainly face one problem: difficulty or great delay in obtaining VAT refunds. In the past, some broadcast media encountered a different problem. The Georgian tax code does not envisage donations, so when broadcasters allocated obligatory free air time for pre-election political advertising, according to the tax code they still had to be charged with a profit tax. Today the issue can be regulated through requests to related ministries and their official decisions confirming exemption of broadcasters from the tax, but the panelists agreed that amendments to the tax code have to be enforced.

In addition to threats and beatings of journalists surrounding the November events in the capital, the year 2007 saw greater administrative attacks against media outlets. The problems included several media outlets being evicted from a state-owned building without legal procedures being followed. In one instance, at the publishing house Samshoblo, approximately 100 organizations, 15 newspapers, and two television stations were “illegally” occupying office spaces. The building was to be sold at auction and all tenants were asked to leave. Jangirashvili of Kavkasia TV said that she was provided no notice, and police removed equipment and furniture. When the property was returned, half of it was unusable. An official letter from the president offered TV Kavkasia reimbursement for 6 months of rent out of the Presidential Reserve Fund. TV Kavkasia did not accept the offer, considering it an inappropriate use of funds meant to be used in emergency situations, and Jangirashvili said that she believes that there was no reason for such a rushed eviction—the building is still sitting empty, awaiting a new owner.

Shortly after the Samshoblo eviction, on August 20 the Union of Journalists and its tenants, including *Akhali 7 Dge*, were evicted from a building in the historic part of Tbilisi. Khatuna Maisashvili, one of the founders and co-editor of the newspaper, was aware of the dispute between the Ministry of Economic Development and Union of Journalists and tried to find out how the problem may impact them. The Minister of the Judiciary and other officials assured her that the new owner of the building was obliged to follow the terms articulated in the newspaper’s contract with the Union of Journalists. However, this contract did not stop police from evicting the newspaper. Deprived of an office, the small newspaper has shut down.

Ia Mamaladze of the Georgian Regional Media Association said that central newspapers now better understand the problems of regional newspapers, after having faced similar humiliations. They now know how it feels when your work is not appreciated, she said.

During the November 7 events, a reporter of *Guria News* was severely beaten, but the case has not been investigated so far. While the public is outraged when journalists are abused, the Georgian media itself does not consider it necessary to discuss such cases. Mamaladze said that she is upset by the fact that information on beatings of regional journalists does not cause outrage in central media. Regional reporters feel unsafe and are not able to count even on solidarity of their colleagues from national media, according to Mamaladze. In regions, journalists are “absolutely unprotected,” she says.

When discussing if Georgian Public Broadcasting is given any privileges, Ia Bobokhidze, editor-in-chief of Kutaisi-based *Akhali Gazeti* said that some public officials readily participated in the programs of the public broadcaster, while they turn down requests from private televisions. Eliso Chapidze of the newspaper *Rezonansi* said that she had witnessed how some officials treat employees of the public broadcaster as public servants and not independent journalists. However, Tinatin Izoria, producer general of Georgian Public Radio, assured the panel that public radio enjoys a high degree of independence.

Paragraph 2 of Article 17 of the Law on Freedom of Speech and Expression, which entered into force in 2004, states that a court cannot demand an apology as a sanction in libel cases. The same law obliges a plaintiff, not a defendant, to prove the charges. However, courts mostly fail to properly apply this law as well as the others. Mamaladze, Chairman of the Georgian Regional Media Association (GRMA), recalled a recent case in which a judge sentenced *Guria News* newspaper to a public apology after a local government representative sued the paper for libel.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Georgia Objective Score: 2.11

When discussing the level of professionalism in Georgian media, panelists agreed that it remains generally low. Journalists exercise self-censorship and a commonly accepted and adhered ethics code is missing. Together with a low level of general and specialized skills across the profession, the indicator witnessed no real movement from last year, despite the good journalists and handful of good outlets that do exist. Only the indicator concerning modern equipment fared

much better than the average; those covering pay levels for journalists and self-censorship scored about a half point lower than the average.

Regarding whether the government interferes in the selection of quality journalists or the maintenance of professionalism, panelists referred to public statements made by the newly appointed prime minister. His criticism of some journalists was viewed by panelists as a sign of indirect pressure on the profession. Sharabidze said that efforts by some public bodies to lure journalists from private television companies by offering higher salaries and public jobs hurt the profession. Some complained about journalists combining their reporting jobs with positions at public institutions, thereby discrediting the profession. David Paitchadze of Tbilisi State University drew the panel's attention to the fact that some journalists once worked as public relations representatives for commercial entities, similarly damaging the perceived integrity of journalism.

Some panelists noted that there is an increase in attempts among journalists to represent all involved parties in their reports. However, the panelists also felt that this balance was a mere formality from the journalists' side and that it did not have a positive impact on the overall quality of their reports. Journalists do not double-check facts, and as a result, their reports do not reflect the reality in many cases.

According to Izenia, before November 7 the Georgian media were absolutely polarized. Only afterwards was there a recognition that they needed to keep a balance. The media became active players in the political standoff and abandoned their watchdog positions. Different politicians boycotted certain television channels. In October, 10 opposition parties

refused to participate in Rustavi 2's new political talk show until the ruling-party representatives stopped boycotting its rival, Imedi TV.

The Center for Social Sciences, Civic Development Institute, and GRMA, with funding from the European Union and Georgia office of the Eurasia Foundation, conducted a four-month-long media monitoring of selected news and analytical programs aired by the three major television channels (*Moambe* of Georgian Public Television, *Kurieri* and *P.S.* of Rustavi 2, and *Kronika* and *Droeba* of Imedi). Their research showed that representatives of different political parties selectively refuse to provide information to or participate in programs of certain media outlets. Those outlets often have to fill gaps with information generated from other available sources, which are not always reliable. Such reporting often leads to distortion of facts and incomplete reporting on issues.

Monitoring during the election period was conducted by one group set up by Adam Michnik of Poland's *Gazeta Wyborcza* (who had initially come to mediate the Imedi situation) and another set up by Open Society-Georgia Foundation (Media Center). They examined election coverage by key media. The monitoring results showed a general lack of balance in the news coverage of the presidential candidates in terms of devoted time. Some broadcasters allocated more coverage to the incumbent, Mikheil Saakashvili; some to opposition coalition leader, Levan Gechechiladze; and some to other candidates. Regarding the amount of political advertising, Mikheil Saakashvili was reported to be the leader.

The time when journalists were taking direct bribes has passed. However, other forms of corruption still exist. Panelists suspect that some subsidies in the television industry might qualify as signs of corruption, although the panelists could not contribute specific facts to the discussion. Also, as Maia Mikashvidze, dean of GIPA's Caucasus School of Journalism and Media Management pointed out, financial factors impact editorial decision-making, given that editors tend to lean towards their advertisers' interests.

Other aspects of ethical journalism are evolving. The Georgian Media Council, which was designed to serve as a media self-regulatory body with arbitration powers and as the main enforcer of a journalistic code of ethics, continued operations this year. The Council hears complaints about stories in the media and decides if the reporting violated ethics and standards.

Many panelists, however, expressed a lack of trust in the Council. It was not established as a result of media outlets deciding to unite, they said; rather, it was forced on the media by an influential NGO seen to be very close to the

## JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

### PROFESSIONAL JOURNALISM INDICATORS:

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

government. From the very beginning media professionals viewed the Council as a tool the government could use to punish “disobedient” journalists and media outlets. Last year, the panel reported a lack of independence and possible political interference in its review processes. This year, panelists reported, the Council was silent until the events of November, at which point it issued 12 recommendations to media outlets in order to induce them to provide objective and fair coverage of political events in the pre- and post-election periods. According to Zviad Koridze, the Council’s renewed activity coincided with the establishment of Adam Michnik’s monitoring group. Koridze thought that the Council’s work was meant to prevent the Michnik’s group from being the only observer of pre-election coverage.

Iliia Chavchavadze State University allocated funding to the Council to pay for software to monitor how four television channels (Mze, Rustavi 2, Imedi, and Georgian Public Television) followed the 12 recommendations. This sudden activity fueled suspicions, panelists reported, that the Council is influenced by the government. Panelists wondered why the Council remembered only then about the need to adhere to journalistic standards.

David Paitchadze, a board member for the Council, responded to the accusations of inactivity. According to him the Council was not active over the past year because the complaints they received were either outside scope of their mandate or were filed against media outlets that do not recognize the Council. Beyond that neither citizens nor the media had not sought the Council’s services.

Most panelists agreed that the Council is needed, but requires an overhaul in order to gain the trust of the profession. Panelists pointed to the general usefulness of its activities such as monitoring the media, and that the media itself should be funding the council’s operations. Referring to recent events, Kikalishvili of Rustavi 2 said “The media felt pressure from society. This trend should continue.”

In December, the GNCC gathered members of the broadcasting community to present the latest version of the Draft Code of Conduct for Broadcasters, a 22-page document setting professional standards and norms. As of this writing, the code remains as a draft.

The December meeting was the fourth attempt by GNCC to pass a code. In June, when yet one more public discussion was cancelled, GNCC accused the broadcasters of failing to submit their recommendations. During the panel discussion, Sharabidze, in turn, blamed the commission for pretending to involve the broadcasters in elaboration of the code and giving too-short notice to develop comments. According to Sharabidze, the GNCC does not consider the

recommendations put forward by broadcasters. Tamar Kordzaia of the Georgian Young Lawyers Association (GYLA) disagreed, noting that after GYLA had submitted comments on the very first draft of the code, GNCC considered all of them in the new version. According to Kordzaia, the fact that the code is still not approved indicates that the commission is willing to cooperate.

The problem remains that most media (with the exception of Georgian Public Broadcasting) do not have their own codes. Article 50 of the Georgian Law on Broadcasting obliges the commission to “draw up and pass as law the Code of Conduct for license holders.” Some panelists said that they consider the law a government attempt to regulate media. They insisted that to secure genuine self-regulation, separate media should combine their efforts in drafting a single code of conduct that includes common values.

Panelists agreed that self-censorship is still practiced, and its level did not decrease compared to previous years. However, they found it difficult to identify how self-censorship is manifested in practice. Some supposed that journalists acknowledge that the outlets for whom they work have informal policies, and that journalists are conscious of what issues they can cover and how they can frame the issues. Some attributed self-censorship to avoiding extra problems—a certain fear of causing the government’s discontent, losing professional contacts, and losing chances to be granted interviews. “Journalists want to secure ‘comfort’ and safety for themselves,” Paitchadze said.

Sharabidze named two major generators of self-censorship: a low level of professionalism and a weak job market. Average wages for journalists remain comparatively low and misbalanced between the broadcast and print media, especially in the regions. Georgia has only a few solvent outlets and journalists tend to try to retain their jobs there.

Bassa Janikashvili of Radio Utsnobi agreed that the root of the problem lies in the lack of professionalism. The government does exert pressure, as do media owners. But there are journalists who are not vulnerable to those pressures. Janikashvili believes that either they are marginalized as a result or they end up being unemployed. But they do prove that it is possible to allow neither government nor opposition, neither owners nor self-censorship, to destroy their professional integrity.

Certain topics, such as religion, the church, and minorities remain taboo for journalists. Tamar Kordzaia of GYLA recounted a case in which she was interviewed by a journalist about the privatization monitoring project that GYLA conducted. When she brought up the handing of certain property by the president to the Patriarchate as an example

of violation of the law on privatization, which prohibits giving away state property, the journalist asked her to choose some other case not related to the church.

Apart from taboo issues described above, journalists cover most major events. Different media outlets attach different levels of importance to them and frame them differently. Nonetheless, “each media outlet has its own list of untouchable topics. In the case of Rustavi 2 such a topic used to be, for example, the television’s ownership,” Kikalishvili said.

The number of entertainment programs has increased due to market demand, but the panelists said that they do not think that it trumps news programming. Head of the Radio Green Wave News Service Eka Pirtskhalava expressed disappointment that television offers no other types of programming except for entertainment, soap operas, and news, which is an indication not only of market demand but of journalists’ low level of professionalism.

The panelists assessed highly media’s technical resources, and noted improvements in terms of niche reporting. Specialized programs and newspaper supplements exist. Rustavi 2 and Mze have business programs and Imedi has program series on health care.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Georgia Objective Score: 2.09

Panelists agreed that although many news sources are available in Georgia, reliable information remains scarce. With the events of November, this objective witnessed a substantial drop from 2.62 to 2.09. While most indicators fell relatively close to the average, the indicator of transparency of ownership scored about half a point lower, and the indicator of private media producing their own programs scored more than half a point higher.

Maisashvili said that part of the problem is the absence of an openly partisan press, owned by political parties. Instead of establishing such media, political groups try to influence and buy the loyalty of independent media. In Georgia, everything about the media is mixed—some publications pretending to belong to the intellectual press have signs of being the popular press, and vice versa. Newspapers do not cater their content to their readership.

Information is not uniformly accessible across the country. Mikashvidze pointed that while almost all important events taking place in Tbilisi are covered, events taking place in regions are not. The upper and middle class can receive information from diverse news sources, but people

with lower incomes have no access to the Internet or cable broadcasting, and the information available to them is limited. According to Mamaladze, even the central broadcast media is not available in some villages. Blogs are a novelty in Georgia and are just taking their first steps. Modern methods for distributing information remain a challenge for those who need to use them.

Some media outlets have a selective approach toward sources. Jangirashvili complained that Georgian Public Broadcasting favors one group of experts—namely, those who have rather close ties with the government and who somehow manage to justify everything that the government does. The public broadcaster does invite representatives of opposing parties to its debate programs, but this is done for show rather than from a sincere desire to represent all viewpoints, according to Jangirashvili. Panelists pointed to one particular program that exemplifies the bias: a documentary produced by the Ministry of Internal Affairs and the Prosecutor General’s office entitled “From November to November,” which claimed that opposition leaders were planning to overthrow the government. The particular problem (besides the content that many found biased) was that it was not identified up front as being produced by the ministry and prosecutor’s office.

Bobokhidze claimed to know for certain that Georgian Public Broadcasting’s reporters in the regions have lists of people and NGOs who should not be approached for comment, and whose events and issues should not be covered. When Channel 25 was forcefully closed, the editor tried to convince the local reporter from Georgian Public Broadcasting (which was the only television channel operating during the state

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

#### PLURALITY OF NEWS SOURCES INDICATORS:

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

of emergency) to record and air the circumstances of the station's closure. It has not been aired.

According to panelists, services of local news and information agencies are affordable, but not satisfactory. The agencies provide only texts and photos, not video and audio, and the quality is low. Often agencies package comments as facts and distribute factually incorrect information. Seventy percent of information they deliver as news cannot qualify as such, according to some panelists. Jangirashvili said that now agencies have more competition between them, so some are better than others. Interpressnews was named as agency of rather high quality, with Agency Prime News and Georgian Hot News following. Only television stations can afford subscriptions to international agencies.

There are no community newspapers or television stations in Georgia.

Information about media owners is not transparent, according to panelists. One can find, with some effort, in whose name a company is registered in Georgia or, if registered outside Georgia, who is registered as its representative. But this information does not reveal the real interests behind the station. The panelists asked why individuals try to hide their ownership of media outlets. Some speculated it happens because that Georgian legislation bars those in public service from owning and managing media outlets.

Independent journalist Zviad Koridze recounted what happened to him when he was working for the program PS at Rustvai 2. Like many other employees of Rustvai 2, Koridze did not know who the owner of the company was. But when he decided to prepare a piece about a cement company in Kaspi that was causing environmental damage, the management of Rustvai 2 politely asked him to refrain from working on this story. When he inquired why, the answer was "because this person pays your salary." According to panelists, not knowing who the owner is contributes to self-censorship. Journalists try to guess who the owners are and which story topics may or may not be appreciated.

Following the scandal with Imedi, GNCC announced on December 17 that three television companies submitted papers regarding their ownership, as requested by the Law on Broadcasting. According to GNCC accounts, Georgian Industrial Group (GIG) owns 45 percent of shares of Mze TV and Rustvai 2. GIG has multiple business interests, from coal mining to travel. MP David Bezhuashvili, brother of Foreign Minister Bezhuashvili, is a founding member of the group. The rest of shares are owned by GeoMedia Group. The only information available on GeoMedia is that it is registered in the Marshall Islands. Imedi is wholly owned by I-Media, which

has given power of attorney over 100 percent of its shares to News Corporation Europe.

People are not provided with sufficient information on culture and history of ethnic minorities and their contribution to Georgia's history. Programs that facilitate dialogues and integration are scarce. Some media continue to use donor funding to produce programs in minority languages, such as the Azeri-language informational and analytical programs produced by radio Hereti. CIPDD has opened resource centers such as Internet clubs for journalists in areas populated by Armenian and Azeri minorities. In June, Georgian Public Broadcasting, with donor support, started a weekly talk show on minorities.

From May to June, the NGO Youth Alternative monitored the coverage of ethnic minority issues by four major television channels (Public Broadcaster, Imedi, Rustvai 2, and Mze). The monitoring was supplemented by interviews with management and reporters of the televisions. Their research revealed that the four stations together produced only 70 news items concerning minorities during that time period, and 90 percent of the broadcasts were during news programs. Journalists said in interviews that their viewers did not demand information on ethnic minorities, and such information is not commercially viable.

The Council on Ethnic Minorities at the public defender's office elaborated recommendations for public institutions and the Georgian media, and presented them publicly in May. The document stated that the Georgian media often displays intolerance and xenophobic attitudes and needs to be monitored for such offenses. A report by the public defender's office regarding state of minorities states that in Georgia, the media distributes mostly negative information about ethnic minorities. Domestic, legal, and other problems raised by minorities are often politicized.

The company Business Consulting Group Research conducted a study on Internet usage in August 2007 in eight major cities. The results showed that 14.7 percent of those polled use the Internet. In Tbilisi, the rate is higher: 18.7 percent. Of those polled nationwide, 65.6 percent of use Internet at home, 36.6 percent at work, and 8.5 percent in Internet cafés. In Tbilisi, people access the Internet more at work (69.2 percent) and home (38.7 percent) than those outside the city. The poll showed that 59.6 percent use the internet for e-mail, 49.9 percent to receive information, 26.3 percent for education, and 54 percent for entertainment.

In the Georgian communications market, the Internet is the second-fastest growing segment, after mobile phones. According to the GNCC annual report, in 2006 the cumulative income of Internet providers was GEL 26

million—a 53 percent increase from the previous year. DSL is the fastest-growing service. The number of users in 2006 doubled to reach 30,000. The major Internet provider is Caucasus Online, which controls up to 90 percent of the market. Other providers have protested Caucasus Online using its monopolistic position to limit their customers' access to certain web pages.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Georgia Objective Score: 1.77

The panelists did not indicate any major improvements in the media business environment compared to the last year, and in fact, pointed to a major decline, due in part to the far-reaching problems emanating from November. "Most of the Georgian media are political actors and are not considered businesses," Janikashvili said. This objective declined from 2.14 last year to 1.77, and all indicators were clustered closely to this average.

TV MR GE and BCG offer television research and ratings. BCG began using peplemeters on January 1, 2008, joining TV MR GE.

Advertising placements are still influenced by political decisions. Though the situation has changed slightly for the better, the problem remains. Janikashvili mentioned Radio Utsnobi as an example of a successful business whose major source of revenue is advertising. However, "Our radio is considered oppositional," he said. "The brother of one of its founders is now in politics and is a presidential candidate from the opposition coalition. This hampers our business because many advertisers do not want to be associated with the oppositional radio, they do not want extra problems."

The practice of "roundabout" funding (when some private media are not directly subsidized by the state, but are awarded money for publishing public announcements) still exists. This makes other newspapers unable to compete. Stable sources of revenue, which could protect media from political influence, do not exist, panelists said.

According to the panelists, central and national television companies—even the major ones, which were always thought to be profitable despite having millions of lari in turnover—either run at a loss or merely manage to cover their monthly expenses. Those surviving from advertising revenue cannot reinvest funds in their outlet's development, and that prevents the channels from expanding programs, installing technical updates, or increasing human resources. Thus, they are stuck in a cycle in which they have difficulty

becoming more attractive for more advertisers and generating more revenues.

Most of the television channels are subsidized by their owners, distorting the market. Subsidized television channels do not charge market prices for advertising because they are relying on financial support. This kind of dumping negatively influences radios and newspapers as businesses in terms of advertising. Those who would not be able to afford television advertising in a healthy market environment now can (and prefer to) purchase television airtime, given the existing circumstances.

Panelists believed that what happened to Imedi TV and the others in November will for a long time discourage foreign investments in the Georgian media market.

Regional print media were said to be at the end of a transitional phase as businesses. The period when they could and almost did rely solely on donor funding is over, as is the time when almost all faced crises and many faced shutdowns. Now the regional media market houses several publications that managed to survive and reach a minimal level of sufficiency, if not sustainability. This achievement was again attributed to the past donor support and quality training in media management.

The advertising market in the regions grew not because of local enterprise development, but because of the expansion of major national businesses into the regions. Long-term advertising contracts are now available. Gradually, advertising revenue has started to exceed sales of copies as a source of revenue for print media. *Akhali Gazeti* from Imereti region and *Guria News* from Guria region exemplified this change.

## 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.



Grants still remain one of the revenue sources for newspapers, though donor support is now limited to individual thematic projects. The business environment has not improved for regional television companies, especially after donor support ended. Merab Merkviladze of Channel 25 in Batumi cited a curious instance of paid televised obituary announcements having become the major source of revenue for most regional television channels. Even in big cities, where the advertising market is relatively developed, advertising revenue does not exceed 30 percent of the total revenue, according to the experts on the panel.

The elections also demonstrated its effect on the media business in the country. Televisions in the regions expressed concern over their obligation to allocate free time—90 seconds per three hours—for every qualified candidate, in case the broadcaster decides to air any election advertising at all. Avtandil Gvasalia of the Georgian Association of Regional Television Broadcasters insisted that this mandate greatly damages regional television channels as businesses. Elections are the only occasion for them to generate relatively high revenues, but given this obligation, all candidates try to fully use the opportunity, purchasing a minimum of paid advertising time and running free political ads for the rest of the pre-election period. Mamaladze added that this obligation affects newspapers as well, since candidates are reluctant to place paid ads in the papers and would rather take full advantage for the obligatory free airtime on television channels.

Sharabidze complained that laws do not provide clear guidance to the television and radio stations on publishing paid political ads on their website. Both Radio Utsnobi and Radio Imedi wanted to offer such service during the pre-presidential election period. Imedi opted to follow the scheme approved for television stations and sent a letter to GNCC, notifying the regulator on the prices they planned to offer as well as the amount of website space to be sold. According to TV MR GE, additional political campaign revenue in December 2007 reached \$11 million.

Three major advertising agencies drive the market in Georgia. Media House serves exclusively Rustavi 2 and Mze television companies. Video International works exclusively with Imedi TV. Sarke plays a peculiar role, regularly winning tenders for public service advertisements countrywide. More and more media outlets in the capital as well in the regions cooperate with advertising agencies. According to Gvasalia, about 40 percent of advertising comes to regions from Tbilisi-based advertising agencies. Panelists also noted a growing level of professionals working in the newspapers' marketing departments.

TV MR GE Research data states that in 2007, the television advertising market (excluding political advertisements) reached approximately \$20 million. In August, Media.ge published assessments voiced by Video International Director Nikolai Sosnovsky. Sosnovsky claimed that Rustavi 2 and Imedi were the only two major national television channels. They cumulatively attract up to 60 percent of the audience and control over 90 percent of the advertising market, leaving the rest of the television companies only about one percent of advertising budget for each.

Circulation data on newspapers are not collected in Georgia. This year, four regional newspapers united in an initiative funded by the Open Society-Georgia Foundation. *Newspaper Batumelebi* from Ajara region, *Guriis Moambe* from Guria, *Tavisupali Sitkva* from Samegrelo, and *Akhali Gazeti* from Imereti will conduct a print advertising market and audience research, first in western Georgia. The Institute of Polling and Marketing continues measuring radio ratings using CATI technology. The panelists expressed general discontent with the quality of the research offered by the organizations existing in Georgia and their reluctance to increase this quality.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Georgia Objective Score: 2.23

A slight but insignificant decline was noted in this objective. Some indicators stood out from the average: Indicator 2, on professional associations, scored well below the average; Indicators 3 and 6, covering NGO advocacy and access to newsprint printing facilities, scored well above.

Panelists representing print media unanimously noted improvements in newspaper distribution in Tbilisi. The system works without failures, and distributors exercise non-discriminatory and business-oriented policies towards newspapers. According to the Information Agency, Infogeorgia XXI, there are 12 distribution agencies out of which panelists distinguished the work of the Georgian Post, Info Service, and Elva Service. In the fall of 2007, Press Express issued a newspaper and magazine catalog for the first half of 2008. The catalogue includes 60 Georgian newspapers, 30 magazines, and more than 700 other titles from CIS, Europe, and the United States available for subscription.

However, the regions are not as well served. Existing state and private centralized distribution systems cover the regions but do not reach all populated areas. Most regional newspapers have established their own small distribution services, which are not efficient. "I could have increased

my circulation by 20 percent if I was able to deliver the newspaper to all prospective subscribers,” Bobokhidze said.

The quality of printing presses remains low, while costs have increased due to inflation and suspended trade between Russia and Georgia after economic sanctions were imposed by Russia. Meanwhile, the demand for quality products is growing together with the advertising market. Due to high printing costs, newspapers (especially regional papers) are considering raising subscription rates, but they risk losing some of their readership.

No data on circulation are available. Legislation does not oblige newspapers to disclose their circulation figures, and no private cooperative (such as an audit bureau of circulation) exists. Panelists agreed that newspapers should open their circulation records if they want to establish trust-based relations with advertisers and secure appropriate niches in the market.

Many television stations rely on cable to carry their broadcasts into homes. In Georgia, such relations are subject of contractual agreements between the broadcaster and the cable company. Merkviladze recalled the unfortunate case in which Channel 25 went off the cable system in Batumi for 10 months. The local cable companies did not provide (and were not even obliged to provide) the channel management with clear explanations on why the transmission was suspended, as no contract was signed between the Channel 25 and the cable systems operators at that point. Merkviladze alleged that the cable companies were forced into this by local tax inspection.

“Non-governmental organizations today show more solidarity towards media than media towards each other,” said Khatuna Maisashvili of *Akhali 7 Dge*. Panelists distinguished the Georgian Young Lawyers Association and

the Young Economists Association for their support to media. They also praised the work of Equality Institute, Human Rights and Information and Documentation Center, and Transparency International Georgia as particularly effective NGOs working with media. Mamaladze of GRMA raised the same issue as last year about the regional branches of the NGOs being not as supportive as their Tbilisi head offices. They have closer ties with local authorities and as such are reluctant to challenge them.

Georgia has no associations of journalists to protect journalists’ rights. Working agreements between media outlets and journalists either do not exist at all or are oral or short-term. All agreed that journalists have difficulty expressing solidarity when they are afraid to lose their jobs and are unable to easily find a new one. In such circumstances, membership in any professional union puts journalists at risk.

Two regional media associations, Georgian Association of Regional Television Broadcasters and Georgian Regional Media Association, continue to serve their members’ economic interests. Perhaps due to an increase in membership, these organizations seem to have less cohesion among their members, panelists noted.

The quality of journalism education remains low. “The professional level of journalists would not be an issue in our discussions if what were doing in terms of journalism education was sufficient,” said Mikashavidze. The exception, according to Mikashavidze, is the Caucasus School of Journalism and Media Management (CSJMM), where she serves as the dean. It offers high-quality English and Georgian language graduate programs and, she said, the 30 or so journalists that graduate from there do influence the overall media market. All of them find jobs and about two-thirds stay in the profession. They become leaders in their profession, are respected by their colleagues, and stand out among the rest. However, their influence may take time to become apparent.

Journalism education faces several other issues. Relevant textbooks still are in shortage. An overwhelming number of students enroll in state universities, and there is a lack of qualified teachers. About 550 students enroll in the Journalism Division of the Tbilisi State University each year, studying journalism either as major or minor. According to Paitchadze, the number of graduates far exceeds the demands of the media market in Georgia.

Maisashvili, in addition to working at *Akhali 7 Dge*, is a lecturer at the Ilia Chavchavadze State University’s Faculty of Arts and Sciences. She expressed more optimism about the state of journalism education, saying that there is a pool of motivated youngsters willing to master journalism. Even

#### 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.

though journalism is taught as a minor at her school, she said, significant practical modules are offered using actual television studios. They plan to develop a similar radio studio and a student newspaper.

Panelists agreed that the quantity and the quality of available short-term training have decreased. No short-term certificate programs exist for re-qualification of individuals. CSJMM offers training courses of up to three months in media management and communications. But while partial tuition waivers are available, they do not support living costs, which can make attendance difficult for those from the regions. Individual (mainly donor-supported) training sessions are still offered, but they are insufficient.

Panelists noted that none of the media outlets organize their own training for their journalists. Some lack resources for such training, but some do not have the will. Local trainers are in short supply, but even so journalists have a general mistrust towards local trainers. Not all journalists consider additional training necessary, and some are reluctant to use an opportunity even if it is available.

Regional media experience is another problem. Regional journalists who have reached a certain point of development (either through an extensive short-term training or through studying at CSJMM) leave their host outlets and move to the capital. As a result, there is a lack of human resources in regional media. Bobokhidze attributed this to low salaries and a low level of media development in the regions competing against better pay and better conditions in Tbilisi.

## List of Panel Participants

**David Paitchadze**, assistant professor of journalism, Tbilisi State University, Tbilisi

**Maia Mikashvidze**, dean, Caucasus School of Journalism and Media Management at the Georgian Institute of Public Affairs, Tbilisi

**Irakli Sharabidze**, legal department head, Telemedi Ltd., Tbilisi

**David Kikalishvili**, anchor, Sunday Evening Television Magazine *P.S.*, Rustavi2 TV, Tbilisi

**Nino Jangirashvili**, director, TV Kavkasia, Tbilisi

**Merab Merkviladze**, founder and deputy director, Channel 25, Batumi

**Bassa Janikashvili**, steering committee member, Radio Utsnobi, Tbilisi

**Tinatin Izoria**, producer general, Georgian Public Radio, Tbilisi

**Eka Pirtskhalava**, head of the news service, Radio Green Wave, Tbilisi

**Ia Mamaladze**, chairman, Georgian Regional Media Association, Tbilisi

**Avtandil Gvasalia**, executive director, Georgian Association of Regional TV Broadcasters, Tbilisi

**Eliso Chapidze**, deputy editor-in-chief, *Rezonansi*, Tbilisi

**Khatuna Maisashvili**, founder and co-editor, *Akhali 7 Dge*, Tbilisi

**Ia Bobokhidze**, editor-in-chief, *Akhali Gazeti*, Kutaisi

**Zurab Khrikadze**, independent media expert, Tbilisi

**Zviad Koridze**, independent journalist, Tbilisi

**Tamar Kordzaia**, lawyer, Transparency and Accountability Support Project, Georgian Young Lawyers Association, Tbilisi

## Moderators and Authors

**Ellada Gamreklidze**, independent expert, Tbilisi

**Lia Chakhunashvili**, independent expert, Tbilisi





**RUSSIA AND  
WESTERN  
EURASIA**

---

---

*The government has temporarily put off its plans to restrict satellite television and the Internet. The latter remained the least regulated of all, but the authorities have set their sights on correcting this, with elections due in 2008. Most media, especially broadcast, are state-owned, and only a dozen independent newspapers offer alternative viewpoints. Similarly, the government has kept an unwavering grip on the press distribution channels and telecom infrastructure.*



## BELARUS

B

Belarus remained largely unchanged this year, scoring a 0.74 versus last year's 0.71. The government sustained its tight control over the media and its institutions. But unlike in 2006, when journalists were physically assaulted and several newspapers were suspended in during the controversial presidential election, the general attitude was more of suppression rather than harassment.

The government put off, at least temporarily, its plans to restrict satellite television and the Internet. The latter remained the least regulated of all; however, the authorities have set their sights on correcting this, what with elections due in 2008. Most media, especially broadcast, are state-owned, and only a dozen independent newspapers offer alternative viewpoints. Similarly, the government has kept a firm grip on press distribution channels and telecom infrastructure.

Belarus's Soviet-style economy slowed somewhat, but growth remained strong at 8.1 percent. However, many expect a continuing decline after the deterioration of energy relations with Russia, Belarus's key ally and main gas supplier. Under an agreement reached in January 2007, the Russian gas monopoly Gazprom forced Belarus to pay double the costs in 2006. Also under that deal, prices will gradually rise to reach parity with those paid by EU states by 2011. Under another arrangement, the Belarus lost most of its windfall oil earnings, since 80 percent of the revenues from increased oil exports were to be transferred back to Russian oil companies.

Subsidized Russian energy has long buoyed President Alyksandr Lukashenka—in office since 1994—via nearly full employment and state-mandated wage hikes. With this pillar of his rule threatened, he declared in early 2007 that he wanted closer relations with the West. The government, however, has done very little, if anything, to improve its poor record of political governance and human rights by giving at least some freedom to marginalized parties, NGOs, trade unions, and the media. The move was generally seen as playing for time in anticipation of Russia's presidential election in March 2008. Meanwhile, several regime critics remained jailed—most notably Alyksandar Kazulin, who challenged President Lukashenka during the 2006 presidential election.

Belarus society has been more concerned with rising prices (84.2 percent of those polled aged 18 and above) and unemployment (38.3 percent) than with human-rights abuses (25.6 percent) and Belarus's being an exile country (14.5 percent), according to an independent opinion poll. In a positive breakthrough, 49.6 percent said they trusted independent media (up from 12 percent a year earlier), and 47.7 percent said they trusted state media (down from 58.2 percent in 2006).

The MSI panel, meanwhile, voiced little optimism for the year to come. Several participants reserved lower scores—usually zeroes—for the future, saying there is clear evidence that the situation will deteriorate.

# BELARUS AT A GLANCE

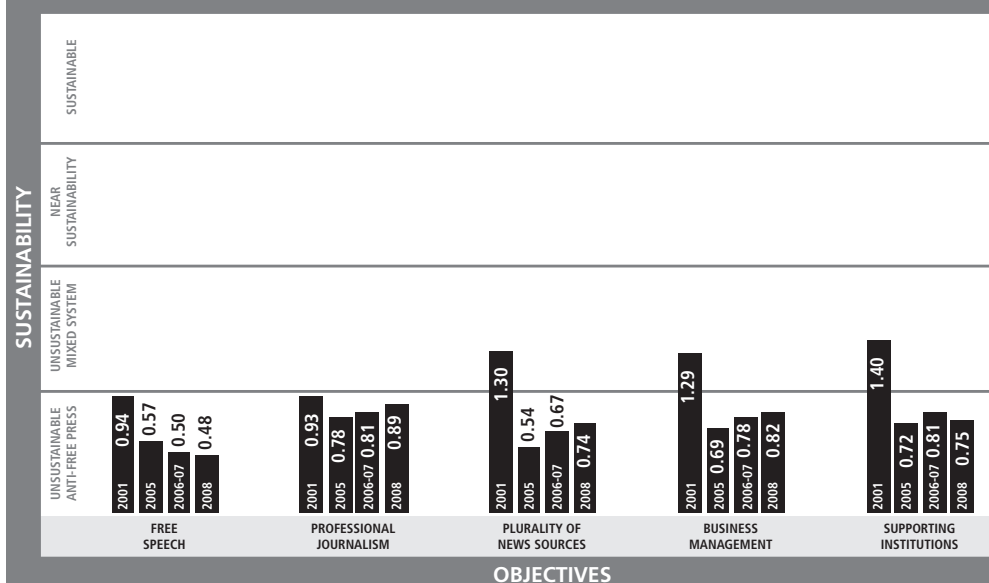
## GENERAL

- > **Population:** 9,724,723 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Minsk
- > **Ethnic groups (% of population):** Belarusian 81.2%, Russian 11.4%, Polish 3.9%, Ukrainian 2.4%, other 1.1% (1999 census, *CIA World Factbook*)
- > **Religions (% of population):** Eastern Orthodox 80%, other (including Roman Catholic, Protestant, Jewish, and Muslim) 20% (1997 est., *CIA World Factbook*)
- > **Languages (% of population):** Belarusian, Russian, other
- > **GNI (2006-Atlas):** \$32.80 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$8,810 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 99.6% (male 99.8%, female 99.4%) (1999 census, *CIA World Factbook*)
- > **President or top authority:** President Aleksandr Lukashenko (since July 20, 1994)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 1,251 (704 newspapers (9 daily)), 508 magazines and journals, 35 bulletins, 3 catalogues and 1 almanac; Radio: 159 radio stations (2 nationwide); Television stations: 60 (6 nationwide) (Belarus Ministry of Information, November 2007)
- > **Newspaper circulation statistics:** top three: *Sovietskaya Byelorussia* (state-owned, 2,503,500 weekly circulation), *Komsomolskaya Pravda v Belorussii* (independent, 542,800 weekly circulation), *Respublika* (state-owned, 249,500 weekly circulation) (Belarus Ministry of Information, November 2007)
- > **Broadcast ratings:** Share of television audience: ONT (21.3%, state-owned) RTR (9.6%, Russian-owned), Channel One TV (9.4%, state-owned) (Institute for Sociology at the National Academy of Sciences, June 2007)
- > **News agencies:** BelTA (state-owned), BelaPAN (private), Interfax-Zapad (Russian-owned), Prime-TASS (Russian-owned), Ecopress (private), Agentstvo Grevtsova (private), Minsk-Novosti (state-owned), Registr Information and Legal Agency (private) (Belarus Ministry of Information, 2007)
- > **Annual advertising revenue in media sector:** \$87.1 million (\$53 million television, \$15.4 million press, \$3.7 million radio advertising, \$3 million Internet) (ZenithOptimedia advertising group, December 2007).
- > **Internet usage:** 5,478,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: BELARUS



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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



*Note: MSI panelists in Belarus agreed to participate only if they were not named publicly. Amendments to the criminal code were introduced in December 2005 to add a new article, "Discrediting the Republic of Belarus," that provides for criminal liability for submitting to international organizations "false information" on 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 penalize anyone reporting negative information with detention of up to six months or imprisonment of up to two years.*

## OBJECTIVE 1: FREEDOM OF SPEECH

### Belarus Objective Score 0.48

In 2007, scores for free speech remained virtually unchanged from the previous year, reflecting a stagnant situation that kept Belarus a country actively opposing free speech. The constitution guarantees freedom of speech, and there are laws that regulate the media and protect freedom of speech; however, those are only partially enforced, and other aspects of these laws also limit freedom of speech, panelists said. "Formally, there are some rights that protect freedom of speech; there is minimal enforcement, since independent media still exist. Yet you can't say this right is truly enforced both for the broader public and the media as well," one panelist noted.

Panelists scored most indicators close to the average. One exception received a notably higher score: Indicator 8, media access to international news sources. On the other side, Indicator 2, broadcast licensing, received a score just barely above 0.

Politicized courts offered little to no protection to independent media and journalists. "Theoretically, a practical result might be achieved, yet not always," a media lawyer added. They recalled a case when the Supreme Court ruled in favor of an independent journalist who was fined over working without an accreditation for a foreign radio station.

The already restrictive legal framework has not changed much in 2007. However, there have been some minor, albeit very negative, developments: under a new administrative code, fines were increased for the "misuse" of media. An energy shock in early 2007—when Russia doubled gas tariffs for Belarus and increased an export duty on oil products that the Belarus economy heavily relies on—was widely covered by independent media to the dislike of the government, which was criticized as slow to present a more positive picture. As a result, an instruction by Prime Minister Siarhiej

Sidorski on February 22 ordered tighter control of what state officials and managers of state-run companies could say to independent media reporting on the economy and the government—namely, those officials providing "incorrect" information might be fired.

Earlier the same month the cabinet tightened control over the work of Internet cafés, in particular, ordering them to keep the log files of all websites visited by their clients for at least 12 months and, if necessary, to provide those to law-enforcement officials.

The draft law on information passed the first reading in the Belarusian parliament in December 2007. Widely criticized both domestically and internationally as a tool to further curb civic liberties, it is, according to state telecom officials, meant to regulate access to public information, methods of protecting state information systems, and personal data and would have no control over media and copyright issues. Strangely enough, a representative of a local press-freedom watchdog, the Belarusian Association of Journalists (BAJ), was invited to contribute to the bill. BAJ and other domestic and international experts came up with over 200 comments on the bill, yet the parliament adopted only minor ones. However, the bill is still to pass one more reading at the lower house of the parliament and then go through the upper house before being passed to the president. Prospects are gloomy, many agree, since the government has made clear its desire to regulate the Internet.

Thus, the deputy information minister, Alyksandr Slabadchuk, announced on August 20, 2007, that a working group was being set up to research the legal regulation of the Internet. He claimed that the new regulations would not restrict freedoms but went on to cite how the Internet is controlled in China. The announcement came two weeks after President Lukashenka threatened to put an end to "anarchy" online.

Some panelists felt that the society does not value free speech, at least compared with the early and mid-1990s, when the public protested against the closure of television and radio programs and attacks on the independent press. Nowadays, they are distracted by more serious concerns, such as survival. In an independent opinion poll in December 2007, 84.2 percent of adults said rising prices had been their biggest problem. Besides, Belarusians are not an information society because information is not needed to make a choice, one panelist said. Another participant of the discussion, a media lawyer, added that "...the society is just tired after 13 years [of the authoritarian rule of the incumbent president, Lukashenka]. Moreover, protesters may and do face sanctions."

Even opponents of the president sometimes attack independent media for being critical of the opposition. Luckily, a panelist noted, there is more solidarity in the independent media community itself, and violations of media freedoms are made public to the extent that the independent press reaches their audience.

The Internet, meanwhile, remained the least regulated compared with other sectors, despite likely legislation in 2008. On LiveJournal (LJ), a popular blogging system, over 20,000 blogs place Belarus in the Top 15. And bloggers are quite active, a panelist added, noting those were mostly the younger and more educated. Hence, he believed there were chances that Belarus would move closer to an information society in the near future. Voice-over Internet protocol, however, is restricted other than for personal/private use.

Broadcast licensing remained highly politicized, panelists agreed, with licenses granted by the information ministry. Three FM radio stations received licenses in 2007, the ministry of information reported. One was actually an extension of a license for an FM radio station in Vitebsk; two more stations are already on air in Minsk and decided to go regional. Elsewhere, SKIF TV, a privately owned regional television network in the northeast of the country was given a license for an FM music station, a panelist added.

Participants also mentioned that ONT, a state-controlled national television channel, launched Radio ONT in the capital, Minsk, in November 2007. "Yet I can't recall the word

'contest' if you speak of how Radio ONT got the frequency. It wasn't mentioned at all," a panelist said.

On the other hand, BelaPAN, an independent news agency, lost its radio broadcast license in September 2007 because it was unable to go on air with its radio station FM-Novosti (FM-News) within a year after the license was granted. One more contest for a radio frequency had to be announced by the information ministry, but it would not do so.

President Lukashenka told BelaPAN director, Ales Lipai, at a press conference that "...registration of a radio station would not be made easier... we are cautious as to creating private, unfriendly stations and letting investors in... should Paval Yakubovich [editor of Belarus's biggest daily, *Sovietskaya Byelorussia*, the mouthpiece of the Lukashenka administration] decide to launch a radio station as part of his newsroom, there would be no problem. As for those we are not sure of, we have to ponder on that and set certain conditions."

Market entry for media outlets was described as unfair and having many more restrictions than other industries, with licensing coming from information and telecommunications ministries. In addition, newsrooms need to register with local authorities where their premises are located. The procedure is nontransparent, and local officials use dubious or no grounds at all to deny registrations to independent media. Unlike other businesses, media outlets can be suspended without a court ruling, after receiving two warnings from the information ministry. Taxation and other conditions are no different for the media than for other industries. "You need to get more permits than for other businesses—it could be comparable to the arms trade," a panelist said.

Similarly to other years, crimes against journalists remained rare. However, participants mentioned that obstructing the work of a journalist was a criminal issue in Belarus and concentrated more on that aspect. Those working for foreign media without accreditations come under serious pressure from the government and sometimes quit their jobs, a panelist said. Panelists mentioned several cases when photojournalists were detained or even assaulted by the police. On September 10, 2007, Reuters photo correspondent Vasili Fiadosenka and his Agence France-Presse colleague Viktor Drachou were briefly detained by the police outside the city court in Baranavichy while shooting a picket in support of a young opposition activist who was on trial for being a member of an unregistered organization.

On December 12, two more photo correspondents were assaulted by the riot police who were dispersing a rally in downtown Minsk. "Journalists generally feel a bit more secure than demonstrators," a panelist said, "...and if

#### 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.

detained, they are released soon, yet only after they couldn't do their job of covering the event."

"You do not just feel insecure. On the contrary, you are perfectly aware that if something happens, this system will neither work for you, nor neutrally. It will work against you; that's how it's oriented," said one panel participant, an online editor. Crimes against journalists do receive certain coverage in the media, yet few surviving independent media might provide only limited publicity.

There are no public media in the western sense, panelists said. Media laws favor neither state-funded nor independent media, yet in a broader sense state media are given preferences via orders and regulations of local authorities and state institutions, especially as far as access to information is concerned. Every year the budget law provides extra funding to state-owned media in addition to their subsidized salaries, rent, printing, and distribution.

State media are far from being editorially independent, since their editors—whose contracts are usually renewed every year—are directly appointed by the ministry of information. "Editors of major state-owned media are appointed by politicians, or to be exact, by Belarus's only politician [President Lukashenka]," a panelist commented.

Under Belarusian legislation, libel is a criminal law issue. However, more common are "honor and dignity" cases falling under civil law, where the prosecution does not have to prove malice, or even falsity. It is enough that the article in question caused "emotional distress" to the one being described. "There are a bunch of such articles in the criminal code, and under the civil code the burden of proof is much heavier than in other European countries," said one panelist, a media lawyer.

Two cases were mentioned during the discussion. On October 1, 2007, a district court in Minsk ruled in favor of Aleh Praliaskouski, head of the ideology department in the Lukashenka administration, in a defamation lawsuit against the independent weekly *Narodnaya Volya*. The newspaper and its journalist Maryna Koktysh, who wrote the story, were ordered to pay 25 million Belarusian rubles (\$11,600) and 2 million Belarusian rubles (\$930), respectively, over a report on the arrest of Praliaskouski's deputy on bribery charges. The ideology boss told the court that the story caused him to experience anxiety, which led to health problems for which he had to take medicine. "The court has ordered us to retract three sentences [Praliaskouski disliked], including the phrase 'but Praliaskouski currently walks free,'" said Koktysh in an interview. An appeal with a higher court later that year was unsuccessful.

Separately, another district court in Minsk upheld on December 20, 2007, a lawsuit from senior government official Mikalai Charhinec against the independent weekly *Novy Chas* and journalist Alyaksandr Tamkovich. The newspaper was ordered to pay 50 million rubles (\$23,300) and Tamkovich 1 million rubles (\$470), respectively. Charhinec, chairman of the standing committee on international affairs and national security in the Council of the Republic, the upper house of the Belarusian parliament, filed a suit over his critical profile the newspaper published on September 24, 2007. The profile, titled "General-Senator Mikalai Charhinec," criticized his literary credentials (Charhinec is a writer of detective stories and chair of Belarus's official writers' union) and his record of Soviet police service (including alleged participation in an unsuccessful investigation of serial killings in the early 1980s); it also exaggerated his military service in Afghanistan in the mid-1980s during the Soviet invasion of the country.

Charhinec claimed the story damaged his "honor, dignity, and business reputation as a writer, politician, and general-senator," a report said. In an unprecedented claim—in the country where the average salary is \$352, officially—he demanded 500 million rubles (\$233,600) from the newspaper and 100 million rubles (\$46,700) from journalist Tamkovich and seizure of the property and financial assets of both the paper and the journalist to secure the coverage of damages.

"In both Praliaskouski's and Charhinec's cases, the defense raised the issue of to what degree a public figure may be criticized. The courts reacted just the opposite," a panelist added.

Public information is not easily available, the panelists agreed. Although the law guarantees equal access to information, state-owned media have better access, or rather access for independent journalists is restricted first of all via accreditations issued by state bodies and local governments. Those working for online media or foreign media without an accreditation with the foreign affairs ministry do not have journalist status and hence face even more problems. In the regions, said one panelist, independent journalists are often denied accreditations on grounds that a) a state-owned media have already been accredited; b) all the information can be obtained from the state media where it will officially be published. Sometimes regulations are issued banning state officials from communicating with journalists rather than via press services.

One panelist mentioned that in 2007 the press center of the National Assembly, the lower house of the Belarusian parliament, failed to provide even the accredited journalists with copies of the 2008 budget. "The draft was introduced just a day before it was supposed to be voted through the

---

---

parliament. Luckily, MPs got it. The only thing journalists were given was a verbal statement of what's in the budget. Nothing of the kind has ever happened since 1991 [when Belarus gained independence]. Perhaps they thought that was unnecessary," the panelist said

It is therefore not surprising that investigative reporting is almost extinct in Belarus—apart from, to some degree, what is being done by e-paper *Ezhednevnik*. Investigations are expensive and time-consuming, and restricted access to information makes them something most independent media cannot afford.

Under the law, any state body shall respond to a request for information from the media within 10 days. However, this norm is not enforced. Some journalists are fighting the restricted access to information, mostly with the help of BAJ. "Naturally, people are getting used to living in a shrinking environment. Yet so far these walls being pushed from outside meet some resistance from the inside," a participant commented. Looking onward, panelists were unanimous that further restrictions may follow given the provisions of the law on information adopted in the first reading in December 2007.

There are no formal restrictions on access to international news and news sources. With modern technologies like satellite television and radio and, first of all, the Internet becoming more available and affordable, the main issue here is willingness to take extra efforts to access them. However, revenues of independent media outlets by and large remained the same, so they still have to put a curb on Internet use, a panelist said. Other participants quoted the language barrier as another big reason why most media in Belarus are using Russian websites as the main source of international news, which, in view of their dubious objectivity, gives a somewhat distorted or at least one-sided picture of the world.

Subscriptions to international news services are restrictively expensive for most Belarusian media, and thus—unless subsidized by foreign donors—absolutely unaffordable. Some foreign news companies, like Reuters, are offering Russian-language news subscriptions. These are useful, a panelist said, since they provide a more balanced view and some information for comparison. Yet media absolutely would not spend money on that.

Entry into journalism is relatively unrestricted, panelists said. However, to be considered a journalist, one should be employed by a registered media outlet. Under the law, there are no freelancers or independent journalists; they are not given any rights other journalists enjoy. An increasing number of events require accreditation, and independent media outlets are often denied.

Until recently, the government has hardly controlled admission to journalism schools. However, there are plans to amend admission rules for specialties "of particular import for the state," including those for would-be journalists. This means applicants should be providing recommendations from local governments, reports said in November 2007. There is a common belief that this provision would be used to debar the politically unreliable from journalism schools. However, the panelist mentioned one exception: Franak Viacorka, son of the top opposition leader Vincuk Viacorka and head of the Commission for Culture of the nationalistic party Belarusian Popular Front, is currently a third-year student of the journalism school at the Belarusian State University in Minsk. At the same time, panelists doubted that anyone with a similar profile would ever join the journalism school.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Belarus Objective Score 0.89

---

Scores for professional journalism edged up somewhat, to 0.89 against 0.81 a year earlier, due to higher ratings given to objectivity, ethics, coverage of key events, and balance between entertainment and information content. However, no indicator scored significantly higher or lower than the average.

Similarly to previous years, participants found it difficult to assess Belarusian media in general, since what most state-owned and some non-state media are offering is anything but journalism, according to the panelists. Some of the panelists remarked that they would speak only about independent media, not state or opposition propaganda. No wonder opinions differed to some extent on whether Belarus journalism was getting more professional. Surprisingly, the scores given by the opponents were not much at odds with each other.

Independent reporters try to verify and fact-check the information to the extent that it is possible, considering the restricted access to information. They do consult a wide variety of sources—sometimes so wide that these sources are absolutely unreliable, said one participant, an online editor. The lack of background research is due not so much to a lack of professionalism as to a lack of time, since most newsrooms are understaffed. "Instead of three or four journalists, we have only half of a journalist working, who, nonetheless, has to come up with three or four stories instead of one, albeit a big one," said one panelist.

Experts are another sore point. "There are just a handful of them, and the same names are everywhere." Furthermore, another panelist added, as a rule an expert should first

be briefed by a journalist on what has happened and on how things might develop further. Independent think-tanks are almost extinct, and even economics has not been properly analyzed: forecasts rarely come true, and analyses are sometimes outspokenly unprofessional even for non-economists. State officials and experts are unwilling to give comments to independent media, or they offer propaganda at best. Exceptions here are the finance minister and the chair of the central bank. In an alarming development, according to a panelist, some experts complained that journalists wrote comments themselves trying to guess what experts might say rather than actually talking to them.

Many journalists are not using the Internet to double-check information, find the original source, or follow the trends, a panelist said: "Every two or three years they come for a seminar in Internet-assisted reporting, and you see that skills they have gained at a previous session are just gone because they have not been using them."

Press conferences are becoming more popular as sources of information, with journalists just reporting what officials have said and rarely questioning or fact-checking their statements. Previously, that used to be just one of the opinions, a panelist said. Interviews are also a sore point, with more journalists acting like a "microphone stand"—a radio journalism slang nickname for an unprofessional reporter—and being led by an interviewee rather than interviewing him or her.

Both the BAJ, the group that brings together independent journalists, and the Belarusian Union of Journalists, the "official" journalists' association, have their ethical codes of conduct. The former are more likely to adhere 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.
- > 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).

those standards, panelists noted. However, "in light of the confrontation initiated and fueled by the authorities, when barricades have been set up, many are becoming less choosy. There is a fight going on," a panelist said. "Even the regional media are becoming more and more polarized, and it's getting increasingly harder to stay calm," added one participant, an independent editor.

Most journalists do not accept gifts for favorable coverage, possibly because they are not offered, a panelist commented. His colleague recalled a presentation by Russia's VTB Bank, when journalists received souvenirs (a bottle of expensive wine and a pen) that cost more than most of them earn during a month. Nobody refused. Separately, in another example, Belarus's biggest portal, TUT.by, was given laptops as presents.

Stories or positive coverage are sold in the form of hidden advertisements and endorsements. Sometimes this is done to sidestep the requirement that limits advertising to 30 percent of a newspaper's content or to optimize taxes. Even news agencies are (unofficially) selling press mentions. Interfax-Zapad, a Russian-owned, pro-government news agency, was said by some to charge politicians \$300 a month and then contact them for comments. Both journalists and editors are selling the stories, a panelist added.

"...There is a common belief that self-censorship is widespread among independent media as well. Yet when you ask a colleague, the answer is: 'No, we do not practice that, while the others...'. Realistically speaking, there is a problem. Any media outlet faces it, if they want to make money. In short, the more business there is in the project, the more cautious you are. Everyone is balancing their own way, yet this is one of the most serious professional problems. And sometimes we do not understand how far that has gone," said one participant, an independent editor.

Among the most dangerous topics most media shun away from are the Lukashenka family and business interests of his closest allies. Even the new media practice self-censorship to some extent, often to give more protection to their heroes and sources. However, most key events and issues are covered, especially by independent media, panelists agreed. State-owned television channels and newspapers often either ignore negative news or reporting or comment on them three or four days after the event, most likely because they are awaiting instructions from the [Lukashenka] administration. Politics is being covered more or less fully, with the economy and culture less so, especially in the regions.

Independent journalists remained poorly paid. The gap between state-owned and independent media outlets widened even more: "Even state propagandists stopped

lambasting their independent counterparts for their salaries, since they are very well-paid themselves, and this money is not well-earned.” Salaries even at leading independent newspapers are three times lower than at state-owned ones for the similar work, a panelist said. Many independent media can’t afford salaries of over \$150–200. Even the leading online media are offering \$300 a month at best. News anchors at Channel 1, Belarus’s biggest television channel, are paid \$1,500–2,000 a month; they also receive other benefits, like apartments, subsidized loans, etc., according to a panelist.

News and information programming are not transcended by entertainment content, panelists said. In fact, with the society being somewhat split and concentrated more on survival, politics and related topics are given more attention than they would be in a more democratic and prosperous country. And panelists noted that the quality of both news and entertainment content is low.

Newsrooms differ a great deal as far as their technical capacities are concerned, yet some minimal level is more or less sustained. Panelists, however, say this minimal level is “stone age” compared with the world’s leading media. Many are using old PCs and lack professional digital cameras and recorders. Even with broadband Internet, there are connection width and traffic caps. Software is 100 percent pirated, added another participant.

Luckily, as technology advances, both equipment and the Internet are becoming more affordable. Increasingly, independent newsrooms are being upgraded by journalists themselves, since some of them, especially younger ones, find it easier to buy voice recorders and laptops themselves, rather than wait until newsrooms pay for them. Similarly, some journalists—even those based in the regions—have faster Internet connections at home.

Panelists failed to generalize about where exactly the aid should be channeled, since needs are not always similar. Moreover, the aid is not always used efficiently. For example, BELSAT, a donor-funded independent satellite television channel with an annual budget of €4m (\$5.8m) that started test broadcasting from Poland in December 2007, received old equipment. Its parent company, Telewizja Polska SA (TVP), equipped it with analog Betacam SP studio decks, which used to be the industry standard until the late 1990s. Surprisingly, its reporters working in Belarus are using DV (digital video) camcorders, and at some point in December 2007 they had compatibility and editing problems.

However, in most cases the blame is to be laid with media outlets themselves, since they are reluctant to keep up with the latest standards, including technical ones. And when asked what kind of help they would need, they don’t know

what to ask for or save money for, a panelist added. This equally applies to both independent and state-owned media.

Meanwhile, in 2007 the government spent \$63 million on the state media, of which \$47 million was spent on television and \$7.5 million on the press.

“There is a problem with quality reporting as such, to say nothing of quality niche reporting,” a panelist commented, saying affordability is the main constraint. In understaffed newsrooms, one journalist has to report on three to four topics, and he or she is just scratching the surface. Besides, the development of specialized quality reporting is hampered by low demand. That is not likely to change until the political situation changes. Currently media are fighting for survival, and there are a handful of journalists—fueled mostly by their enthusiasm—who offer high-quality niche reporting.

Panelists spoke highly of the news agency BelaPAN and business weekly *Belorusy i Rynok*, which offer quality political and economic reporting, and the sports weekly *PressBall*. Even state-owned news agency BelTA was said to be doing some good specialized journalism—if not political reporting, which is blatant propaganda, according to the panelists.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Belarus Objective Score 0.74

This objective increased slightly from the previous year. One of the reasons may be the independent news agency BelaPAN, which has not only continued to offer high-quality reporting, but has also come out with new information services. Separately, more news sources became available, mostly on the Internet (blogs, online radios, etc.). Indicator 3, state broadcasting reflects the political spectrum, held the average down with a score nearly half a point lower than the average.

Overall, the media landscape has not changed considerably: some plurality of news sources still exists, but not all of them are easily available. State-owned television channels remained the primary source of news. In a December 2007 independent opinion poll, 67.4 percent said they were watching Belarusian state television channels every day or at least several times a week. In comparison, 26.8 percent said they were reading local newspapers (unspecified whether state-owned or independent), 21.2 percent said they were reading *Sovietskaya Byelorussia* (the country’s biggest daily, published by the Lukashenka administration), and 16.7 percent said they were reading *Komsomolskaya Pravda v Byelorussii* (a popular Russian-owned tabloid with a Belarusian insert). “Easily available news sources are absolutely monopolized by

the government, and you can't say they are giving a full and objective picture to the public," a panelist commented.

Not surprisingly, those living in bigger cities and people with higher incomes have better access to alternative news sources, like cable television, the Internet, and satellite television and radio. In rural areas, people usually have access to state television (commonly two channels), state radio (via a cable radio network reaching 3 million households), and one or two state-owned newspapers.

According to the same opinion poll, 30 percent of those aged 18 and older said they were watching cable television every day, and 12.8 percent said they were watching it several times a week. For satellite television, figures are 9.8 percent and 5.6 percent, respectively. Newspapers are affordable to many—only 8.9 percent said they were not reading them—yet these are being purchased mostly for television listings. Since independent press is by and large banned from state distribution networks, fewer people are willing to make the extra effort to buy them from a street seller or subscribe to them. The latter alternative is even more complicated and time-consuming, as a contract needs to be made, then paid in a bank with the receipt sent to the publisher, etc. Moreover, some are afraid to subscribe to the independent press—labeled “opposition”—for fear of reprisals.

One panelist spoke of the digital gap between urban and rural areas. Although state-owned telecom monopoly Beltelecom is offering broadband even in smaller towns, fees remained high and there was hardly any demand.

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

According to another nationwide survey, 48 percent of Internet users still use dial-up. Fast broadband is still a luxury: one megabit ADSL without a traffic cap was offered for around \$1,000 a month and by Beltelecom only, since it owns most of the country's telecom infrastructure and controls international Internet traffic. With other Internet service providers (ISPs) forced to purchase traffic from Beltelecom, they cannot compete on price. According to a survey, only 7.0 percent of those aged 18 and older use the Internet daily, with 8.7 percent more using it several times a week. Only 2.6 percent said they were reading news online daily, with 3.9 percent doing so several times a week. Moreover, high fees are hampering online and civic journalism, for which a 24-7 Internet connection is a must, a panelist added.

To be distributed or broadcast in Belarus, foreign print and electronic media need express permission from the ministry of information. Most western and also Polish and Ukrainian channels were banned from cable networks several years ago. However, they are available via satellites. The foreign press is hardly affordable. However, one could subscribe to them directly, and the state postal service, Belposhta, would deliver them, a panelist said. Russian titles are widely available by subscription but are getting exorbitantly unaffordable. And very few will pay for such subscriptions, since these newspapers cannot be read on the Internet. Still, in November 2007, Belposhta delisted three Russian newspapers—*Kommersant*, *Moskovskii Komsomolets*, and *Novaya Gazeta*—from its subscription catalogues because of their critical reporting about Belarus.

Attempts to restrict the use of satellite television by dismantling dishes outlined in the previous report have not gone any further than several cases after *Sovietskaya Byelorussia*, the mouthpiece of the Lukashenka administration, blamed the attempts on “overly enthusiastic” local governments. Meanwhile, a panelist noted that the percentage of pirated satellite subscriptions remained very high.

The Internet remained largely unrestricted compared with other media. Domestic news sources and sometimes blogs, or even entire blogging platforms like LiveJournal.com, are “pinpointedly” blocked only during opposition rallies or similar events.

Belarus has no “public” media, while state media all speak in a single voice and report mostly on the government and first of all on President Lukashenka. “To some extent, they do reflect the political life, since it has really turned into a one-man show,” a panelist commented. Not surprisingly, they do not offer alternative viewpoints. “However, you can post a critical comment on the website of *Sovietskaya Byelorussia*, and they will not delete it,” argued one participant.

Panelists complimented BelaPAN, an independent news agency, on its objective and quality reporting, which has contributed to the overall growth of Objective 3. In 2007, in addition to its traditional text services, BelaPAN offered photos, infographics, audio, and video. "BelaPAN is everywhere. You can't imagine the Belarusian media landscape without it. References are everywhere, and those who are just not citing them as a source are too many to count," a panelist commented.

Alternatively, media outlets, depending on their orientation, are also using BelTA (a state-controlled agency) and two Russian-owned services, Interfax-Zapad and Prime-TASS. Five other companies registered as news agencies are offering mostly economic news and legislative updates. There is no discrimination on the side of the agencies, panelists said. On the contrary, independent media are very welcome to subscribe to BelTA, which is actively pushing propaganda. Several years ago, state-owned media and private radio stations were banned from using BelaPAN.

Unless subsidized, subscriptions are not always affordable for independent media. BelaPAN charges \$150–300 a month for its news subscriptions, depending on the package and how much a media outlet can actually pay. Interfax-Zapad's subscription costs around \$300, according to a panelist. Apart from BelaPAN, only BelTA has been offering photos (for many years, unlike BelaPAN) and some infographics.

Domestic broadcast media tend to rely more on purchased programming. Non-state broadcasters, including regional ones, produce their own news, yet they are made "as toothless as possible," a panelist said.

Broadcasters based outside Belarus—like European Radio for Belarus, BELSAT, Radio Liberty, Radio Racyja, and Deutsche Welle—provided little relief. They target the same audience as domestic broadcast media, which is good because they have to compete and thus do supplement each other. "There is an impression, maybe wrong, that more people read news on their websites than actually listen to them," a panelist said. In November 2007, TUT.by, Belarus's biggest Internet portal, launched its online radio station, Radio TUT, which offers mostly music but also some news, including those provided by BelaPAN.

The law orders media outlets, but not publishers or broadcasters, to disclose information about their founders. Hence, in some cases ownership may not be transparent, yet consumers can easily distinguish between state-owned and independent media. Government is the only media mogul, and foreign presence is insignificant. Russian oligarchs own several newspapers, including the popular daily *Komsomolskaya Pravda v Byelorussii* and analytical weekly

*BelGazeta*. Popular weeklies *Argumenty i Fakty* and *Trud* publish Belarusian local editions.

Russian Renova-Media owns Cosmos TV, a big cable television operator and ISP, based in Minsk. The Swedish media conglomerate Modern Times Group (MTG) was said to be finalizing an agreement with Belarus's ministry of telecommunications to build a production studio and a teleport on the condition that it will broadcast Belarusian state television channels via its Sirius 2/3 satellite. MTG is the largest Free-to-Air-TV and Pay-TV operator in Scandinavia and the Baltics and the largest shareholder in Russia's largest independent television network, CTC Media, Inc. Its channels are distributed on the Viasat platform and in third-party networks in 24 Nordic, Baltic, and Eastern European countries and reach 100 million people.

Minority issues largely remained marginalized. "As a rule, interests of a narrow social group are not presented in mainstream media. At the same time, there are few media who represent narrow social interests," a panelist said. Ethnic minorities have their own media outlets, mostly small-circulation newspapers or bulletins. Most notable are Polish (including undercover ones, opposing the government), Ukrainian, and Hebrew.

There is a big language minority, i.e., those speaking Belarusian, a panelist said. Among domestic broadcasters, only two state-owned radio stations, Radio 1 and Radio 2, are offering news in Belarusian. Television-wise, LAD and STV have kept only several cultural programs in Belarusian; Channel 1 and ONT each have only a couple of journalists—mostly regional ones—reporting in Belarusian.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Belarus Objective Score 0.82

The business environment remained hostile, with printing and distribution channels almost 100 percent owned by the government, a key barrier to the development of independent media and also a major threat to their very survival. Separately, the state has also been very repressive to small and media businesses, the mainstay for independent media, thus affecting their advertising revenues. The objective remained relatively unchanged from the previous year, scoring a 0.82. Indicator 5, regarding government subsidies for private media, scored more than twice the average. All other indicators scored below the average, with Indicator 1, media outlets operate as profit-generating businesses, the poorest of the lot.



Belarus was ranked 151 out of 157 in the 2008 Index of Economic Freedom, administered by *The Wall Street Journal* and The Heritage Foundation: “[Belarus’s] financial freedom, investment freedom, property rights, and freedom from corruption are 20–40 points below the world average. The government dominates the financial system and either owns or controls all but one of the 31 banks. Foreign investment in all sectors faces hurdles, from outright restrictions to bureaucratic incompetence. Weak rule of law allows for significant corruption and insecure property rights.”

Both state (given their subsidized status) and independent (economically repressed by the government) media are not operating as efficient businesses, panelists agreed, arguing that media could be a profit-making venture under current conditions.

“The few remaining private printing houses are periodically raided by some unknown officials. I don’t know what they are looking for, yet the client will feel discomfort at a minimum,” a panelist said. Almost 20 independent newspapers were banned from the state postal service, Belposhta, and press distribution network Belsajuzdruk several years ago and have had to rely on their own street sellers or house-to-house delivery systems ever since. Two more regional newspapers, *Vitebskii Kurjer* in the northeastern city of Viciebsk, and *Miascovy Chas*, based in Pinsk in the southwest of the country, suspended publishing altogether, since they found it impossible to make ends meet. Several independent newspapers, most notably *Narodnaya Volya* and *Tovarishch*, still publish outside Belarus, in Smolensk (western Russia). Meanwhile, the government is investing millions of dollars to update printing presses under a program that would allow all local state-owned newspapers to go full-color in 2008.

#### 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.

Revenues come from different sources, with independent media using the widest variety (advertising, sales of print copies, sometimes donor funding), yet to a different extent. This, however, has not contributed to their sustainability, given the overall anti-business and anti-free-press environment. State media relied mostly on government funding and subsidized fees and to some extent on subsidized advertising. Private broadcasters, such as FM radio stations, were making profits on advertising only, while regional television stations also relied heavily on personal messages, such as birthday greetings.

Although the market for Internet advertising almost doubled in 2007—up to \$2.8–3.0 million, according to some reports—little of that, if any, reached online media, who had to rely on donor funding.

In 2007, according to the advertising group ZenithOptimedia, the Belarus advertising market totaled \$87.1 million annually, with \$53 million spent on television ads, \$15.4 million on press, and \$3.7 million on radio advertising. Television became the biggest gainer quantitatively, since big multinational companies that offer fast-moving consumer goods and advertising agencies had traditionally stuck to national television channels that reached wider audiences. Big international agencies continued to dominate the market.

Under a new advertising law, advertising should not take more than 20 percent of total daily broadcast time and 30 percent of primetime (18.00 to 22.00).

Independent media do not receive government subsidies. However, some outlets nominally not owned by the state yet controlled by it sometimes choose to join state media holdings to avoid bankruptcy. In April 2007, the team at *Vechernii Minsk*, a daily based in the capital, sold a 68 percent stake of the newspaper to MTIS, one of Belarus’s biggest cable television and Internet providers. MTIS, in turn, is owned by the Minsk City government.

Some market research is being done, both in-house and by commissioned companies. However, their services are hardly affordable to all but a few bigger media outlets, mostly state-owned. According to a panelist, privately owned newspapers *Intex-press*, *Vechernii Brest*, and *Vechernii Grodno* were using their own in-house research efforts, including questionnaires and phone polls, and accordingly tailoring their reporting and advertising behavior. State-owned media, like the daily *Sovietskaya Byelorussia* and television channels ONT and Channel 1 were also said to be using external research and adjusting their products.

One panelist raised the issue of applicability, since media are very restricted in their marketing efforts: “If you tell

*Narodnaya Volya* [the newspaper is banned from subscription] that their readers would rather subscribe to it, there is very little they can do.”

Several companies offer broadcast ratings: NOVAK is selling subscriptions to its diary panel and does quarterly face-to-face interviews on media consumption. The Institute for Sociology at the National Academy of Sciences uses people-meters to produce television ratings. The Independent Institute of Socio-Economic and Political Studies (IISEPS) administers mostly political polls, yet sometimes offers television, radio, and newspaper ratings; SATIO and MASMI periodically research Internet audiences. Of all pollsters and research companies, only IISEPS offers its reports for free. Sometimes figures on the use of the Internet are made public.

Sometimes the ratings lack credibility, the panelists believed, or give little practical information to both media and advertisers. The same applies to circulation figures, since there is no independent audit authority. Under the law, every issue of the newspaper should carry the print run, yet actual sales figures remain suspect.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Belarus Objective Score 0.75

Media-support institutions remained at a low ebb, finding it next to impossible to sustain an independent and professional press. Overall scores for this objective declined slightly from 0.81 a year earlier. Indicator scores did vary quite a bit; Indicator 2, professional associations, was the clear leader at more than twice the average, while Indicators 1, 6, and 7—trade associations, printing facilities and access to newsprint, and apolitical channels of distribution, respectively—all scored much lower.

The panelists failed to name any trade associations supportive of media outlets’ interests. Television Broadcasting Network (TBN), an organization of local television broadcasters, closed down altogether in 2007. Independent regional publishers that used to have their own association until 2005 are now trying to reunite in the form of a more loose partnership.

There are two professional associations working in Belarus, and like other associations in the country, they are ideologically juxtaposed against each other. The Belarusian Union of Journalists is an “official” organization of journalists. Although it brings together around 2,000 media professionals working for state-controlled media, panelists failed to recall what it had been doing apart from giving out prizes. Not until 2007 did it launch a training program for journalists, something its independent counterpart, the

Belarusian Association of Journalists (BAJ), has been doing for years. The BAJ unites around 1,200 independent journalists and works to protect their rights via legal advice and defense, professional development, and public advocacy. Panelists paid tribute to what the BAJ was doing to protect both journalists and the freedom of speech in the country. However, one panelist regretted that it had been working somewhat traditionally, “like a usual association in a usual country.” Although very supportive for the media, it should be more pioneering and also active in keeping Belarusian journalists at the cutting edge of the most up-to-date innovations in the media sector, according to this panelist.

In a positive development, the BAJ’s membership was growing—up from around 1,000 media professionals a year earlier. A group of young journalists, mainly working for the new media, joined the BAJ in 2007. Since most of them lack professional training in journalism, the association is helping to improve the quality of their reporting. The influx of fresh blood is likely to make the BAJ more pioneering and efficient, a panelist said. Besides, the BAJ publishes a professional journal, *Abajour*, which also contributes to the development of media.

Nongovernmental organizations are an endangered species in Belarus. Being harassed by the government, they have to concentrate more on their own survival than on helping the media. Some of them work in stealth mode and do provide some assistance to the media, like offering trainings or legal advice. There is more of such cooperation in the regions, since the BAJ does not always reach remote regions, a panelist said.

Several domestic universities offer journalism degrees, most notably the journalism school at the Belarusian State University in Minsk, and other state schools in Homiel, Hrodna, and

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

### SUPPORTING INSTITUTIONS INDICATORS:

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

Viciebsk. There are two privately owned institutions, both based in Minsk, that train journalists. Academically, domestic programs are “archaic,” a panelist commented, and offer no practice-oriented training at all. Media managers at both independent and state outlets were said to be dissatisfied with the knowledge (“very basic”) and skills (“if any at all”) that would-be journalists get. Besides, the programs do not teach niche reporting, including economics and business, media management, and online journalism.

External alternatives include the European Humanities University, once a Belarusian university now in exile in Vilnius (Lithuania). There are also scholarship programs in Ukraine and Poland, funded by their governments and foreign donors. Elsewhere, the US government offers masters’ scholarships in journalism and mass communications at US universities under the Muskie program. Other minor opportunities might be scholarships by the British Council (at the United Kingdom) and the Open Society Institute (Central European University in Budapest, Hungary). Similarly to previous years, panelists doubted that graduates would find it easy to apply locally the knowledge and experience they had gained abroad.

Short-term training opportunities, offered mostly for free by both local and international organizations, are available and quite popular since they are often the only opportunity to bridge the skills gap. By and large, the professional needs of all departments and all levels are addressed—or, at least, pertinent courses are available. More trainings should be organized domestically, the panelists said, since most newsrooms find it problematic to send their key staff abroad. Trainers from Belarus and neighboring countries, like Ukraine and Russia, are a better choice compared with the western ones, one participant argued, since the former have better knowledge of the audience and better understand the broader context the media work in.

As noted above, the government monopolizes printing facilities; hence, they are politicized and price-discriminative against the independent press. “The [remaining] 1.5 private printers are so scared to make the government angry that they themselves censor the newspapers they print,” a panelist commented. Under the law, a director of the printing house is responsible for the contents of the printed materials his company produces. Sources of newsprint are not yet controlled by the government. However, it has built a newsprint factory in Lukashenka’s hometown of Shklou and was reportedly ordering state-owned newspapers to purchase newsprint from it starting in January 2008. At the same time, it was planning to impose discriminatory customs tariffs on imported newsprint, a panelist said. However, the production did not start as planned in December 2007 due to technological problems.

Media distribution channels have remained under tight governmental control. Newspaper kiosks are owned by the state. There are some sales of mostly non-political press via newsstands in shops and supermarkets. Some independent regional papers operate their own, very small distribution incentives.

All broadcast transmitters are owned by the state, as is most of the telecom infrastructure. There are private, last-mile ISPs, yet the government controls international traffic and fees remain unaffordable for the vast majority of the population. As a result, some of the Internet providers openly admitted they were earning more money by charging their users for access to their multimedia libraries—with almost 100 percent of pirated content—than by selling Internet access.

Web-hosting is more or less unrestricted; however, most online media prefer to be hosted outside of the country both for affordability and security reasons. “...There is an illusion of freedom. At least as far as Web hosting and Internet access are concerned, a newsroom can circumvent the state [restrictions],” according to a panelist.

*As noted above, the MSI panelists for Belarus agreed to participate only if they were not named publicly in order to avoid criminal prosecution.*

---

*In spite of efforts to bring legislation more in line with European standards, no significant changes occurred in 2007 regarding freedom of the media. Partisanship and self-censorship continue to undermine the quality of reporting in Moldova. Citizens do not have free access to multiple sources of information, especially in rural areas.*



MOLDOVA

The year 2007 saw many local elections in Moldova, including the battle for Chişinău mayor. While the Communist Party (PCRM) won a third of the vote, the democratic opposition parties created alliances and managed to secure non-communist administrations in about two-thirds of the districts. In Chişinău, the communist candidate for mayor lost in a landslide to a young liberal, and the PCRM could not preserve its majority in the capital's city council.

After the elections, Moldova's president agreed to the conditions Russia put forward in exchange for lifting the embargo on Moldovan wine. Closed-door negotiations on the settlement of the Transnistrian conflict continued. Unfortunately, improving relations with Russia coincided with worsening relations with Romania, to the point of throwing out of the country two Romanian diplomats in late 2007. The Moldovan authorities accused Romania of "permanent aggression" because Moldovans living in Romania are treated, ethnically and linguistically, as genuine Romanians.

Chişinău also focused on its relations with the EU, anticipating the completion, in February 2008, of the EU-Moldova Action Plan. Although Brussels officials mentioned some "progress" towards democratization, they also pointed to problems with judicial independence and freedom of the media.

In spite of efforts to bring legislation more in line with European standards, no significant changes occurred in 2007 regarding freedom of the media. Partisanship and self-censorship continue to undermine the quality of reporting in Moldova. Citizens do not have free access to multiple sources of information, especially in rural areas. Profitable media businesses are an exception, although advertising revenues have been growing. Trade associations face a media community divided along political lines, and the authorities turn a deaf ear to NGOs supporting freedom of expression.

Therefore, panelists' scores show that the media in Moldova still face an "unsustainable, mixed system." Moldova remained in the lower third of countries in Europe and Eurasia based on overall score. As with last year, only Objective 5, Supporting Institutions, achieved a score greater than 2.00.

# MOLDOVA AT A GLANCE

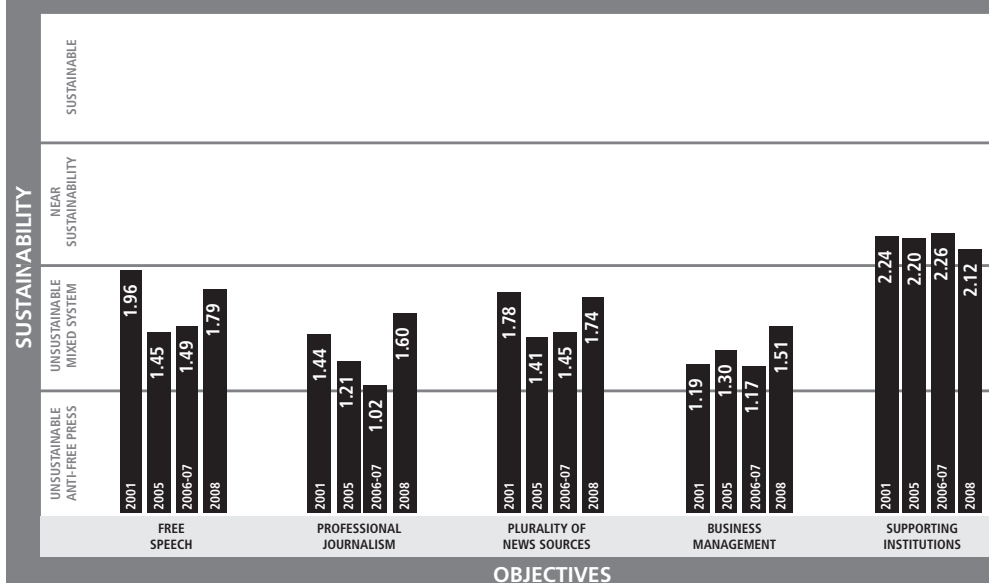
## GENERAL

- > **Population:** 4,320,490 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Chişinău
- > **Ethnic groups (% of population):** Moldovan/Romanian 78.2%, Ukrainian 8.4%, Russian 5.8%, Gagauz 4.4%, Bulgarian 1.9%, other 1.3% (2004 census, *CIA World Factbook*)
- > **Religions (% of population):** Eastern Orthodox 98%, Jewish 1.5%, Baptist and other 0.5% (2000 est., *CIA World Factbook*)
- > **Languages (% of population):** Moldovan (official, virtually the same as the Romanian language), Russian, Gagauz (a Turkish dialect) (*CIA World Factbook*)
- > **GNI (2006-Atlas):** \$3.744 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$2,880 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 99.1% (male 99.7%, female 98.6%) (2005 est., *CIA World Factbook*)
- > **President or top authority:** President Vladimir Voronin (since April 4, 2001)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: approximately 170 total newspapers in magazines, primarily in Romanian and Russian; Radio: 46; Television stations: 38 ([www.moldpresa.md](http://www.moldpresa.md); [www.cca.md](http://www.cca.md))
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** top ranked television: TV Moldova 1; top ranked radio: Radio Moldova
- > **News agencies:** Infotag, Basa-press, Reporter.MD, Moldpres (state agency), Info-prim Neo, InfoMarket, Deca-press, Flux, Novosti/Moldova.
- > **Annual advertising revenue in media sector:** \$23 million (Advertising Agencies Association of Moldova, 2007)
- > **Internet usage:** 727,700 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: MOLDOVA



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREEDOM OF SPEECH

### Moldova Objective Score: 1.79

Panelists gave most of Objective 1's indicators scores similar to the overall average. However, two of them, Indicators 8 and 9, media access to international news sources and free entry into the journalism profession, scored roughly a point higher. On the low side, Indicators 2 and 5, broadcast licensing and preferential legal treatment for state media, received scores well below the average.

The majority of the panelists believed that media laws in Moldova are "quite good" and, as in previous years, the problems facing freedom of expression and access to public information are due to flawed implementation and lack of enforcement. The situation has worsened in terms of the frequency with which journalists are subject to assault. Petru Macovei, president of the Independent Press Association, believed that, "The year 2007 was a negative year for the media in Moldova, especially for the media that are independent from the government and the governing party. There have been many cases in 2007 when pressure was exercised on the media, access to information was denied, media outlets were harassed in courts and journalists were subject to straightforward assaults, all of which shows that there can be no talk of any sort of alignment to democratic standards. On the contrary, one should speak about Moldova's alienation from such standards, which has been confirmed by the seven ECHR [European Court of Human Rights] rulings made in 2007 against the Moldovan government in media cases."

Article 32 of the Constitution of Moldova guarantees the freedom of expression to all citizens. However, it is the same article in the Constitution that prohibits "defamation of the state and the nation, incitement to war of aggression, to national, racial or religious hatred, incitement to discrimination, territorial separatism, public violence, as well as other forms of expression threatening the constitutional order." Article 34 of the constitution guarantees access to information to all individuals. The panel participants welcomed the government's legislative initiative, approved on November 8, 2007, to eliminate from Article 32 of the constitution the phrase "undermining and defaming the state and the nation" in view of adjusting the laws to the provisions of Article 10 of the European Convention for Human Rights. This proposed amendment is pending Parliament's review and approval.

Moldova also has a press law, passed in 1995, and a broadcasting code, passed in 2006. The Press Law, in Article 1, "guarantees to all individuals the right to express freely their

views and ideas, to access truthful information on domestic and international events." It also prohibits "censorship of any type against periodicals and news agencies, interference with their information gathering and dissemination work." The Broadcasting Code "aims at, inter alia, guaranteeing to broadcasters the right to editorial freedom and freedom of expression, and establishing democratic principles for the operation of broadcasting in Moldova." No government authorization is needed for Internet access.

Article 304 of the Criminal Code is out of line with the European standards, since it provides for "a fine of 10,000 lei or 180 to 240 hours of community work or up to 2 years of imprisonment" for "libel against the judge or the person conducting the prosecution or contributing to justice, accompanied by charges of a serious, extremely serious, or exceptionally serious offense in connection with case reviews in court."

Another criminal offense is the "illegal collection and purposeful, unauthorized dissemination of information protected by law and concerning private life" (Criminal Code, Article 177), "the disclosure of criminal prosecution information in violation of an interdiction imposed by the individual conducting the criminal prosecution" (Criminal Code, Article 315), and "defiling the flag, coat of arms, or anthem of the Republic of Moldova or of any other state" (Criminal Code, Article 347). Additionally, the Administrative Code provides for up to 30 days imprisonment for libel and verbal abuse.

#### 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.

---

---

*Petru Macovei, president of the Independent Press Association, believed that, "The year 2007 was a negative year for the media in Moldova, especially for the media that are independent from the government and the governing party."*

Anatol Golea, manager of TV7, expressed the opinion of the majority in the group when he said that "a number of laws on press freedom, access to information, and protection of journalists were passed as part of the EU-Moldova Action Plan implementation. But these documents, including the Broadcasting Code, are only declarative and their implementation can be substantially improved." Alexandru Dorogan, chairperson of the Association of Electronic Press (APEL), said in a January 3, 2008 interview with Info-Prim Neo news agency, "There have also been positive changes in legislation, especially in broadcasting, when the Broadcasting Code was passed and when, finally, we became able to hear more local music on more radio stations and speak seriously about the share of own and relayed TV programming. However, this is about all in terms of positive developments, as the current government continues turning the media outlets against each other and manipulating them, maintaining its control over 70 to 80 percent of the media and being unhappy, to boot, for not controlling the whole lot."

On May 3, 2007, Monitor Media news agency reported that a joint declaration by 15 foreign embassies and international organizations with offices in Moldova declared that the country had taken a step back, triggering concerns regarding how serious it is about keeping its commitments regarding media freedom. The signatories of the declaration reminded the Moldovan authorities about the numerous commitments and promises Moldova had made in relation to a number of international conventions and other documents.

Cases of freedom of speech violations usually do not trigger major public attention, since they are covered by only a small number of local television stations (all stations with national coverage are controlled by the authorities). Violations of freedom of speech and denied access to information can be challenged in court; however, the courts unfortunately do not always make their decisions independently.

Radio and television licenses are issued by the Broadcasting Coordinating Council (BCC), which, according to the majority of panel participants, does not behave as an independent body. Article 19 of the Broadcasting Code was

worded in such a manner as to allow the authorities to preserve their grip on the BCC and the public broadcaster Teleradio-Moldova (TRM) by selecting the BCC members according to how loyal they are to the PCRM rather than according to professional criteria.

"Broadcasting licenses are issued by the BCC on a competitive basis, but the process lacks transparency and comes under political pressure from the authorities," said Angela Zaharova, editor and anchor at Elita TV in Rezina. One BCC decision that triggered a public scandal was the withdrawal of the frequency used by the Bălți station FM-103.5, which was then awarded to a station set up on the day before the BCC's decision. Radio FM-103.5 was the only station in Bălți broadcasting original programming. Since its founding in 1994 the station had never been penalized or warned by the BCC.

On February 19, 2007 Monitor-Media reported that the head of the OSCE mission in Moldova, Ambassador Louis O'Neill, expressed his concern regarding the negative trends in Moldovan broadcasting. Speaking about the case involving the Bălți station, O'Neill said that this decision needed to be explained and justified in order to avoid the impression of being politically or financially motivated. Colleen Graffy, Deputy Assistant Secretary at the US State Department, said in February 15, 2007 interview to Monitor Media that BCC's arguments explaining their decision to suspend the license of FM-103.5 were not clear, and the measure was overly harsh since the Broadcasting Code stipulates that the radio station must first be warned publicly, then sanctioned, and only after that deprived of its license.

In June the Center Against Economic Crimes and Corruption (CCCEC) started a criminal investigation of an alleged case of bribery involving €60,000 requested by some BCC members. Six media NGOs (Independent Journalism Center, APEL, Union of Journalists of Moldova, Association of Independent Press (API), Center for Journalistic Investigations, Press Freedom Committee) issued a joint declaration in which they expressed their concern about the actions of the CCCEC. "Violation of procedures, intimidation through interrogations, 'warnings,' forced delivery to the CCCEC offices of individuals who were not suspects, mentioning €60,000 in the context of the Moldovan realities in which broadcasters operate: all these aspects raise questions as to the strength of the grounds on which the charges are based," the declaration read. The organizations signing the declaration also stated that it was likely that "the Center Against Economic Crimes and Corruption was used by the government or other interest groups affected by some of the decisions the BCC had taken in order to exercise pressure on its members and stop attempts to improve the situation in Moldovan broadcasting."



On July 31, 2007 BCC chairperson Corneliu Mihalache was removed from office by a majority vote of BCC members for "failure to disclose official documents." However, the new chairperson, Vlad Țurcanu, was unable to carry out his duties since *Monitorul Oficial* refused to publish the BCC decision in question, quoting ridiculous reasons, which prevented the decision from becoming effective. Later, a new majority emerged within the BCC, which chose a new chairperson, loyal to the PCRM, and *Monitorul Oficial* did not hesitate this time to publish the relevant BCC decision.

On October 2, 2007 Info-Prim Neo reported that 10 media and human rights NGOs published a declaration in which they showed that the procedure started by the BCC to reallocate the frequency previously used by the Romanian Television Corporation to broadcast its public channel TVR1 to Moldova was illegal and, consequently, the outcome of the competition for the frequency was illegal too.

A declaration published by the founders of Radio Vocea Basarabiei on December 19, 2007 stated that the BCC had not awarded the station a single license, although it had applied for 10. Vocea Basarabiei is among the few radio stations producing its own programming and giving radio access to the opposition. "Everything BCC does has led to the concentration of broadcasting in the hands of the authorities," said panelist Veaceslav Țibuleac, Vocea Basarabiei's manager.

According to Dmitri Kalak, laws are sometimes used as a "pretext to crack down" and for passing "questionable decisions." The majority of panel participants consider that the legal grounds on which the TVR1 license was reallocated were not strong enough. However, "BCC awarded broadcast licenses to state supported NIT TV for absolutely all the channels made available. The applicants already operating in certain communities covered by the licenses put up for competition were not awarded any. Elita TV managed to expand its broadcast area only by taking the BCC to court," noted Zaharova.

The most recent example illustrating the lack of fairness and transparency in BCC's decisions could be observed during its December 18, 2007 meeting, which canceled the competition for a number of frequencies due to the fact that some applications were incomplete. "The law says that incomplete applications are not even admitted to the competition. My question is why should the applicants who do submit complete files suffer a setback in this case [because others did not]?" said Zaharova.

Other than broadcast licensing, market access and the tax system for media are comparable to other business areas. Print media are exempt from VAT, with the exception of

*"Although the Supreme Court of Justice has recommended to judges to offer less protection to public figures in defamation cases, this is not happening in practice", said Vladislav Gribincea.*

advertising. "Formally, the legislation guarantees unrestricted market access for independent media. However, the legal and regulatory framework is not encouraging for the media and media support mechanisms are not widely used, which reduces the possibilities for a pluralist and independent media landscape to develop," said Petru Macovei, director of the Independent Press Association.

The year 2007 witnessed an increase in the number of cases when the police or others abused journalists and denied them access to public events. On January 15, 2007 the offices of the *Timpul de dimineata* daily were stormed by some 50 people, throwing eggs at the journalists and abusing them verbally. It seemed that the group, which included priests, was angry about a story published two days before, where the paper stated that Prime Minister Vasile Tarlev had turned the Nativity of Christ Cathedral in Chișinău into an election pulpit on the occasion of Julian Calendar Christmas by holding a speech in front of the churchgoers as they were attending mass. The police did not interfere in the protests.

On March 27 a PRO TV team was taken into custody as they were filming a group of liberal politicians on their way to the graves of the pre-World War II National Assembly members, where they were planning to lay flowers. DTV and TV7 journalists were treated brutally and their videotapes were erased.

On April 22 a citizen distributing free issues of *Democratia* newspaper on the streets of Chișinău was placed in custody by the police under the pretext of violating public order by engaging in a forbidden activity. According to a statement made by *Democratia*, two police officers from the Rascani police precinct in Chișinău seized 67 issues of the publication.

On June 8, the police raided, without a warrant, the offices of Euro TV Chisinau, which had reported on violations of the electoral legislation and showed on-air a number of ballots found in the neighborhood of the television station's premises. Instead of starting an investigation into the matter, the police chose to harass the journalists.

On August 17 Communist MP Boris Ștepa assaulted the cameraman from TV Prim Glodeni, who was filming a heated

discussion during a meeting of the Glodeni city council. On September 11 the police tried to prevent journalists from filming a protest meeting held in front of the Foreign Ministry in Chişinău by covering their camera lenses.

PRO TV journalist Angela Gonta and cameraman Vlad Culiomza were assaulted by police on October 19 as they were reporting on the eviction of a person from an apartment building in Chişinău. On December 28, a UNIMEDIA (a popular news site) reporter was assaulted by unidentified individuals while he was filming President Vladimir Voronin at the opening of the country's main Christmas tree in central Chişinău.

The cases of aggression against journalists are usually covered by the opposition media. The authorities usually do nothing to punish the perpetrators.

Public media are not legally entitled to preferential treatment. In reality, the authorities discriminate, both economically and in terms of access to information, against media that express critical views of the government. The public media and the media loyal to the authorities are given preference when public agencies, ministries, and state enterprises buy advertising. The way the Council of Observers is selected and approved allows the authorities to maintain their control over TRM. The authorities subsidize the former governmental papers *Moldova Suverana* and *Nezavisimaya Moldova*, which have been privatized but have maintained their old editorial policy. For example, according to a June 14, 2007 Monitor Media report, the government decided to pay MDL 84,000 to help "the NGOs of the Moldovan Diaspora" subscribe to the former governmental papers *Moldova Suverana* and *Nezavisimaya Moldova*.

Further, district councils publish local newspapers whose editorial content is under their control. "District authorities force their employees to subscribe to the so-called 'district newspapers' funded from the local budgets," said Angela Zaharova.

In terms of legal guarantees of editorial independence, in practice there is very little at state media. Although there has been some progress at TRM, it has yet to become a truly public broadcaster. The BCC is still under control of the state. Further, the privatization of the Chişinău city broadcasters, Radio Antena C and EuroTV, in essence became a splitting of property between the PCRM and the Christian Democratic Popular Party (PPCD). Editorial independence has so far not flourished despite the privatization.

Any individual who feels defamed may file civil charges, according to article 16 of the Civil Code. The offending information must be retracted damages paid unless the

defendant can prove that the information is true to the smallest detail. The law does not impose a ceiling on how much damages an individual can ask for. Good faith, journalistic ethics, and public interest are not relevant defenses. The defendant must also prove that any editorialized judgments are supported by the facts as well.

"Although the Supreme Court of Justice has recommended to judges to offer less protection to public figures in defamation cases, this is not happening in practice. Moreover, politicians tend to win defamation cases quite often, and damages awarded to them are not lower, and sometimes are even higher, than damages awarded to regular citizens. One tends to think that this is happening due to the limited independence judges have, who are tempted to side with politicians even on claims that are obviously unfounded by issuing poorly justified rulings," said Vladislav Gribincea.

Internet providers, however, are not held liable for the content published by their clients online.

According to the Access to Information Law passed six years ago, any individual legally residing in Moldova can request any information or documents from authorities or public institutions without having to justify their request. All the panel participants agreed that public information has not become more accessible. "Low and middle rank public officials avoid speaking to journalists without approval from their superiors," said Petru Macovei, director of the Independent Press Association.

Vasile Spinei, Acces-Info director, felt that "The Access to Information Law is an instrument that could substantially improve the work of journalists, especially since this important piece of legislation has exhaustive provisions on the judiciary and other forms of protection of the right to access to information. Unfortunately, in contrast to the high number of cases of denial to access of information, there are few cases of journalists going to court." Not all journalists are aware of how to request public information, although there are many media NGOs educating journalists and civil servants on the access to information legislation, both in Chişinău and in the provinces.

On March 23, 2007 the Parliament passed a law abolishing the live broadcasts of Parliament sessions on national radio and television. The sessions can be broadcast only with a decision of the TRM management. In late June, the private radio station Vocea Basarabiei declared it was ready to broadcast the Parliament's sessions live at its own expense, but no decision has been made as yet on allowing this.

On February 9, 2007 a Bălți judge asked DECA-press news agency reporter Ana Butnariuc to leave the court as it was holding a public hearing involving a former communist MP. The judge gave no reasons, saying only that it was his prerogative to request so. On July 19, 2007 the president's press service denied access to journalists into a meeting of the president with Bălți city officials. Moreover, the representative of the press service forbade journalists to make recordings while the president was speaking with a group of pensioners in one of the city's residential areas, justifying this ban by saying "the official part has finished." Dmitri Kalak, deputy chief editor with *Ekonomicheskoe obozrenie* newspaper, noted that "some journalists are not performing up to professional standards, which is used as a formal reason to deny them access."

The government does not restrict in any way the access of the media to foreign news and information sources, including online. The only real hurdle is the media's financial capacity.

Any individual may become a journalist. The government imposes no restrictions, in terms of licensing or otherwise, except for the accreditation requirement. Journalists are required to receive accreditation in Moldova under the Press Law of 1994. Most of the accreditation provisions therein concern the accreditation of foreign journalists in Moldova (articles 21, 22, 23, and 25). Foreign journalists are accredited in Moldova by the Foreign Ministry in accordance with the Regulation on the Accreditation and Professional Activity of Journalists in Moldova, passed by the government in 1995.

Article 21(2) of the Press Law provides the legal requirement to seek accreditation with public authorities: "Periodic publications and news agencies may accredit journalists with public authorities, as well as for artistic and sports events, according to the relevant procedure." This ambiguous provision has caused internal regulations to emerge, whereby public institutions establish their own journalist accreditation rules. Some of these regulations were never made public. Some authorities abuse these provisions and refuse to accredit journalists.

On December 20, 2007 a team of journalists from Romania were denied access to a press conference given by President Voronin. The president's press service stated later that the journalists in question "were not accredited by the Foreign Ministry to work on the territory of Moldova." In reality, however, Razvan Emilescu (Radio Romania) does have an accreditation from the Foreign Ministry, while Flori Tiulea (Rompres) had applied for accreditation in June 2007 but has not received yet a response, reported Monitor Media on December 21, 2007.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Moldova Objective Score: 1.60

In this objective, most indicators scored very close to the overall average. Indicator 7, modern equipment, was the leading indicator, slightly more than a half point ahead of the average. Trailing by a noticeable margin, however, was Indicator 5, pay levels for journalists.

The majority of the panel participants believed that in general Moldovan journalists do not observe professional standards. Fact checking, the use of multiple sources, interviewing experts, and background research are all well known rules but are applied only selectively. "The media are generally dominated by 'news-peg journalism,' when a newspaper or a newscast is composed exclusively of reporting from various meetings, press conferences, or press releases. It is seldom that the views of all of the participants in an event are reported, it is also seldom that multiple sources of information are used," said Dmitri Kalak, deputy chief editor of *Ekonomicheskoe obozrenie*. The rest of the panel participants agreed with Kalak when he said that sometimes even the "reputable" media use yellow-journalism techniques. "A trend has emerged, where the media loyal to the authorities use yellow-journalism methods to lash out at political opponents, and they often resort to deceptive moves in order to provoke the opposition," remarked Vasile Botnaru, Radio Free Europe bureau chief.

Petru Macovei, API director, said that "certain unscrupulous individuals take advantage of the journalists' lack of professionalism in order to discredit others. Here is an example: during the local elections of 2007, news agencies

### 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).

*Sorina Ștefârță, chief coordinating editor at the Timpul daily, said that "it's up to the media outlet. As in Moldova the media are divided along political lines, it is quite usual to read the same news in three or four versions."*

failed to double-check and disseminated a fake piece of news announcing D. Chirtoacă's withdrawal from the race for Chișinău mayor."

Sorina Ștefârță, chief coordinating editor at the *Timpul* daily, said that "it's up to the media outlet. As in Moldova the media are divided along political lines, it is quite usual to read the same news in three or four versions. For example, a news story about the president attending the opening of an apartment block for the military becomes a NIT TV piece about President Voronin's efforts to help the military." "All too many journalists are selective about events and report on them with bias," said Vasile Botnaru.

In Moldova there is a Code of Professional Ethical Principles for Journalists, adopted in 2000. These principles are similar to the rules widely accepted by international journalism associations. The Code states, among other things, that "the journalist must clearly differentiate between information and opinion, use only information that he considers reliable and comes from known sources; such information must be reported in an impartial manner; the journalist must not receive any direct or indirect compensation from third parties for the publication of any opinion or information; the journalist must respect the privacy of individuals." Unfortunately, the Ethics Committee of the Union of Journalists of Moldova has no practical power, although there have been numerous cases of serious ethical violations. Some examples of blatant ethical violations that the discussion participants mentioned were most of the *Moldova Suverana* articles signed by Mihai Conțiu and a program entitled *Masked Stories* on NIT TV. Dmitri Kalak observed that "payments for reporting on certain events is the norm in Moldovan journalism." One could not really say that this feature is characteristic only of private media or of a certain generation or category of journalists.

All the panel participants agreed that for economic and political reasons there is self-censorship in both public and private media; one of the reasons for this is journalists' fear to lose their job or upset certain political circles or certain officials. Kalak believed that the main reason why self-censorship exists is the lack of truly independent media

in Moldova. "Most print and broadcast media are controlled by political parties or businesses, which pursue their own interests." Self-censorship also involves editors and publishers.

Most of the panel participants agreed with Sorina Ștefârță, chief coordinating editor at the *Timpul* daily, that "stories are more important depending on what outlet covers them. For example, at Moldova 1 and NIT the news that President Voronin gave away some cell phones is more important than the assassination of the ex-prime minister of Pakistan, Benazir Bhutto." Some private radio and television stations are also "careful" in their news coverage, lest they upset the authorities. The printed press are generally bolder and less dependent on the authorities than the broadcast media, whose licenses might not be renewed when they expire. Editors run the risk of being fired if they select and cover stories independently. This is true of both private and public media. "If there were no press conferences, the Moldovan media would be out of a job," said Vasile Spinei.

Eugen Urușciuc noted that most national media focus on events in the capital and are not interested in stories from the provinces. The low frequency of minority publications, except for the Russian and Gagauz ones, does not allow them to cover all the major events in a given period of time.

The panel participants all agreed that the wages journalists and other media professionals receive are not high enough to discourage corruption. This is true of both print and broadcast media. "The wages are much lower than the value and the social status a journalist ought to have," according to Sorina Ștefârță, chief coordinating editor with the *Timpul* daily. "Journalists often work without having a contract," said Nicolae Pojoga, photojournalist and senior lecturer at the Journalism Department of the State University.

"In Moldova journalists receive salaries (especially in the print media and most public media) which are not competitive with salaries paid in other professional areas and are not encouraging for journalists. Hence, many journalists seek additional jobs, working for two to three outlets at a time," said Petru Macovei.

The wages of journalists in the state media are lower than in private outlets, although the difference is not significant. Broadcast media tends to pay higher than print media. The average wage in print media is \$150 to \$200 monthly, while in broadcasting it is \$200 to \$250. Accepting bribes to produce favorable news stories is a widespread practice among journalists in Moldova. The situation of journalists working in small districts and towns is especially difficult. The average salary of a journalist working outside of Chișinău is about \$100 per month.

Entertainment programs overshadow news programs, although there has been a trend towards expanding the news coverage in broadcasting and news space in print. According to Anatol Golea, “Entertainment programs do not overshadow news programs, because they are very few. However, the newscasts are few too.” Most radio stations have hourly, five-minute newscasts, which are based on news agency feeds. Television stations lag behind the news, as there are no television newscasts during the day, only in the evening. The morning news broadcast by public stations usually repeats the news of the previous evening. Introducing day-time newscasts would attract more viewers to those stations.

The majority of panelists believed that the broadcast media are better equipped, although of all the television stations only the public television stations are able to provide live broadcasts from remote sites. Veaceslav Țibuleac, manager of Vocea Basarabiei radio station, noted “The technology available here is at least one generation behind. The quality of broadcasts is quite low.”

“Print media show a lack of modern printing technologies. Existing printers work in only one format, and the only color printer, owned by Prag 3, is outdated,” said Val Butnaru, manager of *Jurnal de Chișinău*. Newspapers do not have professional cameras and licensed publishing software, and do not subscribe to picture databases. The media in the provinces are equipped worse than the media in Chișinău.

Regarding niche reporting, the participants’ general opinion was that quality stories and programs are quite rare in Moldovan media. The main reason for this is the lack of money. As there is neither operating funds nor investment, the experience and knowledge of journalists trained by the Independent Journalism Center or abroad cannot be used effectively. Some media report better than others on specialized areas. For example, the public media conduct no investigations, preferring stories about how the government implements its strategies in various areas. The print media tackle economic issues in a more competent manner and more thoroughly than the broadcast media.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Moldova Objective Score: 1.74

A few indicators scored near the average score for Objective 3, but most received scores noticeably ahead or behind the average. On the high side, Indicators 4 and 5, news agencies and private broadcasters produce their own news programming, received scores more than half a point ahead of the average. Indicators 3 and 6, state media reflect the

*“National coverage is a monopoly of the government. There are few alternative sources of information in rural areas,” said Vladislav Țibuleac.*

political spectrum and transparent media ownership, received scores roughly a point lower than the average.

Most of the panel participants believed that obtaining multiple sources of information is still a problem, particularly in many rural areas. The population is still too poor to have a high level of access to the Internet, satellite television, and other paid news services.

There are private newspapers distributed nationally as well as local private newspapers. About seven percent of the population can afford to buy national newspapers. The papers published in Chișinău reach villages in the country with a delay of often two or three days.

Besides the TRM, there are three other quasi-national television stations—NIT TV, Prime (relaying the public Russian station ORT), and 2 PLUS (now using the frequency that used to be operated by the Romanian public station TVR1)—that are all controlled by the authorities. “National coverage is a monopoly of the government. There are few alternative sources of information in rural areas,” said Vladislav Țibuleac.

In some district towns there are television stations providing local news and information. Recently, cable television

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

#### PLURALITY OF NEWS SOURCES INDICATORS:

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

*“State-owned and public media are now more biased than ever,” said Sorina Ștefârță. Dmitri Kalak had a different opinion, remarking that 2007 saw “a significant improvement at TRM, whose bias decreased significantly.”*

has started to develop in Moldova’s villages. According to Monitor Media, in late December BCC data showed 20 percent of the 1500 villages with cable television. Panelists were hopeful that cable television would begin to address the problem of plurality of television news outside of the cities.

In radio, again, only TRM has national coverage, and there are a few other stations covering about two-thirds of the country. One of them is the former Chișinău City station Antena C, which has been privatized and is currently controlled by the PCRM. TRM dominates the rural landscape and covers stories from the angle of the party in government.

According to the November 2007 Public Opinion Barometer commissioned by the Institute for Public Policies, only 3.6 percent of respondents said the Internet was the most important news source, while 4 percent placed the Internet second. There is no official data on the popularity of blogs and news by SMS, but their popularity is on the increase.

Controlling broadcast licenses is the only, albeit indirect, way by which the government prevents citizens from having access to national and international media. One example in this respect, according to the panel participants, is the illegal auctioning of the frequency that used to be operated by the Romanian public channel TVR1; this was done to squeeze this station out of Moldova after relations between Moldova and Romania started to worsen. The legislation does not restrict listening to foreign broadcasters or reading foreign publications. However, with the exception of Russian publications, one cannot find print media from any other country due to economic reasons. Furthermore, in many ways Russian broadcasts still play a dominant role in Moldova’s information sphere.

The majority of the panel participants believed that Moldova 1 and Radio Moldova are not truly public institutions. The Popular Republican Party (PPR), an opposition party existing outside of the Parliament, broadcast a statement, covered by Monitor Media, on April 6, 2007 criticizing the public broadcaster TRM for not covering opposition parties. “Even when TRM reporters are there when an opposition party organizes a public event, the coverage is tendentious and

biased,” read the statement. It provided another example, when TRM did not cover four press conferences given by PPR. However, TV Moldova 1 and Radio Moldova cover, exclusively in a positive light, even the most insignificant events attended by PCRM leaders. A monitoring exercise has shown that Radio Moldova, unlike TV Moldova 1, is beginning to improve its professional standards by taking up the principles laid down in the Broadcasting Code and News Programs Ethical Rules. However, the share of news and stories told from an angle suitable to the government is still significant.

The media monitoring conducted during the local elections in June showed that “the public stations Moldova 1 and Radio Moldova covered the electoral activities and statements of the country’s president, the government, and the speaker of the Parliament intensively, giving preference to the governing party and ignoring the opposition. Election news was usually based on information originating with the Central Elections Commission and election councils, but not with the candidates themselves. Most newscasts were obviously designed to influence the audience in favor of the government by covering events only from the official angle. It was only towards the end of the campaign, just before the election day of June 3, and after a warning from the BCC regarding the lack of plurality of views and balance, that Moldova 1 and Radio Moldova started broadcasting information issued by the opposition. It is significant to note that on the morning of the second round of elections Moldova 1 dedicated more time in its newscasts to the president’s Bicycle Race Cup than to the elections themselves.

Monitoring carried out by 10 media NGOs, including the Independent Journalism Center (IJC), APEL and Acces-Info, between November 19 and 25 showed that “a high number of news items and stories are praising the government and are biased.” “State-owned and public media are now more biased than ever,” said Sorina Ștefârță. Dmitri Kalak had a different opinion, remarking that 2007 saw “a significant improvement at TRM, whose bias decreased significantly.”

“Unfortunately, the state-owned media do not tackle the main issues affecting our society, such as corruption, poverty, migration, and the worsening of the situation in the villages. In some cases they mimic debates by inviting only people who are dependent on the authorities, complacent or incompetent. Even education and cultural programs are used for brainwashing,” noted Nicolae Negru, chief editor of *Mass Media in Moldova*.

Besides the state-owned news agency Moldpres, which covers news from the angle of the government, there are also several private news agencies in Moldova: Basa-Pres (whose owner is also the manager of Moldpres), Infotag, Info-Prim Neo, Reporter.md, InfoMarket, Deca-press and

Novosti-Moldova. The news agency Flux resumed operation in August. Private agencies can sell their product to any client, although not all media outlets can afford to subscribe. As a rule, the print and broadcast media quote their sources of information. News from international agencies is accessed on the Internet.

Private radio and television stations usually produce their news programs in-house. Besides simple news bulletins, PRO TV, NIT, Euro TV and the radio station Vocea Basarabiei also produce debates and cultural programs. In the country as a whole, original newscasts can be found at Radio Moldova, Vocea Basarabiei, Radio Free Europe, and BBC; the latter has a daily 15-minute program exclusively on Moldova. Two television stations complete the list: Moldova 1 and NIT. In Chi in u, the following stations produce local news: PRO TV, NIT, TV 7, TV 21, N4, and Euro TV. The news produced by private stations that are loyal to the authorities (NIT, N4) is not very different from the news broadcast by the public stations. The private stations PRO TV, TV 7, TV 21, Euro TV and Vocea Basarabiei cover their stories from multiple angles. In Bălți, Comrat, Cahul, Cimișlia, Edineț, Rezina, etc., there are local radio and television stations producing in-house newscasts in Romanian and Russian. "Broadcasters produce their own news, which, however, generally reflect the viewpoint of certain political forces and deny airtime to the opposition," said Anatol Golea, TV7 manager. "The media offer consumers ready-made opinions rather than facts. Radio Antena C, for example, included in its 11 p.m. news on December 11, 2007 an item six minutes long because it quoted an entire article from *Moldova suverna*," reported Angela Zaharova, of Elita TV Rezina.

According to the new Broadcasting Code and other laws, media outlets are under the obligation to identify their founders, although the founders are not always the true owners. "More often than not, the founders are just front people or businesses, while the true owners remain in the shadow and one can only guess who they might be. This situation is created by the absence of legal requirements regarding the disclosure of the owners' identity. This is why it is inaccurate to speak about monopolies or oligarchies in the media in Moldova. Disparate data about the concentration of several institutions in single hands do not warrant statements about monopoly or oligarchy," said Dmitri Kalak.

However, most of the panel participants believed that there is enough evidence showing that a number of radio and television stations have been bought, through front men, by the governing party, such as the city stations Antena C and Euro TV, which were privatized in early 2007 and ended up in the grip of PCRM and PPCD. "The local elections this year showed this to be true. PCRM has secured a monopoly in

broadcasting, as all nationwide television stations are in the hands of this party if we are to judge by their coverage of the elections," said Angela Sirbu. There have been no foreign investments in Moldovan media so far, and panelists felt that in the current environment there is no interest from investors with the exception of those from Russia.

Social issues are covered by the media from the viewpoint of the governing party. There have been no cases of journalists being harassed for covering minorities. Minority-language media face only financial difficulties. TRM has programs in Russian, Ukrainian, Bulgarian, Gagauz, and Yiddish. There are also publications in Russian, Ukrainian, Gagauz, and Bulgarian (the Jewish community publishes a newspaper in Russian). "The information space in Moldova is dominated by the language of the Russian minority. Other minority languages are for 'internal use,'" said Sorina Ștefârță. Private community media usually cover the entire range of social issues, albeit with a heavy dose of self-censorship.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

### Moldova Objective Score: 1.51

Most panel participants believed there has been a positive development in this respect determined by the rapid development of the advertising market. All indicators scored very close to the average with the exception of Indicator 5, government subsidies for private media, which scored a bit more than half a point higher.

Profitable media still represent an exception rather than the rule, however. Dmitri Kalak said, "Most media are

#### 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.

*Vasile Botnaru said, "The independent media are not able to work in a free market because the Moldovan market is dominated by shadowy rules such as 'might makes right.'"*

politically committed and profit is not their primary concern." The lack of investments is another factor hindering the development of both private and public media as profitable and professional businesses. The commissions made by small circulation newspapers fail to secure the revenues necessary to buy modern equipment. The same is true of printing operations, whether private or public. There are only two printers in Chi in u, one of which is owned by a party leader and the other one by the state. The poor quality of the print repels advertisers, who seek color and perfect print.

Private media draw funding from a number of sources, such as sales, advertising, and sponsorships. Public media are funded mainly by the state or local authorities (in the case of district newspapers), which renders them dependent on the political circumstances of the day. Unfortunately, advertising agencies do not work with all the newspapers and broadcasters. The private media critical of the government are avoided by some advertisers, even though their circulation may be higher than that of other media. State-owned companies, ministries, and governmental units advertise exclusively with the media that are loyal to the authorities. Private newspapers depend on politicians—whether opposition or in government—as they depend on sponsorship and political advertising. Vasile Botnaru said, "The independent media are not able to work in a free market because the Moldovan market is dominated by shadowy rules such as 'might makes right.'"

The advertising market in Moldova has seen a rapid development recently. In June 2007, it was estimated at \$23 million, which is 71.5 percent more than in 2006. "One of the indicators measuring the development of the market is the advertising expenditures per capita. This figure is directly proportional to the GDP per capita, which is an area where we are lagging behind," said Galina Zablovski, executive director of the Advertising Agencies Association of Moldova, to Basa-press.

About 57 percent (\$13 million) of advertising goes to television; television advertising grew by 85.7 percent in 2007. Radio gets about 11 percent (\$2.5 million), with a growth of 66 percent; print media get 8.7 percent (\$2 million), with a growth of 33 percent; and the Internet gets only 2 percent

(\$500,000), with a growth of 42 percent. The balance went to non-media advertising.

As compared to neighboring countries, Moldova is far behind in this area, however. "We have the lowest television advertising prices in the region, which means that there is potential here for massive development. We started at the very bottom, this is why we have to move quickly," said Serghei Starush, director general of the Star Communications Group.<sup>1</sup>

There are more than 140 advertising agencies, but only a few of them play a significant role in the market. These are the multinationals, which arrived here in the region along with their clients. "Last year saw a major move, when Video International (which according to some estimates controlled 60 percent of television advertising) was pushed out of the market by a local company. Some television stations tried unsuccessfully to become involved in this business, and they had to give in to those who 'distribute' the advertising," noted economic analyst Vlad Bercu in a January 9, 2008 Moldova Azi article.<sup>2</sup>

"In 2007 there were positive changes in advertising. Newspapers receive advertising from advertising agencies," said Anatol Golea. About 60 percent of television advertising goes to only one station with national coverage. At all the other stations' advertising takes up about 7 percent of airtime, according to Golea. The Broadcasting Code limits advertising to 12 percent of airtime. The advertising market is only beginning to develop outside the capital and major cities. "I've seen advertising salesmen and businesses saying they were not interested in the local media," said Sorina Ștefăruță. "The advertising market is not looking yet at local broadcasters," said Zaharova.

Save for a few exceptions, the share of advertising revenues in Moldovan media is much below generally accepted standards in other countries. The revenues of the print media largely depend (60 to 70 percent according to the panelists) on subscriptions and sales. The situation is somewhat better in broadcasting, although not in local broadcasting.

As a rule, independent media receive no subsidies from the government. If private media received such subsidies, the government would expect positive coverage. However, as noted above, the government is an important advertiser and places those ads exclusively with media it sees as loyal to the parties in power.

As revenues are low, market research by Moldovan media is rare. Kalak thought, "For many publications advertising is an

<sup>1</sup> <http://www.azi.md/comment?ID=47617>

<sup>2</sup> IBID



important source of revenue. Therefore, in order to secure advertising they are ready to violate journalistic ethics or not run a story in return for advertising. Under the circumstances, one can't speak about market research and strategic planning." "The managers of local media have no access to professional advice. In order to put together a development program, the manager of a local television station has to turn to experts in other countries," said Angela Zaharova.

Audience measurements have been done in broadcasting since 2003 by the local offices of independent international companies. In 2007, 11 television stations were monitored. Advertising agencies generally recognize the results of the measurements. There is no circulation audit in Moldova. Therefore the circulation disclosed by newspapers (a legal requirement) is oftentimes phony. "I find it alarming that the media tend to inflate their circulation and pay for fake ratings in order to attract advertising. Although independent companies are measuring the ratings of broadcasters, not all advertisers recognize the results," said Kalak. "Local TV stations can't afford to assess their audience, which stalls any business dialogue with advertising agencies," said Zaharova. "It is imperative that the print media become engaged in circulation audits, and radio stations should be monitored more thoroughly in order to avoid an arbitrary distribution of advertising, which is happening now," said Vlad Bercu. Veaceslav Țibuleac felt that, "There are no credible organizations to monitor audiences, circulation, and Internet statistics."

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Moldova Objective Score: 2.12

The majority of the panel participants believed that this objective is stronger than the other ones, although it is not developing as needed. Individual indicators scored close to the average, with two exceptions. Indicator 1, trade associations, scored noticeably lower than the others. Indicator 3, NGOs supporting the media, scored nearly a point higher than the average.

There are two trade organizations working for media owners and providing services to members: API and APEL. API was founded in 1997 by the first independent local newspapers and by two news agencies with the purpose of providing support to politically independent media. API's slogan is "For a professional, unbiased, and profitable press." Today, API has a membership of 17 national and regional newspapers, three news agencies, IJC, and two freelance journalists. Over the years API has undertaken many activities, including providing legal, moral, and financial support to independent

*"While API has shown over the years that it is capable of defending the interests of the print media, one could not say the same about broadcasting," noted Angela Zaharova.*

publications and journalists, advocating their civil and professional rights, and providing training and professional development opportunities. It created a database to facilitate information exchange among members. It has tried to improve the newspaper distribution system and helped members secure new equipment, newsprint, and supplies needed to publish and distribute newspapers.

APEL was founded in 1999. It represents 22 broadcasters, production studios, and broadcast professionals. It is also works to improve media laws and protect the freedom of expression. APEL is on the frontline in the effort to transform TRM into a public broadcaster. APEL developed a draft law for this and lobbied, together with other NGOs, for its passage. It has monitored the implementation of the new Broadcasting Code, passed by Parliament in 2006. The political disagreements among the media represent a serious hurdle in the work of professional organizations in Moldova. "While API has shown over the years that it is capable of defending the interests of the print media, one could not say the same about broadcasting," noted Angela Zaharova.

The professional associations of journalists are also not very successful in bringing together journalists who are on different sides of the political spectrum. The Union of Journalists of Moldova (UJM) has lost a major part of its

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

### SUPPORTING INSTITUTIONS INDICATORS:

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

---

---

*There are no legal restrictions on Internet access, neither for the public at large nor for journalists. Internet services are provided by Moldtelecom and many private providers, which have to use Moldtelecom's network.*

membership. It is in conflict with the authorities, which are unresponsive to UJM's attempts to involve the government in supporting the media. Any journalist can become a UJM member, regardless of educational background, who has worked in the field for at least three years. UJM is a member of the International Federation of Journalists and associate member of the Romanian trade union MediaSind. The League of Professional Journalists, founded in 2004 by journalists who had left UJM because of its conflict with the authorities, exists only on paper and has no activities. The Association of Business Journalists provides professional assistance to journalists reporting on the economy.

The most active NGOs supporting independent media and fighting for the freedom of speech are the IJC, Press Freedom Committee, Acces-Info, and Media Impact. They monitor media laws and develop draft legislation to improve the legal framework governing media. They also provide legal assistance in court, train journalists, and work to bring them together. They work not only in Chişinău but also in the provinces. However, their watchdog role would have been much less effective had they not had support from abroad (from OSCE, Council of Europe, EU, and the US). Despite the efforts by NGOs and professional and trade associations, it is the international organizations that are most able to have impact in dealing with the government.

Journalism schools in Moldova (State University, International Free University of Moldova, European Studies University, State University of Comrat) are not attractive to media specialists who might serve as professors because of the low pay, while the young teachers do not have enough media experience to teach practical techniques. Journalism schools also lack equipment. Therefore, the media are not happy with the quality of the graduates. Paradoxically, although more and more journalism students graduate every year, the media in Moldova cannot find good journalists to work with, especially in fields requiring specialized knowledge, such as business, science, and culture. The panel participants mentioned the good quality of the IJC's Advanced Journalism School graduates, which has up-to-date equipment and emphasizes

practical training. Students also have opportunities to study abroad. Some of them return to Moldova.

Reporters, editors, and managers have the opportunity of upgrading their professional knowledge in short-term courses organized by IJC, UJM, API, APEL, Acces-info, and Media-Impact with support from international organizations. There is demand for courses in online journalism, photo journalism, management, advertising, design, radio journalism, and television. Course participants are usually granted permission to attend by their management. Participants attend for free, as the courses are underwritten by foreign donors.

Newsprint suppliers are private companies and there are no restrictions on newsprint supplies. Access to printers is not restricted either; there are both state-owned and public printers. The quality of printing services, at both state-owned and private providers, is of inferior quality due to the lack of money for equipment upgrades.

The newspaper distribution system outside Chişinău is a *de facto* monopoly of Poşta Moldovei, which commands monopolistic fees. Poşta Moldovei delivers the papers with delays, as newspaper distribution is not its main business. Private distributors have emerged recently in Chişinău and Bălţi, although most newsstands are affiliated to Moldpresa, the successor company to the state-owned Moldsoiuzpechat. Outside the capital, even if sufficient investment could be found to develop an alternative nationwide distribution system, it would likely not survive because of the small print runs of most newspapers.

Most transmitters are managed by the state company Radiocomunica ii. Sometimes, the transmitters mysteriously break down, as happened early this year when the Antena C journalists organized protests against the privatization of their station. Some television stations have their own transmitters, however.

There are no legal restrictions on Internet access, neither for the public at large nor for journalists. Internet services are provided by Moldtelecom and many private providers, which have to use Moldtelecom's network.

---

---

## List of Panel Participants

**Vasile Botnaru**, bureau chief, Radio Free Europe, Chişinău

**Anatol Golea**, manager, TV 7, Chişinău

**Vlad Gribincea**, attorney, Lawyers for Human Rights Association, Chişinău

**Dmitri Kalak**, deputy editor-in-chief, *Ekonomicheskoe obozrenie*, Chişinău

**Petru Macovei**, executive director, Association of Independent Press, Chişinău

**Nicolae Pojoga**, photojournalist, senior lecturer, Journalism Department, State University of Chişinău

**Vasile Spinei**, chairperson, Acces-Info Center, Chişinău

**Sorina Ştefârţă**, coordinating chief editor, *Timpul de dimineaţă*, Chişinău

**Veaceslav Țibuleac**, manager, Vocea Basarabiei Radio, Chişinău

**Eugen Uruşciuc**, editor-in-chief, Deca-press, Bălţi.

**Angela Zaharova**, editor and anchor, Elita TV, Rezina

**Angela Sirbu**, director, Independent Journalism Center, Chişinău

## Moderator

**Nicolae Negru**, editor-in-chief, Mass Media in Moldova, Independent Journalism Center, Chişinău

The Moldova study was coordinated by, and conducted in partnership with, the Independent Journalism Center, Chişinău.

*While the grip over the media tightened, the economic situation in Russia continued to improve. High oil and gas prices brought substantial financial reserves to the government and helped fund ambitious social programs in housing, health care, and education. The economy continued to grow, which helped the media sector through expansion of the advertising market.*



RUSSIA

The year 2007 was a time of preparation for the Duma elections in December and the presidential election in March 2008. Both were presented as a vote for or against President Vladimir Putin, whose United Russia party triumphed in the Duma elections, and whose handpicked successor would go on to win the presidency, appointing Putin to the position of prime minister and effectively restoring him to power.

The media were one of the key levers of power the state sought to control in the run-up to the elections. The government began plotting its moves as early as 2006, strengthening control over national print and broadcast media. During 2007, observers saw the media as an instrument of government influence: political opposition practically disappeared from television screens and newspaper pages.

While the grip over the media tightened, the economic situation in Russia continued to improve. High oil and gas prices brought substantial revenues to the government and helped fund ambitious social programs in housing, health care and education. The economy continued to grow, helping the media sector grow through expansion of the advertising market.

The panelists for this year's MSI were concerned that the current political atmosphere in Russia resurrected Soviet traditions of propaganda. They noted that in addition to the political pressure on media, journalism schools still using old Soviet curricula turn out students ready to adopt this approach. Meanwhile, advertising and revenue growth are unrelated to journalism quality and promote a false perception of success among media outlets. This drive for advertising rubles, combined with the political climate, mean that editorial decisions are often driven by ratings and readership, divorced from any deeper understanding of the needs and preferences of the audience.

In this climate, the panelists noted that media professionals are finding themselves without a clear-cut identity or mission. "We do not have a common understanding of what we are. On the one hand, we are media businesses; on the other, instruments of influence; and on yet another, an administrative and political resource," said one panelist.

Against this backdrop, scores showed a largely insignificant increase from the previous year. With an overall average of 1.78, up from 1.67, it remains an unsustainable, mixed system. In line with the MSI scores from recent years, Objectives 4 and 5, business management and supporting institutions, were the leading scorers, coming in just shy of 2.00. Objective 3, plurality of news sources, scored higher than last year: a 1.82 up from 1.37. However, objectives 1 and 2, free speech and professional journalism, remained the lowest, with little change from last year.

# RUSSIA AT A GLANCE

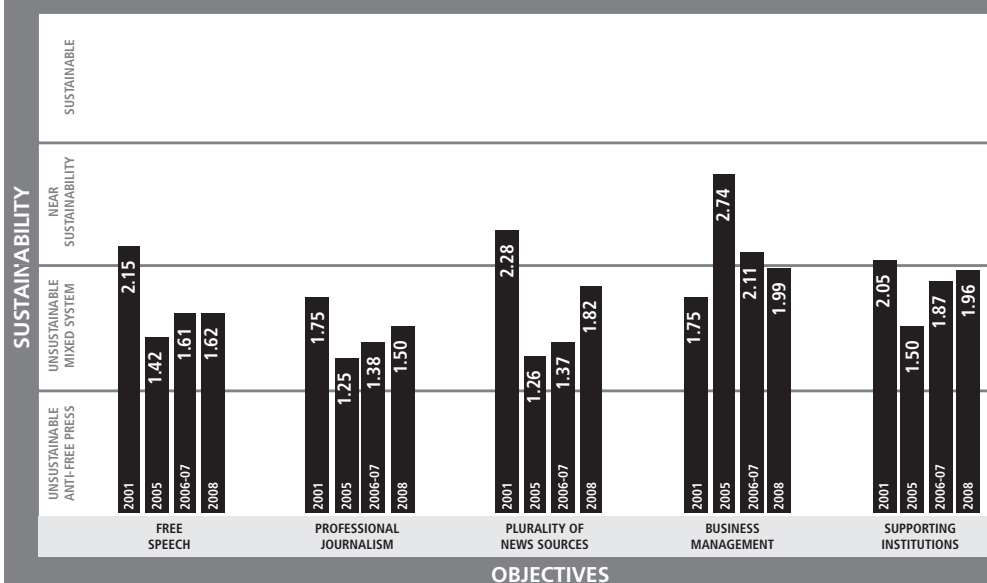
## GENERAL

- > **Population:** 142,200,000 (Goskomstat, 2007)
- > **Capital city:** Moscow
- > **Ethnic groups (% of population):** Russian 79.8%, Tatar 3.8%, Ukrainian 2.0%, Bashkir 1.2%, Chuvashi 1.1%. Chechen 1.1%, Armenian 0.8% (Goskomstat)
- > **Religions (% of population):** Orthodox 86.5%, Muslim 10%, Armenian-Grygoryans 0.8%, Pagan 0.5%, Catholic 0.35%, Lutheran 0.3%, Budhist 0.25%, Jewish 0.15% (2002 Census)
- > **Languages (% of population):** Russian 98% (Goskomstat)
- > **GNI (2006-Atlas):** \$822.4 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$11,630 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 99% (UNICEF)
- > **President or top authority:** President Vladimir Putin (since May 7, 2000)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 58,184; Radio: N/A; Television stations: N/A (Federal Agency of Print and Mass Media, 2007)
- > **Newspaper circulation statistics:** over 20 million total copies (Federal Agency of Print and Mass Media, 2007)
- > **Broadcast ratings:** top three: Channel One, Russia, NTV (Comcon, 2007)
- > **News agencies:** ITAR-TASS (state), RIA-Novosti (state), Interfax (private)
- > **Annual advertising revenue in media sector:** \$6.7 billion
- > **Internet usage:** 25,689,000 (2006 est., CIA World Factbook)

## MEDIA SUSTAINABILITY INDEX: RUSSIA



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREEDOM OF SPEECH

### Russia Objective Score: 1.62

The score for free speech remained relatively unchanged from the previous year. The common theme that emerged in the panelist discussion was the gap between the actual laws and regulations related to free speech and their implementation and enforcement. As Vladimir Livshits of the National Association of Television and Radio Broadcasters put it, "We have to admit that the strictness of Russian laws is compensated by complete non-compliance with them." Another concern was that both society and media professionals regard media as an instrument of political influence rather than public service, and this is reflected in the enforcement (or non-enforcement) of laws.

Although panelists scored most of the indicators close to the average, there were some notable exceptions. On the high side, indicators 8 and 9, media access to international news and free entry into the journalism profession, both scored more than point higher than the average. However, Indicator 4, crimes against journalists, scored nearly a point less.

Free speech in Russia is technically guaranteed and protected by the constitution and a number of laws and regulatory norms. The law on media adopted in 1991 is in line with international democratic standards. There is a special clause in the criminal code that institutes prosecution of individuals who obstruct the work of journalists. "In terms of media-related legislation, Russia is a rather free and democratic country. The other thing is that the practice of applying this legislation does not always comply with its letter and spirit," commented Gennady Kudy, head of the Print Media Department of the Federal Agency for Press and Mass Communications.

The panelists attributed the poor enforcement to the fact that Russian society as a whole, as well as the media community, do not value freedom of speech and are not ready to protect it. According to an October 2007 survey by the Public Opinion Foundation, only two percent of Russians regard the freedom to receive and disseminate information by any lawful means as one of their most important constitutional rights. The results showed a very practical tilt to the constitutional rights to health care (53 percent), personal security (41 percent), and housing (39 percent) as of highest value. The right to receive and disseminate information was more valued by residents of Moscow and other large cities (five percent and four percent, respectively) and by Internet users (six percent).

The media community is not ready to protect free speech because this freedom is new for Russia, according to

Nadezhda Azhgikhina of the Russian Union of Journalists. "We do not have a tradition of free speech," Azhgikhina said. "We had censorship for almost 300 years, except for several months from the spring till fall of 1917. In 1991, censorship was legally abolished for the first time...We need time to get used to this."

Broadcast licensing is competitive. There is a Federal Competition Commission made of federal officials, independent experts, and regional representatives who are members of local legislatures. The application process is clear and open, but the selection criteria are unclear, according to the panel.

All Russian citizens and legal entities have the right to start their own media outlets. Print publications with a circulation of less than 999 copies are not required to register with the state authorities. The government does not directly hinder market entry for print media but it is restricted by very high "entry fees" disguised as payment for marketing services imposed by distributors. In the broadcast media sector, the entrance of new players is restricted at present by the shortage of frequencies.

According to data of the Russian Union of Journalists, more than 200 journalists have been murdered since 1993. Only in about 10 percent of these cases were the murderers identified and prosecuted. Oleg Panfilov of the Center for Journalism in Extreme Situations noted, "The majority of cases of murders of journalists are not related to their professional activities... but the murders that are related to journalists' professional

## 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.

---

---

*“This is a way to put moral pressure. The court case takes a lot of effort and money from the media outlet. Those who lodge the case against journalists have no responsibility, they do not have to pay anything,” added Nadezhda Azhgikhina of the Russian Union of Journalists.*

activities that happened over the last 15 years have not been properly investigated. The only exception is the case of the murder of Larisa Yudina (chief editor of the newspaper *Sovetskaya Kalmykia*). The court sentenced her murderers, but made no effort to find those who ordered her murder.”

Russian society is quite indifferent to crimes against journalists according to the panel. “Society is sure that journalists are corrupt—part of them is bought by authorities, another part by some dark and scary forces. Why protect journalists if they got their money and they were aware what game they were getting into?” said Lilia Molodetskaya of the Alliance of Independent Regional Publishers, summarizing the attitude of the Russian public.

The panelists felt there are no public service media in Russia, but rather state media. While state media do not have any legalized advantages, they often get better access to information from state sources than do private media.

In Russia, libel remains in the criminal code. According to Oleg Panfilov, the criminal code is used actively against journalists. They are prosecuted not only for libel, but also under clauses on insult of public officials and insult of judges. Every year, about 50 cases are brought and in most of these, the plaintiffs are state officials.

The Russian civil code also has a clause against defamation that is widely used by public officials against the media. “We register more than 5,000 civil cases brought against journalists for defamation every year. Some of these cases have obvious political reasons, when plaintiffs use a civil process to close a newspaper. And the court usually takes the side of state officials,” said Panfilov.

“This is a way to put moral pressure. The court case takes a lot of effort and money from the media outlet. Those who lodge the case against journalists have no responsibility, they do not have to pay anything,” added Nadezhda Azhgikhina of the Russian Union of Journalists.

Molodetskaya expressed concern that this anti-defamation article provides equal protection to individuals and legal entities. Companies use it to lodge complaints in arbitration courts against media for damages to their business reputation.

Public officials are required by law to provide information to the media. Media outlets must send a request for information to a state agency, and officials have a fixed amount of time to reply. The problem is that this reply may contain no useful information, and officials can not be held accountable for the shortcoming. As a means of creating at least public (if not legal) accountability, the independent newspaper *Novaya Gazeta* publishes these replies.

Some state agencies hire public relations companies to handle their relations with media, making access to information even more difficult. For example, according to Andrei Allakhverdov of the Foundation for Independent Radio Broadcasting, the Ministry of Science has a contract with the public relations company Mikhailov and Partners. If journalists wish to get any information from the Ministry, they must contact this agency, which acts as the intermediary. As a result, acquiring the necessary commentary within a reasonable timeframe becomes impossible. At the same time, this public relations company actively organizes press conferences and tours for journalists on its own terms.

“It is impossible to get some kinds of information, especially about budgets, according to Azhgikhina. “It is impossible to find out how much money was spent in a certain region in a certain city to repair a road; a journalist will never be given this information. In some cases, journalists who managed to get into meetings where budget issues were discussed were physically carried out with the assistance of the police.”

Tamerlan Aliev, the editor in chief of *Chechen Society*, added that in the North Caucasus, acquiring even official information is difficult. “Independent newspapers cannot get information in the press service of the Ministry of Interior of the Chechen Republic. If our journalist goes there, he is told ‘Let your editor contact us, we will talk to him.’” That too leads nowhere.

Given the wide availability of the Internet, access to international news and news sources is restricted mostly by knowledge of foreign languages rather than by law. Entry to the journalism profession is free and unrestricted. There are no specific credentials—educational or practical—required. Some see this as unfortunate. According to panelist Vladimir Livshits, “In my opinion, [entry] should be restricted by the understanding of the social responsibility and importance of this profession.”



## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Russia Objective Score: 1.50

Many MSI panelists were concerned that media are again becoming an instrument of propaganda and not upholding the values and principles of the journalism profession. "The political atmosphere always affects the development of journalism," said panelist Oleg Panfilov. "During Yeltsin's time, the public atmosphere was relatively pro-freedom, and this inspired journalists to launch Echo of Moscow, NTV, the publishing house Kommersant, etc. As soon as the political atmosphere changed seven years ago, a completely different journalism began to emerge. Traditions of Soviet propaganda are being restored."

The panelists found few changes from last year, as the indicator rose only slightly and placed Russian journalism in the lower half of scores for the Europe and Eurasia region. Most of the indicators hovered near the overall average, with a few exceptions. Indicator 7, modern equipment and facilities, scored a point higher than the average. Indicators 3 and 6, self-censorship and balance of news and entertainment, scored a half-point or more below the average.

Russia has a long tradition of journalism as service to the state. The notion of journalism as a public watchdog and corresponding professional standards are relatively new in this country and are not yet rooted within the media community. As Livshits noted, "We do not have professional self-identification. And the classical notion of media as an intermediary between civil society, state and business is almost non-existent: we lean either to authorities or to business...Unfortunately, success is understood only as financial and commercial success. In mass media people do not read now, they count."

The public perception of the journalistic profession is also rather controversial. A survey conducted by the Public Opinion Foundation in June 2007 asked respondents to describe a modern Russian journalist. Only 13 percent perceived journalists as fair, objective, and independent professionals. Nine percent said a journalist is a person who collects and communicates information. Eight percent of respondents portrayed journalists as corrupt. Seven percent thought of journalists as arrogant sensation-seekers.

Another concern voiced by MSI panelists was that information provided by media was getting more and more simplistic and protocol-oriented. "Everybody knows where the president went, where he goes for vacation, how he spends time, whom he meets with. Serious analysis of the political situation or decisions made on the higher level exist, but only

*Many MSI panelists were concerned that media are again becoming an instrument of propaganda and not upholding the values and principles of the journalism profession. "The political atmosphere always affects the development of journalism," said panelist Oleg Panfilov.*

in specialized political media and the broad audience does not receive this information," said Azhikhina.

There are very few, if any, examples of fair, objective, and well-sourced reporting. Veronika Dmitrieva of Media Development Loan Fund said that even the radio station Echo of Moscow, the only broadcast media that gives information rather than engages in propaganda, is not truly objective. Compensating for the political engagement of other media, Echo of Moscow tends to be oppositional rather than objective. Andrei Allakhverdov of the Foundation for Independent Radio Broadcasting expressed concern that the principle to cover both sides of the story is not followed in most media.

The decline of the quality of journalism may be a result of more experienced journalists leaving the profession, noted Molodetskaya. Many journalists who entered the in the 1990s left the media and took jobs at state and corporate public relations departments. They were driven by higher salaries in the public relations sector as well as increasing censorship and pressure on journalists and editors by media

### JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

#### PROFESSIONAL JOURNALISM INDICATORS:

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

*Livshits voiced concern that “news and information programs also became entertainment. Infotainment is everywhere. There is no fair, objective, and honest news; news is now interesting.”*

owners. These experienced journalists were replaced by young people new to the profession, with little practical training from the existing schools of journalism (which still follow Soviet-style curricula).

Russia has several codes of journalism ethics, e.g., the Moscow Charter of Journalism. But like the legal provisions protecting freedom of speech, ethical standards stay on paper. “Most journalists treat ethical standards very liberally, said Panfilov. “I believe that ethical standards can hardly work in a country where the laws do not work. Ethics is one’s consciousness. And once the laws are commonly violated, it is difficult to call to the conscience of people who break the laws.” He said that believes that only one media outlet in Russia follows ethical standards: Echo of Moscow. All journalists joining the station are required to sign the Moscow Charter of Journalism.

Maria Eismont, head of the Media Development Department of the New Eurasia Foundation, expressed concern that many journalists separated professionalism and ethics. Having technical skills is seen as more important than adhering to ethical principles in Russia. “People who sometimes skillfully do unethical things are considered to be professionals,” she said.

Panelists rated self-censorship as a serious issue. “Self-censorship is everywhere. It is self-censorship that defines the tone of coverage of most important events and topics,” said Nadezhda Azhgikhina. Media owners who also have non-media businesses often exercise censorship to avoid problems with authorities. Andrei Allakhverdov recalled a story from the spring of 2007: Journalists of Russian Radio were told by the owners that they should not mention the names of the opposition politicians Kasyanov, Kasparov, Ryzhkov, and Limonov on the air, and that 50 percent of the news had to be positive.

In general, Russian media covers all key events and issues. But according to Petr Polonitsky of the Glasnost Defense Foundation, in all media outlets, some topics and persons are taboo. Local media typically do not cover national news; that is perceived as the prerogative of national media.

There are considerable differences in the level of salaries in media sector. In general, salaries for television professionals

are higher than for the radio and print sectors. National media outlets pay their staff better than local outlets, and salaries (and cost of living) in Moscow and major cities are higher than those in the rest of the country. “On average, the salaries are now high enough so that people are free,” said Azhgikhina.

Many panelists believed that pay levels and corruption are unrelated, however. “Taking money for provision of favorable coverage is not considered to be shameful,” noted Eismont.

All panelists agreed that entertainment programming is eclipsing news and information programming. Livshits voiced concern that “news and information programs also became entertainment. Infotainment is everywhere. There is no fair, objective, and honest news; news is now interesting.”

Most media outlets have sufficient facilities and technical equipment. National media and media in big cities have better equipment than small media in the regions. “There are people who still write by hand. There is one computer in the newsroom. And they submit their text to a person who puts it into the computer. Access to the Internet, newspaper Internet sites, and blogs are, for many journalists [in the regions], science fiction,” noted Tamerlan Aliev.

Niche reporting and programming does exist, but its quality is not very high. “Regional economic publications do not see a difference between advertorial and editorial materials, and rarely understand that business media can not be made only of advertorial,” said Eismont.

The state of investigative reporting is poor. Even major media outlets do not have investigative departments. And journalists, especially in the local media, do not have the professional skills or the moral or financial incentives to do investigative reporting. Such reporting is risky and takes a significant amount time, and journalists are paid better for advertorials. Petr Polonitsky of the Glasnost Defense Foundation added that only larger media could afford “the luxury” of niche reporters; small local newspapers often have just three of four reporters covering all beats.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Russia Objective Score: 1.82

Russia has more than 72,000 registered media, with 60,000 being print publications. Most media outlets are privately owned. There are numerous state-owned media, but none that the panelists characterized as public service outlets. Substantial foreign media is accessible through the Internet, satellite, and print publications, with restrictions due to cost and language for many citizens. However, as with all MSI

scores for Russia, this objective remains below a 2, despite an increase over last year, and is classified as an unsustainable, mixed system. There are no government or societal tendencies towards improving citizens' access to news that is independent and professional.

Noteworthy indicator scores include Indicator 2, citizen access to news, which finished a bit more than half a point ahead of the average; and indicators 3 and 6, state media reflect the political spectrum and transparency of ownership.

Access to media sources varies tremendously in a country as large as Russia. People in the rural areas are usually able to watch only one or two of the national state channels: Channel One and Russia. Rural residents usually cannot afford newspaper subscriptions. Sofia Dubinskaya, executive director of the Association of Regional Editors, told a story that provided a good illustration of the situation in the rural areas. The founder of the newspaper *Vyatsky Krai*, published in the city of Vyatka, the capital city of the Kirov region in Central Russia, stopped into a library in a local village. There he found collections of two national tabloids: *SPI-info* and *Zhizn'*, and no other newspapers. The local librarian explained that newspaper subscriptions were too expensive for the library, and they were getting only two tabloids because the local people paid to read them.

The bigger the city, the better the access and the greater the number of news sources available. For example, the cost of Internet access in Moscow is lower than anywhere else in the country. According to the latest data of the Public Opinion Foundation, 55 percent of Moscow adult residents regularly use the Internet. For the rest of the country, this

*Access to media sources varies tremendously in a country as large as Russia. People in the rural areas are usually able to watch only one or two of the national state channels: Channel One and Russia. Rural residents usually cannot afford newspaper subscriptions.*

number ranges from 18 to 30 percent. Urban residents have better access to cable television, as well as a greater choice of television and radio channels and print publications. Gennady Kudy noted that major cities have more and more informational newspapers distributed free of charge. Major media outlets actively go online and start providing mobile information services. Panelists identified the vast growth of blogs and their popularity as one of hallmarks of 2007.

Therefore, in large cities, people do have many news sources and can check one against another. But "despite this abundance of news sources, people actually use very few," lamented Eismont. One can look on the Internet—now there are translations of foreign publications online. Still, everybody watches television channels One and Russia. It is surprising that people do not feel any need for an alternative source of information; that they have no desire, even at some critical moment, to try to look for something else."

Tamerlan Aliev of *Chechen Society* added that the newspaper audience was very conservative. People tend to be loyal to particular newspapers and rarely read other publications.

While the Internet is widely available, there are instances when access to sites is blocked. For example, in November 2007, ISPs blocked access to the site *Ingushetia.ru* that is in opposition to the president of Ingushetia, a region in the North Caucasus. Aliev said that he tried to access the site from his newsroom, but could not. He noted that access to sites is usually blocked at the time of breaking news events.

State media, especially national television channels, do not present the views of the political spectrum existing in the country. The existing opposition is largely ignored. Irina Petrovskaya, columnist of the national newspaper *Izvestia*, wrote recently that people call news programs on state channels "everything about him and a little bit about weather." According to Livshits, "There is no difference between state and private television companies in terms of programming policy. At state channels, there are more entertainment programs and entertainment news than at private ones."

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

*“TV channels recognize broadcast ratings, but they do not recognize any other data,” said Livshits. “TNS Gallup Media measures about 20 parameters, including people’s attitude towards what they saw. Nobody buys this information.”*

On the positive side, panelists noted the high quality of programming of the state channel, Culture, and the launch of a children’s channel, Bibigon.

Russia has three major news agencies: the state-run ITAR-TASS and RIA Novosti and independent Interfax. They provide news to media outlets by subscription. There are also news agencies (e.g., Lenta.ru and Rosbalt) that distribute news for free online. Smaller media outlets, especially in the regions, cannot afford to subscribe to the news service of major agencies and instead use Internet sources, often without checking the veracity of the information. There are examples when local media outlets, newspapers, or radio stations collect their own news and post the stories on its site, and other local media then use that news—often without mentioning the source.

Many private broadcast media produce their own news. Many local television and radio stations actually produce only local news and get the rest of the content from national networks. There are no community broadcast media in Russia.

According to Eismont, people in small cities know who actually owns local media. Otherwise, panelists said that they do not consider the ownership of media to be particularly transparent. In this regard, they noted, the media business is not different from other businesses in Russia, where the real owners are hidden behind various layers of ownership.

At present, media outlets often prefer to cover social issues to avoid political ones. Social issues are often presented through the prism of an individual story; e.g. a person suffering from the bad services of a housing agency. The government has recently launched several programs aiming to improve housing, education, and health care in the country. And as “the government today is the principal newsmaker,” as Petr Polonitsky put it, there is more coverage of these issues.

Newspapers in minority languages exist, but in the opinion of some panelists, these newspapers exist only due to the support of the authorities willing to preserve such languages. “In Chechnya, there is one newspaper in the Chechen language. It comes out in print only because the government wants it. Without state funding, this newspaper would not survive,” said Aliev.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Russia Objective Score: 1.99

This indicator received the highest score again in 2007, although it was down slightly from last year, indicating that the Russian media sector does better with the business of media than with its content or legal framework. No indicator stood out as being greatly higher or lower than the average.

The advertising market in Russia is growing rapidly, helping media increase revenues. According to the estimates of the Association of Communicative Agencies of Russia, in 2007 advertising sales increased by an average of 17.5 percent. In the newspaper sector, the growth was even higher: 26.5 percent. This growth turns some media outlets into profit-generating businesses, even in small local markets. Many media outlets invest their profits into print facilities, e.g., the publishing house Komsomolskaya Pravda announced plans to build eight printing facilities in the regions.

At the same time, this revenue growth may have negative consequences, according to the panelists. The quality of media content and the profits of a media outlet are unrelated in Russia. According to Eismont, “Media outlets get the inaccurate perception that they are successful because they make money. And making money distracts them from thinking about the quality of content. Now money plays a negative role: it causes stagnation. Managers do not want to grow, to learn.”

Some panelists said that despite the rapid growth of the advertising market, few Russian media outlets are truly profitable businesses. In the local markets, only leading newspapers are profitable. Many media outlets lose money, so they seek other sources of revenue. “I think that today, media outlets are more an instrument of political influence rather than business, said Georgy Serpionov, editor of *Nash Rayon* in Rostov-on-Don. “And they can make money as an instrument of influence by selling their loyalty.”

The law prohibits authorities from subsidizing media, but there is a common practice of making contracts for “the provision of information services.” According to Lilia Molodetskaya, a media outlet that gets money from the authorities undertakes to provide them a certain amount of space or airtime. The media outlet then has little or no editorial control over how the authorities use this space or airtime.

Aliev said that the advertising market in the North Caucasus is still very small. Some local companies are afraid to place advertising in media that are not loyal to authorities, and media outlets look for other ways to make money. For

example, some operate small printing facilities and use that revenue to run their newspapers.

Panelists agreed that distribution is the major bottleneck for the development of print media in Russia. The subscription business in Russia is almost monopolized by the federal postal service. According to Sofia Dubinskaya of ARS Press, this agency keeps nearly 60 percent of subscription revenue as payment for delivery. Retail distribution networks and supermarkets charge media outlets high entry and presence fees and make them buy back unsold copies, reducing their abilities to market. Gennady Kudy believes that distribution does not work properly because newspaper prices are too low. The profit margin in the distribution business is very small, so distributors are unable to invest in new technologies and are forced to look for other sources of revenue, e.g., entry fees for media outlets that are disguised as payment for marketing services.

Broadcast ratings, readership figures, and Internet statistics are considered reliable and are frequently produced. The situation with specific circulation figures is less transparent. Many media outlets believe that rating and readership figures are the only marketing research data that they need in order to tailor the product to the needs and interests of the audience. As a result, the variety of programming on television declines.

"TV channels recognize broadcast ratings, but they do not recognize any other data," said Livshits. "TNS Gallup Media measures about 20 parameters, including people's attitude towards what they saw. Nobody buys this information. Federal channels are hooked on the numbers of viewers. They do not want to know how people feel about their

#### 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.

*Azhgikhina argued that the Russian media has no separation of powers, and the system of checks and balances is made of trade and professional associations and therefore does not function properly. Many owners of media outlets are chief editors at the same time.*

programming. Nobody recognizes quality sociological research. We have ratings mania and ratings economics."

The situation in print media is similar, with many newspapers justifying the avoidance of hard news by the preferences and interests of their audiences derived not from sociological surveys but from readership statistics.

#### OBJECTIVE 5: SUPPORTING INSTITUTIONS

##### Russia Objective Score: 1.96

This objective remained relatively unchanged from last year. Like the other objectives, this objective points to a system that, while not supportive of press freedoms, is also not totally anti-free press. In the realm of supporting institutions, numerous organizations are designed to support the professional and business interests of independent media and journalists, but they remain relatively weak, perhaps mirroring the weakness of the sector as a whole. Only Indicator 4, academic journalism programs, scored noticeably different from the average, at about three-quarters of a point lower.

Azhgikhina argued that the Russian media has no separation of powers, and the system of checks and balances is made of trade and professional associations and therefore does not function properly. Many owners of media outlets are chief editors at the same time. In many cases, chief editors of local media outlets are heads of local chapters of the Russian Union of Journalists.

There are instances when editors and journalists are members of political parties and even run for public offices. For example, MSI panelist Tamerlan Aliev, the editor-in-chief of the newspaper *Chechen Society*, was a candidate from Soyz Pravyh Sil, a right-wing opposition party, in the recent elections to the state Duma.

A number of associations represent the interests of media owners, managers, and journalists. The Guild of Press Publishers, Alliance of Independent Regional Publishers,

*“There are no private printing facilities in the North Caucasus, and state ones are strictly controlled by the government, Aliev said. “It is not a problem at all to strangle any newspaper.”*

National Association of Television and Radio Broadcasters, Association of Regional Editors, and Russian Union of Journalists are among the best known organizations. Organizations also represent specific sectors of the media profession: The Agency for Investigative Reporting, the Guild of Court Reporters, the Agency of Legal and Court Information, the Union of Media Lawyers, and many others.

Kudy said that the associations are gradually maturing and providing better services for their members. For example, they now offer more educational services within the framework of industrial events. In 2007, the Guild of Press Publishers launched its own magazine for its members. Ten major Moscow-based publishing houses joined forces, made an ultimatum to one of the major supermarket networks, and managed to get improved retail conditions for their publications.

Russia has NGOs that support free speech and independent media. Some work on the national level, including the Glasnost Defense Foundation, the New Eurasia Foundation, and the Foundation for Independent Radio Broadcasting. Other NGOs work on the regional scale, e.g., the Central Chernozemie Center for the Support of Media. Oleg Panfilov of Glasnost Defense Foundation lamented that solidarity in the media community is low. Often only NGOs make efforts

#### 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.

to protect the rights of media, with little support from the public or journalists themselves.

Panelists noted the increased government pressure on NGOs working in the media sector. The Educated Media Foundation (formerly Internews Russia), one of the respected NGOs providing support to Russian media, was closed in 2007 as a result of government pressure. Actions against media NGOs paralleled a general crackdown on NGOs, particularly those with foreign funding and that are involved in what are perceived to be political areas such as media, political parties, elections, and human rights. All panelists agreed that the situation with journalism education remains very bad. Panfilov said that all 236 departments and divisions of journalism in Russia should be closed, emphasizing their poor quality. They still follow old Soviet curricula and tend towards propaganda rather than journalism. Many teachers have non-journalism degrees and have never worked as journalists. Students are not getting practical training and as such enter the market needing substantial training by their media outlets, although many go into non-media jobs.

In the past, short-term journalism and media training was offered through programs supported by international donor organizations. As these donors reduced their support to Russia, fewer training opportunities are available. Media outlets themselves are starting to invest in staff training, beginning with training of sales managers. The newspaper *Moy Rayon* launched its own school of reporters and school of sales managers.

Privately-owned and state-owned printing facilities are throughout Russia. In most regions, private print houses successfully compete with state-owned houses, and access to printing facilities is not restricted. The situation is different in the North Caucasus, however. “There are no private printing facilities in the North Caucasus, and state ones are strictly controlled by the government, Aliev said. “It is not a problem at all to strangle any newspaper. The staff of printing facilities often exercises censorship and refuses to publish newspapers if some materials seem suspicious. Distributors also exercise censorship.”

Television transmitters are operated by a special government agency. The federal postal service is a major operator of the subscription business in Russia. Other channels of media distribution are mostly private, but they are not immune to the general political atmosphere in the country. For example, access to the oppositional site Ingushetia.ru for residents of Ingushetia republic was blocked by two local private Internet providers.

---

---

## List of Panel Participants

**Tamerlan Aliev**, chief editor, *Chechen Society* Newspaper, Grozny

**Andrei Allakhverdov**, chief editor, Foundation for Independent Radio Broadcasting, Moscow

**Nadezhda Azhgikhina**, secretary, Russian Union of Journalists, Moscow

**Veronika Dmitrieva**, regional director for Russia and CIS, Media Development Loan Fund, Moscow

**Sofia Dubinskaya**, executive director, Association of Regional Editors, Moscow

**Maria Eismont**, head of the media development department, the New Eurasia Foundation, Moscow

**Gennady Kudy**, head of the print media department, Federal Agency for Press and Mass Communications, Moscow

**Grigory Kunis**, publisher, *Moy Rayon* Newspaper, St. Petersburg and Moscow

**Vladimir Livshits**, head of the information and analytical center, National Association of TV and Radio Broadcasters, Moscow

**Lilia Molodetskaya**, executive director, Alliance of Independent Regional Publishers, Moscow

**Oleg Panfilov**, director, Center for Journalism in Extreme Situations, Moscow

**Petr Polonitsky**, head of the reporters network, Glasnost Defense Foundation, Moscow

**Georgy Serpionov**, editor, *Nash Rayon* Newspaper Network, Rostov-on-Don

## Moderator and Author

**Natalia Kosheleva**, director, Inter-Regional Institute of Media Consulting, Moscow

*Despite developed media legislation, access to public information is rather problematic, and judicial practice is dubious. Courts fail to apply European conventions, and sums awarded for civil damage claims are excessively high. Investigations on crimes against journalists are not completed. Broadcast licensing procedures are less transparent and politicized.*



UKRAINE



In Ukraine's ongoing political instability—embodied by confrontation between branches of power and major political forces and surprise parliamentary elections in September 2007—the media were a commodity in the fight for power and influence. Previous achievements in free speech and media independence now appear fragile and unprotected: strong legal and institutional protections to make these gains irreversible have not been yet established.

Panelists were rather critical about the media situation in 2007, pointing out many requirements for progress that unfortunately have not been achieved in the media sphere. The government is still interested in control over media, lacks understanding of independent media's role in society, and generally does not support it. It pays lip-service to transparency and openness, taking formal yet ineffective measures.

Summarizing the year 2007, Victoria Syumar, director of the Institute of Mass Information, stated in *Ukrainska Pravda*, "There used to be censorship by government; now it is censorship by money... Before, the censorship by the powerful was performed by the stick. Then those in power came to realize that the stick is too crude, and the journalists were starting to resist. So they started to exercise it with the carrot, as money is much more pleasant, and it is hard to refuse. But we should not forget: this is the same censorship."

Despite developed media legislation, access to public information is rather problematic, and judicial practice is dubious. Courts fail to apply European conventions, and sums awarded for civil damage claims are excessively high. Investigations on crimes against journalists are not completed. Broadcast licensing procedures are less transparent and politicized.

Again, there was a lack of political will to conduct the privatization of state media, a serious obstacle for media development and an injustice for taxpayers. Endless talks about public broadcasting did not result in any progress of its establishment.

Media wealth was increasing with continued growth of the advertising market and unexpected profits from elections. The past year saw the next stage of monopolization of the media market, as large players moved toward further consolidation. A serious imbalance in the division of advertising revenue between electronic and print media, as well as nationwide versus regional outlets, remains due to a lack of appropriate audience and circulation measurements.

As a result, panelists rated all five indicators lower than for the past two years, some even lower than 2004. Ukraine's overall score was 2.00, down 0.37. Objective 2, professional journalism, was the lowest-scoring objective, as it has been every year since 2001. The drop of 0.40 for Objective 2 was not the largest, however: Objective 4, business management, fell 0.68 points from last year.

# UKRAINE AT A GLANCE

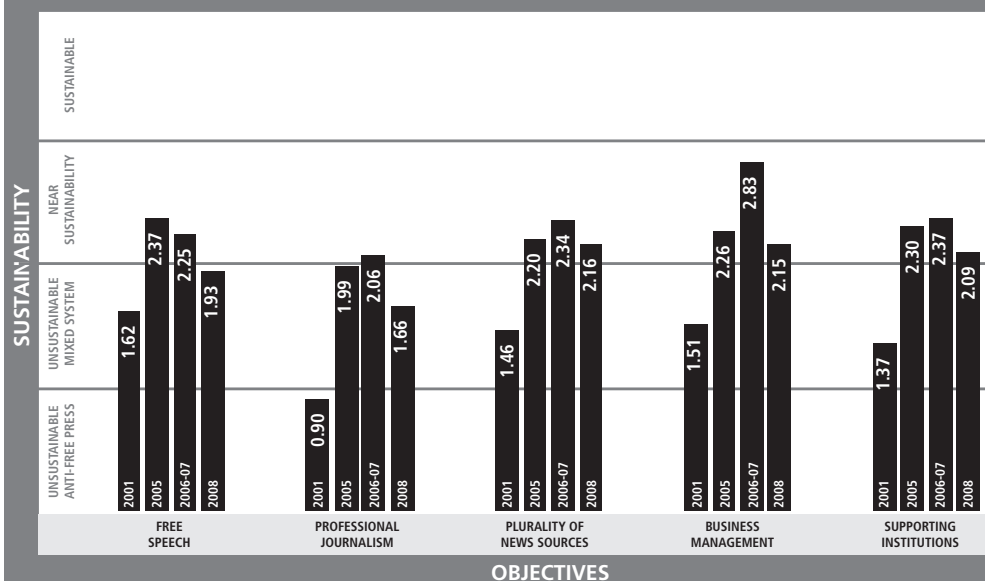
## GENERAL

- > **Population:** 46,299,862 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Kiev
- > **Ethnic groups (% of population):** Ukrainian 77.8%, Russian 17.3%, Belarusian 0.6%, Moldovan 0.5%, Crimean Tatar 0.5%, Bulgarian 0.4%, Hungarian 0.3%, Romanian 0.3%, Polish 0.3%, Jewish 0.2%, other 1.8% (2001 census, *CIA World Factbook*)
- > **Religions (% of population):** Ukrainian Orthodox - Kyiv Patriarchate 19%, Orthodox (no particular jurisdiction) 16%, Ukrainian Orthodox - Moscow Patriarchate 9%, Ukrainian Greek Catholic 6%, Ukrainian Autocephalous Orthodox 1.7%, Protestant, Jewish, none 38% (2004 est., *CIA World Factbook*)
- > **Languages (% of population):** Ukrainian (official) 67%, Russian 24%, other 9% (includes small Romanian-, Polish-, and Hungarian-speaking minorities) (*CIA World Factbook*)
- > **GNI (2006-Atlas):** \$90.62 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$7,520 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 99.4% (male 99.7%, female 99.2%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President Viktor A. Yushchenko (since January 23, 2005)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 25,000 newspapers and magazines, 10 major daily newspapers; Radio: 621; Television stations: 744, most being local stations (comin.kmu.gov.ua) (State Committee on Television and Radio web-site)
- > **Newspaper circulation statistics:** top three: *Fakty i komentarii*, *Segodnya*, *Silski visti* (all private)
- > **Broadcast ratings:** top television: Inter, Studio 1+1, ICTV, STB, Novyi kanal, TRK Ukraina (all private); top radio: Hit FM, Russkoe radio, Nashe radio, Radio Shanson, Evropa plus (all private) (PMP report 2007)
- > **News agencies:** Interfax, UNIAN (private), Ukrainski Novyny (private), Ligabiznesinform (private), DINAU-Ukrinform (state-owned)
- > **Annual advertising revenue in media sector:** television: \$547 million, print: \$230 million, radio: \$34 million, Internet: \$12 million (All-Ukrainian Advertising Coalition)
- > **Internet usage:** 5,545,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: UKRAINE



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREEDOM OF SPEECH

### Ukraine Objective Score: 1.93

Ukraine still encounters certain problems with enforcement of its seemingly developed media legislation, especially when it comes to access to information. Sums in damage claims awarded against media increased. Licensing procedures became unclear and usually depend on political decisions. State and municipal media subsidized by the government do not have independent editorial policies and create unfair competition to private media. The overall rating of the objective decreased to 1.93, down from 2.25 in 2006-2007. Indicator scores were varied. Indicators 3, market entry, 8, media access to international news, and 9, free entry into the journalism profession, scored well above the average. However, panelists returned much lower scores for Indicators 2, broadcast licensing, 4, crimes against journalists, 5, preferential legal treatment for state or public media, and 7, access to information.

Ukraine has one of the most developed media law frameworks among the post-Soviet countries, harmonized with international provisions for many years. The law adopted in 2006 provides for application of European conventions and allows recognition of decisions by the European Court.

Still, serious problems of its enforcement remain, and state officials and businesses often ignore the law. According to Lyudmila Pankratova, vice president of the Media Lawyers Association, lately the number of court decisions imposing large awards in defamation cases has increased. "Damages up to \$10,000 are too much and lead to self-censorship among journalists. More middle-level officials sue journalists. One notorious suit for the unheard-of sum of UAH 46 million by the EDAPS consortium [printer of secure documents, such as passports] against the newspaper *Biznes*, filed in November 2007, itself is pressure on free speech," she said. Panelists also mentioned the lawsuit of Slavyansk's mayor against TV SAT-PLUS for about \$20,000.

Sergiy Tomilenko, chief editor of municipal newspaper *Nova Doba* in Cherkassy, added that the number of lawsuits against media filed by citizens is also increasing. However, the trend is not about exercising the right to protection but the desire to receive disproportionate sums for defamation.

On the other hand, Viktor Danylov, publisher and television owner from Rivne, said that after their remarkable victory in a lawsuit filed by the ex-governor of Chervonyi in 2005, judges in his region are afraid to deal with media; sometimes suits against media are rejected during pre-court hearings. "Sometimes journalists and editors lack enthusiasm to use

existing legal protections, expecting red tape and corruption in the judicial system," he added.

Kostyantyn Kvurt, executive director of Internews-Ukraine, believed that this is an issue of civilization and cultural nature: "The problem is that in Ukraine everything is done for the sake of political forces."

Licensing of broadcast media was evaluated worse than in the previous few years. With the adoption of new laws in 2005 there were many expectations of its improvement, but it actually became one of the most shadowy of state regulations. The criteria are unclear, and it is hard to understand what requirements must be provided to get a license. Practice shows that licensing is often granted for political reasons. It is easy to cancel licenses. In addition, there are publicly known examples of companies working without a license for years.

Danylov pointed to three "landmines" in Ukraine that could bury somebody's media business at once: spot checks for licensed software, audits by tax authorities, and broadcast licensing. Licenses are granted for five to 10 years depending on specific conditions. Television companies may automatically renew the license if they do not have any warnings. Licenses of television companies that received a certain number of warnings on license term violations can be automatically withdrawn. Despite this, some companies automatically received renewal while having warnings. There are also new provisions on Ukrainian production and Ukrainian language quotas that are hard to follow upon

## 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.

startup; any television channel may be cited for violating them, but enforcement is not equitable.

Market entry and commercial regulations for media businesses are the same as for other businesses. High levels of taxation across industries and many complications administering taxes still contribute to shadowy transactions in business. Print publishers enjoy a VAT (value-added tax) exemption for sales and subscriptions.

State-owned and municipal media receive subsidies from the state budgets and sometimes enjoy lower prices for using state-owned printers, transmitters, and other resources. Lacking real budget constraints, governmental media essentially engage in price dumping, a practice that severely hurts private media.

In spite of criminal penalties for interference with legal media activities, the journalists, in case of violation of their rights, can hardly get the guilty party punished. No crimes against journalists over the past several years have been completely investigated. Pankratova commented that formally the cases against those who prevent journalists from exercising their professional activities are filed, but they are not duly investigated, and courts do not pass sentences on them.

Reports on attacks, threats to journalists, and prevention of professional activities are regular, although there were no blatant, high-profile cases in the past year. According to Sergiy Guz, head of the Independent Media Trade Union, there was an increase of attacks on journalists (e.g., in Rivne oblast) and pressure on media (e.g., in Lviv oblast) with a lower level of investigation into journalists' complaints by the relevant authorities. Requests for information by independent media trade unions usually were addressed by formal replies containing little information from the law-enforcement agencies.

"Crimes against journalists gain broad resonance in media, but actually there are no completed investigations and prosecution of the guilty," said Danylov. "The impudent burglar of the OGO publishing house in Rivne in 2005, with theft of information, has not yet been discovered by the local law-enforcement bodies."

The legislation grants privileges to the state-owned media outlets both in ability to access information and financing. "In fact, private media, through paying taxes, finances its competition: state newspapers that receive budget subsidies," stressed Internews Network's print media advisor Oleg Khomenok.

In addition to substantial funding from the government budget, appointment and dismissal of government media's top managers is a political issue. Government journalists have

the status of civil servants and relevant increases in pension and salary, which, though not competitive with pay levels at the most successful private media in the biggest cities, can be a significant benefit at the regional level. Kvurt commented that state media, which receive about UAH 350 million to UAH 500 million per year in government appropriations, perform a purely social function: supporting the army of government employees.

For the most part, state and municipal media are editorially dependent, with rare exceptions. According to Guz, the pressure from local government bodies on the editorial policy of the state-controlled media increased in 2007, especially through financing and staffing.

"The issue of their privatization became overripe," said Tomilenko. "Now politicians and businesses are on tenterhooks waiting to snatch some of their property."

Since 2001, libel has exclusively been a civil issue, but the legislation in this area is not perfect and the court practice is worse. Despite European Court judgments and Ukrainian legal provisions, the court still may hand out damages for conclusions of an editorial nature made by journalists. Defendants have to prove that they had facts behind their published opinions. The court also must consider the factual basis for editorial opinions, which sometimes it ignores in favor of plaintiffs.

Government officials as plaintiffs receive preferential treatment. Moreover, there is a fee that must be paid to appeals courts equal to 50 percent of the fee paid by the plaintiff in the first instance. Plaintiffs' fees begin at 1 percent for claims less than UAH 1,700 to 10 percent for claims greater than UAH 170,000. Using the example above, the paper *Biznes* would have to come up with UAH 2.3 million just to appeal should it lose the case in the first court. This structure creates real problems for media already struggling to survive economically and leaves them vulnerable to harassment.

Governmental agencies have not become more open and transparent. Access to public information is still complicated and inefficient. There are direct refusals to comment, and official requests for information are usually met with formal and empty replies, even with the intervention of influential figures. Governmental agencies flirt with the media and the public, establishing communication departments and press services that produce positive presentations and hold meetings with the press rather than promptly providing useful, relevant information.

According to panelist Pankratova, legislation on access to information lags behind international standards. A new law on information access has not yet been adopted. Officials

neither understand nor fulfill the existing provisions, but journalists have become more active. Danylov, however, noted that although his journalists persistently and professionally gnaw out information from officials, they still fail to get it many times.

According to a survey by the independent media trade union, at the regional level there are substantial problems getting information, not only on actions of the law-enforcement bodies but also activities and regulations and ordinances adopted by the local government.

Olena Gerus, chief editor of *Salon Dona I Basa* from Donetsk, commented: "Provision of documents from local officials is connected with red tape and circumlocution. Official requests take several days and do not always lead to timely reception of necessary data. It is easier for journalists to use press releases than to dash against the bureaucratic rock, and this undermines the quality of journalism research. The provision of information depends of 'human feelings' of an official rather than on a legally guaranteed right. 'This is out of my competence' is rather often the answer of officials to requests for information. It would be much easier if documents were available on the Internet, but local bodies have made only the first steps to follow this practice."

Access to foreign news sources is not restricted. The only limit is the level of journalists' foreign-language proficiency.

"Entry to the profession is free; meanwhile, there are lots of pseudo-journalists, and the quality of their materials is awful," said Yevgen Rybka, content editor of *Dossier* at Ligabiznesinform.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Ukraine Objective Score: 1.66

Guz emphasized a significant decrease in the quality of journalism in 2007, and this manifested itself in a score on par with those attained from 2001 to 2004. He said, "The censorship of *temniks* was substituted by the censorship of *jeansa*, paid-for materials. It was mostly evident during the parliamentary election campaign. Many regional newspapers published only paid-for materials and didn't provide their own elections coverage. News from news agencies, national television channels, radio, and newspapers at all levels are for sale."

At the end of 2007, a group of well-known journalists launched the initiative "We are not for sale!" Monitoring major television news, they rate and announce the most notorious cases of *jeansa*, naming clients as well as corrupt journalists.

Giving reasons for lower scores, MSI panelists cited an overwhelming level of *jeansa* in the media and the yellowing of the press, lack of professionalism, noncompliance with professional standards by a majority of journalists, and an increase of self-censorship. Overall, Ukraine was ranked at 1.66, down from 2.06 in 2006. Most indicators scored similarly to the average, although Indicator 7, modern facilities and equipment, was significantly ahead of the average. Indicators 3 and 5, self-censorship and pay levels for journalists, were the weakest.

Panelists agreed that due to free entry into the profession, low standards for journalism degree programs, and a lack of self-regulation among journalists, there are too many unprofessional journalists who do not comply with basic professional standards. Panelist Kvurt said that there is no critical mass of truly professional journalists in the industry. "A majority of journalists do not comply with the accepted standards. Big money is paid for violations of the standards, on politicians' orders," he emphasized. "Relevant standards are paid for by just a salary. Media do not serve the public's interests, as they gain money from business and government," he added.

Panelist Gerus noted: "There is a significant difference between publications in large and small cities, in the capital, and in the regions. For small regional publications, Internet access with sufficient volume and speed is an exception rather than a rule. Information search skills are insufficient. There is a tangible difference in approaches of the younger journalists (under 25–30 years old) and those who started to work in Soviet times. The 'old guard' tend to approach coverage analytically; meanwhile, they usually ignore conflicting opinions of all parties involved. The lion's share of news 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.
- > 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).

---

---

just a description of press conferences, and, accordingly, it reflects the points of view expressed there." By comparison, panelists felt that younger journalists are free from "Soviet" traditions, more in tune with modern practices, and more willing to change and learn. However, there are stories of younger journalists working for "old-fashioned" newspapers who follow the practice of opinionated coverage.

"Journalists themselves demonstrate that they are not ready to comply with professional standards or to resist the attempts of pressure on editorial policy," said panelist Tomilenko.

The majority of Ukrainian press publications do not comply with ethical standards. Only a small group of regional and national media have implemented and use professional standards, but this is not the case for state, partisan, and corporate press. Panelist Danylov said that a lot depends on management: at his publication it is forbidden to print stories lacking different points of view, and ethical standards are obligatory; journalists cannot receive awards from the government, and they cannot accept various gifts.

"The issue of gifts to journalists has just started to be discussed in the journalism community, and journalists recognize that 'souvenirs' do not oblige them to cover this or that event in favor of a grantor," commented Gerus. She added, "However, not all media strictly limit the acceptable gift value. Therefore, each journalist makes his own decision as to accept, for instance, an iPod and how his 'gratitude' would influence the quality and accents in his material."

"Self-regulating journalists' organizations are not developed enough; therefore, there are no levers to influence unethical and unprofessional journalists," emphasized panelist Pankratova. "Ethical standards are developed, but, according to many journalists, there is no need to follow them."

Compliance with ethical standards decreased, and corruption among media managers and journalists has grown. Panelist Gennadiy Sergeev, director of TRC Chernivtsi, mentioned that he knows perfectly the pricelist used to gain access to almost all national channels. According to an interview by Deutsche Welle with Viktoria Syumar, an expert with the Institute of Mass Information, a two-minute news report costs about \$5,000 pre-recorded, while live airtime is \$50,000 to \$70,000 during an election campaign.

There were a few high-profile scandals connected with attempts to establish censorship in media. One example was the forced resignation—later retracted—of Ihor Slisarenko at Channel 5 television after he reported on the cost of education for the president's children. Another example was pressure on the editorial policy of *Gazeta 24* by its ownership (which includes a political-party leader) that resulted in the resignation of its editor-in-chief, Vitaliy Portnikov.

According to Khomenok, all media outlets practice self-censorship. There is a trend of expanding the untouchable topics from politics to business: journalists recognize that they cannot publish stories on the problems of large advertisers, as publishers are afraid to lose advertising money. Increases in advertising budgets increases influence on content according to the preferences of the advertiser. Judicial practice also favors self-censorship: guessing how a court might treat a potential case results in journalists' choosing to play it safe.

"Self-censorship among journalists and editors sometimes exceeds the scale of real dangers for them, but examples of Aleksandrov's and Gongadze's deaths speak for themselves," said Danylov. "However, we still have to weigh every word in stories on sensitive issues; otherwise we are in danger of pressure and lawsuits," he added. Legal restrictions on the media's ability to agitate for candidates caused a new type of self-censorship: many newspapers and television channels publish only paid-for materials or purely informative stories without any analysis, fearing prosecution.

Taking into account the high level of self-censorship and censorship, not all important issues are covered. Kvurt added other reasons for this: inaccessibility of information and poorly skilled journalists who are not able to write in-depth analytical stories. Experts also mentioned a further yellowing of press reports that favor topics like "a crocodile runs away from the zoo," instead of coverage of socially important topics.

Natalia Ligachova, chief editor of *Telekritika* magazine, criticized *jeansa* in her articles and drew attention to journalists being bribed to cover topics that they should cover for free. Public-relations workers have complained many times that it is impossible to get coverage of issues, even those that are essential to the public interest, without paying media outlets for the coverage. She mentioned the example that all media kept silent in October 2007 about a number of serious international assessments of the scale of corruption in Ukraine, which the reports said threaten its democratic and economic development as well as its national security.

Panelists were unanimous that corruption does not depend on the salary level of journalists. Corruption is so prevalent and well paying that no salary would be enough. The salaries in the media sphere have substantially grown but remain in shadow: the lesser part of the salary is received legally; the rest is paid in the envelope. According to Khomenok, publishers try to minimize taxation, but this practice also gives them additional control over the journalists and favors corruption.

Salaries of journalists in the regions are not competitive, and the best professionals are grabbed up by the Kyiv "vacuum cleaner, including public-relations firms and media relations

positions with business or government. In addition, media sponsored by the state or politicians sometimes establish unrealistically high salaries, which also increase inequality in the labor market. "The profession of journalism in the regions is rarely considered as prestigious and well paid, and therefore it rarely attracts prospective professionals who are able to become successful media managers," stated Danylov.

Generally, an optimal balance between news and entertainment is maintained. There are specialized news channels and radio stations. A deeper segmentation of the media continues. The high share of politically related news, information, analysis, and discussions is noticeable, and is inherent to the Ukrainian press. It became especially obvious after the Orange Revolution of 2004. Kvurt mentioned that the dominance of entertainment programs of Russian origin have a negative impact on the Ukrainian market. By crowding out programming from other countries, he felt that this hurts both the general education of the viewer and limits professional development of media professionals who are then not exposed to new ideas from other markets.

Technical facilities and equipment are available and affordable, but they are more expensive than in western countries. Media are better equipped technically than years before. According to panelist Rybka, the technical level of media is sufficient to produce standard products. Panelists noted that technical and practical assistance might focus on the establishment of public television.

Quality specialized reporting exists. Certain media segments have grown, and niche reporting has become more noticeable lately, especially on business and economics. Investigative journalism is rare, and the quality of investigations is usually low. According to Danylov, investigations are time-consuming. Further, the demand for them, the benefit to society, and commercial payoff are not obvious to top managers. However, the amount of investigative stories has gradually increased, and public interest in them has developed as well, a promising sign for further development of this genre.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Ukraine Objective Score: 2.16

Plurality of news sources received the highest score among all the objectives but still registered a decline compared with 2006-2007: 2.16 down from 2.34. The situation with independent news agencies, in-house news production by private broadcasters, and representation of various social interests in the media was evaluated as positively as last year; these were the leading indicators with scores slightly more

than half a point higher than the average. However, panelists were much more critical about the lack of transparency in media ownership (Indicator 6) and bias at state-owned and municipal media (Indicator 3). These indicators were rated much lower than previously, and more than a point lower than the average. Citizens' access to domestic and foreign media, which is not restricted, was perhaps underrated by panelists as part of their overall critical mindset, although it still scored about half a point higher than the average.

News sources, including television channels with their own news programming, are numerous. However, due to the economic situation, the majority of citizens tend to consume information from a limited number of media. According to Danylov, many people in the provinces subscribe to just one newspaper and often select it based on price; in this regard state-controlled—and subsidized—newspapers enjoy a hefty advantage over their private counterparts. In distant villages, viewers are able to watch just a few television channels. The Internet is accessed primarily by citizens of large cities.

According to Internet World Stats, in 2007 the level of Internet penetration was 11.5 percent, with 5.28 million users. According to InMind research, 5.3 million Ukrainians use the Internet. The share of users in the towns of more than 50,000 inhabitants is about 30 percent. The largest percentage of users, 49 percent, is in Kyiv. People aged 20–34 make up about half of Internet users.

Citizens in larger cities have greater access to the media. Ability to use numerous sources of news may depend on geography: there are lots of satellite dishes in Chernivtsy oblast, even in small villages, where there is a problem of transmitting signals over the mountains. The situation can be different even within an oblast: in the central part of Rivne oblast, up to 50 cable channels are available but just few in the north. "Access of a citizen to objective information depends rather on his or her ability and desire to use and analyze information from different media," emphasized Gerus. "And the difficulties watching 5 kanal in eastern Ukraine like two years ago do not exist anymore. In the provinces, villages, and small towns, the situation is worse: there is limited or no access to cable television, numerous newspapers (particularly foreign titles), and the Internet."

Citizens' access to domestic or international media or the Internet is not restricted, although it does depend on people's interest, personal finances, and knowledge of languages. The availability of Russian publications and Russian television channels is significant. Western press is available but not widely represented due to language barriers, lack of demand, and cost.

The establishment of true public-service media still eludes Ukraine. Further, privatization of state-owned and municipal newspapers failed again this year due to a lack of political will, a new wave of political confrontation, and extraordinary elections. This stagnation was regarded by panelists as one of the most negative aspects of media development in the country.

“State and municipal media do not provide consumers with objective information on a broad range of events,” stated Danylov. “They are controlled by politicians who use them for their purposes, especially during election campaigns. This doesn’t contribute to balanced informing of local communities. These media are biased, prejudiced, rarely present alternative opinions, and prefer paid-for stories. The majority of their editors lack skills as well as will to work in market conditions; they are conservative, rely primarily on governmental support, and do not grow professionally,” he continued. They also neither cover topics ignored by commercial media nor promote cultural and educational issues.

A case highlighting the political influence over public broadcasting involved UT-1’s show *Toloka*. On March 20, a planned broadcast that included opposition leaders was canceled, and the president of UT-1, Vitaliy Dokalenko, stated that the program would be dropped in the future. The program’s moderator was accused of non-professionalism (falsification of interactive voting) and hidden advertising for the opposition. Dokalenko first said this was the correct action but later insisted on the renewal of the show after an internal investigation. The program was back on the air in two months with a new anchor. The media community treated this case as outright censorship, uncharacteristic of a true public-service broadcaster.

According to Tomilenko, media outlets founded by the government are hostages of the political situation in their district. New local deputies, usually lacking basic knowledge of media legislation, which on paper restricts interference by media owners and founders, start to reform editorial statutes for better control over municipal newspapers. Whoever governs locally, the ruling party or opposition, tries to influence editorial policy. On the other hand, he mentioned the example of Cherkassy oblast television, which has become a true democratic tribune open for all forces due to the personality of its top manager and his victory in a conflict with the local governor. Meanwhile, a colleague from western Ukraine mentioned local state television, staffed with about 280 employees, which broadcasts primarily old archives and primarily covers the activities of the local governor in news programs for four hours daily.

The major nationwide news agencies are Interfax-Ukraine, UNIAN, Ligabiznesinform, and Ukrainski Novyny—all

private—as well as state-owned DINAU-Ukrinform. They distribute news to all media in a nondiscriminatory fashion. Large media can afford to subscribe to national, and sometimes international, news agencies. Small media sometimes find that subscription to news agencies is not cost-effective when they can get most news for free from numerous news websites. For the most part, the sources are acknowledged.

Independent broadcast media produce their own news programs, and regional electronic media are sure to produce their own news in order to enhance their ratings.

There was no improvement of media ownership transparency, which is not provided for by the law. The draft law developed by the parliamentary Committee on Freedom of Speech and Information has not been adopted.

Kvurt mentioned that today more is known about ownership than three years ago thanks to the efforts of NGOs. Some panelists felt that experts rather than all citizens are aware of alleged owners. However, Gerus noted, “Names of media owners are not a secret; citizens know them and discuss whose newspaper *Segodnya* is and whose channel Inter TV is. They know that they can expect more sympathy to the Party of Regions than usual from TRC Ukraine and more “Orange” coverage from 5 kanal.”

Foreign investment in media, especially in electronic media, is not prevalent, as there is a 30 percent limit on foreign ownership, but it exists. Entry into this market, by local or foreign actors, is not easy; despite a healthy number of sources, competition is still insufficient to satisfy consumer needs.

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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



A few large media holding companies dominate the television market. U.A. Inter Media Group, whose shareholders are unknown, owns Inter channel (61 percent), Enter Film (90 percent), Enter Music (90 percent), channels K1 and K2, and Megasport. Central European Media Enterprises owns Studio 1+1, 1+1 International, Kino, and City. Viktor Pinchuk, son-in-law of ex-president Leonid Kuchma, owns Novyi, STB, and ICTV and is uniting them into one holding.

In January 2008, Agora Ukraine, a subsidiary of Polish Agora S.A. (*Gazeta Wyborcza*, *blox.pl*), announced the Ukrainian launch of the blog platform *Blox.com.ua* in four languages.

A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources. Major nationwide newspapers are published in Russian. Some publications produce two editions, in Ukrainian and Russian, while others mix two languages in one edition. Small-circulation publications serve national minority communities in their native languages: Crimean Tatar, Jewish, Bulgarian, Roma, Hungarian, etc.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Ukraine Objective Score: 2.15

The panel evaluated all indicators much lower this year, with the overall score for this objective falling from 2.93 in 2006-2007 to 2.15. Although mainstream media outlets operate as profit-generating businesses and increase their management professionalism, the panelists noted problems with distribution and subscription infrastructure, oligopoly in the media market, disproportion of advertising between electronic and print media, central advertising agencies ignoring regional media, and paid-for news coverage and shadowy schemes of cooperation with governmental agencies. All indicators received scores very close to the average, with one exception: Indicator 7, audience ratings and verified circulation figures, which finished about half a point behind the average.

Ukrainian media businesses have grown steadily with the increase of advertising and serious competition. The industry has world-class professionals who can share their experience with other countries. Mainstream media in Kyiv and the regions use business plans, apply skillful marketing techniques, and use professional practices in financial management, accounting, personnel management, and advertising sales. According to Pankratova, disparity in development of central and regional media remains. There are outliers using outdated practices, even in Kyiv. Further, the lack of independent market research covering the

regions contributes to this situation, as these outlets are not encouraged to operate professionally and incorporate such findings.

Despite the obvious disparity between national and regional, as well as broadcast and print media, the panelists admitted that those who want to make money and have adequate capabilities make significant profits. Danylov mentioned that annual advertising increased 70 percent at his regional television station. Across Ukraine, in-house television production, both for the outlets' own use and to sell to third parties (e.g., documentaries) also increased.

Successful regional publishers have diversified their businesses by running general-interest and various niche publications, distribution and delivery bureaus, printing presses, advertising agencies, and, sometimes, radio or television stations.

However, the market is still fragmented with numerous small and unprofessional players sponsored by the government and politicians who influence their editorial policy. On the other hand, the pressure of advertising money leads to domination of *jeansa* and censorship related to business interests in private media as well.

"Those journalists and media outlets which a few years ago would resist any governmental pressure for the sake of truth and objectivity, today often exchange their principles for advertising budgets of clients," stated Tomilenko. "Underdevelopment of commercially successful regional media leads to the fact that the media sector is extremely sensitive and ready to publish any paid-for information. A cynical and disrespectful attitude toward editorial independence is often a standard for influential politicians, businessmen, and officials," he added.

## INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

### BUSINESS MANAGEMENT INDICATORS:

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

In successful mainstream media, the share of advertising in total revenue corresponds to accepted standards and continues to grow. According to the All-Ukrainian Advertising Coalition, the media advertising market totaled \$1.159 billion, up 35 percent from 2006. Political advertising's share was \$88 million. Television advertising's market reached \$472 million, up 33 percent from 2006, including the share of regional television of just \$32 million. In addition, the television sponsorship market was estimated at \$75 million, up 12 percent from 2006. Press revenues increased by 30 percent, totaling \$230 million. The major portion (\$153.6 million.) went to magazines, with the rest to newspapers. The advertising market for regional press is estimated at \$38.5 million, with a more-than-average growth rate of 31 percent. Radio advertising grew to \$34 million, up 28 percent from 2006. Internet advertising grew by 100 percent to \$12 million.

Although no official government subsidies for private media exist, the panelists admitted that shadow schemes allow many private media to receive support from the government. Government agencies used to announce various competitions for their coverage and grant money to key media outlets. According to Tomilenko, there is a practice where local governments allocate funds in exchange for agreements to provide coverage. Such agreements usually lead to neutralization of critical media coverage. If a strong and stable private newspaper like *Vechirni Cherkassy*, with a circulation of 80,000, can print some critical stories about the governor on one page and put his public-relations stories on other pages according to such an agreement, weaker players in this case would simply refuse to publish critical stories.

A lack of reliable ratings and audience or circulation measurements is the biggest problem for media at the regional level. Available nationwide media measurements for the most part do not adequately account for regional media. Market leaders do their best to conduct market research on their own, using their own parameters. Some regional outlets pay for expensive professional surveys but are not happy that trade associations have not managed to launch syndicated research for members. Regional media lose in competition with national outlets and therefore develop their products without sufficient guidance.

According to Khomenok, market research is the regular practice for the majority of successful publications, but there is a problem of application of these results by national advertisers. There are several nationwide research companies doing media surveys, but only one of them, TNS Ukraine, has the media-planning software Galileo, developed in Russia. Large advertisers and agencies use Galileo to plan and

allocate advertising budgets, which ensures TNS Ukraine a monopoly on the media research market.

Gerus said: "Research of audience, its needs, and its preferences is one of the weakest aspects of the Ukrainian media sector. My newspaper, *Salon Dona I Basa*, can't afford an expensive in-depth survey of the readership and begrudges spending money for a superficial one. Doing surveys on our own is fraught with faulty approaches and considerable errors." In contrast, Tomilenko, chief editor of one of the model municipal newspapers, noted that he tries to follow readers' needs with low-cost methods and adjusts the products accordingly.

Danylov said that audience research does not adequately represent regional media, its relevance to regional audiences, and the trust locals place in it. He noted that this supports the unfair practice of advertising agencies not placing advertisements with local media, leading to domination of the advertising market by a few of the largest national channels. The Industrial Television Committee, established long ago, unites the largest 11 television channels, which now account for about 70 percent of audience share. It lobbies their interests and combines efforts in market research. The Radio Committee, established in December 2007 by the three largest radio holdings (Ukrainian Media Holding, TAVR Group, and Group M) and three network advertising agencies, aims at improving radio audience measurements and introducing digital radio broadcasting. The managing partner of the Radio Committee is the Independent Broadcasters Association.

Almost all Ukrainian press lie about circulation figures, and past attempts to establish a reliable audit bureau of circulation have failed. Advertising agencies do not seem to be interested in getting reliable circulation figures as well. Broadcast ratings, according to Kvurt, are produced independently but not reliably. The problem is that several major channels united in the Industrial Television Committee ordered the all-Ukrainian television ratings from Germany's GfK Group using people-meters. For all of Ukraine it is reliable and independent. However, sampling in the regional cities, some managers complain, inadequately reflects the situation with regional channels that are named in the category "other regional channels." Even the regional leaders do not receive adequate ratings, their managers feel. People-metering is very expensive and is not affordable by regional television companies. They complain it is a conspiracy between huge national television channels and marketing agencies. In this situation, without reliable data, regional television cannot attract advertising agencies that would bring larger advertisers.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Ukraine Objective Score: 2.09

Panelists rated this objective at 2.09, down from 2.37 last year. Their criticisms centered on the failure of media associations and journalists' unions to lobby and advocate effectively on behalf of their members, lack of progress developing adequate journalism education, and distribution problems for the industry. Therefore, the indicators that cover these topics, Indicators 2, 4, and 7, scored the lowest of the group, with Indicator 4, academic journalism programs, the lowest at more than half a point below the average. On the high side, panelists rated the work of NGOs, Indicator 3, and access to printing facilities and newsprint, Indicator 6, well, as both achieved scores slightly more than half a point above the average.

Media associations were more active in previous years while implementing numerous donor-funded projects. The main drivers were the executive management of associations, which applied for projects and then asked the opinion of membership on whether the projects were priorities for them. Only in recent years have associations gone to their members to urge them to initiate activities. With numerous assemblies of members, and some management reassignments in 2007, the associations went through an internal process to reevaluate their role, functions, priorities, standards, etc. However, in some cases members could not come to a consensus on what they wanted. On the other hand, association members are rather critical about efficiency; even some MSI panelists claimed that associations did nothing in terms of lobbying and protecting their interests.

In general, no one is personally guilty of bad management; too often members fail to combine their efforts and articulate their interests. According to Tomilenko, "The professional community is not developed and sustainable. In resolving problems, media outlets usually rely on themselves rather than professional associations. Certain issues are taken care of by the National Union of Journalists, the Independent Media Trade Union, and associations of publishers and broadcasters."

The Ukrainian Association of Press Publishers (UAPP) and the Independent Association of Broadcasters experienced an evolutionary process of self-determination, reformation, and attempts to work on new strategies. In spite of member criticism, both associations shifted from the managerial initiatives of their executive bodies to the representation of the interests of their members. Legal consultations and training courses for the members remained key activities in 2007.

UAPP general director Oleksiy Pogorelov admitted that the general assembly of publishers was rather unmanageable in 2007. Two groups of interests have formed: those of the largest media holdings and those from smaller media. UAPP members tried to define their interests and strategy of development. Members failed to find consensus on many issues, and this mirrors the market development. The Association of Independent Regional Publishers of Ukraine also worked on its strategy with the help of foreign consultants and was rather inactive in 2007.

The two major journalists' organizations, the National Union of Journalists (NUJU) and the Independent Media Trade Union, often cannot adequately influence negative situations, especially regarding journalists' economic rights. Guz said that journalists are not able to counteract interference with editorial policy, illegal dismissals, half-legal or illegal employment, and salaries. Kateryna Myasnikova added that journalists lack an understanding of the need to unite their efforts. The personal benefit to each member in a mass organization is not obvious, and professional standards are not developed enough so that journalists feel the need to protect them together. However, Ukrainian journalists do unite from time to time in reaction to the most egregious infringements against journalism.

NUJU, traditionally the largest, is outdated and needs reforming. Tomilenko mentioned the example in Cherkassy oblast where the local division of the NUJU changed management and united efforts to protect journalists' rights, while in other regions, NUJU acts more as a club for pre-pensioner journalists who worked for decades in state-owned media.

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

#### SUPPORTING INSTITUTIONS INDICATORS:

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

There are many national and regional media-support NGOs, such as the Institute of Mass Information, Media Reform Centre, Regional Press Development Institute, Journalism Initiative (Kharkiv), Information and Press Center in Simferopol, Association of Free Journalists in Crimea, etc. The Media Law Institute and Association of Media Lawyers deal with media legislation and the legal protection of media and journalists. Almost all of them rely on financial support from international donors.

Pankratova believes that the activities of media-support NGOs are still needed because media and associations are not well developed enough. Free-of-charge workshops on legal issues are in demand, as these issues are largely beyond available training programs. With the cut in donor-funded programs, journalists lost many training opportunities, but a greater concern is the lack of workshops for judges.

Myasnikova noticed a dangerous trend: the reduction of international donor programs has caused some NGOs to curtail their activities. There is a lack of governmental support and locally nurtured donors. Kvurt emphasized that the major problem is "a lack of articulated and understood state interest in the development of the third sector. If the state of Ukraine declares democratic values, it has to support them with cooperative programs and finance." But generally, according to Kvurt, Ukraine has a considerably better-developed third sector than any other post-Soviet country.

Journalism degree programs remain noticeably distant from the needs of the media market. Curricula are outdated, professors primarily do not have media backgrounds, and the industry does not appreciate the graduates' skills. According to Tomilenko, just a few academic programs in Ukraine implement the model of modern journalism education. One, the Kyiv-Mohyla Journalism School, annually graduates 20 master's degree holders. The market compensates its need for professionals through short-term seminars and training programs.

"Donetsk, a city with a million people, has two journalism departments. Both are 'young,' without traditions and experienced professors," said Gerus. "Links between universities and media are limited to the summer practice of students. Each year journalism departments produce a bunch of students who have only a slight idea of a journalist's job. Their theoretical knowledge originates from old handbooks; their general outlook is lower than required. Interest in news is substituted in their minds by the desire to write. Among the interns at our newspaper, almost all do not read newspapers and have a problem identifying important public figures, classifying the branches of government, knowing sources of information, and understanding newsworthy events and information important for the public."

A limited number of paid-for and free short-term training courses on various aspects of media operations are available. The number of those who can afford paid-for courses has risen. Broadcasters complain that not all topics are offered, such as courses on television advertising sales. Workshops are paid for primarily by employers, who often complain that they invest in personnel who then leave for better-paying jobs in the capital.

"Every quarter we budget a certain amount of money so that a couple of employees can be trained," said Danylov. "Some independent media conduct in-house training courses for future journalists. Graduates of such programs recognize that during 10 to 12 training days they learn more about the practical job of a journalist than during years of academic education."

Political issues do not constrain access to printing facilities. More and more private printing facilities are available, and their services have improved for the most part, although newsprint prices are higher than in Sweden or Finland. Due to a constant change of export rules and corruption at customs, newsprint is very expensive.

Print media distribution remains a real problem. Ukrposhta and Souyzdruk raised their already high tariffs and do not efficiently serve publishers. Private distribution networks are not developed but also dictate prices to the publishers. According to Danylov, it is hard to imagine a morning or evening newspaper in Ukraine. His daily *Rivnenska Gazeta* is delivered to villages once a week (three issues together, on Thursday). Running his own printing press, he can easily increase the number of pages depending on advertising volume, but Ukrposhta would refuse to distribute it or quote such a high price that it would become senseless. Danylov believes that the distribution system is a serious obstacle to the press and that trade associations have failed to solve the problem.

Supermarkets also have expensive entry requirements, including signing fees, rental of shelf space, per-product code fees, and percentage of sales fees, among other disincentives for publishers to break into that source of sales.

Broadcast transmitters are managed by the state-controlled RRT, which dictates high prices, media managers feel, but to date it has not been abused for political purposes. The announced introduction of digital television is also supposed to be implemented by the state.

According to Danylov, the distribution infrastructure in both print and broadcast can destroy somebody's business at once by an unexpected price increase. "We had an approved annual budget and signed agreement with the transmitting

---

---

facility, but on December 28 we got a notice on a price increase and all our plans were ruined. Or we sold one-year subscriptions, and then Ukrposhta in March again increased its tariffs," he said.

"The powers-that-be can control press distribution, for instance, through municipal decisions on allocating land for kiosks," commented Khomenok. "In Ternopil, representatives of one political force with a majority in the local council attempted to force out one newspaper from the newsstands by threatening to cancel the permission of press sales." The paper *Litsa Dniepropetrovsk* suffered at the hands of Ukrposhta after it wrote a story on a criminal investigation of that city's mayor. The post office first refused to deliver the paper and then delivered it to its offices and kiosks with a 10-hour delay after *Litsa* made an official request. The post office finally canceled the contract for "technical reasons" so that a new one could be signed with a different department. However, a rumored change in the paper's financing has put an end to these difficulties.

## List of Panel Participants

**Oleksiy Pogorelov**, general director, Ukrainian Association of Press Publishers, Kiev

**Yevgen Rybka**, content editor of the dossier section, *Ligabiznesinform*, Kiev

**Sergiy Tomilenko**, chief editor, *Nova Doba* Municipal Newspaper, Cherkassy

**Olena Gerus**, chief editor, *Salon Dona / Basa* Newspaper, Donetsk

**Viktor Danylov**, director, Publishing House OGO, Rivne

**Gennadiy Sergeev**, director, TRC Chernivtsi, Chernivtsi

**Iryna Tuz**, journalist, *Novynar* Magazine, KP Publications, Kiev

**Lyudmila Pankratova**, vice-president, Media Lawyers Association, Kiev

**Kateryna Myasnikova**, executive director, Association of Independent Broadcasters, Kiev

## Questionnaire only

**Sergiy Guz**, chairman, Independent Trade Union of Journalists, Kiev

**Oleg Khomenok**, print media advisor, Internews' Network U-Media program, Kiev

**Kostyantyn Kvurt**, executive director, Internews-Ukraine, Kiev

**Natalya Ligachova**, director and chief editor, *Telekritika* Magazine, Kiev

## Moderator and Author:

**Kateryna Laba**, executive director, Regional Press Development Institute, Kiev





**CENTRAL ASIA**

---

---

*In 2007 there was imperious rhetoric about reforming the media to bring it into compliance with OSCE guidelines. The Government of Kazakhstan declared its readiness to strengthen democratic achievements, including pluralistic media development. However, according to the MSI panelists, in reality the authorities created obstacles to strengthening the basic principles of democratic development, primarily regarding freedom of speech.*



KAZAKHSTAN



In 2007 there was imperious rhetoric about reforming the media to bring it into compliance with OSCE guidelines. The Government of Kazakhstan declared its readiness to strengthen democratic achievements, including pluralistic media development. However, according to the MSI panelists, in reality the authorities created obstacles to strengthening the basic principles of democratic development, primarily regarding freedom of speech. Kazakhstan's Ministry of Interior and Ministry of Culture and Information initiated a number of draft laws that would trespass upon such freedoms if passed. The Ministry of Interior's draft law on libel proposed civil liability for spreading inaccurate defamatory information about people's private lives; the draft law from the same Ministry, On Editorial Activities, proposed the introduction of legal norms on printing activities for producing periodicals that did not meet international legal provisions and the Constitution's guarantees on freedom of speech. The draft law drawn up by the Ministry of Culture and Information was an attempt to regulate information exchange on the Internet. Furthermore, the liberal draft law on the mass media developed by Kazakhstan's civil society and submitted to Parliament in April 2007 was ignored until the end of the year, when it was panned by the government.

The Parliamentary elections held in 2007 worsened the chances for private media to conscientiously and objectively cover events. Opposition parties' measures were extremely poorly covered. Even commercial material and advertisements from opposition parties could not be broadcast or published due to bans issued by the administration. Advertising agency owners were strictly ordered to only publish advertisements for the Nur Otan political party. Social Democrats prepared advertising clips on their platform, and they were ready to pay a number of television channels, including the government one, to broadcast them. They were refused because the advertisement producers filmed people, including President Nursultan Nazarbaev, without first getting their written permission. The government said showing these advertisements could infringe on these persons' rights. At the same time, clips shown by the ruling party also used pictures that showed the president and his family and other people without their permission, but all mass media were able to broadcast these advertisements very often. In the end, the media covered all the ruling party's events as actual news, but the opposition paid exorbitant rates just for reports on their events.

Overall, Kazakhstan's score changed little, increasing by a margin of 0.06. The overall score of 1.33 still places it in the bottom half of being an "unsustainable, mixed system," according to MSI definitions. Additionally, most objective scores remained essentially unchanged. Objective 3, plurality of news sources, experienced a small decrease and lost its place as the top-scoring objective; in fact, it's loss of 0.20 points placed it as the lowest scoring objective. Objective 5, supporting institutions, experienced a significant improvement of a half a point, bringing it more in line with its 2005 score and returning it to the top spot.

# KAZAKHSTAN AT A GLANCE

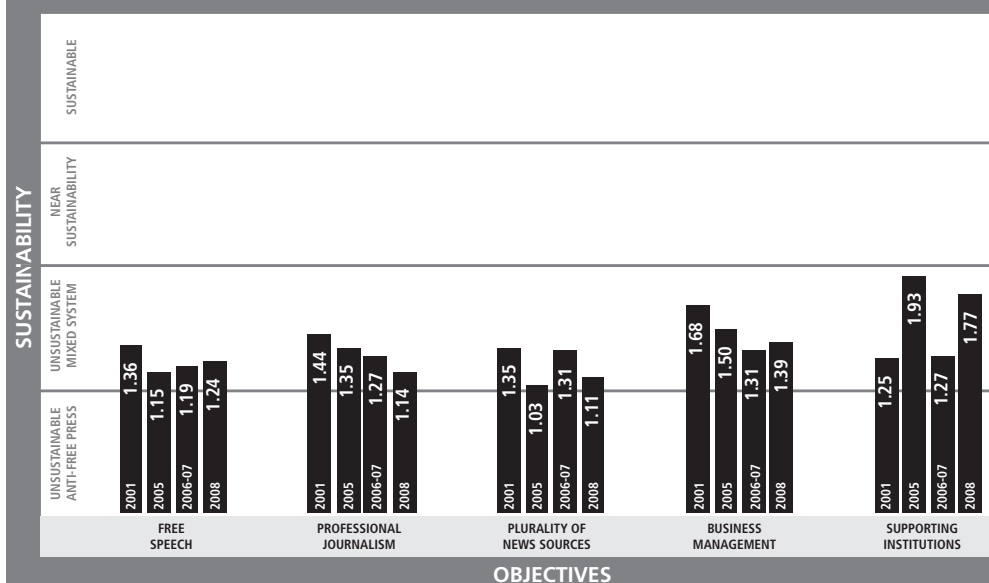
## GENERAL

- > **Population:** 15,340,533 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Astana
- > **Ethnic groups (% of population):** Kazakh 53.4%, Russian 30%, Ukrainian 3.7%, Uzbek 2.5%, German 2.4%, Tatar 1.7%, Uigur 1.4%, other 4.9% (1999 census, *CIA World Factbook*)
- > **Religions (% of population):** Muslim 47%, Russian Orthodox 44%, Protestant 2%, other 7% (*CIA World Factbook*)
- > **Languages (% of population):** Kazakh 64.4%, Russian (official) 95% (2001 est., *CIA World Factbook*)
- > **GNI (2006-Atlas):** \$59.18 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$8,700 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 99.5% (male 99.8%, female 99.3%) (1999 est., *CIA World Factbook*)
- > **President or top authority:** President Nursultan A. Nazarbayev (since December 1, 1991)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 5 main daily papers, 2 other main weeklies; Radio: 4 main stations; Television stations: 6
- > **Newspaper circulation statistics:** top 3: *Kazakhstanskaya Pravda* (state-backed, Russian language), *Yegemen Qazaqstan* (state-backed, Kazakh language), *Ekspress-K* (private, Russian language)
- > **Broadcast ratings:** top 3: First Channel Eurasia (44.44 %), KTK (11.19 %), and N K (10.13 %) (TNS Gallup Media Asia, January 2008)
- > **News agencies:** Kazinform (state-owned), Interfax Kazakhstan
- > **Annual advertising revenue in media sector:** Television: \$180 million (VI-Kazakhstan)
- > **Internet usage:** 1,247,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: KAZAKHSTAN



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREEDOM OF SPEECH

### Kazakhstan Objective Score: 1.24

The score for this objective remained nearly unchanged, with an increase of only 0.05. Indicator scores varied widely, with only a few scoring near the objective average. On the high side, Indicators 8 and 9, media access to international news sources and free entry into the journalism profession, scored more than a point higher than the average. Indicator 3, market entry, also fared better than most indicators. However, several indicators received scores well below the average. These include Indicator 2, broadcast licensing, Indicator 5, preferential legal treatment for state media, and Indicator 6, libel laws.

In general, the country's legislation contains basic provisions to support freedom of speech and access to socially significant information. Kazakhstan's constitution and a number of special provisions guarantee freedom of speech and creativity and prohibit censorship. Provisions that help promote freedom of speech include international treaties and conventions ratified by Kazakhstan. However, the existing legislation contains a number of limitations and prohibitions. For example, lawyer for Adil Arka Mass Media Support Public Fund Helen Kuzmina noted, "The administrative legislation alone contains 11 articles covering journalists' liability, including influence on the courts concerning infringing on the procedures for providing control copies and so on."

"Legislation on the mass media does not meet international provisions and puts national security and the state's interests higher than freedom of speech and applies restrictions that do not meet accepted limitations on human rights," said Yevgeniy Zhovtis, director of Kazakhstan's International Bureau on Human Rights and Legality Observance. Putting the laws into practice is also problematic. Even laws forbidding censorship are flouted. For example, regional authorities are in no doubt that they have the right to censor the mass media and dictate media content. The deputy governor of the Sandyktau Area, Balym Izbasarova, demands that newspaper articles be shown to her before they are sent for printing.

Also, other laws are applied selectively in order to harass media. At the end of the year, representatives from the Ministry of Justice and the Public Prosecutor's Office visited all production and private television studios in Pavlodar to check on their use of licensed software. It turned out that over 90 percent used pirated copies and they had to pay large fines. While such laws should be enforced, it was interesting that no government media were checked during this unannounced inspection.

During the panel discussions, Olga Didenko, lawyer with the Mass Media Support Center, reported the following, "In 2007, freedom of speech was the subject of trade." Recent legislative initiatives to "more efficiently" regulate the mass media were suspended (though not removed from the agenda) in view of their negative assessments by international organizations, the OSCE in particular. Panelists felt this was done to promote the country's image, as it is a candidate for the revolving OSCE chair. This was also based on statements by government officials, such as those by Minister of Foreign Affairs Marat Tazhin, who noted at a government conference that steps were being taken to "promote Kazakhstan's positive image in the country and abroad." Local authorities quite specifically understand they must promote the state's positive image. Thus, the Interior Policy Department in the Southern Kazakhstan Region issued directions on actively covering Kazakhstan's chairing the OSCE to all media bosses.

When commenting on the recalls of draft government laws, Minister of Culture and Information Ertysbaev declared in public that the laws that regulate Kazakhstan's Internet and publishing activities were necessary for the country and they would be approved later on.

Public opinion has little influence on the authorities, panelists thought, and referred to the example of journalists uniting against the draft Law on the Mass Media. The minister of culture and information was the only one who responded to

## 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.

this protest, saying he did not depend on journalists and so he was not worried about their discontent.

According to the panelists, society's understanding of the concept of freedom of speech is often perceived as a specialized interest for only one professional group, namely, journalists. In general, the numerous cases of attacks on freedom of speech have had no real high profile in society. "Legal protection of the freedom of speech is declarative and society is not much inclined to publicly protect it," said Zhovtis.

The process for issuing of broadcast licenses in Kazakhstan involves two important steps. The Ministry of Culture and Information issues licenses based on technical requirements. Allocation of frequencies is the more arduous step.

In January 2007, the Tender Committee on the Allocation of Frequencies held a conference where it admitted gross violations of Kazakhstan's legislation. As a result, six tender participants, including three members of the National Association of Television and Radio Broadcasters (NAT) members, were barred from competing for the right to provide terrestrial television and radio. Era-TV and 31st Channel, which were among those barred, published a letter demanding that the Ministry of Culture and Information cancel the tender results and hold a new tender in compliance with the legislation. This public declaration did not help restore fairness; moreover, it resulted in a number of repressive sanctions against the Era-TV television channel by the Ministry. NAT also sent a letter to the president asking that the results of the tender be annulled and a new transparent and legal tender be organized.

In August 2007, the Regulations for Licensing and Qualification Requirements for Organizing Television and/or Radio Broadcasting came into force. They regulate the procedure and conditions for issuing licenses, re-registration, and issuing duplicate licenses. Compliance with the government's resolution on qualification requirements borders on censorship, panelists felt, because many substantial requirements are made of applicants. These requirements include a wide range of loosely formulated indicators, including production conditions that provide for the security of society, the environment, citizens' life and health, and guaranteed quality of output. It also establishes obligations on all the mass media, regardless of type, to represent the state's interests in broadcasts.

Panelists said that money and politics determine the result of licensing. In spite of the fact that, according to the procedure, officials and government bodies must reply to applications for frequencies within 15 days, in reality some entities have been waiting for their applications to be considered for several years.

The decision to refuse or allow broadcasting depends not only on the supposed loyalty of the mass media owners but on their financial situation and proposals. For example, Irbis TV won a tender for a frequency in January 2007. The minister for culture and information personally commented that this television company submitted the highest bid. In spite of the fact that this company did not start broadcasting in the six months following its award, as it needed to by law, the committee did not recall the frequencies. According to the panelists this shows bias and even corruption.

The taxation structure for the media is absolutely identical to other types of business. There have been no tax privileges for the mass media since a VAT exemption for the printed press was cancelled three years ago.

New entrants find it difficult, however, to enter the market because of monopoly-like conditions in the market. The draft law on the mass media initiated by the state contains a line, "monopolization of the mass media is prohibited." At the same time, the acting law, On Monopolistic Activities, identifies a monopoly as an entity that has 35 percent of market share in its sector, after which the state should start regulating the sector by providing equal opportunities to other market entrants. However, there is still no precedent in the media sector for application of this anti-monopoly legislation.

According to Adil Soz PA, which monitors crimes against journalists and the media, in 2007 alone three journalists were killed in suspicious traffic accidents, five were seriously injured, one was abducted and never found, 12 journalists were threatened, and 10 were assaulted. As a rule, the crimes are not investigated and the guilty are not found.

In 2007, an unprecedented case arose. Journalist Oralgaishi Dzhabagtaikyzy, director of the Anti-corruption Department of the republican newspaper *Zakon I pravosudie*, was last seen by her friends on March 30. According to the newspaper's representative in Almaty, the day before her disappearance she had received a threatening phone call concerning her latest investigations. She was thought to have been working on a special investigation concerning corruption. Criminal proceedings were instituted but there has been no trace of her yet.

Beatings of journalists and cameramen are commonplace events that cause little stir in society. Many go unreported and journalists do not file charges. A typical example happened in January 2007 when a camera crew from TBC 31 channel was badly beaten by market security guards. Serzhan Dzirenbaev, a cameraman, and Galiya Idoyatova, a journalist, went to film the results of a fire in the market but were obstructed by security guards, who smashed their video camera and tried to beat up the cameraman.

Arson attacks on media offices are not uncommon, either. The printing office of the Aktaus newspaper *Lada plus* was set on fire in three places simultaneously in April 2007 and a computer was stolen from the office. Employees linked the arson attack to critical articles published in the newspaper and criminal proceedings were instituted over the arson.

Last year representatives of law-enforcement bodies committed acts of violence against journalists as well. In May 2007 police officers arrested an employee of the Kazakh television company KTK, Ivan Likhouzov. Questioning carried out at the Department of Domestic Affairs in Almaty the day after the arrest resulted in the journalist being taken to the intensive care unit of a hospital. The journalist was taken to the Department by force directly from KTK's offices by police officers wearing masks. According to *Kazakhstan Today*, another employee, Vitaly Piskunov, was arrested and beaten. Neither doctors nor lawyers were allowed to visit them and the reasons for the arrest were not given. It was ascertained later the journalists were "witnesses" to the disappearance of the ex vice-president of Nurbank, Zholdas Timraliev.

Legal advantages exist for state media. Simply the practice of financially supporting the government mass media puts private media at a disadvantage. Local authorities make residents subscribe to the government publications. The NGO Coalition monitored subscriptions in five regions of the country in an effort to counteract compulsory subscriptions. Many cases of compulsory subscriptions to a number of government publications were identified. Government publications, such as *Egemen Kazakhstan* and *Kazakhstan Truth* or regional publications such as *Northern Kazakhstan* and *Soltystik Kazakhstan*, survive in the market mainly due to compulsory subscriptions. There is a cause-effect relation here, as the circulation increases due to compulsory subscriptions, it increases the advertising attractiveness of the publications.

There is no guarantee for editorial independence enforced at state media. In fact, the government interferes in non-state media as well. Such was the case behind the "re-organization" of the media that were part of the Alma-media holding company, jointly owned by Rakhat Aliev. At the end of May the television channel KTK and *Caravan* newspaper, owned by Aliev, were shut down at the request of the Prosecutor General's Office based on an accusation of hampering the Nurbank investigation. At the same time, it was known that sanctions were applied to the newspaper and television channel because Aliev (the former son-in-law of the president) wanted to publish damaging information about high ranking officials collected in the course of Aliev's work with the authorities. A month after the newspaper and television channel had closed down, they reappeared, however, the content had changed completely: there were

no news or analytical programs in the KTK schedule. KTK also had a new boss, Arman Shuraev, who was a senior aide to the president. *Caravan* was gagged by a court order, forbidding publication of information concerning the Nurbank case.

The other advantage granted to state media is privileged access to information concerning the activities of major politicians and state agencies. A case in Akmola oblast exemplifies this. A journalist with the newspaper *Kurs* asked the head of the regional election committee for preliminary information about the results of the elections and received the following reply: "We only give information to the *Akmoliskaya Pravda* regional newspaper and you are nothing to me! You can get the information after it is published in the newspaper. Read the newspapers!" Moreover, the journalist was refused a copy of the list of candidates standing in the elections, which had already been published in the governmental mass media. Private media loyal to the government also receive preferential access to information.

The Criminal Code of of Kazakhstan still includes clauses concerning libel and slander and damaging and offending the dignity of officials. As a rule, court cases accusing journalists of libel and slander finish with journalists and media given a suspended sentence and/or having ruinous fines imposed on them.

Journalists consider the provisions of Kazakhstan's Criminal Code on libel and slander a significant problem in their professional activities. Use of the Criminal Code's article on libel presupposes a procedure in which the plaintiff should prove in court that a journalist deliberately and knowingly spread untrue information. In spite of this, courts often punish journalists in certain political situations. Material evidence and other clearly noticeable signs of journalists' correctness can mean nothing.

A series of examples serve to demonstrate the unequal chances for success in court cases of offending the honor and dignity of officials, libel, and slander where plaintiffs are well-known politicians and high ranking officials. The best example is the series of court cases between Minister for Culture and Information Ertysbaev and the *Vremya* newspaper. The reason for *Vremya* taking the case to court was an interview the minister had given to the *Respublika Delovoe obozrenie* newspaper, where the minister called *Vremya* journalists and other mass media "rascals, adventurers and impostors." The counter-claim made by the minister was the result of the publication of an article entitled "Seven baby-sitters cannot say why their only baby lost an eye," by a journalist with *Vremya*. "She offended the honor and dignity of a high ranking official and did irreparable harm to his business image" was the government's response to the article's phrase "if Minister Ertysbaev could remember that he

is responsible not only for information but also for culture, he would probably not delete surplus 'eyes' from the budget." The verdict handed down by the district court of Astana rejected the claim by *Vremya* whereas the counter-claim by the minister was partly satisfied. The judge decided that the minister's words were just him professing his own ethical opinion, which is debatable, whereas the phrase the journalist used was a statement harming the minister's image.

At the same time, the provisions that provide sanctions for preventing a journalist's professional activities (Article 155 of the Criminal Code and Article 352 of the Administrative Infringement Code) are ignored. One of the panelists noted, "The lack of the supremacy of the law, corruption, and political will create obstacles to how the laws on the mass media devoted to freedom of speech operate." Such methods of juridical protection, as filing a court case against those who violate freedom of speech are ineffective due to the courts' dependence on the authorities and as a consequence, are rarely used. Even when government officials at various levels break this law it is very difficult and almost impossible to make them answerable for their actions.

According to the constitution and the law About the Mass Media, state agencies are obliged to provide information to representatives of the mass media within three days regardless of the type, ownership, and political leaning of the media outlet. This does not apply to state secrets. However, officials consider that this law, which also includes many other provisions on the media, to be a tool to regulate the mass media, but that it does not apply to them.

There is a legal penalty for failure to provide information requested by a journalist during an established period of time but it is not a deterrent for noncompliance. However, a precedent was set in April 2007: the patience of the editorial staff of the *Vecherny Taldykorgon* newspaper snapped. The journalists and editors were tired of persuading officials to do what they were obliged to do by law. The boss of the editorial office filed a case concerning the illegal refusal to provide proper information. The nine defendants were the heads of district and municipal Departments of Internal Affairs, representatives of the oblast Department of Internal Affairs and the Chair of the Traffic Police Committee of the Ministry of Internal Affairs of the Kazakh Republic. As of the time of the MSI panel discussion, this case had not been resolved.

In some cases officials give false information in spite of the fact that supplying misleading information to the media is a punishable offense. For example, on August 1, 2007 information was published in the media that the body of Anastasiya Novikova, a presenter on the NTK television channel who had disappeared in Vienna three years ago, had been found in a settlement in southern Kazakhstan. Dilyaram

Arkin, a correspondent for *Vremya* newspaper, asked the South Kazakhstan Department for Interior Affairs for details. The head of the Public Relations Department denied the rumors. "Anastasiya Novikova's body was not found in our oblast," she informed the public on August 3. The Ministry of Internal Affairs press service neither proved nor disproved the information. However, on August 5 an official report was made that Novikova's body had really been found and transported to Almaty.

Officials of various ranks set limits on access to information. In March, at a national meeting on implementing the president's vision for the future, a journalist from Era TV, Yulia Isakova, was gruffly and humiliatingly ordered to be removed from the meeting room by Minister Ertysbaev. Later on the journalist sued the minister for causing moral damage. The journalist demanded a token payment of one tenge to highlight the fact that a high ranking official had violated her rights and to show that it was possible to get fair treatment.

Refusing access to high-profile court hearings is a common practice. According to the panelists all the refusals are made clearly and officially. Usually court sittings are arranged in small halls and court officials occupy all the seats so that journalists and civil society representatives are not allowed in.

As a rule, only financial resources limit access for journalists or media outlets to various international information sources. The advent of new technologies severely weakens any intent the government may have to limit this access through legal means. Media do access international news agencies. Nevertheless, the use of the international information does not exempt the Kazakh media from liability, and some cases have been reported recently when Kazakh media have been accused of slander and punished after re-broadcasting information from international sources.

As in years past there are no restraints on entry into the journalism field. Any citizen who has sufficient ability and wants to master the profession can enter faculties of journalism or specially organized journalism training schools. Journalists are not licensed. At the same time, accreditation of journalists is undertaken by state agencies. In practice, most state agencies have no fixed procedures of accreditation; indeed, lists of invited media representatives and journalists are compiled for each event and very often the lists do not include journalists from the opposition mass media.

Adil soz PA recorded examples of this becoming a problem. On May 23, 2007 the Prime Minister Masimov visited Atyrau. A week before, journalists accredited with the Atyrau administration wanted to know if it was possible to be present at the sites where Masimov was going to visit. The head of Atyrau's Department of Internal Policy answered

that no journalists were accredited to report the visit except for journalists from two oblast governmental newspapers. Representatives of other mass media repeatedly tried to get accreditation and appealed to the head of the administration, but to no avail. The same applied in Taraz for Masimov's visit. There, to the question of why the media had not been invited, the head of the Department of Internal Policy said, "You always write inappropriately!"

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Kazakhstan Objective Score: 1.14

The score for this objective fell slightly this year, and panelists' thoughts on media coverage of the election were one reason for this. All indicators but one scored near or somewhat above the objective average. The exception was Indicator 3, self-censorship, which scored nearly a point lower than the objective average.

In general, the government press uses multiple sources to talk about the authorities and their actions, as do the opposition media in showing the government's weaknesses. In both cases, journalists use selective approaches to cover the news.

"News broadcasts, especially in the regional mass media, are of low quality, as the news is mainly that passed on from local authorities. There is a need for quality news broadcasts for the most educated audience watching TV, as the majority of young people, pensioners, and others switch to other programs, including entertainment shows, serials, and so on," said Helen Kuzmina.

As far as consulting experts, journalists are quite often ordered to not use various information sources. There are blacklists of experts whom the government would not like to see in the media (the panelists gave financial expert Zhandosov as an example, as he is an opposition figure who is not given access to the leading printed media or allowed to broadcast).

There are no real ethical standards. They have been replaced by owners' leanings and editorial offices' direct economic interests. The issue of ethics for the profession is not a new one in Kazakhstan. In the early 2000s there were widespread discussions about ethics in professional circles. In 2002, at the Congress of Journalists, a draft Journalist's Professional Ethics Code was worked out. However, the Code could not be further developed. Later, the Moral Bases for Kazakhstan's Journalists Declaration was developed and placed on the Journalists' Congress website. Panelists commented, "This Declaration is still pending and no one touches it and it touches no one." There is a document that

is similar to this Declaration (it was created based on it), the Journalists' Charter.

However, none of these documents can be approved and used in practice. Panelist Tamara Kaleeva, president of the Adil Soz International Fund for the Protection of Freedom of Speech, said, "Concerning censorship, pressure, and control of journalists it is too early and even incorrect to talk about self-regulation and introducing ethical standards. When we have liberal journalism we will take care of ethical standards, as there will be a need for ethical self-regulation." Moreover, according to journalists, approval of the national code that was proposed by the state is impossible in principle.

The availability of any sort of written document does not promote the real practical introduction of ethical standards. Considerably more important is developing and adopting editorial offices' policies for specific mass media in which the owners of media include prohibiting journalists from receiving bribes. Ethical principles depend on the internal policy of editorial offices and the awareness of journalists' themselves.

Self-censorship is widespread and multi-level. The majority of journalists have "excellently" mastered the self-censorship rule in working with the media, as they can recognize in advance if the subject is suitable for publishing or not and they have become experts in how to "correctly" report any story. "Self-censorship in the mass media, especially government ones, is a widespread and normal event. Editors know in advance what subjects they should not cover, what they should not say about the local authorities and even in what light they should show the region's eminent people," said Diana Medvednikova

## JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

### PROFESSIONAL JOURNALISM INDICATORS:

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

---

---

In addition to the governmental mass media, there are media outlets of political parties and those controlled by business media representatives. It is clear that there is no independence of publication policy of both the political and business media and examples were given testifying to a number of prohibitions and preconditions hampering the professional activities of journalists. In particular, a mistake made by a journalist from Irbis TV in a report on an aluminum plant resulted in his dismissal since the influence of an oligarch on that particular media outlet meant it could not be treated in a more reasonable way.

“Self-censorship prospers due to repressive legislation, political control by the state, and mass media owners’ interests. Thus for 99 percent of the media ‘Kazakhgate’ is taboo and for all government mass media ‘Rakhatgate’ is taboo,” said Tamara Kaleeva

One panelist, who wished to remain anonymous, stated, “There are subjects that are taboo including economic crises, international relations, and nothing bad can be written about Astana; only good things can be written or nothing at all. Subjects depend on orders from above. All subjects are important but we cannot always write about them. For example, we cannot write that there is no heating, so we have to write that the radiators are cold and the most recent example is: at the end of 2007, an employee of the National Security Committee approached a journalist in his editorial office after he had asked the Ministry of Health about the increasing cases of Hepatitis B. After a detailed interrogation including the reasons for making such a request he was directly prohibited from writing on this subject.”

Unfortunately, the obstacles to objective coverage of events appear not only during elections or on sensitive topics. High-ranking officials see the coverage of social and political information as exclusively in the domain of advocacy. Zhovtis wryly noted that it is not recommended to even report bad weather conditions in Astana.

When taking into consideration all these factors the panelists confidently declared that information is in reality linked to the interests of powerful political and businesspersons. In particular, some events can be given wide coverage whereas much more significant events are not covered at all. Any subject related to national security can be classified and covering this subject means undermining security. There is a list of taboo subjects, about which it “would be better not to write” in a specific political situation and, according to the panelists, this list is quite impressive. The list of prohibited subjects and undesirable personalities in the regional mass media is even larger.

Beyond self-censorship, other obstacles prevent coverage of key issues. In December 2007, reporters from Rika TV could not prepare a report on Chinese railway coaches that the Kazakhstan Temir Zholy Company continues using in spite of expert reports that they are dangerous. This very important subject was not reported because railway employees prevented the journalists from filming. Key political events may not be covered by the opposition media for reasons including limited access, as in the example of Prime Minister Masimov’s trips to the regions. Panelists did not say whether opposition media purposely leave out coverage of key events that favor the government.

The salary levels of Kazakhstan’s journalists vary, depending on many factors such as whether the outlet is national or regional; socio-political, entertainment, or specialized; broadcast or print; government or private, and; job divisions and a journalist’s status. As the panelists noted, there are geographical variations, in particular, the cost of living and salaries are higher in the northern regions. Journalists from Almaty earn at least \$500 to \$800 monthly while ones from the provinces only \$100 to \$300. Part of some salaries is paid unofficially to avoid taxes. These salaries do not motivate people to stay in this profession and salaries are much higher when working at government level.

Because of the low salaries and the need to find additional income, journalists take part in advertising for firms and people. Panelists revealed that getting paid for various articles is a quite widespread practice among journalists. Panelists talked about drops in “illegal” fees in 2007 due to stricter monitoring by editorial offices of journalists’ illegal revenues. At present, the majority of editorial offices have permanent advertising managers who are involved in centralized advertising. Nevertheless, monitoring by social organizations devoted to studying freedom of speech has revealed cases of corruption involving journalists. Sergey Vasiliev, a journalist from Ust-Kamenogorsk, was arrested in 2007, accused of extorting money from an entrepreneur. The case was dropped after the parties resolved their differences.

There is a trend of news and information losing out to entertainment in Kazakhstan. Entertainment magazines dominate the print market. In television, even those stations that had well established news broadcasts are dropping them in favor of entertainment programs. Since STS came into the television market the number of entertainment broadcasts has increased, although, according to many panelists really good entertainment broadcasts have not been produced so far. Rakhat TV, for example, does not include any news broadcasts after it was bought by a Russian firm, for example. The highly rated program presented by Yevgeniy Grunberg, *To Dot One’s “I’s” and Cross One’s “T’s*, has ceased. The



31st Channel has stopped broadcasting business news and information and has taken a new course, entertainment. Despite this shift, according to numerous program ratings, Kazakh audiences prefer entertainment programs on Russian television channels.

“Technical equipment for the mass media is much better in the capital and regional centers than in the regions. Editorial offices do not have enough money to install modern equipment; as a result, audiences get information that is far from perfect,” said Diana Medvednikova. The national mass media are quite well equipped. Production studios have been developed and the level and quality of production for the majority of them are quite competitive with European and Russian standards, primarily due to advanced technical equipment. The regional mass media, on the contrary, experience serious technical equipment problems and the majority of journalists have neither a Dictaphone nor computers. The Machine Department Bureau still exists in the *Nedelya* newspaper, Northern Kazakhstan Region, where texts are typed on three computers and journalists write articles in longhand. Regional television and radio are technically limited in broadcasting live from events.

The low speed of the Internet also creates additional obstacles to journalists’ work, as it does not allow them to get information from online sources or send their reports to central offices. Articles from regional reporters are still often sent on cassettes by mail or special delivery.

The situation related to developing specialized journalism has not significantly changed in the past year. Journalist investigations are not common in the national mass media. As a rule, these are investigations in the style sanctioned by the authorities, i.e., either compromising documents are given to a journalist or access is given to information from closed sources. One of the panelists, who did not wish to be named, spoke about this happening in a newspaper. He was given authentic documents that irrefutably proved that the Energy Department’s leadership had been misusing money allocated to repair a heating main in the region. It is obvious government officials who were interested in replacing the enterprise’s leadership provided this information. There are well known investigators at *Vremya* and there are isolated investigations in the *Caravan* but this genre is not popular. In general, journalists, due to the high workload in their editorial offices, cannot specialize in special investigations or a certain theme. In reality, journalists have to be “jacks of all trades” to write about anything everything.

However, there is one exception. Business journalism is developing in the country due to the ongoing development of big business. Everything that is not related to government

policy estimates can be published in this specialized media environment, although in reality, the border between political issues and economic development is very shaky. A panelist, Askar Shomshekov spoke about developing business journalism. A number of seminars on business journalism were conducted with support from international organizations and there are some encouraging signs, including setting up the *Nasha Zhizn* newspaper with an emphasis on business news, particularly banking. Also, special business broadcasts are slowly developing on the 31st Channel and Khabar.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Kazakhstan Objective Score: 1.11

Panelists gave this objective a slightly lower score this year: 1.11 down from 1.31. In particular they expressed concerns about media ownership and attempts to create more entrenched media conglomerates. As such, Indicator 6 scored more than three-quarters of a point less than the average. Indicator 3, state media reflect the political spectrum, also finished rather poorly. Only Indicator 2, citizen access to media, was appreciably higher than other indicators, although it did not exceed a score of 2.00.

“There are no independent television and radio channels in the country that reflect political pluralism and the variety of socio-political opinions in society,” said Yevgeniy Zhovtis. In the regions, local authorities pressure the leading media, especially private media. Pressure was so intense that some broadcast media decided not to broadcast news and analytical broadcasts during the pre-election period. For example, the 31st Channel’s studio in Pavlodar took a “break” and their employees were sent on holiday in order not to cover opposition events. The leadership of the Region Media network that has exclusive rights to run advertisements on KTK, NTK, Russian Radio, and cable television in the country’s regions decided not to run political advertisement at any price and they ignored politics.

Residents of rural regions have less access to various information sources. For example, connection to the Internet for an average rural resident is limited and difficult in spite of information that the number of Internet users using Kazakhtelecom is growing.<sup>1</sup> The quality of Internet connections is poor and the number of providers working in the regions is still small.

<sup>1</sup> Kazakhtelecom’s report states that the number of Internet subscribers increased by 50 percent in the regions in 2007, however, in reality this growth was only possible due to all employees of Kazakhtelecom’s regional branches being forced to connect.

Larger numbers of villagers started installing satellite dishes last year. In general, people living near the border with Russia are saturated with Russian media. A panelist declared these villages are vague about details of current government policy or who was elected in the last presidential elections.

However, at least Khabar and Eurasia broadcast to the regions in order to provide informational unity in the country. Also, small private cable television studios with various names have been set up everywhere in the regions and are part of the unified corporation Alma TV. Nevertheless, due to the large landmass of the state there are some "islands" where the Kazakh mass media do not reach or they reach these areas with significant delays. For example, Galiya Azhenova said that there had been no Kazakh television and newspapers were delivered a week late and in limited quantities to the Kastalovskiy area until recently.

In spite of the fact that due to forced subscription rural intellectuals and civil servants are obligatory receivers of government print media, they do not have free access to opposition press. Moreover, the forced subscription often comes to 25 percent of civil servants' salaries. In general, the panelists reckoned prices for print media are accessible for the majority of families.

It is not difficult to subscribe to a foreign newspaper in Kazakhstan, as it is only a question of affording the subscription, but delivery times (together with language limitations) probably makes this unrealistic for the majority of Kazakhs, although, getting foreign newspapers is

sometimes easier in the regions than getting opposition mass media there.

As mentioned above, the government has no policies in place limiting access to existing media. However, in total four news related Internet sites were blocked in Kazakhstan in 2007: [www.zonakz.net](http://www.zonakz.net), [www.kub.kz](http://www.kub.kz), [www.geo.kz](http://www.geo.kz) and [www.inkar.info](http://www.inkar.info). Moreover, support was refused to the domains [www.kub.kz](http://www.kub.kz) and [www.geo.kz](http://www.geo.kz), which had been housed in the Kazakh segment of the Internet. KazNIC (the Kazakh Center for Internet Information) blocked support to the domains in the KZ zone after receiving a letter from the Information Dissemination and Communications Agency.

The list of news agencies has not changed in the past year. The leading news agencies are still Kazakhstan Today, Interfax, and Kazinfo. Even the private Kazakhstan Today is linked to the ruling party. The News Factory News Agency was set up on the initiative of regional television studios and with support from Internews in an effort to organize international-standard information exchange between the regions. The enterprise is unofficial and was set up based on membership and paying membership fees principles. Currently, it is experiencing serious obstacles. Local authorities are pressuring television studios that have become members, and as a result KTK-7 has refused to supply news and continue participating in the project after three months. Further, receipt of material from and to independent television studios is often problematic due to technical problems, such as poor Internet access.

The majority of independent television channels and radio stations, both regional and national, produce their own news, but control by local authorities and self-censorship by journalists ensure that the news is similar and basically reflects the state's interests. Rare informative and analytical programs on the leading television channels are gradually being forced out by entertainment programs, however. As a rule, the same news is covered in the various media, as they have a unified agenda. News programming is not outsourced.

"The Minister for Culture and Information has been trying for several years to get information on who owns the main mass media resources in the country but it is just words. No one will allow him to, even if he, indeed, wants to publish such a terrible truth," said Tamara Kaleeva.

Panelists had no idea how far news is monopolized, as there are no real and reliable data and no one investigates this. Generally, rumor and common sense prevail when trying to identify media ownership.

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

Until very recently, any who publicly mentioned Rakhmat Aliev's media assets was doomed to court proceedings and losses. However, due to his conflicts with the ruling party in 2007, Aliev had to talk about his assets in the media sector. In February 2007, Aliev announced he intended to amalgamate a number of mass media into a holding company, as he had shares in them. In particular, he reported, "I previously had friendly and family ties to the managers of these resources, including Khabar. I was involved in other business interests and worked in government positions. From now on, we have decided to diversify our assets and, in addition to sugar and banks I am also in the media sector.... We bought packets of shares of several leading brands in the national media market including the KTK television channel and minority holdings in Khabar, *Caravan* Newspaper, and the Kazakhstan Today News Agency." Aliev said he was interested in "creating a unified, efficient media holding company that would manage various information resources ranging from Internet portals to national television channels. There are media conglomerates throughout the civilized world and their experience can be useful for us as well. We want to create competitive mass media in the CIS."

In 2007, the president issued an order to create a new government holding company, Samgau, that includes 12 information and communications companies including Kaztelradio, Kazpochta (the Kazakh Post Office), and others. The holding's future task includes developing the infrastructure for digital television in the country. It is quite probable that the existence of this government holding may result in significant changes next year in both starting broadcasting and developing a competitive media environment in general.

Due to the media's specific characteristics and based upon legislation, the media have limited opportunities to attract foreign investments compared to other types of business. According to Item 2 of Article #5 of the Law On the Mass Media, "foreign natural persons and legal entities, as well as persons with no citizenship are prohibited from directly or indirectly dealing in and controlling over 20 percent of the shares of a legal entity that is a mass media owner in Kazakhstan or is carrying out activities in this sector."

Information resources written in minority languages are worse than poor. Some papers that get insignificant donations do not even have ambitions to be topical and write critically about national minorities in Kazakhstan. When Adil Soz PA conducted its monitoring not a single publication devoted to minorities could be found. Those that do exist, printed press in Uigur, Korean, Uzbek, and other languages, are not significant as they have tiny circulations.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Kazakhstan Objective Score: 1.39

This objective scored essentially the same as last year, with a minor increase of 0.08. All indicators scored very close to the overall average, with none appearing much high or lower.

The majority of nationwide print press and television channels are profitable, mainly due to advertising. Kaztelradio, which is part of the renationalized Joint-Stock Company Katelko is not a successful business, however. In the opinion of the panelists the leader in advertising is Khabar TV, which belongs to and is managed by Dariga Nazarbaeva, a daughter of the Kyrgyz president; panelists did not comment on how this might contradict the law, as noted above. As a rule, successful, financially sustainable print media are advertising newspapers, some with circulations of 300,000 to 350,000 copies, and in the regions, 30,000 to 50,000 or more. In Pavlodar the most popular newspaper is the *Free Ads Newspaper*.

The majority of regional TV stations and channels are not capable of becoming profitable and financially stable. For example, according to Shomkenov Askar, in Pavlodar only Rakhmat TV is profitable, although there are also successful print media there, which manage to survive and be independent thanks to advertising. The *Golos Ekibastuza* newspaper is unique in that its shared ownership has resulted in a stalemate. Half of the shares belong to the local administration and the rest to the editorial team. Owing to the solidarity and professionalism of the journalist-shareholders, the local administration cannot change the editor of the newspaper or dictate policy. The newspaper is very popular locally and publishes mainly advertisements. Overall, however, in the opinion of the panelists, the biggest problem contributing to unprofitability is the low quality of media management.

Advertising revenues are the main source of income for private media. All printed media try to increase their circulations to get more money from advertising. However the problem is just that: focusing on collecting ads results in poor content of the non-advertising part and this in turn puts obstacles in the way of increasing the circulation and collecting new ads.

The last year was successful for developing and extending advertising agencies. Today, besides the state advertising agencies, the market includes chain agencies such as the Leo Bernet Agency and Video International Projects. VI-Kazakhstan sells advertising on the two national television channels of the country: 31 Channel, whose shareholders are

STS Media, and Astana. It is the second attempt by the mass media-seller to enter the Kazakh market: at the end of the 1990s the company had to leave under pressure from the local authorities. According to estimates of the VI Analytical Center, in 2007 the value of the television advertising market \$180 million; this year 25 percent growth is expected.

Production studios in Kazakhstan are developing very quickly. Some of them have already turned into powerful television agencies, for example, Sattai Film and Mark 2 Productions. Whereas several years ago commercials for Central Asia were adapted in Eastern Europe or Russia, nowadays the lion's share of the world's brands adapt their commercials in local studios. Now western directors are more often engaged in creating commercials, video clips, etc., in Kazakhstan instead of Russia.

There are limits on advertising. According to the Law on Advertising, citizens have guarantees that the volume of advertising in the mass media will not exceed 20 percent, however in practice the percentage in pro-state or state mass media considerably exceeds this volume. In May 2007, the country's Parliament approved the draft law On Making Changes and Additions to Some Legislative Statements on Advertising Issues, which has identified the newly admissible limits for advertising in the electronic mass media; in particular, advertisements on television should also not exceed 20 percent of the total broadcast.

The majority of the independent mass media do not receive state grants. However, last year the Ministry of Culture and Information declared that it was necessary to increase state support of the mass media and civil society. According to data obtained by a panelist, 700 million tenge alone was

#### 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.

allocated to civil society. The Ministry plans to increase the share of "state orders" for producing content highlighting certain subjects in the coming year. For private media, getting a state order means they are restricted in their freedom and there is stronger interference by the state in editorial policy. Moreover, if one outlet is a member of a media holding company and gets a state order the potential of the remaining media in the holding company to be critical is automatically reduced. Nevertheless, a lot of regional mass media go to any lengths to get additional sources of revenue to exist and develop.

By virtue of the undeveloped management of printed press and the lack of qualified personnel, a number of media outlets are compelled to enter into agreements with the authorities to receive grants by "state order." Some mass media enterprises have even refused grants from international organizations as they do not want to be put on the list of media disloyal to the authorities. At the same time the opportunity to get grants for developing independent media is very limited and the grants are insignificant. The major donors are the Soros Foundation and other international organizations via Internews.

Ordinary media do not order research into media audience and consumption. On the one hand, qualified and legitimate research services are expensive and on the other hand, under-funded media management cannot see from the research data how they can develop. Nevertheless, many of the media spend some of their own money or use their own resources to research public opinion and the structure of mass media consumption. For example, in Shymkent the *Rabat* newspaper called readers daily and analyzed the ratings of publications. Some of national and popular regional newspapers publish ratings of articles derived from calls and readers' letters. *Caravan*, 31 Channel, and other media have their own marketing experts who research mass media consumption.

Quite often the mass media order market research to sell advertising space as a public relations strategy for promoting their media brand. At the same time, the western advertising companies entering the market should change the situation. For example, the Gallup's Institute is working in Kazakhstan; serious market research is carried out in other sectors of the economy: trade, tourism, cargo and passenger transportation, etc. Panelists named a number of companies (both private and state), which are engaged in market research in Almaty: Reputatsiya, Media Center, Renaissance and the Marketing Department of the Republican Research Center.

Techniques for conducting mass media research are changing too. For example, the entry of VI into the Kazakh market has been marked by a change in keeping records

on peplemeters. According to Alexander Rodnjansky, the president of STS Media, "the telemarket of Kazakhstan is very dynamic and a lot of companies/sellers have been working in the market for a long time. Now the market of Kazakhstan is opening up to foreign companies. VI will have to be at its very best to stay in this market."

Ratings are measured in large cities when ordered by advertising agencies. In particular, the Gallup Institute measures ratings for Region Media. However, the results of these rating surveys are not available to communities, as they are used exclusively to work out the pricing policy for placing advertisements.

In Kazakhstan estimating and calculating the circulation of printed media are traditionally done in cooperation with the Kazakh Association of Newspaper Researchers and the Chamber of Commerce. The problem of "exaggerated" circulations was solved in the country long ago. However, in 2007 the work of the independent assessors weakened, and distorted information on circulations occurred. A typical example is the *Caravan* newspaper, which in 2007 underwent a lot of changes and reorganizations but still claims a circulation of 200,000; in the opinion of the panelists this is untrue.

Owners of Internet sites and domains also lie about the true number of Internet users. Advertising experts think that many popular sites wind the 'hit' meters to increase the attractiveness of the sites for advertisers.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Kazakhstan Objective Score: 1.77

The score for this objective increased a great deal in the space of a year, moving from 1.27 to 1.77. Panelists in particular pointed to the work being done by NGOs as positive, and therefore Indicator 3 received a much higher score. However, this score still signifies an "unsustainable, mixed system." Holding back the average were Indicators 6 and 7, access to printing facilities and newsprint and apolitical access to distribution networks.

A number of associations exist only on paper, the Association of Television and Radio Broadcasters of Kazakhstan and the Congress of Journalists of Kazakhstan among them. They infrequently hold events and do not operate on a day-to-day basis.

The most active organizations are the NAT and National Association of Newspaper Publishers. NAT has actively assisted in developing and proposing to Parliament the Law

on the Mass Media; at the beginning of the year it helped three members who had applied for radio frequencies and been rejected prepare legal documents to appeal against the result of the tender. During the year it has run a total of 12 seminars for its members: six on improving the professional skills of production staff and the other six for mass media managers, advertisers, and public relations managers. One of the main objectives of the seminars for the mass media managers and production workers was to strengthen legal security and develop a strategy to avoid legal claims. NAT also actively helped settle a dispute in the Association of Cable Television Operators. The National Association of Newspaper Publishers traditionally monitors the circulation of the print media and ensures fair competition in the advertising market.

NGOs supporting the media and developing freedom of speech in Kazakhstan continued working in 2007. They give legal advice, research issues under litigation, develop educational programs, and monitor violations of the law in the sphere of the media. Positive results of their activities can be seen by the fact that, in the face of certain conservative tendencies in the sphere of freedom of speech, these organizations have been able to unite and have progressed. In 2007, thanks to the activities of NGOs a number of laws, which would have resulted in limits on the freedom of the media, were not passed by the Parliament. NGOs' activities in protecting freedom of speech and the media influence public opinion, since society considers the struggle to be mainly a professional issue.

There remain a number of problems in developing the NGOs that support freedom of speech, however. There are a few new organizations and not as many international organizations give financial, organizational, and advisory assistance as they once did. As a result these NGOs are poorly represented in some regions of the country and are non-existent in others.

Despite the impressive graduations of journalists from higher education institutions, professional media education is not prestigious. The numerous specialists working in practical journalism have no special education and are convinced that recognition is more important in journalism than knowledge of techniques. On the other hand, a small number of graduates from journalism faculties have started working in practical journalism, preferring to settle down in the press services of state bodies, public relations jobs, and advertising agencies. At meetings of journalism teaching staff from leading higher education institutions, they point to the government paying less attention to the problem of training professional journalists and reducing practical training as a reason for deficiencies.

Every year, the number of opportunities to improve professional qualifications with good training courses decreases. Nowadays training courses for media workers is probably only available in one organization, Internews. There are also projects such as Videonet and The School of Journalism intended for young specialists. On the other hand, some NGOs offer educational services to journalists that are not always taken up. Panelists noted that the problem is not that people are “overfed” with seminars but the quality and subjects of the offered training courses. Subjects most in demand for training courses are: media management, advertising in the media, and technical specialties; there is a need to train specialized journalism, for example, blogging. Numerous inquiries to various organizations about arranging professional seminars in Kazakh cannot be met because of the distinct lack of Kazakh-speaking professional trainers.

Panelists pointed to a number of examples of access to printing facilities being used to pressure the media. *Uralskya Nedelya* newspaper in northwestern Kazakhstan was nearly driven to extinction because the local authorities forced all the printing presses to cancel printing contracts with the newspaper at the beginning of the year. Sergey Ilyin, the director of one printing house, privately informed Tamara Eshyamova, the editor-in-chief of the newspaper, that he had been pressured by the regional administration into taking this step. At the end of January 2008, the employees of the newspaper started a protest called, “Corruption, Hands Off Our Newspaper!”

Kazpochta has a monopoly on deliveries of newspapers and magazines to villages, unlike in the cities, and so consumers incur all the expenses of the monopoly plus inefficient management and services. In February 2007 the roundtable organized by the Aimak Group of Parliamentarians expressed

its displeasure with Kazpochta. Because of the company’s high charges, regional printed media are forced to close as they cannot afford to pay such high delivery prices. Large printed media are unhappy that deliveries to the regions are greatly delayed in spite of the company’s high tariffs. Having listened to Daurena Moldagalieva, the chair of the board of Kazpochta, the MPs advised the management of the post office to allocate grants for distributing printed media in the regions by reducing the salaries of the 1100 workers of the central department who earn \$2,246 a month on average.

The basic retail press distribution network is run by the state and frequently used as a tool by local authorities to apply political pressure. For example, Shuhrat Hashimov, an acting editor of the *Taraz Times* city newspaper reported that in 2007 their newspaper was repeatedly removed from the newsstand of the regional administration. According to Hashimov, he learned from a reliable source that the newsagent had been forbidden to sell the *Taraz Times* as a result of a series of critical articles. Large holdings such as Kazpress or AiF (part of the Ravan media holding) are the entry points to the supermarket distribution system, which opposition print media cannot access.

In the course of monitoring carried out by the Adil soz PA it was been revealed that direct pressure has been applied to undesirable, disloyal mass media using the delivery system. On May 28, 2007 after the arrival of the Almaty – Atyrau train, policemen searched the mail coach and checked all the bundles of newspapers. The distributors who came to collect their goods were told that the police were searching for *Caravan*, (during its three month suspension by the courts). Bundles of newspapers were ripped open and the search was conducted on the porch of Kazpochta in the presence of four newspaper distributors. Men in civilian clothes made sure that only new issues of *Vremya*, *Komsomolka* and some other magazines remained. According to the newspaper distributors, they were verbally warned against selling *Caravan* in the city’s markets, even old issues published before the court’s decision.

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

##### SUPPORTING INSTITUTIONS INDICATORS:

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

---

---

## List of Panel Participants

**Helen Kuzmina**, lawyer, Adil Arka Mass Media Support Public Fund, Petropavlovsk

**Olga Didenko**, lawyer, Mass Media Support Center, Almaty

**Yevgeniy Zhovtis**, director, Kazakhstan's International Bureau on Human Rights and Legality Observance, Almaty

**Sergey Vlasenko**, lawyer, NAT Mass Media Support Centre, Almaty

**Galiya Azhenova**, manager, Expertise Public Centre under the International Fund for the Protection of Freedom of Speech, Almaty

**Askar Shomshekov**, executive director, Regional Journalism Support Centre, Pavlodar

**Sholpan Zhaksybaeva**, executive director, NAT Kazakhstan, Almaty

**Diana Medvednikova**, manager, Northern Kazakhstan Legal Media Centre, Kostanai

**Marat Bigaliev**, manager, Internews Network Project, Almaty

**Tamara Kaleeva**, president, Adil Soz International Fund for the Protection of Freedom of Speech, Almaty

### Moderator and Author:

**Gulnara Ibraeva**, chair, Agency of Social Technologies, Bishkek, Kyrgyzstan

---

---

*The recent political situation in Kyrgyzstan has led to numerous attempts to reform media laws. During rallies in 2006, for example, reforming the government's television channel was central to the opposition's demands. In 2007, several changes were made to media legislation. "The year 2007 could be a record one for changes to the legislation for the mass media, if law-making initiatives are successful," said journalist Alexander Kulinskiy.*



KYRGYZSTAN



The overall political situation in Kyrgyzstan in the recent past has led to scrutiny of mass media activities and numerous attempts to reform mass media legislation. During rallies in April and November 2006, for example, reforming the government's television channel was central to the opposition's demands. In 2007, a number of significant legislative changes were made that impact the Kyrgyz media. "The year 2007 could be a record one for changes to the legislation for the mass media, if law-making initiatives are successful," said journalist Alexander Kulinskiy.

A new Kyrgyz constitution reaffirming the principles of freedom of speech and freedom of the press was approved by national referendum in October 2007. However, an article directly prohibiting censorship was removed, although it exists in the Law on the Mass Media passed in 1992.

In response to the 2006 protests, on March 26, 2007, the president signed a decree that reformed the State Television and Radio Company into the National Television and Radio Corporation (NTRC), and on April 2, he signed the Law on the National Television and Radio Corporation. However, after the law was signed, the process of introducing public control developed only gradually, and after just six months, the authorities had manipulated the situation and applied pressure that has stopped reforms.

Parliamentarians also proposed initiatives concerning the mass media in 2007. To regulate the Internet and make providers responsible for information they disseminate, Parliament proposed several draft amendments to the Law on the Mass Media and Law on Access to Information, which deems the Internet as part of the mass media. The previous Parliament approved the law on the NTRC, elected members of the NTRC Supervisory Board, and provided tools to implement the law. Unfortunately, the supervisory board was not a long-term entity and it could not help implement the law on the NTRC.

Another group, under the aegis of the Ministry of Culture and Information, worked on reforms and drafted laws on the mass media, but information on that process was limited. Some media workers had information that draft laws on publishing activities and on the status of journalists are ready; some others said that draft laws on television and radio broadcasting and on the National Council on Television and Radio Broadcasting have been drawn up.

Overall, however, panelists felt that many laws were not being implemented in a timely way, and that pressure on the profession had hurt professionalism. The overall score for Kyrgyzstan decreased from 1.97 last year to 1.78 this year. Although not a severe drop, the primary changes occurred in Objectives 1 and 2, free speech and professional journalism. These fell by 0.30 and 0.46, respectively, with Objective 2 being the lowest scoring of the five objectives. The other three objectives either fell slightly or, in the case of Objective 4, showed a minor improvement.

# KYRGYZSTAN AT A GLANCE

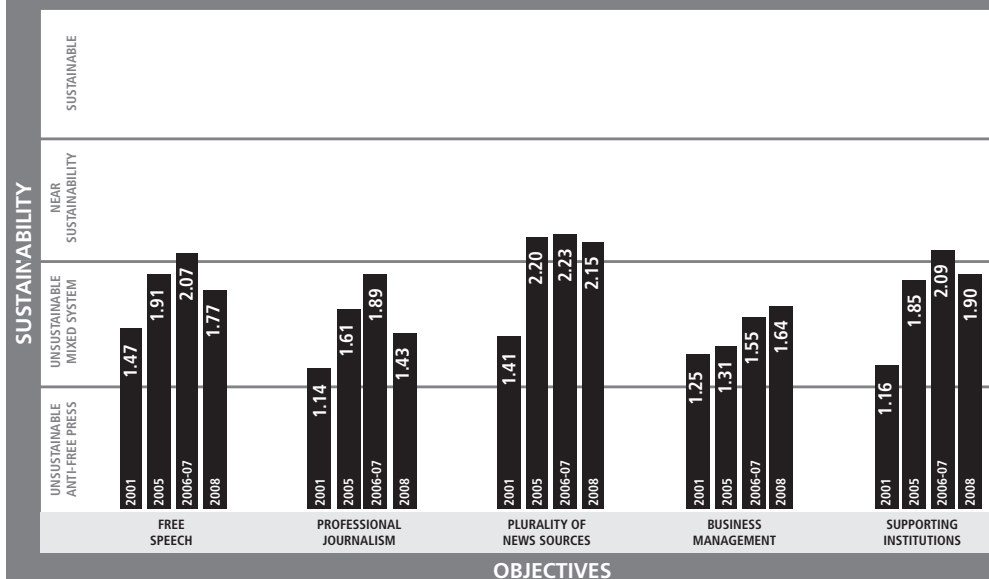
## GENERAL

- > **Population:** 5,356,869 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Bishkek
- > **Ethnic groups (% of population):** Kyrgyz 64.9%, Uzbek 13.8%, Russian 12.5%, Dungan 1.1%, Ukrainian 1%, Uygur 1%, other 5.7% (1999 census, *CIA World Factbook*)
- > **Religions (% of population):** Muslim 75%, Russian Orthodox 20%, other 5% (*CIA World Factbook*)
- > **Languages (% of population):** Kyrgyz 64.7% (official), Uzbek 13.6%, Russian 12.5% (official), Dungan 1%, other 8.2% (1999 census, *CIA World Factbook*)
- > **GNI (2006-Atlas):** \$2.609 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$1,790 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 98.7% (male 99.3%, female 98.1%) (1999 census., *CIA World Factbook*)
- > **President or top authority:** President Kurmanbek Bakiyev (since August 14, 2005)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 4 main dailies, 4 other main papers; Radio: 6 main stations; Television stations: 7 main stations
- > **Newspaper circulation statistics:** top 3: *Vecherniy Bishkek* (private), *MSN* (private), *ResPublica* (private)
- > **Broadcast ratings:** Top three: *Piramida* (private), Kyrgyz Public Educational TV (private), Ecological Youth TV (private)
- > **News agencies:** *Kabar* (state-owned), *AKIpress* (private), *24.kg* (private)
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 298,100 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: KYRGYZSTAN



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREEDOM OF SPEECH

### Kyrgyzstan Objective Score: 1.77

In general, freedom of speech has worsened in the Kyrgyz Republic, and the state is trying to limit journalists' access to information. Recently, key politicians have hastily demanded that the mass media be restricted. Deputy Prime Minister Nur uulu Dosbol has frequently insisted that the Ministry of Culture and Information strictly regulate mass media activities. These developments contributed to a loss of 0.30 points in this objective compared to last year. The indicator scores mostly did not fall close to the average. Indicators 8 and 9, media access to international news sources and free entry into the journalism profession, in particular scored much higher than the average. On the other hand, Indicators 2, 4, and 6, broadcast licensing, crimes against journalists, and libel laws, scored well below the average.

The legislative base that regulates Kyrgyz media activities remains one of the most liberal in the region, but often legislation contains contradictions and obstacles to freedom of speech.

Under pressure from community protests of April 2006, the president issued Decree #20, which called for legislation to improve freedom of speech. A government working group created a set of proposed changes and additions to laws on advertising, government tariffs, mass media, and the civil and criminal codes. The recommendations were intended to develop effective tools to protect the mass media. However, the government is still ignoring the recommendations, and journalists have not yet begun lobbying for their implementation. According to panelist Ilim Karypbekov, "The facts show that freedom of speech has grown worse. At present, it is not a question of developing freedom of speech, but of saving previous achievements."

Although the 2006 protests brought about some level of change, they were not free of controversy. As panelist Zhenishbek Edigeev noted, "At present, six men who participated in the opposition's April rallies are in prison. They only tried to express their own opinion."

In their evaluation of the law-making initiatives by various political entities, MSI panel participants noted several factors that necessitate further improvement of the legislation.

- Under the law, there is no concept of a "journalist."
- Changes to the law on advertising violate consumers' rights to access information in their preferred language. The mass media also has access limits, as advertisement texts must be published in two languages, Kyrgyz and Russian. In

the end, this proposal contradicts the Law on Mass Media Registration.

- Articles #127 and #128 of the Kyrgyzstan criminal code promote self-censorship and create grounds for censorship.
- There are no clear tools that guarantee journalists' rights to practice. For example, officials are obliged to provide information, but no action can be taken against persons who will not provide such information.
- The tools for protecting journalists in their professional activities are effective in name only. In practice, they depend on how authorities apply them. With regard to the courts, rather than favor the law and protect journalists' duties to publish news and inform society, they protect government officials' reputations, honor, and dignity. The judicial system has no firm scales to measure damage caused, or limits on financial awards to officials.

Kyrgyz society is not truly aware of the value of freedom of speech. The problem becomes evident in situations that are critical for journalists. When Alisher Saipov, a journalist and the publisher of the *Siesat* newspaper, was murdered in 2007, the community did not stand up in defense of freedom of speech. According to Antonina Blindina, editor of *Chuiskie Izhvestiya* newspaper, the mass media are responsible for that reaction. The people of the Kyrgyzstan cannot forgive the fact that those honest, objective newspapers that sought the truth and prompted the 2005 revolution have suddenly become supporters of the government and have lost interest in freedom.

Panelists were unanimous regarding Indicator 2, which addresses the licensing of broadcasting mass media. They noted that the printed media in the Kyrgyzstan are better off than the electronic mass media. Print media outlets are physically able to enter the market, and the registration procedure for a newspaper is quite easy. However, the National Communications Agency (NCA) makes acquiring a license almost impossible for electronic mass media. Issuing licenses and allocating frequencies have become tools for state control and influence, according to the panelists. Applicants receive no information on the length of the queue, terms for considering applications, or the availability and numbers of frequencies. According to Kulinskiy, "Licenses are only granted to those politically loyal to the authorities, and television broadcasting is only possible after overcoming a whole raft of unwritten obstacles."

The activities of the NCA are not transparent, and because it follows no clear rules for issuance, its decisions are politicized, according to Ilim Karypbekov, director of the Media Representation Institute (MRI), a media support and

defense organization. "The procedure for issuing a license with the National Communication Agency is absolutely opaque, and completely depends on governmental willingness," he said.

There have been cases in which licenses have been issued quickly and with no queuing. According to Karypbekov, these applicants were able to bypass almost 60 legal entities, none of which complained to the NCA or tried to get a fair result. "When rights are clearly infringed upon and unfair competition is present, no official applications have been submitted to the Media Representation Institute from aggrieved applicants," he said. "We repeatedly announced to the various mass media our readiness to go to court to protect their rights, but none of the mass media would risk protesting against the NCA, and they prefer to curry favor from the agency's officials by various methods. Because of this, the Media Representation Institute ceased its involvement."

Currently there are a number of proposals to improve allocation of frequencies and issuing licenses. The working group under the Ministry of Culture and Information suggests creating a national council on television and radio broadcasting, whose functions will include allocating frequencies, licensing, and control and regulation. The NCA itself, with support from the Soros Kyrgyzstan Foundation, has drawn up legislation resolving the allocation of frequencies, based on the United States model: frequencies are sold to communications operators that rent them out to television and radio stations.

Many participants said that the state has still not developed a policy or strategy for the obligatory changeover to digital technology by 2012, as the legislation and existing practices may not be ready by that time. The laws currently being drafted do not consider the coming change.

The results for Indicator 3, conditions for entering the media market, show a difference between Kyrgyz law and actual practice. According to the law, the way into the market for media does not differ from other type of business, and there are no preferences for the mass media. But according to the panel participants, involvement in the media business is more difficult and risky.

For example, if a print outlet or television station runs several controversial stories, it will be subject to the close attention of tax inspectorates, the anti-monopoly committee, and other agencies. In addition, in contrast to other types of business, the printed press is subject to a VAT levy twice: once when buying the basic materials and once when selling the media product. Government newspapers, however, get state support in the form of compulsory subscriptions or special subsidies for purchasing machinery and equipment, and receive tax

privileges (on VAT and tax from advertising). Government mass media that are budget-financed are not liable for taxes regardless of the value of the state subsidy and their own earnings. State-run media pay only income tax and deductions to the Social Fund.

During the panel discussions, the most heated debates were about government pressure on private media. The State Committee on Anti-monopoly Policy is used to combat disagreeable media enterprises. This institution will shut its eyes to the monopolization by certain pro-government media, yet it actively watches the activities of other media for compliance with the anti-monopoly law. The mass media that become objects of attention by the committee do not go to court, but prefer to pay up, knowing that the state has sufficient "legal" means to combat intractable mass media.

Another difference between the media and other types of businesses is that selling and buying such media outlets is linked to the republic's political situation. Public and political press outlets—and especially television channels—are only sold with the secret approval of the White House. The right to buy a developed media business is also approved by the authorities. Kyrgyzstan has a huge number of politicians and public actors who would like, and are financially able, to buy a television channel.

The majority of news-oriented papers are privately owned and do not aim to make profits. However, the successes of *Super Info*, a new entertainment newspaper for Kyrgyz-speaking journalists; *Avtogid Digest*, and; *Obustroistvo I Remont*

#### 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.

(*Construction and Repairs*) magazine in 2007 prove that the specialized press can be quite successful in Kyrgyzstan.

With regard to Indicator 4, crimes against journalists, this year's study showed a drift away from democracy and towards autocracy. Kyrgyzstan was named one of 41 countries worldwide with "a defective democracy," according to a new survey by the Bertelsmann Foundation.<sup>1</sup>

Kyrgyz journalists experienced an unprecedented year in 2007, encountering previously unknown hardships. A sad record was broken for the year in terms of crimes against the mass media. In addition to the killing of Alisher Saipov, more than 30 attacks on journalists and mass media representatives were reported. As a result of persecution, journalists Kairat Birimkulov and Turat Bektenov had to flee the country. Dozens of journalists continue to receive telephone and written threats every day. Offices have been set on fire, and the first-ever case of explosives being used to attack an editorial office was reported. Criminal charges have been brought in all these cases; however, nothing has been disclosed.

As a result of the worsening security situation, several important tendencies are being noted.

- Authorities only give lip service to reacting to crimes against journalists.
- The rate of unsolved crimes against journalists has given rise to a feeling of impunity and the belief that law enforcement employees are either the criminals or actively conniving with criminals.
- The prestige of journalism has fallen and journalism is not recognized as socially important. Public opinion appears to have turned against journalists, and attacks on and persecution of journalists do not evoke any strong protests.
- Conflicts are worsening between various journalist groups. Violent attacks on journalists have not become reasons for consolidating and protecting journalists' rights; rather, they have caused disagreements or resulted in studied non-intervention.
- Journalists have started understanding the professional techniques to enlist in extreme situations (rallies, demonstrations, etc.). They are the first "experts" who have been trained on various subjects related to extreme journalism, and they know how to correctly cover such important events for the country.

Many of the increased number of crimes against journalists are not receiving publicity and are not registered by law

<sup>1</sup> Since 2003, the Bertelsmann Change Index has thrice studied political and economic changes in 125 states. Leading industrial states (for example, Germany) are not included in this study.

enforcement organizations. But even the number of registered crimes against journalists shows a worsening situation for the year. In general, there is a lack of effective professional associations that members can trust to turn to for help. However, in April 2007, in reaction to increasing cases of attacks on journalists, Kyrgyzstan's media organizations demanded that the country's leadership and opposition leaders protect journalists.

Regarding guaranteed editorial independence for state-run media, panelists said that there is no such thing in the Kyrgyzstan. The journalists of the panel declared that editorial policy is an abstract concept for the majority of the mass media. What exists is a traditional practice of mass media dependence on founders, owners, executive directors, governmental authorities, and big business. Since all the leading media are held by the son of the president, there is little independence in editorial policy.

In spite of certain costs related to the authorities' pressure on government mass media, it is much more "profitable" for journalists and editors to be under the patronage of the government and government-related entities. The 2005 presidential decree reforming some government media has not resulted in a complete privatization of government papers, but government media that were temporarily deprived of the government's financial backing began to grasp the difficulties of surviving in the market. After receiving renewed government funding and reconsidering their position as government mass media, these outlets now have elected not to become private joint-stock companies because, as Azattyk Radio journalist Bektash Shamshiev noted, "they feel more comfortable with government support than sailing alone."

Panelist Andrew Miasarov noted, "The decree on privatization was fundamentally flawed. Newspapers have no fixed assets, there is nothing that can be turned into shares, and there was no real political will for privatization. In spite of public rhetoric, government officials made it plainly known: there will be no privatization."

With regard to Indicator 6, addressing libel, Kyrgyz law considers libel and slander criminal acts. The types and limits of journalists' liability for disseminating untrue information are identified in Kyrgyzstan's criminal code (articles #127 and #128), civil code, and the Law on the Mass Media. When personal, non-property rights such as honor, dignity, and business reputation are violated, civil and legal liability under Article #18 of the civil code arises only if certain conditions simultaneously exist. In practice, these articles serve as a tool to restrain and censor the mass media, threatening journalists with a criminal record (generally, if he or she is unrepentant), and providing a reason for journalists' self-censorship.

---

---

The civil procedure code states that plaintiffs should prove defamation or libel. A media entity found guilty must pay compensation as decided by the court. Impugned and aggrieved citizens have the right to demand that the mass media retract and refute the information.

Unsuccessful attempts to decriminalize libel and slander have been going on for almost 10 years in Kyrgyzstan. The last attempt was made by the current president, Kurmabek Bakiev. In spring 2006, a draft law was presented to Parliament with the aim of humanizing the criminal code and, among other various proposals, removing Articles #127 (libel) and #128 (slander). These proposals were rejected in the draft law approved by Parliament.

Journalists on the panel complained that due to a lack of professional solidarity, they have not been able to create a significant lobby to decriminalize libel and slander. They also believe that claims for huge amounts of damages would cease if the legal code stated that plaintiffs owe tax on the value of any settlements.

MRI reports that public prosecutors are issuing warnings to the mass media several times more often than under the previous regime. According to the panelists, 60 percent of all cases against the mass media are filed by government officials and leaders, and almost 75 percent of those cases are against the opposition mass media. As a rule, the government wins huge amounts of money from the mass media and journalists. Imprisonment is handed down extremely rarely; in 2007 there were no cases of imprisonment, but least five cases were recorded in which journalists were brought to trial.

Freedom of information is addressed in Kyrgyzstan's Law on Access to Information Belonging to Governmental Structures and Local Self-governments. It states, "Access to information includes free access to periodicals and television and radio broadcasts and information in cases provided by the law. This does not extend to confidential information or information that contains government, commercial, or service secrets."

Unequal relations and unequal access to information is a normal practice. The discussion participants noted that beyond government limitations, civil society institutions and NGOs in particular are even more closed to the mass media. The majority of NGOs do not have public relations spokespersons and do not understand information strategy techniques.

According to experts and media lawyers, there have been virtually no examples of journalists taking court action against those violating the right of access to information. Even though legal standards that help journalists are quite well developed, other factors prevent journalists from protecting their rights. Journalists' legal illiteracy is one factor. Another

factor is the contradictions in the legislation about the type and practice of journalists' work. Being on a production line and requiring efficiency, journalism as a rule does not wait for the terms negotiated in the legislation concerning government responses to citizen and organization requests.

But the key reason why journalists do not protect their rights on access to information is their distrust of the courts. The courts depend exclusively on supreme officials' political will. During panel discussions, Zhenishbek Edigeev noted, "Government officials can always prove they have the right not to give information, and both they and judges can subjectively decide how to determine 'socially significant' information...information can be declared secret."

With regard to Indicator 8, access to foreign information and news sources, the Kyrgyz government places no legislative limitations on foreign information. Any media entity with proper funding can sign contracts with world news agencies.

Panelists gave high ratings to Indicator 9, entrance into the field of journalism. After the Soviet era, when professional education meant so much, currently many people who see journalism as a mission and not an education have come into the field.

As in the rest of the world, the Internet has caused the borders between journalism and mass media audiences to become blurred. Journalist and non-journalist blogs and diaries have become part of normal practice for getting information.

Many practicing journalists in important positions in the private and government mass media have secondary or special technical education. In the past, editorial personnel confirmed their professional level based on the government's attestations and formal indicators (availability of higher education, work experience, etc.). At present, there are no such processes, and no organizations that could carry out such assessments legitimately. Even the leading government mass media, such as the NTRC, have had no attestations for over seven years.

The Ministry of Culture has often stated that it will certify journalists, thus introducing some kind of permission to work in the journalism sector. The ministry does partner with the journalists' union in such initiatives, but no real preparatory documents have been seen so far. A number of government structures have introduced pools of journalists that cover their activities, but only Parliament and the president's administration have introduced journalist accreditation.

However, security personnel do make distinctions. Anyone without media credentials covering protests will not be considered a journalist; thus, they can be arrested.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Kyrgyzstan Objective Score: 1.43

"In general, reporters' standards are not followed, and only some mass media adhere to objectivity principles. The mass media are perceived as a weapon to be used for fighting with and in reality, journalists fight information wars. There is no place for objectivity here," said panelist Bektash Shamshiev. This sentiment sums up why this objective has never exceeded a score of 2.00 in the seven years that the MSI has studied Kyrgyzstan, and developments this year resulted in a significant drop from 1.89 to 1.43. Most indicators scored close to the objective score. Only Indicator 7, modern equipment and facilities, received a score noticeably higher and it was the only one to exceed 2.00. On the other hand, Indicator 3, self-censorship, was the lowest, with a score more than half a point lower than the average.

Regarding balance in coverage, the elections present a good example of why panelists handed down lower scores this year than last. The Journalists' Public Association conducted media monitoring during the last week of the pre-election campaign for the 2007 pre-term Parliamentary elections in partnership with Internews Kyrgyzstan and the Taza Shailoo Association, with support from the US Embassy. This monitoring covered 45 newspapers, 12 broadcast media, and six Internet sites in Bishkek and Osh. The monitoring established the following:

- None of the mass media impartially covered the election campaigns.
- Analysis of advertising on private television channels shows that all private television channels were interested not in political bias but in the opportunity to earn as much as possible. In particular, this explains why advertisements for the Ar Namys opposition party were shown on such television channels as Pyramid and Channel 5—which many believe are owned by people close to the president.
- Only the national channel, NTRC, ran advertisements for all 12 parties that participated in the elections, being required to do so as a government mass media entity. However, the Ata-Meken Party and others were unable to run advertisements during prime time. They appealed to the Supreme Court, which ruled in their favor, but NTRC dragged its heels implementing the decision until the court forced them to with only two days to go before campaigning ended.

During a discussion of the election coverage, panelist Maxuda Aitieva said that the imbalance and journalists' bias cannot be explained simply by political procedures and pressure from the authorities. "The problem is also in the low level of

journalists' political and civil culture, as they do not separate commercial information from socially significant information. Journalists usually rush to earn money during elections," he said.

Last year did see one positive development. In contrast to previous years, none of the mass media launched a war in the newspapers and on broadcasts directed against other mass media. To all appearances, the Kyrgyz mass media are experiencing the end of the stage of information confrontation, in the face of a more real threat: becoming part of the combined media holding owned by the "first family."

Journalists in the Kyrgyz Republic do not follow a formal set of ethical standards. "Ethics in relations do not exist in the mass media's editorial offices, and neither do they pay attention to ethics when describing events," said Antonina Blindina. However, the majority of those who stand for approving ethical standards believe that resolving this issue will simultaneously promote greater professional solidarity and strengthen self-regulation in the media.

In 2007, at the Ninth Central Asian Mass Media Conference in Dushanbe, Tajikistan, participating countries discussed self-regulation of mass media. Journalists from other countries were ambiguous about the issue, but Kyrgyz representatives declared jointly that they accept the idea and created a new entity called the Committee to Consider Complaints against the Mass Media. The committee consists of nine members representing the mass media and civil society, and is intended to serve as an alternative to court proceedings. At the end of 2007, the committee began work on developing a code of ethics drawn up by the Journalists'

### JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

#### PROFESSIONAL JOURNALISM INDICATORS:

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

Congress. Delegates from various media entities approved the code, but it is still not known what specific tools will be used to self-regulate the media and how the code will overcome the tradition of following owners' interests.

Panelists provided examples of government extortion and blackmail of journalists with their coverage or (non-coverage) of events and corruption claims. The government media are more inclined to such tendencies than private media, as their owners strictly control journalists' activities and they more clearly negotiate editorial principles in this aspect.

Ilim Karypkulov declared that the NTRC is an enterprise riddled with corruption. The newly appointed NTRC Artists' Board, under Melis Eshimkanov, identified a number of cases of bribe-taking and corruption. According to unconfirmed sources, law enforcement and local authorities had their own "price lists" for airing positive reports or to stop negative news from being broadcast. Investigative bodies are currently examining the majority of these cases.

Self-censorship is significant problem in the Kyrgyzstan. Government publications are still censored. Both the government and private mass media still maintain and use lists of undesirable people for writing articles and opinions. There are a number of closed and taboo subjects for the media, such as privatization, and opposition activities. None of the media cover international dissent or conflicts, in spite of the conflicts between local Kyrgyz and Dungan communities. The subject of the economy and politics is especially prohibited.

Another important inducement to self-censorship is economic dependence. The management of NTRC is discussing the problem of how to get donor assistance from government structures and agencies but not to become a hostage to this financing.

In a private conversation with Kulinskiy, his colleagues from the *Agym* newspaper explained how difficult it is for them to change their viewpoints and write in a completely different way than they did under the previous owner. Judging by *Agym's* pages, self-censorship has overcome journalists' values, ideas, and principles.

With regard to Indicator 4, reporting on significant events, the Kyrgyz media essentially do not cover intra-political developments, changes in privatization processes, or events related to the authorities' properties. During the most critical political and economic periods for the country, citizens traditionally get their news from other sources, such as Russian television channels and newspapers, *Svoboda* ("Freedom") Radio, or BBC broadcasts. News bulletins on the popular Channel 5 cover nothing but state press conferences, government conferences, or the president's trips and meetings.

Political news is so limited and banal that the media have stopped being effective. Recently, the UNDP Gender Project and SIDA of Sweden conducted monitoring of news broadcasts on NTRC, and their results showed that the same news story can be repeated for two to three days. For example, news on the president's trip to the southern regions and meetings in Karakul was broadcast 16 times on the NTRC news bulletins. The news item that the brave mayor of Karakul rescued an elderly woman from a fire and later received a government award was shown 10 times. However, none of the media reported the seizure of the entire circulation of two newspapers printed in an independent printing office.

Most print and electronic mass media use information from two national news agencies; clearly, the same news travels from one outlet's broadcast to another and from one outlet to another. According to Kulinskiy, the modern mass media do not take into account people's pyramid of needs.

Journalists' wages at government media are very low. According to the director of the Media Representation Institute, NTRC journalists earn KGS 6,000 to KGS 8,000 (\$160 to \$220) monthly. It is also difficult to earn serious bonuses for published work, as bonus amounts have not been reviewed since 1996 and the sum's value has changed significantly since then. Given rising inflation, editorial office employees cannot survive on salary alone. According to some experts, a state that sets such low wage scales presumes and secretly sanctions corruption and bribe-taking. In the private mass media, the situation is often even more dramatic. For example, panelists revealed that Pyramid TV employees have not received their salaries for three to four months.

Corruption thrives throughout government service as well. Panelists talked about "normalized" corruption practices in the Finance Ministry, as they take "compensation" at clearly identified rates: 10 percent of the payment value. To a large degree, government media are corrupt as a result of expectations and general practice.

Promised salaries serve as an attraction for journalists. For example, when Channel 5 was founded, journalists were promised \$1,000 per month. In reality, the salaries do not exceed \$500. When a new boss took over the NTRC in 2007, he started inviting the best staff from Channel 5 and Pyramid by promising salaries of not less than KGS 16,000 to KGS 20,000 (\$450 to \$550) and offering creative positions. Many experts responded, but in reality, they receive about half of the promised monthly salaries.

According to experts' estimates, the capital city's successful journalists earn from \$300 to \$500 per month. In the majority of regional newspapers, the journalists do not get bonuses,



nor is freelance work allowed. Print media journalists' average salaries are KGS 1,000 to KGS 3,000, and editorial offices have limited opportunities to attract advertisers. Radio workers in regions are even worse off, as they earn KGS 750 to KGS 1,500 per month.

The worldwide tendency of entertainment programs forcing out news broadcasts and mass media (Indicator 6) is also typical for the media in Kyrgyzstan. The total circulation of the entertainment-based print publications is several times higher than those covering more traditional news. Gossip publications provide lots of space for the activities of show business stars. On the heels of the Russian media, Kyrgyz newspapers (such as *Agym*) run anything-goes competitions with prizes that include a romantic supper with a variety artist or film star. According to journalists, the feedback from these articles is much higher than responses on the most critical social and political articles. On the NTRC, news and other information and analytical broadcasts do not exceed 20 percent, whereas entertainment broadcasts account for almost 80 percent.

No reliable research is available on media consumption in the country, but common sense and experience suggest higher audiences for Russian serials and entertainment shows. Kyrgyz media ignore copyrights in their pursuit of larger audiences, as unlicensed broadcasts are aired; and without doubt, ideas are plagiarized from Russian originals and sometimes from other local media.

Despite the fact that Indicator 7 (modern media equipment) received the best score of Objective 2 indicators, in general media equipment is dated and in need of replacement. At regional publications, some editorial offices still have no computers, and articles are typed on old typewriters. Printing is concentrated in two of the capital city's printing offices, but the majority of area and regional newspapers cannot deliver page proofs to the printing office and then collect the print runs. Because of this, the publishing conditions and quality of print are still at 1950s levels. Regarding the regional press in the south, the periodicals from Dzhahal-Abad and only one newspaper from Osh, *Itogi Nedeli*, are printed in an independent printing office. The newly-formed capital city press might have no alternatives for publication soon, because to comply with Kyrgyz's anti-monopoly legislation, the independent printing office has to limit the number of publications it can print.

Not all equipment is up to par at the Uchkun State Concern, where the majority of all publications are printed. According to experts, the Chinese equipment that was bought several years ago has a short working life.

At regional radio stations, equipment is deteriorating. The majority of independent stations were installed during

the past 10-15 years using grants from international organizations. But the grant programs have now virtually ended, and local radio stations have not become successful mass media enterprises. The majority still do not know their audience, what should be their content, or how to earn money. Regional mass media are experiencing serious shortages of creative personnel, management experts, and legal support as well.

Many television stations in the regions are suffering a similar fate. According to calculations by the Osh television station's director, the replacement of equipment of regional television and changeover to digital technologies will require at least \$1 million. However, there have been no potential investors in the region so far that would be able to bring television up to modern standards.

Even the capital city's private television studios and companies' ability to produce good programming is quite complicated. One of the first successful television stations, Pyramid TRK, is being choked by a lack of money and technical problems. Against a background of better equipped television channels (Channel 5, NTS, NTRC), this company is becoming less competitive, although the channel's employees more or less aim at a certain target group, including the city's poor small business owners.

Technical re-equipping of the private and government channels that support the current government will allow production of more of their own media products. However, the existing technical capacities are not even 50 percent used. The lack of qualified technical personnel has become a large problem. For example, through a Japanese technical grant, NTRC received new equipment including studio consoles, but no director can fully use them.

Relay systems cause even more concern. The country no longer has 100 percent television coverage. Reception of the national channel, NTRC, is only possible in 78 percent of the country, according to experts. The relays available in the regions are already obsolete and break down frequently. There are some regions in the country where neither Kyrgyz television nor newspapers can reach. The obsolete relays belonging to the Production Association for Relay Lines, Television, and Radio Broadcasting (RPO RMTR) distort NTRC's picture, and this issue has resulted in mutual criticism and finger-pointing between the two.

Quality specialized journalism scored fairly low among panelists. Although Kyrgyzstan has no real specialized journalism sector, some subjects are starting to be covered with regularity. Parliamentary journalism is developing, thanks to support from international organizations and the implementation of several projects designed to support and

develop Parliament's information strategies. Medical journalism is another important direction in Kyrgyz journalism. Articles on medical science are not highlighted in every newspaper, but they are frequent and they are quite interesting. In addition, many publications on health are available in the country, and the NTRC set up a special Television Clinic Project. The Ministry of Health is quite efficient at providing information through the its press secretary.

Crime reporting has become reasonably well developed. In addition to the specialized newspaper, *Delo* #, many journalists in mass media regularly write on criminal subjects. International organizations also offer support in this sector. The OSCE Center in Bishkek works to liberalize media's access to law enforcement sources, and to strengthen the role of the press services working with the Ministry of Interior's structural departments.

There are isolated undertakings in sports journalism as well. The president's instruction to support football and national sports involving strength (unarmed combat, self-defense, judo, wrestling, boxing) has provided a great stimulus to developing this specialization. The NTRC has been signing commercial agreements to broadcast football competitions for the second time.

Virtually no members of the Kyrgyz media conduct investigative journalism. Journalists have neither the time to conduct the proper research nor the willingness to take such a studied risk. High staff turnovers also result in a lack of journalists with the skill for investigative journalism.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Kyrgyzstan Objective Score: 2.15

This objective scored more or less the same as last year, with a drop of only 0.08. Most indicators scored along the same lines as the average, with two exceptions. Indicator 3, state media represent the political spectrum, scored nearly a point lower than the average. Indicator 2, citizen access to media, scored more than a point higher.

The availability of a plurality of news sources is under threat in Kyrgyzstan. Journalists widely discuss the possibility of a large media holding being formed that would include all the more or less successful media enterprises and stop any opportunities to develop independent media. The person behind this movement is Maxim Bakiev, the son of Kyrgyzstan's president.

Even now, the majority of media professionals and observers have noted a radical reduction in information sources in all

the media of the country, but especially in television and radio. Journalists' dependence on their editors' approaches to the positions of authorities and business group interests effectively eliminates the opportunity to use multiple information sources and well-balanced approaches. Even "branded" foreign studios and broadcasts (for example, Svoboda/Freedom Radio) have declared their objectivity and conscientiousness in delivering information, but they often hide their prejudicial nature and political interests.

Citizen accessibility to information varies significantly between Kyrgyzstan's regions, large cities, and the capital city. The capital has over 200 newspapers and dozens of radio stations, four cable television channels, and five television channels, but the situation in the regions is much different. For instance, the national press and popular social and entertainment newspapers are delivered to Batken Region approximately one week after being printed.

The delivery system represents the largest problem for printed publications. The two regional delivery monopolies, Kyrgyzbasmasoz and the Kyrgyz Post Office, are expensive but they do not guarantee efficient delivery to consumers. They neither remit money for subscriptions and newspapers sold in a timely manner, nor have they set up a system to deliver printed publications to the regions. According to Blindina from *Chuiskie Izvestiya* and *For You* newspapers, up to 80 percent of the cover price is attributable to distribution costs.

In addition, the authorities use the post office as a tool against undesirable mass media during critical political periods. "Besides the inefficient way post office employees work, these employees 'forget' to distribute newspapers

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

containing articles critical of the authorities. They know they are monopolists and they dictate their conditions by not implementing certain obligations to the newspapers," said Yrysbek Omurzakov, chief editor of the *Tribuna* newspaper.

Another problem is organizing retail sales of publications. The capital city has made some developments and Kyrgyzbasmasoz has to compete, but it holds a distribution and sales network monopoly in the regions. High-circulation publications and successful business enterprises (such as *Vecherniy Bishkek*, *Agym*, and *Avtodelo*) have organized their own delivery channels, but the idea of consolidating deliveries and creating alternatives to the monopolies have not been developed.

In spite of an attempt to regulate the Internet, access to information is open and free. Some negative tendencies can be seen in this sector, including initiatives by MPs to regulate the Internet and denial of service attacks on websites of some newspapers and news websites, which have appeared more frequently during significant political events.

The number of Internet providers in Kyrgyzstan is stable and has not changed. According to research by international organizations, Internet access is available across 10 percent of the republic and is increasing in large towns and the capital. In the countryside, computerization is not well developed. The cost is high while quality and speed are quite low. In the towns, numerous resource centers have been opened with grants from international organizations, and Internet services are free for certain social groups, including students, journalists, and civil society representatives. Internet clubs and IP telephony are also quite widespread, as they are available in each regional and even area center. The cost of use in such centers is relatively low, between KGS 33 to KGS 55 per hour.

The price of printed publications continued to grow in 2007. At present, *Komsomolskaya Pravda*, the market leader, costs KGS 11 to KGS 14 in the capital. The relatively expensive glossy magazines are also popular; that market has increased by 47 percent in the last year.

Panelists recommended several measures be taken in order to expand access to national mass media. Among them, one is to build an independent printing facility in the south to help further strengthen the media institutions in the region. At present, the aggregate circulation of southern publications is almost 100,000 copies, with at least five profitable entities. Second is that the issue of the politics and authority of RPO RMTR's relaying infrastructure should be resolved, as this organization is used as a weapon against "undesirable" media. In the future, RPO RMTR should be privatized,

averting a crisis for all independent electronic mass media and a totally imposed pricing policy for all government television and radio companies.

The state does not limit access to international websites or the foreign press, television, or radio broadcasts. In fact, the southern regions of Kyrgyzstan have become a platform for spreading foreign radio broadcasts from neighboring countries. The ability to subscribe to foreign printed publications is limited only by individual financial considerations and language skills. The difference in the volumes of the foreign media that are accessible to people vary depending on whether they live in a town or village.

Svoboda and BBC Radio are broadcast in Kyrgyzstan: two of the national radio channels broadcast four hours of BBC programs per week. News reports from world news agencies such as Reuters are bought and broadcast.

Chinese-made parabolic antennas are becoming more accessible and commonplace, and the capital has cable television. Television and radio broadcasts from Uzbekistan, Tajikistan, and Kazakhstan can be received in various regions of the republic. The First Channel Worldwide Network (ORT) and RTR, Russia (with add-on television channels, such as Culture, TVC, and others) are the most widely watched in the country. Broadcasting in Russian for Kyrgyz television companies is not competitive, compared to channels from Russia. However, radio from Russia has practically been lost to local competition and control of frequencies.

Regarding the printed media in the capital, Russian titles have been leaders among foreign publications for several years. The *Argumenty i Fakty* newspaper, from Kazakhstan, is very active in the market now.

As discussed in Objective 2, there is no expectation of editorial independence at state-run media. Despite new laws making an effort to turn NTRC into a public service broadcaster, the ruling party in the end did not want to lose its main "megaphone." By manipulating the members of the newly elected Supervisory Board the authorities removed this structure from the decision making process.

Kyrgyzstan has two main news agencies, 24.kg and AKIpress. The Bishkek Press Center (BPC), another independent news agency, has also strengthened its position. In contrast to the two leading news agencies, BPC is trying to become a center for analytical information and expert assessments from the most prestigious experts. The Kabar State News Agency is losing out on part of the market, but it has priority in access to government information sources. The majority of mass media use these agencies as the main source for their news reports.

The prices for distributing information are quite acceptable, and access is open to all media. The media that have capital and revenue can also buy information from foreign sources, but at several times the price.

As reflected in the score for Indicator 5, original radio and television channel productions are limited. Even the NTRC, with its large technical and human resources, produces only six to eight hours daily of original programming. Information and analytical broadcasts make up 20 percent of NTRC's productions, and entertainment and educational broadcasts make up 80 percent. On average, other television companies produce even less of their own media product.

Efficient news several times per day, based on the CNN model, has been the goal and functional niche for the private Channel 5. In addition, the channel's news output has increased since it began. However, it does not report on multiple issues per day because its financial, human, and professional resources are limited. Pyramid's news is aimed more at city residents, whereas the NTRC news is supposedly aimed at everybody in the country.

The lack of a system of reporters' bureaus and the decay of regional television studios significantly reduces the capacity of regional news. The regions supply only a few reports per news bulletin, which usually contains 10 to 15 stories. News bulletins from television and radio studios do not give any serious, detailed information on world events, further isolating the country. The NTRC's attempts to open several bureaus in Russia, Kazakhstan, and China have not been supported by the state so far.

Radio stations (with the exception of the Europe+ Radio and, in some regions, the Azattyk+ Almaz Alliance) basically gather their own information, and their news bulletins are completely built on reports from news agencies and other mass media. However, many radio stations do not carry any news at all or retransmit foreign stations that provide listeners with news from other countries (for example, Echo of Moscow).

The mass media at various levels indulge in plagiarism and pirating of news stories because Kyrgyzstan has no copyright security law.

With regard to Indicator 6, transparency of media ownership, Kyrgyz law does not mandate disclosure of the ownership of mass media entities. But in the majority of cases, the traditional channel for information dissemination—gossip—reveals who owns which media enterprise and how and why the sale or purchase of the mass media took place.

As mentioned above, there are clear signs that a media holding group is being assembled that threatens to take

over all the more or less successful mass media businesses. This media conglomerate allegedly already includes the RTR retransmission (through RPO RMTR), such newspapers as *Agym* and *Vecherniy Bishkek*, MSN, and part of the Uchkun State Concern. The editorial policies of these media, along with the politically motivated declarations by foreign business representatives to invest in some media entities, are indirect proof of a holding company being formed.

Last year, the expansion of foreign investors in the national mass media continued. For example, Kazakhstan's 31st Channel (a holding of the Kazakh president's family) bought NBT, and the controlling interest in Pyramid was sold to a business person from Kazakhstan.

Indicator 7, regarding representation of public interests in the media, was rated low by panelists. In recent years, the republic's leadership has backed away from the rhetorical strategy of supporting ethnic variety, and it has no plan to support media programming for national minorities. Kyrgyz, Russian, and Uzbek government publications receive state subsidies, but those for Dungan (the oldest newspaper for ethnic minorities), Korean, or Azerbaijani newspapers do not. Being limited in finding revenue from advertising, these publications eke out a miserable existence and do not appear regularly.

National television no longer broadcasts in minority languages. Citizens are exposed to the culture of ethnic minorities only through Wheel of Life, a popular program covering everyday people's lives. This format does not cover critical issues on problems and conflict areas in diasporas, however. In addition, given the secondary and unequal status of media for ethnic minorities, their journalists and editors do not cover issues related to specific interests and problems of communities.

Panelists also noted that the Russian press has a decreasing presence because of the Russian-speaking population's continuing emigration. According to the Embassy of Russia in Kyrgyzstan, 44,000 people left to live in Russia in 2007.

#### **OBJECTIVE 4: BUSINESS MANAGEMENT**

#### **Kyrgyzstan Objective Score: 1.64**

This objective registered a minor increase over last year, moving from 1.55 to 1.64. Overall, panelists rated most indicators close to the average. Indicator 3, advertising agencies and the advertising market, was the leading indicator, while Indicators 6 and 7, market research and measurements of audience and circulation, were somewhat behind the others.

The mass media and related enterprises still operate as profit seeking businesses in the majority of cases, although do so inefficiently, in spite of the popularity of a number of publications. A number of economically successful media enterprises are either specialized advertising publications or are not oriented toward news. Examples of successful private media that combine news and entertainment content are isolated.

With regard to the media-related businesses for distributing and delivering publications, those businesses are government-owned. The retail system, Kyrgyzbasmasoz, is on the threshold of privatization, and this issue has not yet been resolved. In the regions, no alternatives exist to the government systems for delivery and distribution, and government structures seek more to hinder than develop the media market. Kyrgyzpochtasy (the Post Office) has huge debts to both private and government media. The postal service is also used as a means for the authorities to apply political pressure to the private media.

Regarding Internet sources, the 24.kg News Agency and AKIpress have played significant roles in developing the journalism sector. Last year, the 24.kg News Agency was clearly already well developed, and now it is on the threshold of sustainability. AKIpress News Agency was grant-funded initially, and although funding has stopped, the quality has continued.

The Kyrgyz media have several revenue sources. Among those sources are advertising; distribution (selling print runs and subscriptions); grants, and; various subsidies, including money from the state budget. Sponsorship is one of the main revenue sources for a number of private mass media entities established by influential politicians and businesspeople that see the publications primarily as tools for propaganda and agitation.

Advertising is still weak in the media business. In spite of the large growth in advertising volume due to increases in industries such as construction, satellite communications, and food, advertising is under a monopoly. The opportunity to acquire or increase advertising is more limited for regions than for outlets in towns or the capital. Non-news and specialty press receive essentially no revenue from advertising, earning 80 to 90 percent of their revenue from selling publications. Online advertising is still in its infancy, and Internet ads are more expensive than printed publications and on cable television.

The difference in advertising budgets for different types of publications is significant. In general, advertising broadsheets specialize in accepting and publishing advertisements, the rates for which are permanently increasing. At present,

the average cost per line is KGS 90 (\$2). Many media entities—including *Vecherniy Bishkek*, *Megapolis*, and *For You*—prefer to have their own advertising agencies, which often work with no fixed rates for advertisements.

The state makes subscription compulsory to a number of national newspapers and gives subsidies to the government mass media at national, regional, and area levels. Regional and area newspapers that owe money to suppliers of electricity, paper, and other materials receive subsidies from the state to cover nearly all their expenses. Government subsidies to private, authority-supporting media are in indirect forms: tax privileges, special rules on anti-monopoly policy, providing journalists with free trips as they accompany officials, etc.

Recent developments influenced the score for Indicator 3, advertising agencies and related businesses supporting the advertising market. Lenta Advertising Information Enterprise, owned by a member of the president's family, strengthened its market position this year and threatens to monopolize the advertising market. Lenta's assets include the Fifth Channel, Love-Radio, Pyramid TRK, RTR-Planeta (since 2008), and magazine and outdoor advertising in the Bishkek.

Numerous advertising newspapers (*Vecherniy Bishkek* in particular) and television fill the line advertising niche. The prices and volumes of line advertising are constantly increasing. At present, the Friday edition of *Vecherniy Bishkek* is 48 pages, and due to the large volume of advertisements, the editor and owner have kept the cover price at KGS 7 for a long time. The price per line ad in *Vecherniy Bishkek* is KGS 60 to KGS 80, and the price for box advertising varies, starting at a minimum of KGS 1,350. The prices for advertising

#### INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

##### BUSINESS MANAGEMENT INDICATORS:

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

---

---

in electronic media vary significantly, depending on the type of television. Cable television's owners promote goods and services with discounts and price variations of \$20 to \$25 per minute for permanent advertisers (satellite communications, casinos, Shoro, etc.).

NTRC does not have a firm pricing policy. In some cases, the difference between prices for various advertisers is huge, but there is no explanation for the privileges and discounts given.

The regional radio and television stations united under the Regional Television and Radio Broadcasters' Association jointly regulate advertising issues. However, low advertising volumes in the regions limit the contribution that advertising can make to an editorial office's budget.

This year's score for Indicator 4, share of media revenue as advertising, was affected by the growth of the advertising market. These advertising markets in the capital and large towns are not yet saturated, and worldwide producers and brands are coming into the market. Attracting advertisements from world agencies and companies in Kyrgyz is not feasible, however, because copyrights are breached in the media.

At the same time, the demand for advertising in such publications as *Vechniy Bishkek* is growing such that the newspaper has to keep increasing the number of pages and reduce news and information coverage. Journalists and editors of competing newspapers believe that the playing field in the media environment is not even, given the privileges that the Anti-monopoly Committee gave *Vechniy Bishkek* when it announced that the newspaper is a permitted monopoly (under the law, any single business controlling more than 35 percent of the market is subject to monopoly regulation; in this case, the government made an exception only allowed in a few prior cases). *Vechniy Bishkek* continues to receive significant advertising from key sources in the limited advertising market, including from the government and international organizations.

The revenue from subscriptions plays a primary role for a number of government mass media. According to an independent printing office's data, a number of newspapers such as *Slovo Kyrgyzstana* are able to support their circulations at the level of almost 9,000 copies only due to subscriptions received. Revenue from subscriptions is not as high for private publications and popular tabloid newspapers, however.

Although no cases have been registered recently regarding direct state investment into private non-governmental mass media, the government has sufficient intervention tools to influence and interfere in editorial policy. Examples include halting of print runs of private newspapers, depriving electronic mass media entities of licenses to broadcast, and

making it very difficult to get a license extended. Other effective tactics include tax checks by the state and cutting off access to information from government sources. The government is also an important source of advertising.

With regard to market research, marketing companies in Kyrgyzstan have been working nominally for a long time, but none of the mass media have commissioned market research in order to build their development strategies. Management training under the Mass Media Support Fund emphasizes that editors and journalists must understand a publication's specific character, identify its target group, and cater to consumers' needs. However, these strategic components for success are foregone by the majority of the mass media. Ordering market research is impossible for the majority of the mass media due to financial weakness or modest means. Inviting world-renowned researchers such as the Gallup Institute is just a dream for the majority of private and government mass media entities.

The lack of serious research makes editors and journalists try to "draw in" their audiences when launching interactive broadcasts, organizing feedback, or running audience surveys.

A number of advertising agencies offer market research. Research companies include M-Vector, M'ADgroup Bishkek, SIAR-Bishkek, Dialection, and El Picker. The most recent large-scale applied research project was the 2005 SIAR Limited print media survey. In 2007, the Dialection Consulting Agency conducted market research into radio audiences for two specific stations in the southern regions of the country, which detailed the most important aspects of the radio stations' listeners. However, the reports that appear in various sources on calculated ratings and market leader positions are not trusted, and the sources do not pretend that the research is valid because they do not report the most important details regarding the conducted research.

The struggle for honest competition and to identify exact circulation numbers started with the development of the Mass Media Support Fund and the opening of an independent printing office. Newspapers that are printed in the Uchkun State Concern or Erkin Too Governmental Printing Office often either exaggerate circulation numbers or do not offer them. The printing office and its clients have not made any moves toward honest competition. Essentially, the state ignores non-observance of laws by many government and pro-authority publications.

Kyrgyzstan has no open source where information can be gathered on the circulation of publications. The independent printing company's status, and its close relationship with a number of US organizations and its representative international supervisory board, do not allow the authorities

to openly interfere in its work. However, there are other tools of influence—for example, pressure on the printing company's clients.

Studying Internet use in the republic began last year as applied academic research. Students and teachers at the American University of Central Asia's (AUCA) Sociology Department visited the regions and participated in the university's study. However, as often happens with academic research, their results are unavailable to the public at large or even to specialized expert groups.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Kyrgyzstan Objective Score: 1.90

This objective experienced a small decline from 2.09 last year to 1.90. A number of indicators received scores dispersed from the overall average. Indicators 1 and 4, trade associations and academic journalism programs received scores close to a point lower than the average. On the high side, Indicators 3 and 6, NGOs and access to printing facilities and newsprint, scored upwards of a point greater than the average.

As in previous years, the panelists noted the paradoxical situation with developing professional associations. On the one hand, Kyrgyzstan has many supporting mass media NGOs and professional unions, and their numbers are increasing every year. Each organization has its functional niche and wide circle of service recipients and members. MRI provides legal advice and support for journalists and the mass media; the Mass Media Support Center offers trainings and publishing services to its members; the Regional Television and Radio Broadcasters' Association helps find advertisers and regulates advertising issues; and the Journalists' Public Association monitors journalists' rights in the country.

On the other hand, NGOs are lacking in areas such as strengthening of professional consolidation, raising legal and civil awareness among journalists, and filing cases against government structures that violate freedoms and rights.

"Journalists remain an unprotected group due to a lack of developed and efficient NGOs," Kulinskiy said. "NGOs and the mass media try to support freedom of speech, but their individuality, multiple views, focus on grants, and weak contact with the target group and the state make it difficult to efficiently defend freedom of speech and journalists' rights."

Neither the media nor NGOs supporting the media have been able to resolve the problem of delivering and distributing printed media, organizing an association for print media, and working to protect the press's

interests. The initiative that was proposed at the end of 2007—creating a committee to handle complaints against the mass media—has not yet come to fruition. The selection of professionals for the committee's supervisory board at the Kyrgyz Journalist's Congress in December 2007 promises to move this initiative in the right direction.

The professional organizations that protect journalists' rights can be divided into membership and non-membership groups. There are less membership organizations probably because none of the associations has looked after the needs of journalists and the mass media. There has been no precedent that a professional media organization would actively protect the interests of its members and receive membership dues that would allow it to organize activities and be self-supportive.

Kyrgyzstan has one government-affiliated membership organization: the Kyrgyzstan Union of Journalists, the inheritor of the USSR's Journalists' Union. Although the union has neither the prestige nor influence of its predecessor, in 2007 it did actively work in partnership with a number of NGOs and international organizations to organize the Congress of Journalists.

The most widespread strategy of media NGOs is focusing on grant programs and projects. Only 15 to 20 NGOs are actively working in the freedom of speech and journalists' protection sector. They include Internews, MRI, Mass Media Support Centre, Journalists' Public Association, and the Bishkek Press Club.

Journalists often complain that their rights are often violated, and that from year to year involvement in journalism is becoming more risky. Representatives of the organizations that protect the mass media maintain that journalists do not

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

### SUPPORTING INSTITUTIONS INDICATORS:

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

---

---

want to observe their rights, as they resist taking to court those responsible for the hostile environment. But recently, journalists have expressed concern about the lack of solidarity within their profession. They are holding discussions on the need to jointly resolve their problems.

Indicator 4, regarding academic programs in journalism, also scored in the low range. Since the former Soviet republics have gained their independence, the codes on entering journalism have been removed and the significance of professional training for journalists has fallen into decay. Kyrgyzstan has experienced a long-standing crisis in journalists' education and traditional discussions on journalism as a mission and profession. The result is a huge number of people in the journalism sector who have had no professional training.

Panelists did not agree on the quality of training for graduates of various universities. Some said that journalists from the Kyrgyz-Russian Slavic University are better trained, while others felt that graduates from Manas University or AUCA are better. Kyrgyzstan has almost no experts with good theoretical knowledge and practical work experience, so institutions hire either faculty who have made a name in practicing journalism or those marginal academic workers who devoted their lives to studying journalism.

Journalism students sometimes have chances to study abroad. Several dozen young people have traveled to developed countries to study journalism, but the percentage of those who come back as experts with diplomas is small, and it is difficult for them to adapt to Kyrgyz practices.

Training for professional journalists (Indicator 5) is sufficiently available in Kyrgyzstan. International and local public organizations run educational programs for journalists and the media. They offer various thematic seminars and courses on legal aspects, reporting skills, covering children's issues, and covering gender and ethnic issues, but no courses are available in efficient media management, advertising sales, or media distribution technologies. Designers and paste-up operators occupy a special place in producing printed media. Training courses in modern international standards for these skills are conducted at the independent printing office of the Mass Media Support Center.

Several generations of well-known journalists and television workers and operators were trained in short courses offered by Internews. At present, other organizations (Bishkek Press Club, Mass Media Support Centre, Media Consult, and IMP) provide specialized short-term training courses. Almost all training course are free of charge, as they are part of grant projects, and journalists or operators can enroll simply by asking.

Kyrgyzstan faces challenges with regard to Indicator 6, private and independent printing enterprises. Printing became a profitable business in Kyrgyzstan long ago, and a large number of private, small printing companies and studios have opened. However, after the Resolution of the Government of the Kyrgyzstan, only a limited number of print businesses could print their periodicals with no problem. Among the sanctioned printing companies there are two governmental houses (Uchkun State Concern and Erkin Too Printing House) and the independent printing press, the Mass Media Support Center. The print business cannot compete with the government, however. The Uchkun State Concern always receives the most profitable and biggest orders—except from the opposition mass media, which are printed almost exclusively by independent presses.

Media distribution channels are also an issue in the republic, as described above. The government network for distributing and delivering Kyrgyzbasmasoz and Kyrgyzpochtasy print media is a monopoly. Yet in spite of high payments for delivery and the large number of printed media that have to apply to Kyrgyzpochtasy, the organization is in a sad state in many respects due to poor work practices and a lack of management technologies.

The situation with electronic media is also bleak. Regarding broadcast transmitters, virtually all of them are involved with RPO RMTR. This poses many potential conflicts, as it is unclear who will support and control the relays. Kyrgyzstan's two smaller private Internet providers (Elcat and Asiainfo) are desperately struggling to compete against Kyrgyztelecom's monopoly.



---

---

## List of Panel Participants

**Zhenishbek Edigeev**, director, *De-Facto* Newspaper, Bishkek

**Antonina Blindina**, editor, *Chuiskie Izvestiya* Newspaper, Bishkek

**Ilim Karypbekov**, director, Media Representative Institute, Bishkek

**Marat Tokoev**, chair, Board of the Journalists' Public Association, Bishkek

**Alexander Kulinskiy**, chair, Committee for Considering Complaints About the Mass Media, Bishkek

**Bekdash Shamshiev**, reporter, Azattyk Radio, Bishkek

**Zharkyn Ibraeva**, director, Almaz Radio, Naryn

**Andrew Miasarov**, director general, Mass Media Support Center, Bishkek

**Maxuda Aitieva**, executive director, Mass Media Resource Center, Osh

## Moderator and Author

**Gulnara Ibraeva**, chair, Agency of Social Technologies, Bishkek

*But despite problems with freedom of speech, the growth of independent mass media, along with the expansion of Internet availability, are moving this sector toward market economy norms. With political freedom, help from international organizations, and strict compliance with the law, the mass media of Tajikistan will be able to overcome its technical and professional deficiencies and become a profitable business sector.*



TAJIKISTAN

The key events of the year 2007 in the Republic of Tajikistan were the three summits conducted in Dushanbe: the Summit of the Commonwealth of Independent States (CIS), the Summit of the Collective Security Treaty Organization, and the Summit of the Eurasian Economic Community. Another significant political event was the reorganization of some ministries and departments, the appointment of new ministers, and the foundation of the Anti-Corruption Agency.

Like other Central Asian States that witnessed the “Tulip Revolution” of 2005 and subsequent political disturbances in Kyrgyzstan in 2006 and riots in Andijan in 2005, the Tajik authorities prevented rallies, pickets, and demonstrations by paying ample attention to the opposition, the growth of Islamic influence, civil society, and mass media. On the threshold of the summits (October 2007), Tajik leaders conducted several political actions that were supposed to demonstrate their country’s adherence to democratic values. On the other hand, they passed the law “On Traditions and Customs,” which restricts citizens’ rights and liberties.

The economic growth rate is still relatively low, and the income level of the population remains rather critical. According to official statistics, 50 percent of the population lives below the poverty line; labor emigration stays at about one million people and remains the main source of income for the majority of young males. A considerable part of the population’s income comes from the shadow economy. Panelists claim that most legal enterprises conceal the real volume of their sales and revenues, thus partially remaining “in the shadow.” Naturally enough, non-governmental mass media follow the tendency to hide their revenues as well.

Despite problems with freedom of speech, however, the development of independent mass media, their commercialization, and the expansion of Internet providers all testify that this sector is rapidly moving towards norms of a market economy. With a certain amount of help from international organizations, availability of political freedom, and strict compliance with the law, the mass media of Tajikistan will be able to overcome its technical and professional deficiencies and become a rather profitable business sector.

Overall this year’s study showed almost no change from last year: an average of 1.65 compared to last year’s 1.61. Individual objectives did not stray far from this average. Objective 5, supporting institutions, had the highest average with 1.92, while Objective 2, professional journalism, had the lowest with 1.40.

# TAJIKISTAN AT A GLANCE

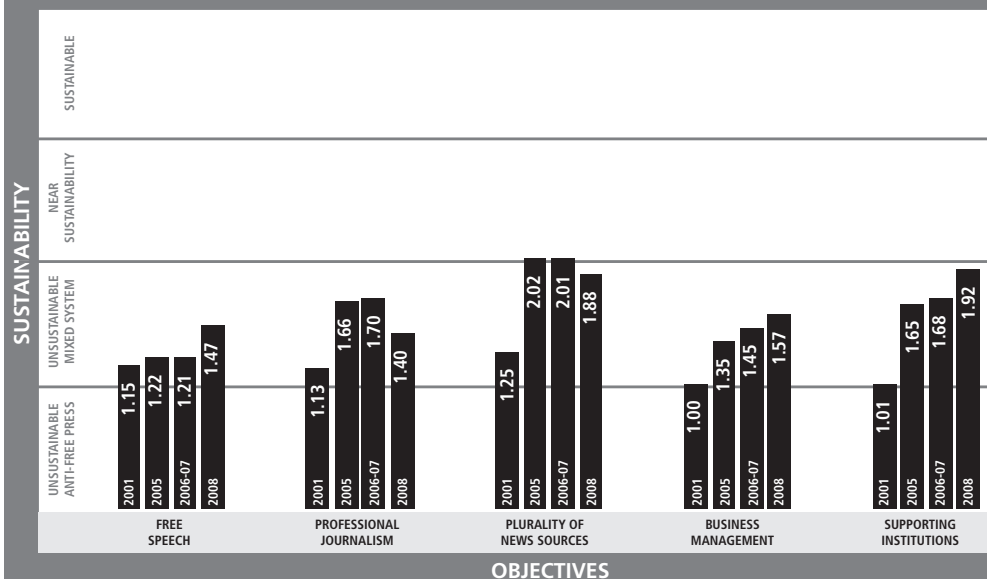
## GENERAL

- > **Population:** 7,194,600 (The report of the State Committee on Statistics of the Republic of Tajikistan for 2007)
- > **Capital city:** Dushanbe
- > **Ethnic groups (% of population):** Tajik 80%, Uzbek 15.2%, Russian 1.0%, Kirghiz 1.1%, other 2.7 % (The social and economic atlas of Tajikistan for 2005)
- > **Religions (% of population):** Sunni Muslims – 87%, Shi'a Muslims 5%, other – 8% (Data of the RT Government Committee on Religious Affairs)
- > **Languages (% of population):** Tajik (official), Russian is fixed in the Constitution as the language of international and interethnic communication
- > **GNI (2006-Atlas):** \$2.572 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$1,410 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 99.5% (male 99.7%, female 99.2%) (2000 census, *CIA World Factbook*)
- > **President or top authority:** President Emomali Rahmon (since November 6, 1994)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 272; Radio: 8; Television stations: 20+ (Ministry of Culture of the Republic of Tajikistan)
- > **Newspaper circulation statistics:** top 3: *Charkhi gardun* (The Wheel of Fortune), *Oila* (Family), and *Asia Plus* (Ministry of Culture of the Republic of Tajikistan)
- > **Broadcast ratings:** top radio stations by region: Dushanbe: Radio Vatan, Radio Oriyono and Asia Plus; Khudzhand: Tiroz and CM-1
- > **News agencies:** Avesta, Asia-Plus, Varorud, Interpress-service, Pamir-Media, Hatlon-press, Zerafshan-times, Simonews, Khovar
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 19,500 (2005 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: TAJIKISTAN



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

## OBJECTIVE 1: FREEDOM OF SPEECH

### Tajikistan Objective Score: 1.47

Indicators in this objective were mostly spread out from the average. Of note, Indicators 8 and 9, media access to international news sources and free entry into the journalism profession both scored roughly a point higher than the average. However, Indicators 2, 4, and 6, broadcast licensing, crimes against journalists, and libel laws, all scored much lower than the average.

The information sector in Tajikistan is regulated by a number of laws and regulations including the constitution, the Law on Press and Other Mass Media, the Law on Television and Radio Broadcasting, the Law on Information, Regulations on Broadcast Licensing, and numerous articles in civil and criminal law for a total of nine laws.

According to an analysis of media law conducted by the Institute of Information Law Problems (Moscow) in the former Soviet republics, Tajikistan received an average level of freedom (6 out of 13), ahead of Kyrgyzstan, Uzbekistan, and Kazakhstan. Indeed, the constitution proclaims freedom of the press and bans censorship; there are special laws on mass media and television, and; laws guarantee access by citizens to information. Non-governmental media may determine the languages they use. The Criminal Code contains articles providing for punishment of those who impede journalists' legal and professional activities and officials who refuse to provide a citizen with information (articles 148 and 162 of the Criminal Code). Despite the fact that there has been not a single precedent of charging anyone on the basis of these articles during the history of independent Tajikistan, there is a de jure possibility of defending journalists' rights.

However, liability for defamation and slander is covered by criminal law, clauses for slandering civil servants have been added to the Criminal Code (articles 35, 136, 137, 130, 144, 306, 396). Further, in June 2007 the Parliament passed, and the president signed, the Decree on Criminal Liability for Slander on the Internet, which restricts journalists' rights even further.

Ideally, the better of these laws can grant favorable conditions to media; however, the compliance with, and implementation of, these laws is not in keeping with the letter and spirit of the law and is done so rather selectively. Farrukhsho Dzhunaydov, a program manager and a lawyer for the NGO Khoma, an Internews Network affiliate in Tajikistan, said: "The provisions of the law assume protection of free speech, but they do not really work. Journalists are persecuted by state officials and local authorities whom they criticize."

In 2007, a campaign by the civil society and NGOs for a new law on mass media failed. According to observers and independent experts, the 1990 Law on Press and Other Mass Media is outdated. It does not provide for implementation mechanisms and does not support, but rather prevents the development of, a mass media system. However, this law is relatively liberal and, despite its purely declarative nature, it reflects the objective of the country's authorities.

The panelists unanimously noted that the process of broadcast media licensing is not carried out within the provisions of the current law. One of the panelists, a journalist from *Rushon*, Makhmadali Bakhtierov, said that a journalist has been trying to establish a radio station in the city of Khorog in Gorno-Badakhshan Autonomous Province for five years, but his papers are still being examined by the Licensing Commission. Licenses are issued by the Licensing Commission under the State Committee for Television and Radio Broadcasting, which also oversees state-run broadcasting. The presiding commissioner is the Chairman of the State Committee for Television and Radio Broadcasting, and most members are government officials.

More than eight non-governmental broadcast media are still awaiting licenses. Since 2004, broadcast licenses have been granted to pro-state Simoi Mustaqili Tojikiston television and Imruz radio stations. The state-run Bahoriston television has not received any official broadcasting license despite currently operating. Commenting on Licensing Commission decisions regarding the first two broadcasters, Konstantin Parshin, an

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

##### FREE-SPEECH INDICATORS:

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

*The information sector in Tajikistan is regulated by a number of laws and regulations including the constitution, the Law on Press and Other Mass Media, the Law on Television and Radio Broadcasting, the Law on Information, Regulations on Broadcast Licensing, and numerous articles in civil and criminal law for a total of nine laws.*

independent journalist working for the National Association of Independent Media of Tajikistan (NANSMIT), said, "I think these two were registered just for show."

The editor-in-chief of the independent newspaper *Varorud*, Negmatullo Mirsaidov, said, "The State Committee for Television and Radio Broadcasting, whose officials are members of the Licensing Commission, does not need competitors in the form of independent media. The members of the Licensing Commission request the list of the applicant's technical equipment whereas the sponsors, who invest in the media, would provide the equipment or means for its purchase only if there is a license."

All the panelists mentioned that the Licensing Commission should be independent from the State Committee for Television and Radio Broadcasting. Currently, no one knows who is on this commission; formerly, one journalist was a member of the commission, but there have been no media representatives there for two years.

Complicated, multistage licensing procedures for broadcast media, in combination with the absence of transparency in decision-making, create a situation where the vast majority of media outlets in the country are print, despite television being the most-used by citizens for information. According to the law, each broadcaster should renew its license every five years, though actual licenses are issued for various terms, sometimes even for a year, which is also a means of pressure from the authorities. For example, this year, the Licensing Commission rigidly inspected all FM radio stations except for one, Oriyono Radio, which belongs to the head of the largest bank of the country and who is a relative of the president.

In general, it is extremely difficult to enter the mass media market. Not only are there financial restrictions for media enterprises, but there are also political aspects of media activity that draw the attention of government officials more so than to other kinds of businesses. Officials find it difficult

to perceive the media sector as a commodity producer; therefore, during their inspections, representatives of the tax authorities try to interpret the Criminal Code articles in creative ways.

According to the panelists, journalists have recently become a frequent target of prosecution. Lawsuits are doomed to long delays and bureaucratic red tape. Reported last year, the investigation about an article written by Lyra Latipova, a journalist with *Crim-info* newspaper, has lasted for more than two years without decision. The trial of three journalists with the *Ovoza* newspaper, Saida Qurbonova, Farangis Nabiyeva, and Muhayo Nozimova, lasted for more than half a year. They published an article about a tour by a Tajik singer to Afghanistan, referring to critical opinions of forum visitors to the website [www.mynet.tj](http://www.mynet.tj). The singer filed a petition with the Dushanbe city prosecutor's office, which instituted criminal proceedings against the reporters. The prosecutor's office made no attempt to reconcile the parties and to institute civil proceedings. Moreover, in the course of the trial, the judge confidentially informed the journalists' lawyer that he was being pressured from above to make a decision in favor of the singer. After the Media Alliance management intervened and brought this fact to the attention of the chairman of the Justice Council, the latter ordered the judge to resolve the lawsuit objectively.

After a critical article appears, the government often orders a judicial inquiry. In addition, unofficial action occurs as well: practically every panelist cited examples of how government offices and certain officials exerted pressure on them or tried to intimidate them. Pressure tactics include: restrictions on granting access to information or refusal to provide it altogether, calls to law enforcement bodies, unauthorized searches, and public denouncements of journalists.

One example involved Makhmadullo Makhsadullo, a reporter for the independent newspaper *Tojikiston*. On his way to a press-conference by the CIS summit participants in October, a police officer stopped him forcefully and demanded to see his papers. Makhsadullo showed his press card, but this did not satisfy the officer, who took Makhsadullo to the police station where he was detained until the morning. The journalist's complaint to the prosecutor's office was of no avail because they claimed there were no witnesses. Makhsadullo later published an article about his ordeal. The police officer who had detained him sued Makhsadullo as well as *Faraj*, *Asia-Plus* and Radio Freedom, which had all published or aired stories in their colleague's defense.

Cases of infringement of journalists' rights were published monthly, until July 2007, by NANSMIT on their web site. It appears that their comprehensive monitoring and documentation of such cases has ceased, although they do post information on important individual cases. Generally, however, there is little reporting of such incidents in print or broadcast media.

A system of preferences has been created for state-run media outlets: representatives of these media are invited to press-conferences and other kinds of contact with the "newsmakers" and they are included in the president's press pool. Other reporters, mainly the ones in opposition, are rarely invited to government events.

The major obstacle to reporting is restricted access to various sources of information. Access to important public information is limited. According to article 28 of the Law on Information, the following procedure is required for access to official documents: a letter of inquiry is sent and an official answer (both written and oral) should be given within no more than 30 days. It is quite difficult to be granted an interview with a government official of any rank. An official must address the inquiry to their direct boss who, in turn, passes it on to their chief. Consequently, a simple clerk or press-secretary must receive permission for an interview from the head of a local administration. Since public officials are key sources of information, such procedures complicate the journalist's task of providing coverage of key events and problems.

According to personal instructions from the president, all ministries and departments should organize quarterly press conferences and provide a certain amount of official information on their activities during this period. However, some establishments have been closed to the press since 2005. For example, the Ministry of Defense and the State Committee for National Security consider their activities to be state secrets. Only state-run media receive information and press releases from them, and even that is provided irregularly.

Access to international news is relatively open, though there are some obstacles: power supply is unreliable, the price of Internet services is prohibitively high, and international information is monitored. Thus, an unrestricted opportunity to learn about events in foreign countries exists; however, access to news about Central Asia or remote areas of Tajikistan is limited. And if Russian newspapers are delivered almost without any restrictions, newspapers of other foreign countries are not available in Tajikistan.

Practicing journalism does not require licensing, and no professional education is required for a person who wants to work as a journalist.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Tajikistan Objective Score: 1.40

Most indicators in this objective received scores close to the final average. Indicator 5, pay levels for journalists, lagged noticeably—although not greatly—behind, while Indicator 1, reporting is fair, accurate, and well sourced, as the leading scorer.

The risk related to criticizing any sphere of public life forces journalists to resort to anonymous sources of information or even to use flagrant lies to operate unhindered. In the course of discussions, Makhmadali Bakhtierov said, "Journalists who write the truth may be persecuted by phone or in any other way by the head of a local administration or other officials that are criticized. Quite often, he or his editor would refrain from publishing critical materials in the future because of self-censorship." Elaborating on the same topic, Tuxhfa Akhmedova remarked, "If journalists do not resort to self-censorship, they are threatened with dismissal. It is especially so in the state-run and regional media outlets." Panelists recalled several cases when journalists were dismissed for truthful and objective articles written upon their editors' requests. These articles were excluded from the paper.

In many circumstances, there is a list of off-limit topics. However, Abdullaev noted, "Journalists cover all the major topics and events, and though they still practice self-censorship, its scope is getting smaller every year." The range of coverage of social issues is getting broader. The newspapers *Nigokh* and *Faraj* turned to themes related to the Civil War of 1992-1997. This proves that the taboo on discussing civil confrontation is gradually disappearing.

### 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).

---

---

*Makhmadali Bakhtierov said, "Journalists who write the truth may be persecuted by phone or in any other way by the head of a local administration or other officials that are criticized."*

The genre of investigative reporting, which used to be extremely rare, has now started to develop with the advent of the Center for Journalistic Investigations headed by panelist Khurshed Niyozov. The results of these investigations are regularly published in *Faraj* newspaper, edited by Niyozov.

Turko Dikaev believed that, in pursuit of popularity, many journalists fill their articles with "sensations" to the detriment of objectivity. "Until now, there are taboo subjects for mass media of Tajikistan, such as radioactive waste, national security, the activities of the State Committee for National Security, customs, corruption in the supreme government bodies, drug trafficking, the life and activities of top government officials as well as regional leaders. And if the business and economic journalism is coming into its own, the political journalism is at a much lower level of development. Criticizing the president and his family as well as the mayor of Dushanbe is still off-limits," he said.

Niyozov noted, "Corruption in the state medical and educational institutions is not a secret to anyone. Nevertheless, as soon as someone dares to write an article about it, he or she starts receiving lots of indignant phone calls from the Ministry, a maternity ward, or a hospital. The newspaper or the reporter is compelled to unveil the source of information and to publish a disclaimer. Eventually, both the reporter and the newspaper lose their reputation and stop writing about it." In his opinion, many editors-in-chief, media-holding executives, and heads of journalists' unions view mass media as a business rather than creative work. An abundance of public relations materials and thriving self-censorship cause journalism to fall short of professional quality standards.

Tukhfa Akhmedova from the NGO *Gamkhori* in Kurgan-Tube told a real-life story about the journalist Mokhsharif Kurbonzoda, a reporter for the nongovernmental newspaper *Bomdod*. After she had published several critical articles, even her colleagues ceased to support her, and the editor of the newspaper publicly accused her of non-professionalism. It was found out later, however, that while writing these critical materials, she did not turn to experts or the "heroes" of her reports for comments. As a result, her articles were one-sided and went beyond legal bounds.

All the panelists maintain that in order to succeed, journalists must have their own connections in the ministries and departments. Negmat Mirsaidov said, "Since the staff of the newspaper *Varorud* has had good relationships with all the government offices and law enforcement bodies for many years, we often receive information that the staff of other media is denied."

Another problem with the development of professional journalism is related to the pay level. Due to low pay, public relations materials and embedded advertising in mass media prosper. According to data presented by the panelists, the salary and fees in the governmental media outlets are especially low.

Makhmadali Bakhtierov, the editor-in-chief of the state-run *Paemi Rushon* newspaper, said, "The payment at the state-run media remains very low, the royalty scale has not been reconsidered for a long time. The royalties for the whole newspaper issue may not exceed TJS 50 (\$16). Therefore, almost all regional journalists make some money on the side by working anonymously for other media outlets or Internet editions."

The situation in some nation-wide media outlets has improved: the salary for the staff of two state-run television channels was raised to an average of \$40 monthly, and employees are allowed to earn extra by attracting advertisements and participating in the production of commercials. The National Information Agency of Tajikistan *Khovar* has also increased the rate of salaries and royalties for its staff, and its average employee can earn up to about \$100 per month. Despite this increase, the pay is still much lower than in private (independent) mass media. That is why media talents have to find additional sources of income on their own. For example, television crews must be paid \$100-\$150 for filming a 30-second outdoor spot as part of a news release; other employees augment their income by shooting private films. Despite the difficulty and risk of working for non-governmental publications, journalists of the state-run mass media often leave to work for them.

The pay level of non-governmental journalists is significantly higher. Their minimum income can be estimated from job advertisements. An average salary offered in such advertisements is at least \$150 per month for a journalist and at least \$250 per month for an editor. The more popular the journalist, the greater the chances are to earn income at other outlets, both in the country and abroad. However, the salary of regional reporters with private newspapers is much lower than that of their colleagues in the capital. The panelists noted that practically all the best Tajik journalists work as correspondents for foreign media outlets in Tajikistan.



The issue of professional ethics is an extremely important problem in Tajikistan. All the panelists recognized the low level of professional journalism and a poor knowledge of legal issues. Unethical approaches are widely employed in journalists' materials. Farrukhsho Dzhunaydov remarked, "Not only are ethical norms not observed; sometimes even legal norms are violated. People who have been detained are often referred to as 'arrested,' and their names and pictures are made public." The panelists cited instances illustrating how civil servants and business leaders use journalists as tools to defame someone or to pay off a score. Information "leakage" was used for this purpose.

In 2007, OSCE organized a number of round tables and a regional conference at which a proposed ethical code for journalists of Tajikistan was discussed. However, an agreement on the code has not been reached yet due to different interests of editors. The panelists acknowledged that *Asia-Press* newspaper is the only media outlet with its own moral and ethical code, though its own journalists fail to observe it.

Comparing Tajik television with broadcasts of other countries, Mirsaidov noted that it lacks socially significant information. The media tend to avoid showing accidents and natural disasters in the news. The panelists illustrated this with an example of two catastrophic earthquakes in Tajikistan, the coverage on which was shown by state television two days later, only after the government group went there. Two terrorist attacks and two fatal avalanches were also passed over in silence on the government television channels. People learned about them by reading foreign news sources and passing the information on to others.

Entertainment programs are prevalent in electronic media: they take up almost 70 percent of the broadcasting time. Turko Dikaev said: "The lack of competition from independent television stations allows the state television [there are three national channels] to allocate most of its time to entertainment programs. As a result, people have nicknamed it 'The State Philharmonic Society.'" Parshin added that "television and radio have practically no format, and the air is mainly filled with stolen music and pirated copies of films and musical programs." All the panelists mentioned the necessity of creating a national news and information channel that has the potential to become very popular, especially if it features regional news.

Negmatullo Mirsaidov remarked, "Tajik radio and television fail to provide necessary information, especially of social significance. The population frequently learns of events in Tajikistan from the programs on Russian television channels and the Internet. If the governmental media outlets are completely partisan, private ones do not have enough courage to protect the interests of the society."

## OBJECTIVE 3: PLURALITY OF NEWS SOURCES

### Tajikistan Objective Score: 1.88

The small decrease in the number of points for this objective reflects a decrease in the level of news sources that provide the population of Tajikistan with objective and useful information. All indicator scores hovered very close to the overall average, with the exception of Indicator 3, state media reflect the views of the political spectrum, which finished significantly behind the others.

In 2007, state broadcasting was consolidated and its management reinforced in an attempt to create favorable public opinion. Thus, a political and public affairs channel, Simoi Mustaqili Tojikiston (Independent Television of Tajikistan), Bahoriston, a channel for children, and one more state-run radio station, Tojikiston, were established. The government's considerable investment into all the three channels allowed them to switch to digital broadcasting. The governments of Tajikistan, Iran, and Afghanistan reached an agreement to start a common Farsi speaking channel in 2008. The government continued supporting state-run and official print publications.

Over the past year, four information agencies with their own websites were established, two national newspapers were founded, two television stations were re-registered, one new FM radio station began to broadcast, and one new television channel received a broadcasting license. Other private and regional television stations with modern equipment are operational, although many focus on entertainment.

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

### PLURALITY OF NEWS SOURCES INDICATORS:

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

*“There are no information programs in minority languages in the regions; the state television broadcasts some programs in Russian and Uzbek, and that is it. National chauvinism, accompanied by the infringement of the rights of minorities, is increasing.”*

The demand for information is enormous, and the printed press is a very popular media. There are no daily newspapers in Tajikistan yet. Almost all papers are weekly and come out on Thursdays and in the capital and large cities; almost all private newspapers are already bought up on Friday. Due to the limited scope of delivery and small circulations, independent editions published in the capital do not reach remote provinces. Bakhtierov noted: “In Gorno-Badakhshan Autonomous Province, the situation with granting the citizens access to information is very difficult. The national press is delivered only to the administrative center of the province, the city of Khorog, and the papers arrive at the regions more than a week late, if at all.” According to the Department of the Press under the Ministry of Culture, 69 government newspapers are regularly published in the regions. Their circulation does not exceed 500-1000 copies. Due to technical and financial hardships, most of them come out twice, or even once, a month. Very few of them have proven that they can be profitable or have considerable circulation. Such publications include the newspapers *Diyori Tursunzoda*, with a circulation of 5,000 and *Khakikati Sughd*, with a circulation of 4,000 to 6,000.

Rano Bobojanova, head of the Center for Gender Research and a reporter for *Bonuvoni Tojikiston* magazine, gave one reason that the score in this objective has not increased: “Although the reading population grows from year to year, not everyone can afford to buy newspapers due to their high prices.” According to the panelists’ estimation, only 10-15 percent of the population can afford to buy newspapers. The retail price of printed media is quite high, TJS 1 to TJS 1.50 (\$.28 to \$.43) average. Niyozov noted that when the price for newspapers goes up, there is an informal lobby of all the editors that makes a decision on a simultaneous price rise at their outlets.

The limit on electrical power, which gets worse during the fall-winter period, prevents rural citizens from receiving live information on the events in the country and the world. Portable radios that work on batteries become the main

source of information during this period. However, electricity is available when programs about the president are broadcast.

The access of population, especially in remote regions, to the Internet is also affected by electricity supply, as well as other technical limitations. According to the Ministry of Transport and Communications, about five percent of Tajikistan’s population uses the Internet. An average Tajik family can afford a computer and Internet access.

In 2007, panelists reported problems accessing certain websites, including [www.centrasia.ru](http://www.centrasia.ru), [www.fergana.ru](http://www.fergana.ru), [www.arianastorm.com](http://www.arianastorm.com), [www.charogiruz.ru](http://www.charogiruz.ru), and [www.tajikistantaims.ru](http://www.tajikistantaims.ru). Government officials had made accusations that these sites had disseminated propaganda supporting the overthrow of the government and fomented ethnic hostility and dissension in 2006. Some Internet providers simply decided to safeguard themselves and block access.

The broadcasts of Russian channels are often interrupted for the sake of showing important political events. Satellite dishes have therefore become popular in most big cities. Viewing Russian and other foreign channels broadens access to information. The panelists noted the growing popularity of satellite television not only in cities, but also in the countryside. “Satellite dishes have become more accessible, and many more people can afford them now than two or three years ago,” said the panelists.

With OSCE support, civil society groups have opened information access centers in the regions. Centers of information with a wide choice of periodicals and access to the Internet have been opened in some provinces. However, due to Islamic customs, these centers are hardly visited by women, except for NGO activists and public figures.

There are no alternative points of view in government media: the representatives of the opposition political parties are deprived of the opportunity to speak on their own in governmental media. Access to the electronic media is granted only to the ruling People’s Democratic Party, although Communist or IRPT MPs may be invited to some television and radio programs. The newspapers of political parties support political pluralism. Although not all parties have newspapers, the largest parties have their own media outlets. Thus, for instance, the Islamic Renaissance Party in Tajikistan (IRPT) has two newspapers, two magazines, and its own printing facilities both in Dushanbe and in the regions.

There are nine news agencies in Tajikistan, the most famous of which are independent Avesta, Asia-Plus, Varorud, Interpress-service, Hatlon-press, Zerafshan-times, Pamir-Media, Simonews and the State Information Agency Khovar. They operate with a varying degree of success and try to capture

news from all over the country. The panelists especially praised the work of Avesta and Asia-Plus, which “provide timely information on-line, beginning in the very early morning; though, since 2007, they started to issue news not openly enough,” according to one panelist. Bobojanova noted, “Independent agencies disseminate information over the Internet and some newspapers, but not on television, which limits the number of its users.”

Due to their high cost, not all newspapers can subscribe to news agencies. Their sites are open, but access to information is limited and requires a subscription. Access to the sites of Zarafshon-times, Pamir-media, and Hatlon-press is completely open, however.

Dzhunaydov and Abdullaev emphasized the significance of inter-regional information interchange. Dzhunaydov said that very few original programs are produced by electronic mass media. In the past, there were many production studios that used to provide private companies with their products, but they all ceased operations after the licensing system was introduced in 2005. Both panelists declared that Internews network’s re-registration in Tajikistan gives hope for renewal of its projects and for the revival of the joint program of eight regional stations that was discontinued in 2006. This may fill the information vacuum in the regions.

However, strengthening the potential of the regional mass media has not led to any improvement in inter-regional information exchange yet. Until now, the residents of the capital find it much easier to receive international information than to learn what is going on in neighboring towns or villages just several dozen kilometers from them. Konstantin Parshin reported: “While going to work in the morning, you are listening to news on FM radio Asia-plus or Vatan, and there are more reports on international events than on those that take place in Tajikistan, especially in the regions. All radio stations broadcast in a similar format.” The panelists noted that news agencies also provide more information on events in other countries.

The public seldom knows who finances the groups that control independent media. Only journalists are familiar with the sponsors of their publications and in whose interest a certain independent radio and television station operates. The most influential political groups aspire to have, if not their own, then at least loyal private media outlets in their arsenals. Television is the top priority.

According to the panelists, last year, financial giants expressed their interest in the development of their own mass media. Oriyon International, owned by the head of the country’s largest private bank, founded the radio station Imruz in addition to the already existing Oriyono Radio. The media

*“In Gorno-Badakhshan Autonomous Province, the situation with granting the citizens access to information is very difficult. The national press is delivered only to the administrative center of the province, the city of Khorog, and the papers arrive at the regions more than a week late, if at all.”*

branch of the holding company is planning to set up its own television company and an advertising agency.

There are very few minority media outlets in Tajikistan. These are mainly local publications in the Uzbek and Kirghiz languages; there are also news programs in Uzbek, Russian, Arabic, and English on the state broadcaster. Uzbek ethnic groups have a wider choice of media outlets in their mother tongue: in addition to local media, there is a national governmental Uzbek-language newspaper *Khalk Ovozi* and a non-governmental newspaper, *Dustlik*, distributed in places with a large Uzbek population. *Dustlik*, published by the Association of National Minorities of Tajikistan, deals with hot-button issues of the Uzbek Diaspora. Rano Bobojanova said: “There are no information programs in minority languages in the regions; the state television broadcasts some programs in Russian and Uzbek, and that is it. National chauvinism, accompanied by the infringement of the rights of minorities, is increasing.”

Bakhtierov reported that a limited-circulation newspaper in the Kirghiz language is published in Murghab region of Gorno-Badakhshan Autonomous Province, which has a large Kirghiz population. The panelists unanimously claimed that national minorities are free to develop their own media in Tajikistan without any restrictions. Nevertheless, the Association of National Minorities of Tajikistan does not have its own offices yet, even though it made an application to the government on this matter two years ago.

#### **OBJECTIVE 4: BUSINESS MANAGEMENT**

#### **Tajikistan Objective Score: 1.57**

The dynamics of the development of mass media in Tajikistan over the past few years reveal that media outlets, which used to perform the role of political tools, are making a rapid transition to journalism by churning out quality products, satiating the market’s need for diverse

*Bobojanova noted that television stations in the regions are subject to the influence of the authorities, especially in political programs. "The independent Chakhonaro television from Chkalovsk presented the mayor in a manner contrary to his wishes, and now the channel is about to close," she reported.*

information, and getting on the road to becoming successful businesses. This objective yielded slight growth this year, improving to 1.57 from 1.45. All indicators finished very close to the objective score.

However, challenges remain. Private media must survive in the market, but this market is mainly regulated by political instruments that undermine free competition. The fact that the shadow economy constitutes a considerable part of economic activity hinders the development of the advertising market. For most media, especially in remote regions, the advertising market is not an important source of income. Regional media still earn most of their income from personal advertisements and sponsored articles. State-run media also suffer from insufficient capitalization and low levels of investments.

Nevertheless, insufficient sources of income may lead either to closure of media outlets or to their reliance on sponsors. Dikaev cited an example of Mavchi Ozod television from Vosei district. "This station works in agreement with a local oligarch, the owner of Samar. The television studio works on

#### 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 property of the plant belonging to Samar, the employees receive salaries from the plant, and know that if any problem arises, their patron will always find a solution," he said.

Bobojanova noted that television stations in the regions are subject to the influence of the authorities, especially in political programs. "The independent Chakhonaro television from Chkalovsk presented the mayor in a manner contrary to his wishes, and now the channel is about to close," she reported.

Despite rich reserves of hydropower and minerals, Tajikistan is still characterized by a relatively low level of economic development. The biggest business in the country is the Tajik Aluminum Company. Russian companies have recently entered the Tajik market and become active investors. In 2007, Russian holding company RusAl continued sponsoring some Tajik media outlets both in the form of grants and by publishing advertisements and public relations materials in *Asia-Plus*, *Facts and Commentaries*, *Tajikistan Courier*, and *Vecherny Dushanbe*.

However, the panelists noted that the representatives of large businesses seldom sponsor media outlets directly and prefer to do so by putting up their advertisements, commercials, and public relations materials. The main advertisers in the Tajik media have been cell phone operators, Internet providers, commercial banks, and international organizations and embassies. However, Abdullaev noted that businesspeople often refrain from placing advertisements because they fear this might call the attention of tax authorities and other verification entities to their businesses. Related to this, panelists noted that, according to the law, a limit on advertisements exists for television; however, the lack of monitoring enables television stations to conceal advertising revenues.

Panelists stressed that despite their external stability, many media outlets still subsist on grants. Mirsaidov said: "Most mass media in Tajikistan are keeping afloat due to grants from foreign donors. Grants are given only to media outlets that have a clear-cut strategy of maintaining their financial stability."

Journalists of various media have an incentive to attract commercials to their outlets because 30 to 50 percent of the total advertising fee is paid to the person who has brought the advertisement. However, such a practice turns the journalist from a reporter into a merchant who is engaged in writing only custom-made advertising materials. The owners of large non-governmental publication such as *Asia-Plus*, *Charkhi Gardun* and *Oila*, have created marketing departments to take on these duties and research potential new markets and advertising supply and demand.

Many successful editors develop other kinds of business in addition to printing. Thus, the richest media company, Charkhi Gardun, whose publications have the largest circulation in the country, is also engaged in delivery of newsprint, consumables, printing plates, construction, etc. The media company Oila has its own advertising agency and a printing house with state-of-the-art equipment.

Most state-run print media still rely on subscriptions (which are still mandatory for government employees) as their major source of income. Private media are more focused on advertisements, classifieds, and public relations materials, trying to attract more advertisers. Private regional television stations often receive small grants from local administrations.

Market and ratings surveys in mass media sector are conducted sporadically and irregularly. The panelists noted that all such surveys were conducted by the Zerkalo Center for Sociological Research. Now these surveys are not conducted at all, perhaps due to the lack of grants. Media outlets do not consider sociological research necessary and conduct their own surveys in the newspapers or on websites.

All the panelists noted that the practice of distorting the print publications' circulation figures goes on. There are some print media that understate their circulation to lower taxes; others overrate it to increase the popularity of their publication. There are printed media that, in conspiracy with printing shops, print off-the-books copies that are later sold tax-free.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Tajikistan Objective Score: 1.92

The panelists have noted considerable progress in the activity of institutions supporting the media. This objective showed notable growth, increasing from 1.68 last year to 1.92 this year. Among the factors contributing to this progress, some panelists noted advances in the work of the Journalists' Union after the election of a new and energetic leader. No indicator stood out as either ahead of or behind the average. The leader was Indicator 3, supporting NGOs and the trailing indicator was that related to access to printing facilities and newsprint, Indicator 6.

The head of media holding Charkhi Gardun, Akbarali Sattorov, was elected head of the Journalists' Union and now 1,600 journalists from all regions of the country belong to the Journalists' Union. Nevertheless, some panelists, including Khurshed Niyozov and Turko Dikaev, remarked that the Journalists' Union remains a pro-governmental organization, and its managers have never visited the southern regions of the country in order to familiarize themselves with the

*Rano Bobojanova remarked, "2007 witnessed a sharp deterioration in the activities of both international and local NGOs in support of mass-media, the freedom of speech, and the rights of journalists."*

situation media professionals face there. Niyozov claimed, "It was the head of the Journalists' Union who had advised the singer, Raihona, to file a petition and to bring Ovoz journalists to court instead of advising her to resolve the conflict by filing a civil suit or requiring a public disclaimer. It is him who helps the government to smother the freedom of speech in the country."

The youngest professional media organization, Media Alliance, has 45 members all over the country except for the Pamir. The organization arranges for the defense of journalists prosecuted for critical articles, and worked with the three journalists with the Ovoz newspaper. In 2007, Media Alliance opened a memorial board in a journalists' complex in the capital in memory of the journalists who perished during the civil war.

However, Rano Bobojanova remarked, "2007 witnessed a sharp deterioration in the activities of both international and local NGOs in support of mass-media, the freedom of speech, and the rights of journalists. On the one hand, this was due to the political process because 'color' revolutions worsened the image of NGOs and international organizations; besides, there is no cooperation and solidarity among journalists."

## 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.

---

---

*Mirsaidov thought, "Government journalists are especially weak giving interviews and covering economic topics." Besides, most editors of state-run media outlets are extremely conservative.*

Turko Dikaev said that the "mass media and sponsors pay attention to journalists' associations only when a certain media outlet or its employee needs help. Therefore, their activities rely on the financial support of international organizations. Most NGO activities practically never reach the regions, except for carrying out rare seminars and trainings only for independent journalists."

The panelists expressed different opinions on the activities of the most prestigious NGO supporting media and journalists, NANSMIT. Some participants stressed the important role of this NGO in protecting the rights of journalists and media outlets. Others believed that the work of this organization in the current year has declined considerably, saying the rigorous monitoring of infringements of the rights of journalists has practically ceased and very few professional trainings and seminars were conducted. Saidumron Saidov commented that NANSMIT advocates the rights of journalists provided they receive donor support, and as of now, they do not have a professional lawyer.

In spite of the fact that training programs of the Internews Network in Tajikistan have been curbed since October 2007 due to the ending of their financial backing, all the panelists praised this organization for having made the most essential contribution not only by supplying equipment and supporting media management technologies, but also by training the staff of electronic mass media in the international standards of journalism and management.

The panelists expressed special concern regarding the professional training of journalists, which had not improved during the past year. Tajikistan has one faculty of journalism and five departments of journalism with about 100 students. However, the panelists commented on the low level of the graduates' qualifications and mentioned several reasons for this. In the course of their studies, students do not receive even the most elementary computer skills, not to mention working with special software packages. The teaching of professional disciplines employs outdated methods; the course material is based mainly on the history of journalism.

Bobojanova declared, "The number of training sessions has sharply decreased, and though journalists sometimes do go

to study abroad, students of departments of journalism never do. There is no surplus of journalists because graduates do not want to, and many of them just cannot, work in the profession. The work in mass media, especially Russian ones, has become a female occupation." Akhmedova noted, "The graduates of the departments of journalism, especially those who studied abroad, do not want to work in the profession. All of them are looking for jobs in international organizations where salaries are much higher."

The panelists remarked that employees of the state media outlets seldom attend seminars and trainings because their editors do not allow them to go. That is why there is such a sharp difference between the professional level of journalists working for independent media outlets and those in the state-run media. This becomes obvious from the fact that independent media presents more references to authoritative and competent sources, whereas journalists with the state media outlets write in the first person, imposing their own opinions upon the reader. Mirsaidov thought, "Government journalists are especially weak giving interviews and covering economic topics." Besides, most editors of state-run media outlets are extremely conservative.

There is competition among mass media outlets, both governmental and non-governmental, to obtain promising journalists. Each outlet entices him or her with higher royalties. However, none of them start selecting promising journalists while they are still studying in colleges or universities.

Only the Journalists' Union and the Tajik affiliate of the *Arguments and Facts* newspaper conduct training and retraining sessions in the workplace. All the panelists pointed to the disastrous situation with trainings and seminars, which were not conducted anywhere except by Internews in 2007.

Discussion of the quality of the press led to a discussion of printing houses. A group of panelists noted that the monopoly of the state printing houses continues; thus, the governmental printing house Sharki Ozod still allows itself to choose customers, often on political grounds, and command "from above," which editions to print, and which to reject. Most private printing shops have outdated equipment. Khurshed Niyozov informed the panelists that "in the state printing house Sharki Ozod, priority is always given to the governmental newspapers, and the price of paper, plates, and services is 15-20 percent lower for them than for independent newspapers." However, the publishing house Oila-print works successfully, characterized by reasonable prices, modern equipment, and full-color printing. All the panelists remarked on the necessity to imitate Kyrgyzstan in creating printing houses for independent newspapers in Dushanbe and regional centers such as Khudzhand, Kurgan Tube and Khorog.

---

---

## List of Panel Participants

**Makhmadali Bakhtierov**, editor, *Paemi Rushon* Newspaper,  
Gorno-Badakhshan Autonomous Province

**Mansur Abdullaev**, director, Center for Journalistic  
Investigations, Dushanbe

**Negmatullo Mirsaidov**, editor-in-chief, *Varorud* Newspaper,  
Khudzhand

**Khurshed Niyozov**, editor, *Faraj* Newspaper; director, Center  
for Journalistic Investigations, Dushanbe

**Saidumron Saidov**, chairman, Association of Professional  
Journalists of Sughd Province, Khudzhand

**Turko Dikaev**, reporter, *Asia-Plus*, Khulyab,

**Tukhfa Akhmedova**, chairperson, Gamkhori Press Center,  
Kurgan-Tube

**Rano Bobojanova**, chairperson, The Center for Gender  
Research; reporter, *Bonuvoni Tojikiston* Magazine, Khudzhand

**Farrukhsho Dzhunaydov**, project director, media lawyer,  
Khoma, Dushanbe

**Konstantin Parshin**, expert, National Association of  
Independent Media of Tajikistan; freelance journalist,  
Dushanbe

### Moderator and Author:

**Lidiya Isamova**, correspondent, RIA News, Dushanbe

---

---

*The new president has made positive changes in the education and pension systems, and has lifted some restrictions on freedom of movement. But the media's situation in Turkmenistan has not improved appreciably since his assumption of power. In November 2007, the NGO Amnesty International released a report that found that, "the new government of Turkmenistan has retained nearly all the draconian restrictions on freedom of expression that marked the Niyazov period."*



TURKMENISTAN



The definitive event in Turkmenistan in 2007 was the death of Saparmurat Niyazov, the eccentric authoritarian ruler who had led the country for more than 20 years. Under Niyazov's leadership, Turkmenistan had become one of the most isolated and repressive countries in the world. After he died, many in Turkmenistan and in the international community hoped for positive change. Niyazov's successor, Gurbanguly Berdymuhamedov, has made some encouraging speeches and a few important reforms. He has even taken steps to improve the quality of journalism in Turkmenistan. At the same time, though, he has maintained tight control of the content of the media, which are state-owned and heavily censored. He has also ordered the removal of private satellite dishes in the capital, Ashgabat; since the 1990s, satellite television has been the primary source of uncensored information in Turkmenistan.

Niyazov became the head of the Communist Party in the Turkmen Soviet Socialist Republic in 1985. When the Soviet Union fell in 1991, he ran for president and won with 99.5 percent of the vote. The Turkmen parliament made him president for life in 1999. He built a personality cult, erecting golden statues of himself and forcing Turkmen citizens to read his book, the *Rukhnama*, of Turkmen history and philosophical musings. He also crushed all political dissent and denied Turkmen citizens the freedoms of expression, movement, religion, and assembly, among others. Under Niyazov's leadership, the amount of freedom granted the Turkmen media slowly declined from a very low level to an even lower level.

As Niyazov's reign neared its end in 2006, Turkmenistan was named the third most censored country in the world by the U.S.-based NGO Committee to Protect Journalists; the third worst violator of press freedom in the world by the France-based NGO Reporters sans Frontiers; and one of the 10 most repressive societies in the world by the U.S.-based NGO Freedom House. Niyazov died unexpectedly on Dec. 21, 2006, reportedly due to heart failure.

Berdymuhamedov, who had served as deputy prime minister and health minister under Niyazov, won the presidency on Feb. 11, 2007, with 89 percent of the vote. However, the U.S. Department of State found that the election "did not meet international standards."

The new president has made positive changes in the education and pension systems, and has lifted some restrictions on freedom of movement. But the media's situation in Turkmenistan has not improved appreciably since his assumption of power. In November 2007, the NGO Amnesty International released a report that found that, "the new government of Turkmenistan has retained nearly all the draconian restrictions on freedom of expression that marked the Niyazov period."

The MSI was used to study Turkmenistan for the first time this year. Panelists' scores returned an overall average score of 0.42, reflecting an "unsustainable, anti-free press" as a baseline. All objectives scored low, and only Objective 2, professional journalism, scored above a 0.50.

# TURKMENISTAN AT A GLANCE

## GENERAL

Population: 5,179,571 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Ashgabat

> **Ethnic groups (% of population):** Turkmen 85%, Uzbek 5%, Russian 4%, other 6% (2003 est., *CIA World Factbook*)

> **Religions (% of population):** Muslim 89%, Eastern Orthodox 9%, unknown 2% (*CIA World Factbook*)

> **Languages (% of population):** Turkmen 72%, Russian 12%, Uzbek 9%, other 7% (*CIA World Factbook*)

> **GNI (2006-Atlas):** N/A (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** \$3,990 (World Bank Development Indicators, 2007)

> **Literacy rate:** 98.8% (male 99.3%, female 98.3%) (1999 est., *CIA World Factbook*)

> **President or top authority:** President Gurbanguly Berdimuhamedow (since February 14, 2007)

## MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 24 national and local newspapers, 16 magazines; Radio: 5; Television stations: 4

> **Newspaper circulation statistics:** Top two by circulation: *Netralniy Turkmenistan* (Russian language state-owned daily), *Turkmenistan* (Turkmen language state-owned daily)

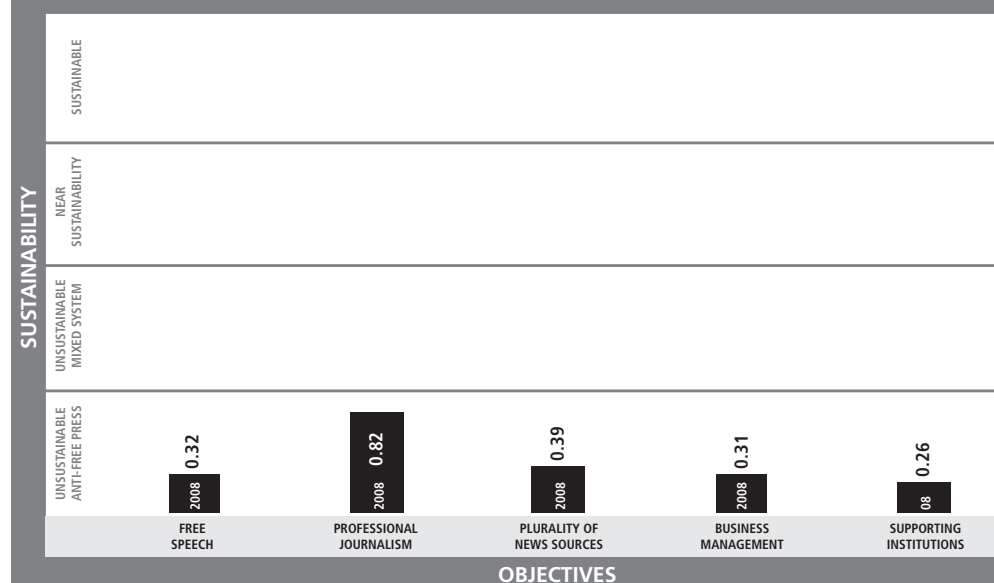
> **Broadcast ratings:** N/A

> **News agencies:** Turkmendovlethabarlary (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 64,800 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: TURKMENISTAN



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

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

### Unsustainable Mixed System (1-2):

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

### Near Sustainability (2-3):

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

### Sustainable (3-4):

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

*Due to the repressive political environment in Turkmenistan, IREX did not conduct a full panel for Turkmenistan. This chapter represents research conducted on the situation and the results of questionnaires filled out by a "mini-panel" of several people familiar with situation of media in the country. The names of those who provided information will not be published in order to protect their personal security.*

## OBJECTIVE 1: FREEDOM OF SPEECH

### Turkmenistan Objective Score: 0.32

Turkmenistan has no history of press freedom or freedom of expression. As stated in the NGO Human Rights Watch 2004 annual report, "The regime of president-for-life Saparmurat Niyazov...crushes independent thought, controls virtually all aspects of civic life, and actively isolates the country from the outside world...Turkmen law bans criticism of any policies initiated by President Niyazov and equates it with treason."

Those who dared to defy the Niyazov regime often paid a heavy price. "There were credible reports that security officials tortured, routinely beat, and used excessive force against criminal suspects, prisoners, and individuals critical of the government," according to the U.S. Department of State's 2004 *Human Rights Practices* report for Turkmenistan. The United Nations adopted resolutions expressing concern about human rights violations in Turkmenistan in 2003, 2004, 2005, and 2006.

Indeed, the scores for Objective 1's individual indicators corroborate these observations. Only Indicator 8, media access to international news sources, scored higher than 0.50.

On paper, Turkmenistan's laws categorically protect freedom of expression and of the press. In reality, there is no freedom of speech and the Turkmen press is comprehensively censored. Journalists and regular citizens are afraid to criticize the government in even mild ways, fearing that they and their family members could lose their government jobs—a serious threat, given that unemployment in Turkmenistan is as high as 60 percent by some accounts. Those journalists and human rights activists who do speak up can face intimidation, imprisonment, assault, and even death, as in one case late in 2006 (detailed on page 3). "Self-censorship in Turkmen mass media is a synonym for 'self-preservation,'" one panelist wrote.

Article 26 of Turkmenistan's constitution gives all Turkmen citizens the rights to freedom of opinion and expression. Article 1 of the law "on the press and other mass media in Turkmenistan" guarantees the freedom of the press and the other mass media. According to a June 21, 2007 report on

access to information by the media, from the Ashgabat office of the Organization for Security and Cooperation in Europe (OSCE), journalists have the legal right to "search, select, receive, and disseminate information and ideas in any form... censorship of the mass media is not allowed."

These laws notwithstanding, if the Turkmen government needed a legal justification to punish dissenters or independent-minded journalists, it could find one in a vague law passed in 2003. According to Human Rights Watch's November 2007 report, under that law, a person who "attempts to harm the country politically or economically" or "attempts to sow doubts about the domestic and international policies of the president of Turkmenistan" can face up to life in prison. One panelist noted that there is no legal recourse in these matters, as the judiciary depends upon "instruction from the government" in human rights and freedom of expression cases.

Berdymuhamedov denies, however, that this or any other law would ever be used to intimidate the Turkmen press. "There was never in Turkmenistan any pressure on the press," he told an audience when he visited Columbia University in 2007, according to a September 24, 2007 report by Radio Free Europe/Radio Liberty (RFE/RL).

This statement completely ignores the ongoing harassment of independent journalists in Turkmenistan, the most egregious case of which was what Reporters sans Frontiers has called "the torture death" of journalist Ogulsapar Muradova while in government custody in September 2006. Muradova, 58,

## 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.

---

---

*A positive result of this strict censorship is that journalists virtually never face libel suits, since they produce only innocuous, government-approved reports. In Turkmenistan, libel is a criminal offense, punishable by up to two years in prison. The burden of proof is on the accused.*

was a correspondent for the Turkmen Service of the U.S. government-funded RFE/RL. According to a compilation of reports from international organizations, in the early months of 2006, state security agents followed her, harassed her, and threatened to imprison her children. In April, her cell phone and home phone were cut off. On June 18, she was arrested. The day after Muradova's arrest, Niyazov denounced her on national television as a traitor. Her three adult children were arrested and held for two weeks.

Muradova was not charged until July 12, 2006, "... considerably later than the three-day limit prescribed by the Turkmen Code of Criminal Procedures requires," a March 27, 2007 UN report noted. The charge was "illegal acquisition, possession, or sale of ammunition or firearms," and it "appears to be fabricated," according to Amnesty International. She was convicted on August 25 "after a closed-door trial that lasted only a few minutes," Reporters sans Frontiers found. She was sentenced to six years in prison.

Both the UN and the OSCE protested her conviction. OSCE Representative on Freedom of the Media Miklos Haraszti took the case up with the Turkmen government and was told that Muradova had been "involved in criminal activities related to organization of subversive acts and collection of defamatory information in Turkmenistan in order to create public dissatisfaction," according to an August 28, 2006 OSCE press release. During her detention, Muradova was given "psychotropic drugs" in an attempt to extract a confession, Amnesty International reported.

When Muradova's body was returned to her family on September 14, 2006, "it had a large head wound and bruises around the neck, according to the Bulgaria-based Turkmenistan Helsinki Foundation for Human Rights, which spoke to the journalist's adult children before the family's phone lines were cut," the Committee to Project Journalists reported in a Sept. 21, 2006 press release.

Muradova died under the Niyazov regime. During 2007, Berdymuhamedov ignored calls to initiate a government

investigation. He also did not put an end to harassment of journalists working in Turkmenistan. As RFE/RL reported on April 27, 2007, "At least seven RFE/RL correspondents in the country have had their land lines and mobile telephones blocked in recent weeks...Reporters in the country say state security officials are following them daily and interfering in their private lives." In one incident, state security officials detained and questioned an RFE/RL correspondent's son for eight hours in Ashgabat and threatened his girlfriend, "telling her she would face trouble if she married into the correspondent's family."

On a slightly more positive note, Human Rights Watch reported that in June 2007, after years of trying, journalist Nina Startseva was finally allowed to leave the country to seek asylum abroad. She had to "sign away her property and promise never to return to Turkmenistan."

Like Muradova, the majority of journalists who are intimidated, followed, or threatened by the government are Turkmen citizens who cooperate with or work for international media organizations. Reporters who write for RFE/RL are often targeted, but they are not the only ones. A local correspondent for the Institute for War and Peace Reporting (IWPR) was recently called into the office of the state security agency and questioned about the subject of one of his e-mails. Even when independent local journalists are not being actively harassed, the government listens to their phone calls and reads their emails, one panelist wrote.

These independent local journalists are the international community's most important uncensored source of information about what goes on inside Turkmenistan, since international journalists are seldom permitted to visit the country. Even when international journalists are allowed to enter, they generally operate under tight Turkmen government monitoring and control.

Accounts vary regarding which foreign news organizations have managed to get accreditation to work in Turkmenistan. Some sources say none have been accredited. A November 7, 2007 IWPR article found that Reuters, AFP, and a Pakistani news agency had received accreditation. Rules on accrediting journalists are used to keep international media representatives from covering events that are distasteful to the Turkmen government. For example, in 2006 the government refused to accredit international journalists who wanted to cover an OSCE conference on sustainable tourism development, according to the OSCE.

Even if international journalists can surmount the obstacles set up by the Turkmen government, they face another problem: Turkmen citizens are usually afraid to talk to them

because, in the past, those who cooperated with the foreign press were later been questioned, threatened, and punished. "The Ministry of National Security summoned for questioning virtually all those who met journalists of the BBC and the French media production company Galaxie-Pressé who visited Turkmenistan and subsequently criticized the government's policies. Those questioned were barred from leaving Turkmenistan, and some were put under house arrest," Amnesty International reported.

Journalists who work for domestic media organizations—essentially all of which are owned and operated by the government—face a different set of challenges. Just as Niyazov did, Berdymuhamedov appoints the top editors of all the countries' mass media organizations. Furthermore, "...all printed, audio, and video material is censored by the Committee for the Protection of State Secrets in the Press, which comes under the government," according to a November 7, 2007 IWPR article. Journalists who produce reports that portray the government in an unfavorable light risk having their work trashed, losing their jobs, or worse.

A positive result of this strict censorship is that journalists virtually never face libel suits, since they produce only innocuous, government-approved reports. In Turkmenistan, libel is a criminal offense, punishable by up to two years in prison. The burden of proof is on the accused.

Journalists in Turkmenistan have limited access to foreign media. According to one panelist, journalists often have Internet access in their offices (and some even have it at home, although one panelist noted that this requires "official registration"), but the range of sites they can visit is limited. Some websites—such as those maintained by BBC, RFE/RL, and IWPR—often are not accessible. The Turkmen print media occasionally reprint edited versions of stories from international news sources. These usually deal with scientific discoveries and similar nonpolitical topics.

Under Niyazov, foreign periodicals were banned. In June 2007, Berdymuhamedov signed a decree saying that Turkmenpochta (the postal service) should conclude a contract with Russian Rospechat "to provide ministries, organizations, and scientific institutions of Turkmenistan with foreign periodicals for the first half of 2008," according to the semi-official, pro-government website Turkmenistan.ru. It is not clear which publications will be provided (some reports suggest that scientific rather than news publications will be provided) and to which organizations. At the beginning of 2008, one panelist reported that some (though few) organizations were receiving foreign periodicals.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Turkmenistan Objective Score: 0.82

Journalism in Turkmenistan does not meet international standards. News in Turkmenistan is not objective, well sourced, or fair: it is propaganda for the government. Journalists are forced constantly to exercise self-censorship and to submit to government censorship. They cannot cover many key events and issues because stories that portray the government or the nation in a negative light are taboo.

However, panelists found at least one bright point within this objective: the Turkmen media have good equipment with which to work. Therefore, Indicator 7 scored rather well, definitively bringing up the average. Indicator 6, entertainment/news balance, also scored noticeably above the average. All other indicators scored at or below the average, notably Indicator 3, state media reflect the political spectrum. This indicator scored near 0.

Although some of Berdymuhamedov's public comments suggest that he would like the Turkmen media to adopt Western journalistic principles, others suggest that he believes the fundamental role of the media should be to support government policy. In a speech in early 2008, he "called upon [the media] to propagate and popularize Turkmenistan's new national foreign and domestic policies," according to Turkmendovlethabarlary, the government news agency.

Though it is unclear exactly what kind of journalism Berdymuhamedov expects from the Turkmen media, it 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.
- > 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).

---

---

*Although some of Berdymuhamedov's public comments suggest that he would like the Turkmen media to adopt Western journalistic principles, others suggest that he believes the fundamental role of the media should be to support government policy. In a speech in early 2008, he "called upon [the media] to propagate and popularize Turkmenistan's new national foreign and domestic policies," according to Turkmendovlethabarlary, the government news agency.*

very clear that he is not pleased with their current products. He has harshly criticized Turkmen journalists for their lack of professionalism. He has condemned Turkmen radio and television for using unverified information. He has said that journalists "lack basic skills such as conducting interviews, including expert opinions, and doing research for television reports and newspaper outlets," according to Chemen Durdiyeva's January 23, 2008 article in the *CACI Analyst*, the journal of Johns Hopkins University's Central Asian and Caucasus Institute. Since his election, he has fired two ministers of culture and replaced the chief editors of all the newspapers, according to the *Times of Central Asia*, a regional newspaper based in the Kyrgyz Republic.

Panelists made clear the challenges of working for a state-run media organization: "Reporting in Turkmenistan is not objective and not well-sourced...journalists cannot get all sides to a story even if they want...because [if] the story is not [favorable] to the current government, then journalists' work may not be published," one said.

"Reporting is always subjective and mostly focused on state policies," another said. "No investigative programming exists...I don't think that journalist[s] apply any critical thinking to their work...[the] main concern of the journalists working on television, etc., is to publish information that can be approved by state officials and for which they will not be punished."

Specifically regarding media covering key events, one panelist wrote, "In case of disasters or critical events (crashes, etc.) almost never does [the] media cover these events. People [get] information about such events through their relatives or friends."

While Turkmenistan suffers from an oppressive political atmosphere, its government does not suffer from a lack of funds. The country has some of the largest natural gas reserves in the world and small but significant reserves of oil. Its per capita gross domestic product is \$1,669, the second highest in Central Asia (after Kazakhstan), roughly three times as high as neighboring Uzbekistan and comparable to China, according to the most recent UNDP statistics.

Although this wealth generally does not reach the average Turkmen family, it does provide the government with funds to spend on projects that it deems important. For example, Niyazov spent tens of millions of dollars rebuilding central Ashgabat in white marble and gleaming reflective glass. Also, the media have been relatively well provided with technical equipment. In October, Berdymuhamedov allocated \$9 million to improve the "material and technical resources" of state television and radio stations, according to the Central Asia Newswire. He also commissioned one of the tallest television towers in the world, according to IWPR.

"Due to [the] recent modernization of [the] media industry in Turkmenistan, media have [the] latest facilities, and equipment for gathering and producing news. However, it is slightly better in [the] capital city than other regions and cities of the country," one panelist wrote. "Recently, authorities are concerned with modernization of state television channels, building new television towers, [and] arranging film editing rooms and studios with the most modern technologies," another panelist wrote.

One panelist believed that journalists' salaries were high enough to prevent corruption; another wrote that they are comparable to average civil servant salaries, with recently announced plans for the government to increase them. Another panelist, however, complained that the average salary of a journalist in Turkmenistan is only \$20 to \$30 per month, so low that "many journalists have retrained themselves in other professions." To put corruption generally into context: In its 2007 Corruption Perceptions Index report, Transparency International ranked Turkmenistan as one of the world's most corrupt countries, number 162 of 179.

Panelists gave Turkmenistan relatively high scores for its ratio of news to entertainment programming. They said that news is available and affordable for citizens to consume if they wish. The problem is that this news is of low quality and has a strong pro-government bias.

One panelist, who rated the indicator below the average, however, justified the low score by writing "Reporting is not balanced and [is] single-sided, reflecting [the] official state position. Media is not diverse, having similar format. TV channels broadcast national holidays' celebration (dances,

songs—only national), cartoons, and fiction movies (which are censored, no kisses or bed scenes). News blocks usually start usually start with [the] president [opening] a new factory, hospital, visiting newly built sports complexes. [The] president issued a new law, which was fully supported by the ministers and “Medjilis” (parliament). President firing another minister, and no interviews of [the fired] ministers is shown to announce [their] opinion. After most important events, some cultural news is reported (celebration of national dances), sport, and weather.”

However, reports from inside Turkmenistan indicate that the quality and timeliness of news in the country has been improving since Berdymuhamedov took office.

A housewife in Ashgabat told an IWPR correspondent that she was “pleasantly surprised to discover that she was eligible for a maternity payment under the new welfare package announced at the same time as the restitution of pensions. ‘It was the first time I have ever found out anything useful and relevant to my life from the television news, rather than from neighbors or acquaintances,’ she said,” according to a November 7, 2007 IWPR article.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Turkmenistan Objective Score: 0.39

Government-produced television, radio, newspapers, and magazines are affordable and relatively plentiful, but they all offer the same set of centrally approved information. During 2007, Berdymuhamedov increased access to censored, government-monitored Internet, which many saw as a positive step. However, he also started bringing satellite television—until now the primary source of uncensored information in Turkmenistan—under government control.

Individual indicator scores did not vary much from the objective score. The lowest, Indicators 4 and 5 (independent news agencies and private broadcast media produce their own news), barely broke 0. Indicators 1 and 2, plurality of sources and citizen access to news, finished somewhat ahead of the others.

Turkmenistan has four television channels, five radio stations, 24 national and local newspapers, and 16 magazines. There are two general-interest national daily newspapers. Most issues of these two major papers are only four or eight pages long. One weekly newspaper, *Reklami i Bizness (Advertising & Business)*, is privately owned by a Turkish businessperson; it has a circulation of 5,000. All other media in Turkmenistan are owned and operated by the government. “In Turkmenistan there is a big newspaper for youth,” Berdymuhamedov

*For years, the primary source for alternative viewpoints has been satellite television. Satellite dishes became popular in the early 1990s, when Niyazov tightened control of other media. In the mid-1990s, there were about 1,000 satellite dishes in the capital and perhaps 250 more in each of the countries other four major cities, according to a 1996 Internews article by Eric Johnson.*

said during his speech at Columbia University. “I appointed as editor in chief a student, a student from a Turkmen university... a senior; editor-in-chief of the newspaper for youth, a member of government already.”

Given this ownership structure, it is perhaps not surprising that all of the country’s newspapers present a single view: that of the government. They present this perspective mostly in Turkmen language, although some materials are presented in Russian, including one of the two main national newspapers. The media largely ignore the country’s Uzbek and other minorities, which include Koreans, Baloch, and various groups from the Caucasus. “Journalists do not write about minority issues because they can be easily punished for it,” one panelist said.

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

#### PLURALITY OF NEWS SOURCES INDICATORS:

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

*Under Berdymuhamedov, as under Niyazov, there was only one Internet service provider: government-owned Turkmentelekom. Software at Turkmentelekom allows the government to decide which sites Turkmen citizens are allowed to view.*

For years, the primary source for alternative viewpoints has been satellite television. Satellite dishes became popular in the early 1990s, when Niyazov tightened control of other media. In the mid-1990s, there were about 1,000 satellite dishes in the capital and perhaps 250 more in each of the countries other four major cities, according to a 1996 Internews article by Eric Johnson.

By 2007, dishes were so common that one journalist counted 48 on a 60-unit apartment building in Ashgabat. Most families in Ashgabat, which has a population of about 500,000, have at least one dish. Many families have two: one to pick up Russian channels and another for channels from Turkey and Europe. Even in rural areas, satellite dishes are quite common. They cost about \$50; a complete package including a tuner and some cable costs around \$100. They can receive hundreds of television and radio channels.

Russian channels are perhaps the most watched. Turkish and Iranian channels are also popular. Families watch a variety of programming, including the Moscow evening news, Russian MTV, mainstream American movies dubbed into Russian, and Iranian and Turkish music videos. Some also watch news reports from Euronews, CNN, or the BBC. All this provides them with a wealth of uncensored information about the outside world that is not available through the domestic media.

However, none of these satellite channels covers domestic Turkmen events on an even slightly regular basis. For uncensored information on domestic events, practically the only place to turn is Radio Liberty's Turkmen Service, Azatlyk Radio, which is available through regular television satellite dishes. A broad cross-section of Turkmen citizens listens to Azatlyk Radio: rich and poor, urban and rural, opposition and pro-government. Perhaps this explains why the government is so hard on RFE/RL correspondents.

This also explains why it was so troubling that Berdymuhamedov announced in November that he had ordered the removal of satellite dishes from apartment buildings in Ashgabat. He cast the move as part of a

beautification plan for the capital. As reported the pro-government website Turkmenistan.ru, "We shall work consistently and systematically to get rid of everything that makes our capital untidy, slovenly, and tasteless," said Gurbanguly Berdymuhamedov. According to the head of state, the old apartment houses, cars parked on the sidewalks, and television satellite antennas make the city look ugly. "It is enough to fix one powerful antenna for the whole apartment house."

By the beginning of 2008, the government had begun tearing down satellite dishes in the capital. "A 'set of fixed programs from satellite television broadcast by cable networks is offered by the authorities as an alternative,'" according to a Jan. 27, 2008 article from the *Kronika Turkmenistan* website, which is maintained by the nongovernmental Turkmen Initiative for Human Rights. "This includes no news, only entertainment. It does not include Radio Liberty, Voice of America, BBC, Deutsche Welle, Mayak Radio, etc. Individual satellite aerials offer an average of 300-350 tele[vision] and radio channels. The package of programs broadcast by cable networks which is offered by the authorities includes 20-30 programs."

In July 2002, Niyazov tried something similar. He declared that the satellite dishes on buildings in Ashgabat looked ugly and ordered them removed (he also complained that Russian programs had a "biased opinion of life in Turkmenistan and misrepresented reality," according to ITAR-TASS). However, Niyazov's ban did not last. According the U.S. Department of State's 2003 *Human Rights Practices* report, the government backed off the following year.

One of Berdymuhamedov's public relations coups has been his expansion of Internet access, which he began almost immediately after taking office. He was elected February 11 and on February 16 RFE/RL quoted him as saying that "Internet cafés are starting to open in Ashgabat and other cities. At this moment, we are working on a program to extend Internet access to every school." Turkmen and international media alike lauded him for this initiative. Reports on how many cafés had opened before the end of 2008 vary widely, but the number is probably below a dozen, including two to five in the capital.

All this good publicity glossed over the fact that the Internet was available in Turkmenistan before Berdymuhamedov was elected. In 2006, there was already one Internet café, and possibly two, in Ashgabat. It was located in a building on the capital's main plaza under the towering Arch of Neutrality monument. It was usually empty, which is perhaps not surprising, since it charged about \$2 per hour for access. Also in 2006, some people had Internet service in their private homes, although the access



was unbearably slow, sometimes taking 10 minutes to load a page. One panelist wrote, "The average Internet speed is very low and unstable, and [does] not allow watching video or listening [to] VOIP materials." Some businesses and international organizations had Internet access. U.S.-government-sponsored "American Corners" in all the regional capitals also provided access.

This is not to say that Internet access in Turkmenistan was widespread under the Niyazov regime. Turkmenistan had—and still has—one of the lowest rates of Internet access per capita in the world. Just 0.8 percent of people in Turkmenistan are Internet users, compared to 3.4 percent in Uzbekistan, and 15.2 percent in Russia, according to the World Bank. "I would say that the society is Internet-illiterate," one panelist wrote.

Despite expanding Internet access, Berdymuhamedov has apparently tightened control of Internet cafés slightly. In 2006, patrons could simply use a computer, pay, and leave. Internet cafés now require users to leave their names—and according to some reports, show their identification—when they pay.

Under Berdymuhamedov, as under Niyazov, there was only one Internet service provider: government-owned Turkmentelekom. Software at Turkmentelekom allows the government to decide which sites Turkmen citizens are allowed to view. "Most web sites that contain information perceived to be critical of the government are blocked. Security services reportedly visit Internet cafés and intimidate customers," according to UNHCR's *2008 World Report*.

In the first half of 2007, security services sometimes visited Internet cafés "with copies of messages sent from specific computers and specific information about their authors," a Human Rights Watch report found. "Security agents warned the authors about possible negative consequences of their being linked by e-mail to 'organized networks distributing false information and defamation.'" According to a Turkmentelekom employee who wished to remain anonymous, every computer in each Internet café has been assigned an identification number in addition to its Internet IP address. Special software and equipment were installed that allows the state to identify computers (both private and in public cafés) operating through the network that connect to specific websites."

Regarding transparency of media ownership, panelists noted that ownership is clear as the state ultimately owns or controls all media. However, this does effectively create a conglomerate intent on monopolizing the news and information that is available.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Turkmenistan Objective Score: 0.31

Media organizations are not managed as businesses in Turkmenistan, because they are government agencies, not businesses. There are no significant private media organizations in the country. This reflects the leadership's wish to control information within Turkmenistan's borders, but it also reflects the larger economic situation in the country. The government controls most of the economy. Turkmenistan has one of the least free economies in the world, according to a 2008 Heritage Foundation study, which ranked it 152nd of 158 countries.

All indicators scored poorly, even worse than the objective score, with the exception of Indicators 3 and 4, advertising agencies and the advertising market and balance of advertising and other revenue. These two indicators scored somewhat higher, raising the average.

"It would not be relevant to talk about whether media organizations are profit-generating businesses," one panelist wrote. "Media managers do not feel pressed to use more ads in their programs or newspaper pages, since the government is covering all their expenses."

The government does not use market research to decide what its media organizations should present to the public. It presents what it thinks is politically expedient and then forces people to buy it. Subscribing to regional or national newspapers is mandatory for government employees. "Our director informed us that 10 per cent of our salary would be deducted for newspapers and journals," a math teacher

## 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.

*After criticizing the nation's journalists for poor skills, Berdymuhamedov ordered the Turkmen State Makhtumkuli University to introduce a major in journalism. "We opened the journalism department at the state university this year. If necessary, we will open post-graduate courses for journalists and other media staff," the president said in October, according to the Central Asia Newswire.*

from a Dashagouz school said, according to an April 14, 2007 article from the *Kronika Turkmenistana* website.

A former journalist with 35 years of experience explained the situation well in another article on the same website: "If the newspaper were self-sustained financially, the editorial board would make an effort to make the newspaper content more readable, increase its circulation, and attract the readers' attention. In the meantime, there is no need for this. They will face no constraints in attracting subscribers since the subscription to several newspapers is mandatory for every employed country's resident. There is no competition and no single independent print media...our press is more committed to ideological upbringing and propaganda than generating profit."

Information on print media circulation is incomplete and distorted by government-coerced subscription sales. Broadcast media ratings are not available.

According to panelists, the advertising sector is not well developed and lacks workers with professional skills. A few advertising agencies exist, but their role is minor. Almost no advertisements are placed on television, but some are placed in the newspapers.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Turkmenistan Objective Score: 0.26

Supporting institutions do little to assist or improve the media in Turkmenistan. The government dominates almost every other sector of Turkmen society just as it dominates politics, economics, and the mass media. Trade associations and NGOs do not play significant roles in the country. However, to his credit, since taking office, Berdymuhamedov has initiated the creation of the country's only university-level journalism program.

As a result of the overall situation, this objective received the lowest score of the five objectives. While Indicators 4 and 5 (academic journalism programs and short-term training opportunities) scored well above the average—although not above 1—all others scored either a flat 0 or barely above 0.

After criticizing the nation's journalists for poor skills, Berdymuhamedov ordered the Turkmen State Makhtumkuli University to introduce a major in journalism. "We opened the journalism department at the state university this year. If necessary, we will open post-graduate courses for journalists and other media staff," the president said in October, according to the Central Asia Newswire. Until 2007, there was no journalism program in the country; the media mainly hired graduates with degrees in Turkmen language or literature.

Berdymuhamedov also suggested that journalists should also take courses abroad. "We will even open short-term skills-improvement courses for journalists and other media workers, if necessary," the president said.

This represents a major shift in policy for the country, according to one panelist who said that attending such courses abroad was frowned upon in the past. "I have a friend who attended a highly professional training abroad and then lost his job in Turkmenistan," the panelist said.

NGOs face nearly as much persecution as independent journalists in Turkmenistan. In 2003, the government passed a law effectively criminalizing NGOs that were not registered with the Ministry of Justice. The staff of these NGOs faced penalties ranging from fines to imprisonment. A new law was adopted the next year that abolished these criminal penalties, according to Freedom House. Unregistered NGOs remain illegal, however; they just do not face *criminal* penalties. Since 2004, no new NGOs have been registered. However,

## 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.

---

---

existing NGOs have had to renew their registrations during that time. This requirement has been used by the government as a tool for coercion.

NGOs that do manage to register and stay registered with the government deal with heavy interference from the government. They must register with the Ministry of Justice every grant that they are awarded before they can receive the funds—a process that can take months. They must inform the Ministry of all their events. Ministry representatives have the right to participate in NGOs' internal meetings. Given this situation, NGOs are unable to effectively support the media.

“What distinguishes the Turkmen environment is the comprehensive government harassment and intimidation of independent actors that has made it virtually impossible for civil society organizations to function. In this regard, the Niazov [sic] and post-Niazov [sic] periods so far are indistinguishable,” according to Human Rights Watch.

Turkmen law provides no guarantees to allow workers to form unions or to strike, according to Freedom House. However, two associations of media workers exist. The Union of Journalists of Turkmenistan was founded in 1992 with a charter that included “the protection of [journalists'] interests against state and public organizations, founders, and publishers of the media,” according to a 2001 IWPR article by Nazik Ataeva. A quasi-governmental organization that represents government workers to the government, it is ineffective according to a panelist familiar with its operations.

The nongovernmental Shamchirag Association of Journalists of Turkmenistan, which has existed for at least six years, is apparently little better. “One time they conducted a ‘training,’ but it’s funny to even call it a training,” wrote one journalist. “They got a grant and worked with volunteers from Counterpart [Consortium]. The guys [journalists who attended] can’t say what the training did for them.”

Turkmenistan’s printing and distribution facilities, television transmitters, and Internet service provider are all owned by the government. Newspapers are largely distributed through the government postal service, though they are sometimes sold in bazaars as well.

*Due to the repressive political environment in Turkmenistan, IREX did not conduct a full panel for Turkmenistan. This chapter represents research conducted on the situation and the results of questionnaires filled out by a ‘mini-panel’ of several people familiar with situation of media in the country. The names of those who provided information will not be published to protect their personal security.*

---

---

*After a truncated campaign with limited media coverage of three of the four presidential candidates, Islam Karimov was elected to a third term as president of the republic of Uzbekistan in December 2007, beating his three pro-government (and pro-Karimov) opponents with 88 percent of the vote. Based on this example alone, one can rightly draw the conclusion that independent and professional media effectively do not exist in Uzbekistan.*



UZBEKISTAN

The past year witnessed little change politically or economically in Uzbekistan as the country remained under the leadership of President Islam Karimov, who continued to maintain tight control over the economy, politics, and civil society. By law, Karimov's second seven-year term as president of the republic of Uzbekistan expired in January 2007. The quiet speculation among the population about who would succeed Karimov, since the constitution limits a president to two terms in office, and when the next presidential elections would be held did not carry over into the Uzbekistani media, and a public discussion of the situation was categorically avoided.

The Central Election Commission's announcement on November 19, 2007, that Karimov would be allowed to run for a third term also went unquestioned in the country's print and broadcast media. After a truncated campaign period with limited media coverage of three of the four presidential candidates, Karimov was elected to a third term as president of the republic of Uzbekistan in December 2007, beating his three pro-government (and pro-Karimov) opponents with 88 percent of the vote. Based on this example alone, one can get an accurate sense of the current political conditions in the country and can rightly draw the conclusion that independent and professional media effectively do not exist in Uzbekistan.

The MSI scores reflect this reality as the overall country average for Uzbekistan for the 2008 MSI was 0.49, effectively unchanged from the 2006-2007 edition of the MSI. This overall score indicates an anti-free press system. Objective 2, professional journalism, scored the highest at 0.77, a modest increase over last year's 0.47. Objective 3, plurality of news, returned the lowest score, 0.27, down slightly from last year. The other three objectives fell close to the overall average.

# UZBEKISTAN AT A GLANCE

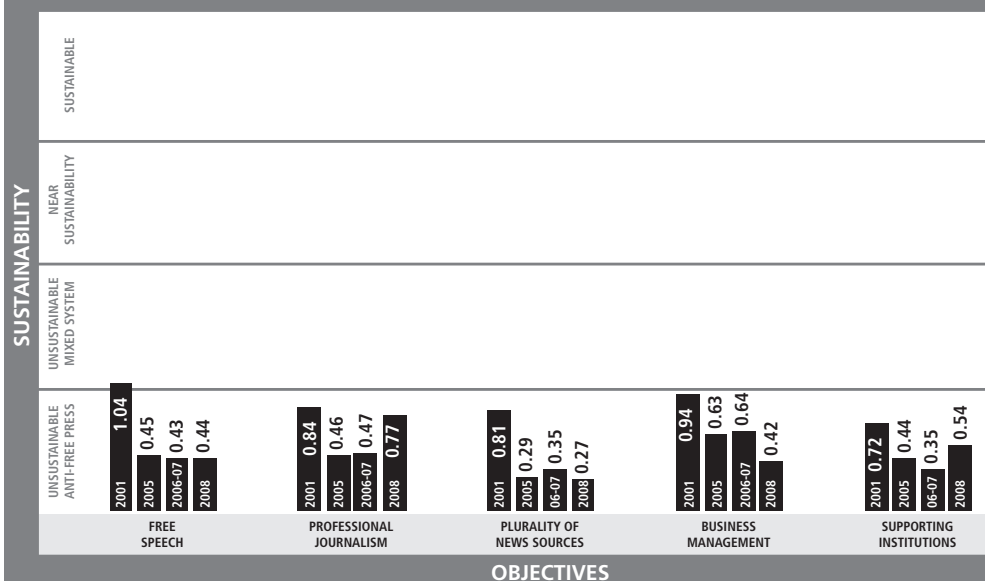
## GENERAL

- > **Population:** 27,780,059 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Tashkent
- > **Ethnic groups (% of population):** Uzbek 80%, Russian 5.5%, Tajik 5%, Kazakh 3%, Karakalpak 2.5%, Tatar 1.5%, other 2.5% (1996 est., *CIA World Factbook*)
- > **Religions (% of population):** Muslim 88% (mostly Sunnis), Eastern Orthodox 9%, other 3% (*CIA World Factbook*)
- > **Languages (% of population):** Uzbek 74.3%, Russian 14.2%, Tajik 4.4%, other 7.1% (*CIA World Factbook*)
- > **GNI (2006-Atlas):** \$16.18 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$2,250 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 99.3% (male 99.6%, female 99.0%) (2003 est., *CIA World Factbook*)
- > **President or top authority:** President Islom Karimov (since March 24, 1990)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** print: 663 newspapers, 195 magazines, 13 periodical bulletins; radio: 35, of which 16 private; television: 53, of which 29 private (Uzbek government)
- > **Newspaper circulation statistics:** Total newspaper readership is estimated at only 50,000; top publications include *Khalq So'zi* (state-run daily), *Narodnoye Slovo* (state-run, Russian-language daily), *Ozbekistan Ozovi* (published by ruling party) (Library of Congress, Federal Research Division)
- > **Broadcast ratings:** N/A
- > **News agencies:** Uzbekistan National News Agency (state-owned), Jahon (run by the Ministry of Foreign Affairs), Turkiston Press
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 1,700,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: UZBEKISTAN



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

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

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

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

*Due to the repressive environment in Uzbekistan, IREX did not conduct a panel for Uzbekistan. This chapter represents research conducted on the situation and discussions with various professionals knowledgeable about the situation in Uzbekistan. The names of those contacted will not be published to protect their personal security. This chapter therefore provides a summary of the state of media in Uzbekistan.*

## OBJECTIVE 1: FREEDOM OF SPEECH

### Uzbekistan Objective Score: 0.44

There is little evidence of any improvement in the freedom of speech in Uzbekistan in the past year. The MSI score for free speech reflects this, as the score of 0.44 reflects no substantive change from the previous year's analysis. The government continues to block access to Internet websites and blogs, foreign media are refused accreditation, local journalists must register with the Foreign Ministry, and they are frequently harassed and arrested. A revised media law introduced at the beginning of the year assigns a higher level of responsibility to media outlets to ensure the "objectivity" of the content produced, establishes mandatory registration for Internet websites, and in effect defines blogs as media outlets, all of which must register with the Information and Press Agency and submit work plans and monthly reports.

On paper there actually is a solid legal framework that guarantees the freedom of speech and other rights of the media in Uzbekistan. The legislation includes laws on mass media, access to information, protection of journalists' professional activities, copyright, advertising, and the principles and guarantees of information freedom, as well as several presidential decrees and constitutional provisions. But this part of the legal framework is almost never enforced, particularly with any liberal interpretation of the laws. The most serious obstacles for free speech come from government officials and agencies; freedom of speech is not a valued concept and is viewed with a certain level of suspicion within the repressive political environment.

A revised version of the 1991 mass media law came into effect in January 2007 without any public discussion of the provisions contained in the draft documents. The revised law holds media owners, editors, and staff members responsible for the "objectivity" of published materials, a concept little used in most legal systems for media laws yet intended in Uzbekistan to ensure positive coverage of the ruling regime. Online publishers, along with independent and foreign media, are required to register with the Cabinet of Ministers in Uzbekistan. Online versions of newspapers also fall within

the law's scope and as such are subject to registration if their content differs from the printed publication.

Registration and licensing is required for all media in Uzbekistan and is generally done on an annual basis. The licensing process is completely controlled by the state, and criteria and standards for receiving a license are not always explicitly stated. Initial registration and re-registration fees are levied "in the order and size established by the government of the republic of Uzbekistan."

The Communication and Information Agency of Uzbekistan regulates telecommunication services in Uzbekistan and issues licenses to broadcast media through an application process requiring approval from an Interdepartmental Coordination Commission. The Center for Electromagnetic Compatibility, which is also within the Communication and Information Agency, assigns frequencies to the licensed broadcast media. Preference is generally given to state broadcasters for political reasons, and the private broadcasters that do receive licenses and operate freely often have ties to the government, the president's family, or political parties. Private broadcasters usually keep their political reporting within acceptable parameters, practice self-censorship, and focus on entertainment, social, and cultural news in an effort to keep their licenses.

The Uzbekistan Agency for Press and Information is responsible for registering "publishing and polygraphic activity, as well as mass-media, information, and advertising agencies"; licensing publishing activity; monitoring all print

## 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.

*On paper there actually is a solid legal framework that guarantees the freedom of speech and other rights of the media in Uzbekistan...But this part of the legal framework is almost never enforced, particularly with any liberal interpretation of the laws.*

and electronic media's observance of current legislation; and suspending or invalidating certificates of registration and licenses. As of January 2007, the amended media law defines Internet websites and blogs as media outlets, which means they must also register with authorities; inform them of the names of the website/blog's founder, chief editor, and staff members; and submit work plans and reports each month.

The overall freedom to start and operate a business is relatively well protected by Uzbekistan's regulatory environment, and the top corporate tax rate is relatively low (10 percent, effective in 2007). However, media businesses face some additional restrictions that make it more difficult to enter and continue operating within the market. For example, entities with foreign ownership of 30 percent or more are not allowed to establish a media outlet in Uzbekistan. Media outlets are also required to pay re-registration fees every year in order to continue operations.

Journalists in Uzbekistan are frequently threatened, harassed, and beaten, but these crimes are rarely investigated in a thorough manner and are almost never prosecuted. Numerous journalists were harassed or "reminded of their obligations under the law" over the course of the year, and one independent journalist was beaten as a result of his reports on bread shortages.

Uzbek journalists have also been jailed for alleged violations of the media law, tax evasion or embezzlement, insulting the president, or other vague charges. Three journalists were still imprisoned in Uzbekistan at the end of December 2007, including the president's nephew, freelance journalist Jamshid Karimov, who has been involuntarily confined to a psychiatric hospital since October 2006. In 2007, at least two journalists were jailed and subsequently released after reading coerced confessions and denouncing their colleagues in court in return for clemency.

In October 2007, journalist Alisher Saipov, ethnically Uzbek but a citizen of Kyrgyzstan, was shot to death in Omsk, a Kyrgyz city just across the border from Andijan. Saipov reported on Uzbekistan's political and social issues for a

variety of media, including Radio Free Europe/Radio Liberty, Voice of America, and the Central Asia news website *Ferghana.ru*, and was presumably killed because of his highly critical reports on the Uzbek government. The Kyrgyz authorities conducted a perfunctory investigation and found nothing conclusive, even though it is widely suspected that Uzbek security services resident in Omsk are responsible for the killing.

There are no laws guaranteeing editorial independence in Uzbekistan. Management of state-run media are directly accountable to political leaders, and powerful business interests can also easily interfere with media content, especially when they have connections to the presidential family. Media outlets are held responsible for the content they publish, particularly articles that could be construed as critical of the government or state and public officials. Libel is still a criminal offense, but very few journalists have been prosecuted for libel recently, as almost all independent journalists have either fled or been forced out of the country, remaining journalists practice self-censorship, and it is rare to see openly critical articles about the president or other high-ranking public officials.

Despite the law on access to information, public information is difficult to obtain. Officials are generally uncooperative, especially the police, special security services, the prosecutor's office, regional administrations, and election officials. They deliberately avoid contact with journalists and limit the release of information to infrequent and concise press releases. An official can easily deflect journalists' requests for information by citing official secrets legislation. As a result, the media tend to use and rely on unofficial channels for obtaining information.

Although availability to the Internet is relatively widespread, particularly in the bigger cities, access to numerous international news sites is deliberately restricted by Internet service providers (ISPs) and at Internet cafés at the instruction of the Uzbek government. Pivotal news developments in Uzbekistan reflected in outside media go unnoticed inside the country, as access is blocked. Reprints and rebroadcasts of international media are not encouraged, unless Uzbekistan and its policies receive praise.

Foreign journalists and locals working for foreign media must undergo an accreditation process, which has been used as a way to drive out unwanted journalists and prevent international media from easily obtaining information from inside the country that could possibly lead to the publication or broadcast of negative coverage of the government and its policies. In addition to receiving accreditation from the Foreign Ministry, Uzbek journalists working for foreign media must also register with the tax authorities and provide details



about their personal finances. It is a punishable offense for any journalist working for foreign media to work without appropriate accreditation.

In March 2007, Deutsche Welle correspondent Natalia Bushaeva was the first journalist to be criminally charged under a 2006 decree for operating without a license and was forced to flee the country to avoid arrest. Three other freelance journalists working for the German public broadcaster—Yuri Chernogayev, Sajera Ruzikulova, and Obid Shabanov—were able to avoid similar charges after several months of investigation. The prosecutor's office announced on June 4, 2007, that they were covered by an amnesty issued for the 14th anniversary of the Uzbek constitution and that no criminal charges were filed against them.

Journalists applying for positions at state-run media undergo intense scrutiny from the presidential administration or other state body and must have spotless records to be hired.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Uzbekistan Objective Score: 0.77

The practice of professional journalism remains extremely low, as the majority of skilled and independent journalists have left the country and those who have replaced them generally have no real journalism training. The MSI score of 0.77 reflects this poor state of journalism, pointing to an unsustainable and anti-free press environment. Journalists in Uzbekistan have fewer opportunities to receive quality training or improve basic skills and are unable to use internationally accepted standards in their day-to-day reporting. Journalists regularly censor themselves in order to prevent problems with their editors or the government and choose to cover officially acceptable topics rather than events or issues of interest or importance to the public.

The bulk of reporting for Uzbek media seems to be inadequate when judged according to stringent tests, and internationally accepted standards are not the norm. Reporters Without Borders monitored several print and broadcast media in Uzbekistan from November 26 through December 22, the month prior to the presidential election, and found that the domestic news in the local media overwhelmingly reflected only positive or neutral events and issues. International coverage in the same local media focused on negative events taking place outside the country. Stories are not well-sourced, and few contain the facts needed to support or back up claims made by journalists.

Key ethical considerations are outlined in laws, included in internal documents of some major media, and posted on the

*Although the salaries in the media field are not high, media outlets still tend to have salary arrears, which result in significant staff turnover. One of the reasons most often cited for leaving a journalism/media position was low pay, although both state and non-state media pay equally poorly.*

websites of media and journalists' associations, but there has been no unified attempt to promote a standard code of ethics in order to gain national recognition, acceptance, and adherence to a set of media ethics and standards. Journalists regularly violate or are forced to violate certain standards, most often related to objectivity, unbiased coverage, double-checking sources, and being fair to objects of criticism.

Self-censorship is rampant, as the revised Mass Media Law from January 2007 outlaws censorship, thus making owners, editors, and journalists from both state-supported and private media responsible for the content of what is printed and broadcast in the media. Most, if not all, journalists admit to self-censorship or being subjected to self-censorship policies at their media outlets. The practice is much more widespread at the editorial level, where individual editors assume much greater personal responsibility.

A journalist interviewed for a story on the website *UzNews.net* complained that "in Soviet times, when there was censorship, the circulation of our newspaper exceeded

## JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

### PROFESSIONAL JOURNALISM INDICATORS:

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

*Journalists regularly censor themselves in order to prevent problems with their editors or the government and choose to cover officially acceptable topics rather than events or issues of interest or importance to the public.*

30,000 copies, but now censorship has been abolished but its circulation has fallen by 15 times. Why? Because half of the space is filled up with the official UzA news agency's reports now, which no one reads." Using officially sanctioned news items from state-run news agencies rather than producing original content is another form of self-censorship and allows media to avoid possible punishment.

In addition, Uzbekistan's principal intelligence agency, the National Security Service, monitors the Uzbek sector of the Internet and thereby compels ISPs, including cybercafés, to self-censor by choosing to restrict access to many foreign news sites or websites and blogs published by the Uzbek diaspora.

Glaring omissions of key events and issues are visible in the Uzbekistani media as compared with neighboring countries' media scene. Internal events, such as the December 2007/January 2008 protests in various regions over shortages of gas and electricity, frequently do not receive any media coverage at all on a national level, and major economic issues or important developments across the border often go unmentioned. Journalists at the local and regional levels tend to cover routine stories "about farmers' plowing their plots of land or cleaning up their irrigation ditches, or repairing their pumps," stated a journalist to *UzNews.net*.

Average salaries for journalists are approximately \$100 to \$150 per month, which is relatively low, as many say one needs approximately \$500 a month to live a decent life. Most journalists tend to be young and single or pensioners, and many make ends meet by producing "promotional" pieces or working a second job. Others may generate favors by providing favorable coverage of local officials seeking to improve their image on a national level. At some media outlets, journalists who bring in advertisements receive a percentage of the revenue.

Although the salaries in the media field are not high, media outlets still tend to have salary arrears, which result in significant staff turnover. One of the reasons most often cited for leaving a journalism/media position was low pay, although both state and non-state media pay equally poorly.

Entertainment programming clearly dominates over news and information programming within the Uzbekistan media sector. According to local editors and journalists, it is much safer to write celebrity gossip, reprint/rebroadcast foreign human- and general-interest stories from the Internet on nonpolitical issues, or broadcast acceptable Russian or other foreign entertainment programs.

Uzbekistan State Television and Radio, particularly its *Yoshlar* channel and some of the other local and regional channels, have adequate equipment and are capable of preparing quality programming with good visual attractiveness, well-trained hosts, and good sound. However, newspapers and other print media are technically ill-equipped. Some publications don't have new computers or proper Internet connections, and their staffs are not trained in modern news-gathering techniques. Many journalists still lack basic computer skills and are unaware of the resources available via the Internet.

Uzbekistan media do not have a tradition of specialized reporting, and there has been a lack of training and skill development in the areas of investigative reporting and analysis. While the quantity and quality of niche reporting is substantially limited, there are a few media outlets trying to focus on business and economic issues, such as the newspapers *Biznes Vestnik Vostoka*, *BVV Business Report*, and *Uzbekistan Business Partner (Delavoy Partner)*, as well as the electronic *UzReport Business Information Portal*.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Uzbekistan Objective Score: 0.27

Despite having over 900 registered media outlets, Uzbekistan's population does not enjoy a plurality of media sources from which to gather information. Even in Tashkent, where there are more channels to view, stations to listen to, and print publications to read, people are unable to escape the government line in any source of news and information. More media are available, but the content in each has become more similar. The score for 2008 reflects this reality.

There are no remaining private print or broadcast media in the country that could be considered independent, as they were all forcibly closed after May 2005. There was a subsequent and significant increase in the number of internally and externally produced Internet websites and blogs focusing on political, economic, and social topics, a trend that continued in 2007. The number of Uzbek journalists abroad establishing critical websites, however, was almost evenly matched by the pro-government online venues popping up.

Citizens use these Internet-based resources for objective news coverage of both domestic and international events, though many websites and blog platforms are routinely blocked by the government and access is not always possible.

Following the forced closure of foreign media offices in Uzbekistan in 2006, Voice of America (VOA) cut its Uzbek programming to four hours per week in 2007. VOA made this decision partly because its broadcasts were reaching only 0.1 percent of the population. Radio Free Europe/Radio Liberty broadcasts in Uzbek can be heard via short-wave radio. Some Russian print and broadcast media are accessible. However, most international broadcast media are either completely blocked or censored (i.e., video recordings are shown after authorities have reviewed and removed any inappropriate information contained in the original broadcasts), and foreign print media are often simply cost-prohibitive. In late December 2007, the Uzbek government announced the purchase of equipment designed to scramble foreign broadcasts in Ferghana valley, namely Kyrgyz media.

The government regularly blocks the Internet, and access to news websites is artificially restricted. This was especially true during the lead-up to the presidential elections in December 2007. *Lenta.ru* had its two key stories on the election blocked, and according to *Ferghana.ru* and *UzNews.net*, foreign websites reported that articles and information on Saipov's murder were blocked as well.

Savvy Internet users in Uzbekistan have been able to use "anonymizers" to access government-blocked websites. Although the Uzbek government and Internet providers quickly caught on to this trick and began blocking the proxy sites, thousands of anonymisers and proxy servers are available for free on the Internet, with new ones appearing and old ones dying on a regular basis, making it nearly impossible to block access to the Internet news and information websites completely.

State-run media are seen as an efficient arm of the state propaganda machine, as they are heavily censored and reflect the government view only. Uzbek leaders receive a disproportionately large amount of coverage, as there is no legal opposition inside the country. Illegal émigré opposition sometimes receives negative coverage by the state media for denigrating the president or the government. State media also lean strongly toward educational and cultural programming, which is sterile of independent political news and analysis. There are no true public-service broadcasters in Uzbekistan that serve the public interest.

The Limited Election Observation Mission (LEOM) of the Organization for Security and Co-operation in Europe's

*Most media are hesitant to cover controversial social issues, such as HIV/AIDS, drug addiction, or trafficking; the government actively discourages discussion on these problems to avoid acknowledging that they exist in Uzbekistan. Sports, culture, and tradition tend to be safe topics.*

Office for Democratic Institutions and Human Rights reported that "the coverage of the [December 2007 presidential election] campaign in the media was very limited, without debates among candidates, direct speeches, or the presentation of alternative views, which could help the electorate to make an informed choice. Despite fairly equal allocation of free airtime to the candidates, the LEOM media monitoring established that state television allotted over 80 percent of their relevant news coverage to President Islam Karimov."

Independent news agencies do not exist within Uzbekistan. However, there are three main news agencies through which the government effectively controls most news gathering and dissemination: Uzbekistan National News Agency (state-run), Jahon (run by the Ministry of Foreign Affairs), and the Russian-language news agency Turkiston-Press. All of the news agencies tend to carry the same or very similar articles with only slight variations.

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

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

*The government regularly blocks the Internet, and access to news websites is artificially restricted. This was especially true during the lead-up to the presidential elections in December 2007.*

Approximately 60–70 percent of broadcast media do not produce their own news programs, relying instead on broadcasts from other stations. Most, if not all, local and regional television stations in Uzbekistan are members of the National Association of Electronic Mass Media, which requires its local stations to air pre-packaged programming. This requirement has been in effect for the past few years, effectively reducing the amount of locally produced content. The stations that do produce and broadcast their own programming are not editorially independent, and their programs clearly reflect the government line.

There were just two online news outlets operating more or less independently in 2007, *UzMetronom.com* and *NewsUz.com*. The editors of the Uzbek-language website *NewsUz.com* received threats immediately after they launched the site in 2007, and the website was blocked in early January 2008. The Russian-language website *UzMetronom.com*, which calls itself an “independent Internet-newspaper” on its website, is seen as a media outlet whose operations are tolerated by the government in exchange for allegedly returning favors (e.g., “leaking” misinformation from officials and writing pieces attacking émigré opposition).

Ownership of private media is not completely transparent, and it is not uncommon for government and party officials to establish companies to hide the true ownership of a media outlet. State media, on the other hand, tend to be more transparent, and the general population assumes that the majority of news presented by the state-run media should not be taken even at face value. A journalist interviewed by Reporters Without Borders indicated that “people are well aware that the authorities manipulate them...the government has been using rumor and spin for such a long time that nowadays, when someone is criticized in the official media, we start to think well of them.”

The Russian media conglomerate CTC Media recently announced a deal with the Uzbek media company Terra Group—reportedly controlled by President Karimov’s eldest daughter, Gulnara Karimova—to establish a new broadcasting company divided into 51 percent Russian and 49 percent Uzbek stakes. CTC Media offers a standard entertainment format, and it is assumed that the new

station in Uzbekistan will also air Russian soap operas and other light programming. Little has been said about the revised media law’s ban on foreign companies owning media outlets.

Most media are hesitant to cover controversial social issues, such as HIV/AIDS, drug addiction, or trafficking; the government actively discourages discussion on these problems to avoid acknowledging that they exist in Uzbekistan. Sports, culture, and tradition tend to be safe topics. In July 2007, the Uzbek Press and Information Agency closed the popular weekly *Odamlar Orasida*, which began publication in February 2007 and quickly increased its print run to 24,000 copies per week, due to alleged violations of the media law. The weekly newspaper covered religious issues and other generally discouraged topics, such as prostitution and homosexuality. Another popular publication, the Uzbek-language newspaper *Mustakil Gazeta*, was also closed in 2007 because of “financial difficulties,” despite the fact that the paper had the backing of prominent businessmen and officials.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

#### Uzbekistan Objective Score: 0.42

It is difficult, if not impossible, to run a media outlet as an efficient business in the weak Uzbekistan economy and with the restrictions on content that can attract an audience. The lack of regular and reliable market research makes it impossible to set proper advertising rates, and the advertising market remains underdeveloped. Revenue sources are limited, and most media outlets struggle to cover operational costs. The score for this indicator, as with the others, is well below 1 and represents extremely weak business-management skills in Uzbekistan.

Most media owners and managers have inadequate management skills, and, as a result, media outlets generally are not operated as efficient businesses. Media outlets are not viewed as possible profit-making enterprises, and media owners’ primary objectives lie in other areas.

State-run media are financed directly by the president’s administration or ministerial budgets. Regional/local state media and non-state media outlets have a more difficult time covering their costs and attempt to secure funding or receive revenue from a variety of sources, including advertising (mainly announcements, notices, or calls for tenders from various state agencies), subscriptions, and limited government subsidies or grants. The amounts received from any one source are small and often not enough in total to cover all operational costs.

Although several advertising agencies operate in Uzbekistan, the advertising market is not well-defined and is still relatively weak, reflecting the overall status of the economy. According to the Asia Pulse Data Source, a group of key players with the assistance of the Tashkent Advertising Association created the Media Sovet LLC, which intends to build relations between the advertising agencies and their clients.

According to the Law on Advertising (adopted in 1998), television and radio advertising cannot exceed 10 percent per every hour of broadcasting, while print advertising cannot exceed 40 percent of the volume of one periodical edition. A 30-second video advertisement on television in Uzbekistan currently costs between \$100 and \$500, while the price range in national newspapers is about 20 percent less.

As of January 2008, amended legislation requires private advertising agencies to carry a certain proportion of low-cost (rates have yet to be established) public-service announcements or social advertisements related to healthcare, the environment, public safety, and other noble causes. Commercial and other non-state firms will fall under this law, but companies, institutions, and media funded by the government will not be affected because they are already required to set aside 5 percent of their advertising time/space for free public information or social causes. There is some concern that politicians will exploit the new legislation for self-promotion purposes.

Government subsidies to media are limited and are often funneled to state and non-state media through the National Association of Electronic Mass Media and the Public Fund for Support and Development of Independent

#### 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.

*Most media owners and managers have inadequate management skills, and, as a result, media outlets generally are not operated as efficient businesses. Media outlets are not viewed as possible profit-making enterprises, and media owners' primary objectives lie in other areas.*

Print Media and News Agencies in the form of grants or other awards. Local administrations may not have money in their budgets to fund their local media outlets, but they still demand the media broadcast/publish to present their interests to the public.

In at least two regions of Uzbekistan, Karakalpakstan and Andijan, the regional, district, and town administrations have conducted involuntary subscription campaigns to increase the circulation of government-run newspapers and to raise revenue for the publications. The local authorities generally place responsibility for increasing the number of subscriptions to these publications on the enterprises and establishments in the region, which are forced to purchase yearly subscriptions. A local businessman was quoted in a November 2007 article on *UzNews.net* as saying, "I do not have funds to pay wages to my workers, but they demand that we spend millions on subscriptions. But what can we do? We have to fulfill these orders if we want to preserve our jobs; otherwise, we have to resign. If we complain about it, they will send a commission to inspect all our activities."

Media market research is still in the initial development stages and is not yet used to make management decisions at media outlets in Uzbekistan. Broadcast ratings and circulation figures are not readily available, nor are they reliable. However, in May 2007, the Tashkent Advertising Association announced an open tender for the first significant media research in Uzbekistan since 1998. SIAR, a joint Uzbek-Turkish agency that conducts social and market research, was selected to conduct the research, which will focus first on television audiences and subsequently evaluate the audiences of radio, press, and outdoor advertisements. According to the terms of the contract, the first 180 people-meters were to be installed and launched in Tashkent by the end of 2007. Three more cities are scheduled to join the system in 2008, with expansion to all regions of the country by 2011.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Uzbekistan Objective Score: 0.54

In addition to controlling the media, the government of Uzbekistan also directly influences the institutions that would normally support an independent media. Printing facilities and distribution systems are state-run, and professional associations are de-facto government organizations. Although there is a relatively strong nongovernmental organization (NGO) community outside of Uzbekistan pushing for necessary changes, most in-country supporters of an independent media remain silent out of necessity to protect themselves and their families. The MSI score of 0.54 reflects this situation.

The National Association of Electronic Mass Media and the Public Fund for Support and Development of Print Media and News Agencies claim to offer a range of services to their members, including grants, training, and other activities, but the quality and effectiveness of these services is unclear. Both organizations are government-sponsored, and neither advocates on behalf of private media outlets or speaks out on the rights of independent media.

The professional journalism associations currently operating in Uzbekistan are also government-sponsored and do not work to protect the rights of journalists in the face of strong government interference, nor do they advocate to improve key issues such as low pay, persecution, and other risks of practicing the profession in Uzbekistan. In October 2007, émigré journalists initiated a new association of independent journalists called the Real Union of Journalists of Uzbekistan and selected Galima Bukharbaeva,

#### 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.

editor-in-chief of *UzNews.net*, as the chairwoman. The association is open to all independent journalists and intends to keep the membership list confidential in order to protect those still residing in Uzbekistan.

Indigenous NGOs supporting free speech and independent media were uniformly pushed out of the country in 2005 along with the international organizations that supported them. These organizations encouraged the development of an independent and professional media sector with internationally accepted standards. Many of the organizations continue their work from outside the country, but other than continuing to call attention to the lack of human rights and the absence of free speech within Uzbekistan, their efforts have not had a significant impact on current conditions. Human-rights activists remaining in Uzbekistan are harassed continuously by the government either directly or indirectly, and current or former NGO representatives have been regularly threatened, beaten, falsely arrested and imprisoned, and forced to denounce colleagues and friends in order to avoid or commute lengthy prison sentences.

There are now several government-organized NGOs that purport to provide the same support previously offered by NGOs and claim to pursue the goals of free speech, independent media, and professional journalists who abide by international standards, but in reality they are fake institutions that cannot really drift away from official Tashkent policy.

Existing journalism programs offered at the National University of Uzbekistan and the Uzbek State World Languages University are outdated and follow Soviet-era practices by providing theoretical courses rather than practical journalism training. Graduates are not equipped with modern skills and techniques.

Random and scattered attempts to train Uzbek journalists are still made by local and international NGOs and media, but opportunities for journalists to fully implement any acquired knowledge or new skills are practically absent, unless they try to operate in a clandestine mode. The Open Society Institute, the US Department of State (e.g., the Fulbright Program and the Muskie Program), and other organizations offer limited opportunities for the study of journalism outside Uzbekistan, but students and media professionals must apply for these competitive programs and go through a fairly rigorous selection process.

One of the four stated priority objectives of the Public Fund for Support and Development of Independent Print Media and News Agencies of Uzbekistan is to finance "training and retraining of journalists and technical personnel of independent print media and news agencies." However,

---

---

the training offered is limited in scope and does not allow practicing journalists to upgrade existing skills or acquire new skills.

The government has a monopoly on printing facilities and publishing houses, and at least one publication, the Russian-language publication *Trud*, was eventually forced out of business because the printing press used to print the paper was “under repair” for a year and a half.

The transmission and distribution systems for all broadcast media are state-controlled, while print media are distributed through private or joint stock companies (Matbuot Tarqatuvchi, Matbuot Uyushmasi, and *Mezon* newspaper) via subscription or kiosks. Local ISPs are connected to the state-owned Internet operator Uzbektelecom, which gives the government more control over locally based websites.

*Due to the repressive environment in Uzbekistan, IREX did not conduct a panel for Uzbekistan. This chapter represents research conducted on the situation and discussions with various professionals knowledgeable about the situation in Uzbekistan. The names of those contacted will not be published to protect their personal security. This chapter therefore provides a summary of the state of media in Uzbekistan.*







MEDIA SUSTAINABILITY INDEX 2008  
COPYRIGHT © 2008 BY IREX  
WWW.IREX.ORG/MSI

IREX  
2121 K STREET NW  
SUITE 700  
WASHINGTON, DC 20037

E: MSI@IREX.ORG  
P: 202-628-8188  
F: 202-628-8189  
WWW.IREX.ORG

