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armenia

MEDIA SUSTAINABILITY INDEX 2014

DEVELOPMENT
OF SUSTAINABLE
INDEPENDENT MEDIA IN
EUROPE AND EURASIA

MEDIA SUSTAINABILITY INDEX

2014

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



MEDIA SUSTAINABILITY INDEX 2014

The Development of Sustainable Independent Media in Europe and Eurasia

www.irex.org/msi

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

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

Founded in 1968, IREX has an annual portfolio of over \$70 million and a staff of over 400 professionals worldwide. IREX employs field-tested methods and innovative uses of technologies to develop practical and locally-driven solutions with our partners in more than 100 countries.

Implementing Partners

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

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

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

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

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

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

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

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



EUROPE
& EURASIA

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While Azerbaijan's slide of 0.66 was the most dramatic shift of scores in this year's MSI, the next two largest changes were both positive: increases of 0.48 and 0.33 for Georgia and Kyrgyzstan, respectively.



I am pleased to introduce the latest annual Media Sustainability Index (MSI) study for Europe and Eurasia. The MSI, now in its 13th year, is one of the world's most in-depth recurring studies of media health in the world. IREX developed the MSI to provide a complete picture of the development of sustainable, independent media. Looking beyond issues of free speech, the MSI aims to understand the degree to which the journalist corps is emerging as objective professionals, whether media firms can sustain robust news operations, and whether civil society supports the fourth estate.

Over the past year, as the 2015 deadline for the switch to digital broadcasting throughout Eastern Europe gets closer, independent media question their future as governments have been slow to adopt necessary measures and obtaining licenses for the new spectrum is used in some cases as a pressure point. On the other hand, positive developments are emerging in countries such as Georgia, Kyrgyzstan, and Albania that give hope that recent downward trends may be reversing there. Our analysis is presented in the Executive Summary that follows.

How does the MSI make a difference in the lives of citizens in each country? The MSI measures a number of contributing factors of a well-functioning media system and considers both traditional media types and new media platforms. This level of investigation allows policymakers and implementers to analyze the diverse aspects of media systems and determine the areas in which media development assistance can improve citizens' access to news and information. Armed with this essential knowledge, citizens can help improve the quality of governance through participatory and democratic mechanisms, and help government and civil society actors devise solutions to pervasive issues such as poverty, healthcare, conflict, and education.

The MSI also provides important—and useable—information for the media and media advocates in each country and region. By reflecting the expert opinions of media professionals in each country, its results inform the media community, civil society, and governments of the strengths and weaknesses of the sector.

IREX would like to thank all those who contributed to the publication of the 2014 MSI. Participants, moderators, and authors for each country, listed after each chapter, provided the primary analysis for this project. Leon Morse led the project at IREX, with support from Neetha Tangirala and Sidhartha Nilakanta. The United States Agency for International Development (USAID) has been a consistent supporter of the MSI, helping to develop the project from its inception and ensure its ongoing implementation.

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

Sincerely,



W. Robert Pearson

President, IREX

Over time, the number of country studies where panelists requested anonymity as a group has increased. In the 2014 study, the situations in Belarus, Macedonia, Russia, Turkmenistan, and Uzbekistan—one quarter of the studies—all required the use of anonymous panels or even reliance on only expatriate journalists and desk research to complete the studies.



The 2014 MSI study for Europe & Eurasia is marked by an overall constancy of scores, for better or worse. Taken as a whole, the average of 21 overall scores shows an increase of 0.01 compared with last year. Out of the 21 countries studied, 13 showed a change in score of less than 0.10. Of the remaining eight showing significant change, five were headed in a negative direction while three showed improvement.

The lack of change was in some cases a sign of resilience and part of a positive overall trend: for example, in Albania, Kosovo, and Moldova panelists noted that recent achievements are not eroding and the media as a whole are finding space to operate independently and are resistant to political control. However, in some cases, such as Ukraine and Serbia, the unchanged scores reflect a sense of frustration on the part of panelists—and a resolve to play a stronger role in bringing about change.

Below is a brief summary of notable findings:

- The transition to digital broadcasting is not on track in most of the countries studied. Panelists reported frustrations with broadcast regulators lacking a sense of urgency and knowledge. In some cases, panelists said they fear that independent broadcasters who now hold valid licenses will be shut out of the new spectrum because of confusing, cost-prohibitive, and/or politicized relicensing.
- Azerbaijan suffered the worst loss in score, with an overall decrease of 0.66 (to 1.17 from 1.83). Years of mounting pressure on the media coupled with events such as protests and elections resulted in a severe closing of the space allowed to independent-minded journalists.
- Despite scores that have historically been the worst among the Europe & Eurasia countries studied, Turkmenistan's score fell even lower this year to 0.26. Media's only saving grace there is that the government provides decent equipment to its media outlets; all 39 other indicators scored poorly.
- Georgia, Armenia, and Kyrgyzstan all showed strong improvements in score; Georgia received the highest score of the 21 countries studied by the 2014 Europe & Eurasia MSI thanks to a jump in score of 0.48 to 2.63.

Scoring charts providing all scores for 2014 can be found at the end of this section. Further, the entire history of MSI scores for all regions is available on IREX's website in Microsoft® Excel spreadsheets. See: www.irex.org/msi.

Panelists also pointed out that protection of sources in Armenia is respected, although perhaps more by neglect than by law or intent.

Troubling Changes

The media situation in Ukraine had been deteriorating almost annually since its high of 2.37 in the 2006/2007 study. In a tumultuous year, the score remained about the same: just 0.08 less than 2013 but still on a negative arc. Toward the end of 2013, the authorities proposed a series of laws, called by some “dictatorship laws,” which criminalized libel and allowed for the state to block websites for publishing content they deemed illegal—without any involvement from the courts. The laws were canceled in January 2014, but not before they, combined with targeted attacks on the media, drove many journalists to take part in the EuroMaydan protests that eventually led to Yanukovich’s ouster. Whether or not the media can rebound—and whether they will be given space to do so by the government and oligarch-owners—will no doubt be the subject of much discussion over the coming year.

Once, online media in Russia seemed to enjoy significant freedom compared with the broadcast sector, which is largely under the control of the government and its allies. These freedoms suffered throughout 2013. The government added provisions to the law that prevent media, including bloggers, from collecting private information after reports on the lavish lifestyles of some officials. The government also gained the ability to block websites without the need of a court order when they decide it is being used to encourage attendance at unsanctioned rallies and demonstrations. Russia’s score remained static this year, but these developments may be setting the stage for further deterioration in the media situation in the near future.

Azerbaijan was the most prominent of the backsliders. It faltered in every objective, sinking to an overall score of 1.17—falling from 1.83 last year and ending dangerously close to the MSI’s lowest category: “unsustainable, anti-free press.” Once, the government tolerated opposition media and these did exist, even if they were poorly funded and not professional; now such media are becoming scarce. The few independent media are facing severe restrictions.

In Southeast Europe, several troubling developments were reported by panelists. Bulgaria suffered badly, falling by two-tenths of a point overall and, shockingly, into the “unsustainable, mixed system” range for the first time in the

history of the MSI study there. Its 2014 score of 1.89 is more than a full point lower than its high of 2.98 in the 2006/2007 study. There, concentration in media ownership has resulted in media that are compliant with the government, regardless of the ideology of the party in power, in exchange for preferential treatment. Coverage of protests against the government was falsely balanced, panelists there claim, by coverage of staged pro-government rallies, thereby creating a false sense of division on the issues at the heart of the protests.

Macedonia continued its negative trajectory that it has suffered since 2005, when it scored 2.58. Like Bulgaria, it has lost more than a point, with a score of 1.40 this year. Continued political deadlock and poor economic performance have combined to increase pressure on critical media and result in the closure of some respected outlets.

Although not falling into the “unsustainable, mixed system range,” Montenegro lost 0.17 points and ended up perilously close with a score of 2.06. Panelists there reported that media are becoming more political and less professional as they choose sides in an increasingly divided political landscape. Violent attacks on media outlets were experienced, and panelists said that critical journalists no longer feel safe.

Despite bizarre events that unfolded in Uzbekistan, with the government seizing media assets belonging to the president’s once-favored daughter and her allies, the score there changed little. At 0.74 overall, it remains solidly in the “unsustainable, anti-free press” category. Although the seizures resulted in a seeming loss of plurality, panelists were hard pressed to notice a real difference in overall news coverage since these stations had been broadcasting news taken only from official sources.

Turkmenistan, however, did lose even more ground. Panelists reported that coverage of key issues fared even worse than in the past. The government still allows no dissenting voices within the country, and international coverage is squelched systematically. Panelists also decried the stepping up of the government’s initiatives to track its citizens’ Internet activities.

Positive Developments: Toward Sustainability?

While Azerbaijan’s slide of 0.66 was the most dramatic shift of scores in this year’s MSI, the next two largest changes were both positive: increases of 0.48 and 0.33 for Georgia and Kyrgyzstan, respectively. Other countries had positive developments and optimistic comments from the panelists. Whether these developments can serve as springboards to even higher scores—scores that may eventually fall solidly in the “sustainable” range—remains to be seen; many

countries peaked in the middle of the last decade only to suffer setbacks that put some into the “unsustainable, mixed system” category for several years.

Boosted by improvements in all objectives, but especially in freedom of the press and business management, Georgia’s scores lifted it over a significant threshold on the MSI scale, landing solidly in the “near-sustainability” category. The scores reflect a number of positive developments. These include major legislative initiatives that have helped transform Georgia’s state-owned media into a public service. Attempts to discredit a journalist through leaking compromising video—that journalists said was fabricated—resulted in the firing of a high-ranking official, giving hope that impunity for such actions is waning. Panelists also had positive things to say about the development of the advertising market and laws that improved transparency of ownership and standards of bookkeeping.

However, Georgia once scored almost as well as this year: in the 2006/2007 study Georgia achieved a score of 2.40 overall, with 2.73 in Objective 1, Freedom of Speech (compared with an overall 2.63 and 2.92 for freedom of speech in 2014). It is fair to say that the Georgian media (and politicians) learned from the events that led to regression beginning in 2008. The laws on ownership and the initiative to turn the public broadcaster into a more public-service-oriented entity are promising and should help resist future backsliding. The increasing sophistication of the business models employed by the most important broadcasters is another aspect of a stronger media there. The strength of the judiciary to remain independent and committed to safeguarding a free press still remains a question. The size of the media sector is another potential weakness: there are simply too many media given the turnover in the advertising sector to wean the media at-large from accepting political money.

Kyrgyzstan picked up almost a third of a point, climbing out of the “unsustainable, mixed system” category to 2.11, just over the boundary into “near sustainability.” Of particular note there, attempts by the legislature to pass restrictive legislation, some modeled on recent Russian laws meant to stymie critical voices, were thwarted by media and civil society lobbying. Further, there are now fewer cases of attacks against journalists and this has opened some breathing space for those who engage in critical reporting. In one case when an attack occurred, the case was taken to court and settled; although panelists saw that as anticlimactic, at least there was not total impunity as there may have been in the past.

Yet Kyrgyzstan, even more than Georgia, seems dependent upon the goodwill of the government of the day. For example, although libel was decriminalized in 2010, the

But if readers compare Croatia to its neighbors, reviewing the chapters one after the other, it becomes clear that the Croatian media are quite sophisticated and that panelists’ pessimism might be keeping the scores there a bit lower than they could be otherwise.

courts still allow plaintiffs and government prosecutors to make use of criminal penalties in such cases. The economy is also substantially weaker than in Georgia and the media have little in the way of secure, apolitical revenue streams.

Panelists in Albania pointed out lingering weaknesses within the media there, but also had many positive comments. Furthermore, while many of its neighbors suffered serious losses in score since the 2006/2007 study, it lost only two-tenths of a point between that year and 2008 and remained in the 2.20s (with the exception of 2010, at 2.11) since then. There is no doubt that panelists wish for improvement, but Albania’s media do seem to be maintaining some strength. Discussions pointed out that Albanians value freedom of the press, that attacks against media personnel are rare, and progress is being made toward the full decriminalization of libel (even if falling short for now). Plurality of media is strong, with coverage available to citizens from a number of sources across different platforms. Yet the media fall far short of financial self-sustainability, particularly in the print sector. Commented one panelist: “Without financial support, in the form of subsidies from a construction company, or other business, propping up the print media, all newspapers and magazines would be bankrupt.”

Election years can be a make or break event for a media sector, as advertising money may prop up revenues or political pressure can stifle coverage of those challenging the incumbents. Balance of coverage may also be an indicator of how mature and resilient the media have become. For Armenia in 2013, the elections proved that the media there have come a long way. Panelists noted that in previous elections the public broadcaster would give almost no airtime to opposition parties; however in the 2013 elections they noticed that the airwaves had opened and represented more balance. Panelists also pointed out that protection of sources in Armenia is respected, although perhaps more by neglect than by law or intent. Nonetheless, media remain financially weak and many require political money to sustain them.

Fearing repercussions from voicing concerns for the well-being of one's own country is in itself a reflection of how grim the situation of public debate and the ability to report freely have become in recent times in those countries.

The Moldova study has shown impressive successes there since the change in government that took place in 2010. Although this transition has seen its bumps, from a low of 1.48 in 2006/2007, Moldova has since 2012 scored solidly within the "near sustainability" range. Journalists feel safer in their daily activities, and more and more journalists respect ethical codes when reporting. Public broadcasting in Moldova has experienced a drastic turnaround and now is generally respected for its balance in news reporting. However, panelists still pointed out that political influence could threaten objectivity at public broadcasting due to weaknesses in the laws governing it. Further, media outlets are a mixed bag of those that are well managed and those that must seek money from political backers. Another weakness in this area is that media have, according to panelists, lost the will to cooperate to produce reliable audience measurements.

Finally, Croatia seems, from the tone of panelists there, to be caught in the doldrums and on the edge of a media crisis. Its scores have remained relatively stable in the past few years, although in 2005 it hit a high of 3.04. Its recent scores in the 2.40 to 2.60 range indeed reflect a combination of new difficulties and lack of further progress. But if readers compare Croatia to its neighbors, reviewing the chapters one after the other, it becomes clear that the Croatian media are quite sophisticated and that panelists' pessimism might be keeping the scores there a bit lower than they could be otherwise.

For example, in discussing the legal framework, one panelist noted "I cannot imagine a situation in which any type of 'emergency' or 'higher interests' would block the freedom of speech." Panelists reported that a majority of journalists respect ethics in their work; even the criticism of quality, that for example interviews lack depth or rely on the same cadre of experts, shows a level of development that is simply lacking in many other countries in this study. Notably missing from the critique is that journalists engage in willfully biased coverage, that they rarely rely on experts at all, or that they just recycle government press releases;

such criticism are common throughout other countries in the region. Audience research is also conducted and media and advertisers trust and use the results. This is a cornerstone of a well-functioning media sector that is missing in almost all the other countries studied by the MSI.

Croatia is the newest EU member, having joined in July 2013. Will it backslide like Romania and Bulgaria (both of which were once among the highest scorers in the MSI and now are suffering from severe setbacks thanks to political pressures) now that its membership is secure? Or will its institutions and experienced media practitioners ensure that any circumstances that might have an adverse effect are resisted?

Digital Broadcasting Transition and the 2015 Deadline

The switch from analog to digital broadcasting is mandated by treaty to be complete by the end of June 2015 throughout the Europe & Eurasia region. In a handful of the countries studied, the transition is complete or substantially so. In most countries, however, little progress has been made either because of angling over control of frequencies, government incompetence, or both. There have been few examples within the region of a cooperative approach between an independent regulator and strong trade groups to develop a satisfactory outcome to the transition. This represents a serious lost opportunity, as digital broadcasting is, in the long run, less expensive to maintain (although there are of course up-front costs) and provides an increase in the number of available channels in a country. Failure to make the switch will leave old frequencies unprotected and analog broadcasters unable to make use of foreign programming.

In countries where the switch has begun or been completed, panelists did not express happiness with the end result. Macedonia switched in June 2013, but according to the panelists the government did not approach it in a transparent way, leaving many broadcasters unable to plan adequately. Particularly for local broadcasters, the costs of the switch would have been prohibitive and many opted to become cable-only channels. Given that cable covers only urban areas, many of these stations lost audience and the ability to deliver a local perspective to local audiences. Ukrainian panelists expressed the belief that the transition will result in the public being less able to access private broadcasters as easily, and will favor broadcasters that create a "virtual reality" in their news coverage. According to one panelist there, many people are dissatisfied with choices available in the current package of 32 channels available via set-top boxes. In these cases, the transition has hurt plurality rather than helped it as would be expected.

Serbia's public broadcaster has acquired the required technical equipment, but broadcasts a very small amount of content in high definition on one cable channel. One panelist explained that the process is delayed by two years with only the first multiplex in place, which does not cover the entire country. Further, citizens have not received information on what they need to do to adapt to the switch.

In other countries, the process has not started because governments seem to have been unable to prioritize the switch for a variety of reasons and trade groups have not stepped up to push the matter ahead. Bosnia adopted a digitalization strategy in June 2009, licenses have been issued, and public broadcasters, at least, have acquired the internal infrastructure required to make the switch. The process is stuck, however, because several tenders for purchasing transmission infrastructure failed. Moldova's ambitious plan that layers three national multiplexes with up to 21 regional ones may not get off the ground because only one of these will be built with government funding and private broadcasters lack the cash to establish the others. Stations are rushing to position themselves for eligibility in the government funded multiplex, but criteria for how the 15 stations to be included are unclear, according to panelists.

Panelists in Kosovo said that the broadcast regulator there has only got as far as completing a draft strategy that was subject of criticism by private broadcasters. One panelist also noted that Kosovo had not applied for EU pre-accession funding for assisting the transition in select EU neighbors. Georgia has not adopted an implementation plan, worrying panelists with concerns that competition for placement and digital frequencies will not be undertaken fairly. According to Armenian panelists, neither the government nor media outlets nor citizens are financially and logistically prepared for the digitalization process.

Kyrgyzstan may be the least prepared of the countries where panelists discussed the digital transition. Broadcast regulators there have not yet determined the digital broadcast format or other parameters for the switch, leaving broadcasters totally in the dark and unable to plan equipment procurement. The committee established to oversee the allocation of the spectrum is made up entirely of government personnel, calling into question how competitive the process will end up being. Panelists fear the future television market could be parceled out between the state media and Kyrgyztelecom.

In other countries, the delays seem to be more directly related to a desire to keep the process closed and to protect the position of influential broadcasters close to the government. The European Commission referred Bulgaria to the EU's Court of Justice because it felt that the

procedures in place could lead to the "exclusion of potential candidates" through "restrictive award conditions." At present, two companies hold six out of the seven multiplexes and these two companies are part of a pro-government media conglomerate. Belarus has one television multiplex with eight channels, only one of which is private, offering only entertainment. Two more multiplexes will be added but panelists did not know how interested parties could be included in these.

Successful models from many countries around the world could be applied in these countries, but these are not being utilized properly. Overall, the resources and energy given to the digital transition by governments in many of the 21 countries studied by the MSI leads one to believe that true plurality in broadcast media is not a particular priority for officials. However, the lack of unity on the part of broadcasters and their willingness to follow the lead of governments certainly play a role in the chaos that is plaguing the switch.

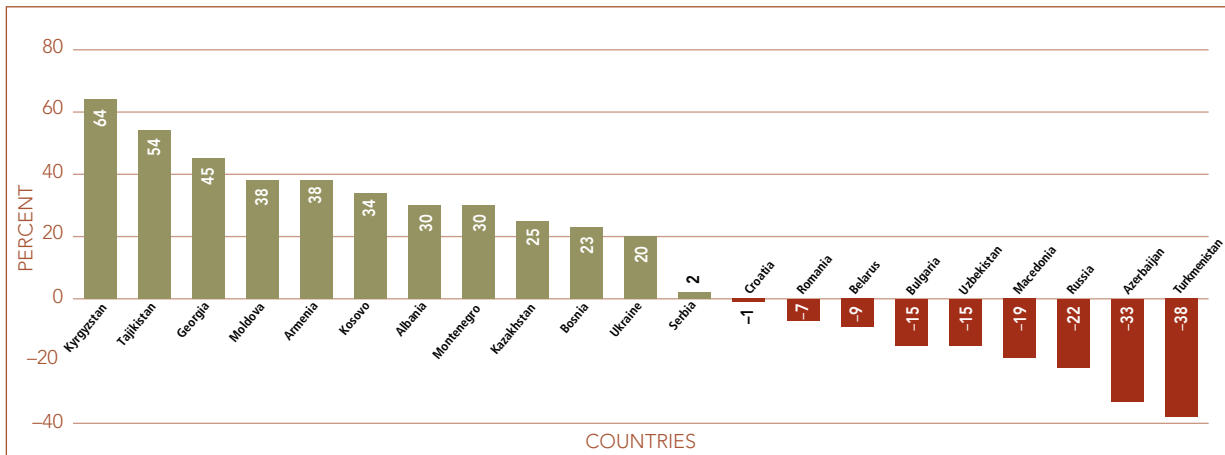
New Countries without Names

Finally, the MSI relies on the perspectives of panelists in each country and their willingness to offer frank assessments of their own media. However, panelists now feel less secure doing so in more countries than ever before in the history of the Europe & Eurasia MSI. This is indicative of the deteriorating situation in several countries, where laws punish those who criticize the state of affairs in their home country to outside sources or where those who do so are subjected to physical or defamatory attacks.

While IREX publishes the names of panelists in the spirit of transparency, it does not do so in cases where the safety or liberty of panelists would be threatened as a result. In the inaugural study in 2001, only panelists in Bosnia had their names withheld, and that at the request of USAID, the funder of this study. IREX records do not note the reason for this request, but one could presume that it related to tensions resulting from the divisions in the country. That only occurred for one year; since 2002 Bosnian panelists have been named.

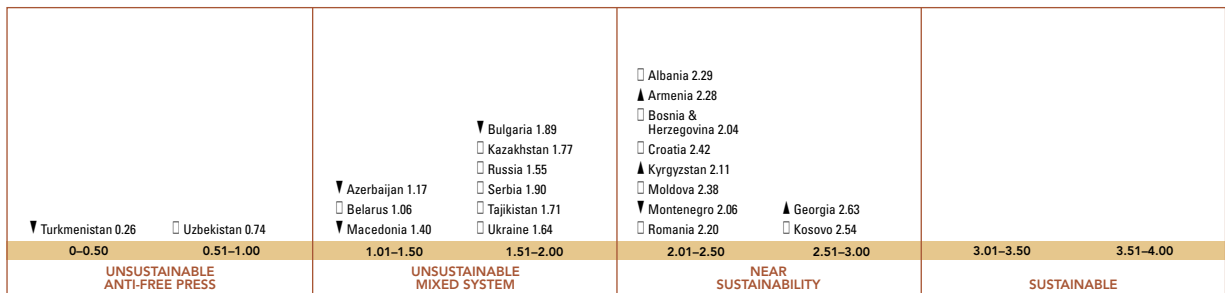
Over time, however, the number of country studies where panelists requested anonymity as a group has increased. In the 2014 study, the situations in Belarus, Macedonia, Russia, Turkmenistan, and Uzbekistan—one quarter of the studies—all required the use of anonymous panels or even reliance on only expatriate journalists and desk research to complete the studies. Fearing repercussions from voicing concerns for the well-being of one's own country is in itself a reflection of how grim the situation of public debate and the ability to report freely have become in recent times in those countries.

PERCENT CHANGE IN MSI 2001–2014: EUROPE AND EURASIA



* Data for Turkmenistan is since 2008

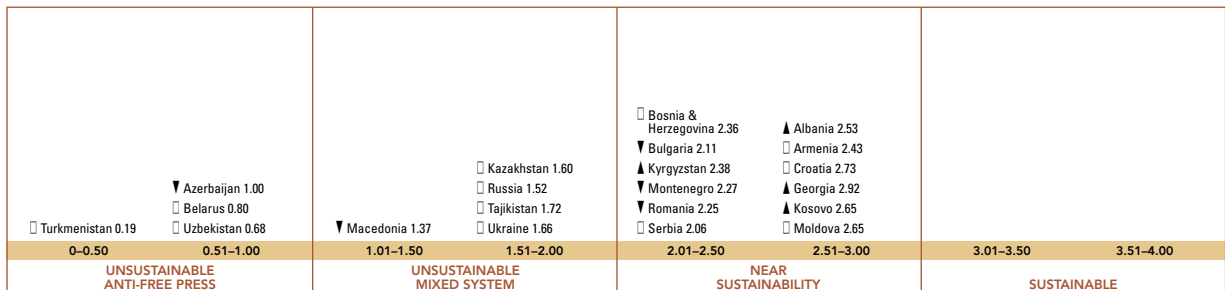
MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

MEDIA SUSTAINABILITY INDEX 2014: FREE SPEECH



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorers.xls

MEDIA SUSTAINABILITY INDEX 2014: PROFESSIONAL JOURNALISM

<p>▼ Turkmenistan 0.52 □ Uzbekistan 0.85</p>	<p>▼ Azerbaijan 1.34 ▼ Belarus 1.14 □ Macedonia 1.27 □ Russia 1.45 ▼ Ukraine 1.44</p>	<p>▲ Bosnia & Herzegovina 1.83 □ Bulgaria 1.75 □ Croatia 1.98 □ Kazakhstan 1.81 ▲ Kyrgyzstan 1.98 ▼ Montenegro 1.81 □ Romania 1.78 ▼ Serbia 1.55 ▼ Tajikistan 1.71</p>	<p>□ Albania 2.28 ▲ Armenia 2.21 ▲ Georgia 2.45 □ Kosovo 2.32 □ Moldova 2.34</p>	<p>0-0.50 0.51-1.00 1.01-1.50 1.51-2.00 2.01-2.50 2.51-3.00 3.01-3.50 3.51-4.00</p>
UNSUSTAINABLE ANTI-FREE PRESS	UNSUSTAINABLE MIXED SYSTEM	NEAR SUSTAINABILITY	SUSTAINABLE	

CHANGE SINCE 2013

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

MEDIA SUSTAINABILITY INDEX 2014: PLURALITY OF NEWS SOURCES

<p>▼ Turkmenistan 0.28 □ Uzbekistan 0.68</p>	<p>▼ Azerbaijan 1.25 □ Belarus 1.23 ▼ Ukraine 1.62</p>	<p>□ Kazakhstan 1.72 ▼ Macedonia 1.53 □ Russia 1.68 □ Tajikistan 1.98 ▼ Ukraine 1.62</p>	<p>□ Albania 2.50 ▲ Armenia 2.47 □ Bosnia & Herzegovina 2.26 ▼ Bulgaria 2.11 ▲ Kyrgyzstan 2.37 □ Croatia 2.57 ▲ Georgia 2.77 □ Montenegro 2.38 □ Romania 2.45 ▲ Kosovo 2.90 □ Serbia 2.03 □ Moldova 2.59</p>	<p>0-0.50 0.51-1.00 1.01-1.50 1.51-2.00 2.01-2.50 2.51-3.00 3.01-3.50 3.51-4.00</p>
UNSUSTAINABLE ANTI-FREE PRESS	UNSUSTAINABLE MIXED SYSTEM	NEAR SUSTAINABILITY	SUSTAINABLE	

CHANGE SINCE 2013

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

MEDIA SUSTAINABILITY INDEX 2014: BUSINESS MANAGEMENT

<p>▼ Turkmenistan 0.11 □ Uzbekistan 0.74</p>	<p>▼ Azerbaijan 0.92 □ Belarus 0.95 □ Uzbekistan 0.74</p>	<p>▼ Macedonia 1.06 ▼ Russia 1.28 ▲ Tajikistan 1.36 ▼ Ukraine 1.40</p>	<p>□ Albania 1.68 ▲ Armenia 1.94 □ Bosnia & Herzegovina 1.64 ▼ Bulgaria 1.53 ▼ Kazakhstan 1.51 ▲ Kyrgyzstan 1.67 □ Moldova 1.74 ▼ Montenegro 1.69 ▼ Serbia 1.61</p>	<p>□ Croatia 2.10 ▲ Georgia 2.29 □ Kosovo 2.27 ▲ Romania 2.03</p>	<p>0-0.50 0.51-1.00 1.01-1.50 1.51-2.00 2.01-2.50 2.51-3.00 3.01-3.50 3.51-4.00</p>
UNSUSTAINABLE ANTI-FREE PRESS	UNSUSTAINABLE MIXED SYSTEM	NEAR SUSTAINABILITY	SUSTAINABLE		

CHANGE SINCE 2013

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

MEDIA SUSTAINABILITY INDEX 2014: SUPPORTING INSTITUTIONS

<p>▼ Turkmenistan 0.19 □ Uzbekistan 0.74</p>	<p>▼ Azerbaijan 1.35 ▼ Belarus 1.20</p>	<p>▼ Bulgaria 1.97 ▼ Macedonia 1.76 □ Russia 1.81 □ Tajikistan 1.78</p>	<p>□ Albania 2.45 □ Armenia 2.37 ▼ Bosnia & Herzegovina 2.12 □ Kazakhstan 2.21 ▲ Kyrgyzstan 2.15 □ Montenegro 2.15 ▲ Romania 2.50 □ Serbia 2.26 ▲ Ukraine 2.11</p>	<p>□ Croatia 2.72 ▲ Georgia 2.70 □ Kosovo 2.58 □ Moldova 2.58</p>	<p>0-0.50 0.51-1.00 1.01-1.50 1.51-2.00 2.01-2.50 2.51-3.00 3.01-3.50 3.51-4.00</p>
UNSUSTAINABLE ANTI-FREE PRESS	UNSUSTAINABLE MIXED SYSTEM	NEAR SUSTAINABILITY	SUSTAINABLE		

CHANGE SINCE 2013

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

Election years can be a make or break event for a media sector, as advertising money may prop up revenues or political pressure can stifle coverage of those challenging the incumbents.



IREX prepared the MSI in cooperation with USAID as a tool to assess the development of media systems over time and across countries. IREX staff, USAID, and other media-development professionals contributed to the development of this assessment tool.

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

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

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

Scoring: A Local Perspective

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

The scoring is completed in two parts. First, panel participants are provided with a questionnaire and explanations of the indicators and scoring system. Descriptions of each indicator clarify their meanings and help organize the panelist’s thoughts. For example, the questionnaire asks the panelist to consider not only the letter of the legal framework, but its practical implementation, too. A country without a formal freedom-of-information law that enjoys customary government openness may well outperform a country that has a strong law on the books that is frequently ignored. Furthermore, the questionnaire does not single out any one type of media as more

important than another; rather it directs the panelist to consider the salient types of media and to determine if an underrepresentation, if applicable, of one media type impacts the sustainability of the media sector as a whole. In this way, we capture the influence of public, private, national, local, community, and new media. Each panelist reviews the questionnaire individually and scores each indicator.

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

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

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

I. Objectives and Indicators

Objective #1: Legal and social norms protect and promote free speech and access to public information.

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Objective #2: Journalism meets professional standards of quality

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

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

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

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

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

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

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

II. Scoring System

A. Indicator Scoring

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

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

B. Objective and Overall Scoring

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

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

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

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

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



**SOUTHEAST
EUROPE**

The PD has warned that a chain of protests will start against the government, not only because of what it claims was the politically motivated firing of its members in the administration, but also due to the economic and fiscal policies the government is applying.



ALBANIA

Parliamentary elections and the peaceful transfer of power in June were not enough to advance Albania's European Union (EU) integration ambitions. At the end of 2013, Albania was refused candidate status for EU membership for the fourth time. The main reason cited was Albania's lack of sufficient progress in the struggle against corruption and organized crime. Transparency International confirmed this diagnosis, ranking Albania even lower than the prior year in its global corruption scale.

Faced with defeat by a crushing share of the voters, the Democratic Party (PD) and its prime minister, Sali Berisha, acknowledged the outcome of the elections, peacefully handing power to the left-wing alliance headed by the Socialist Party and Prime Minister Edi Rama. However, this orderly transfer failed to soothe the country's political climate. It seems that the society has been unable to overcome the perennial political conflict, and political camps remain divided—as seen in a case regarding Syria's chemical weapons. While the Albanian government considered a US request to dismantle about 1,000 tons of Syrian chemical weapons on Albanian territory, the PD opposition joined the environmentalists' protests by exerting pressure and demanding that the government deny the American request, which it did eventually.

All signs indicate that the year ahead will be even more difficult, amid the deepening economic crisis. The PD has warned that a chain of protests will start against the government, not only because of what it claims was the politically motivated firing of its members in the administration, but also due to the economic and fiscal policies the government is applying.

In the fractured political environment, the most complicated issue remains the struggle against corruption and organized crime. The absence of an independent judiciary appears to be the greatest handicap in this respect. The political ties of the prosecutor and the judiciary in the past two decades hindered the war against government corruption, and the change in power did not break this pattern.

The media environment reflects the country's political and economic situation as well. Examples of ongoing challenges include informal labor terms for most journalists, the dependency of some commercial media outlets on political parties, self-censorship, government allocation of public advertising to media that favor their interests, and the politicization of regulatory bodies and public media.

ALBANIA at a glance

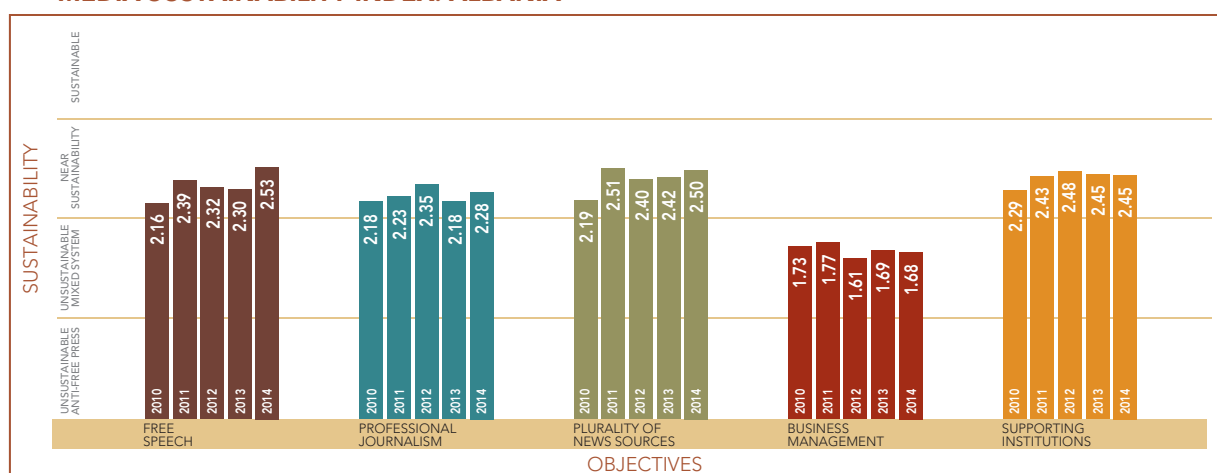
GENERAL

- > Population: 3,011,405 (July 2013 est. *CIA World Factbook*)
- > Capital city: Tirana
- > Ethnic groups (% of population): Albanian 82.6%, Greek 0.9%, Other 1%, unspecified 15.5% (2011 est. *CIA World Factbook*)
- > Religions (% of population): Muslim 56.7%, Roman Catholic 10%, Orthodox 6.8%, Atheist 2.5%, Bektashi (a Sufi order) 2.1%, Other 5.7% (2011 est. *CIA World Factbook*)
- > Languages (% of population): Albanian 98.8%, Greek 0.5%, Other 0.6%, Unspecified 0.1% (2011 est. *CIA World Factbook*)
- > GNI (2012-Atlas): \$12.27 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$9,280 (World Bank Development Indicators, 2013)
- > Literacy rate: 96.8% (male 98%, female 95.7%) (2011 est., *CIA World Factbook*)
- > President or top authority: President Bujar Nishani (since July 24, 2012)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: about 160; Radio Stations: 3 national, 56 local; Television Stations: 3 national, 71 local, 2 satellite, 90 cable
- > Newspaper circulation statistics: N/A
- > Broadcast ratings: N/A
- > News agencies: Albanian News Agency (state), NOA (private), AMA (private), Albpres (private)
- > Annual advertising revenue in media sector: €54.5 million (est. ABACUS Research)
- > Internet Users: 1.3 million users (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ALBANIA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorers.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Albania Objective Score: 2.53

The Albanian constitution protects the freedom of speech, and a supportive legal framework has existed in the country for many years now. The three basic laws that cover the constitutional right to the freedom of expression include the law on the press, public and private broadcasters, and access to information. The case law of the European Court of Human Rights on Article 10 of the Convention, which guarantees clear standards on free speech in Albania, further guarantees the rights of Albanians.

And yet despite constitutional guarantees, the law on the press (which consists of just one article: “the press is free”) almost falls apart in practice. When Albanians attempting to exert their right to free speech encounter legal problems, the courts refer to general civil and penal legislation to resolve the cases. Some years ago, attempts to formulate some amendments to the law on the press failed to generate much support. The proposed amendments aimed to guarantee the right to reply and correction, as well as the legal responsibilities of the press.

Troubling problems persist at the ethical and judicial levels related to the media’s efforts to practice free speech and the media’s coverage of individuals. The panelists noted that there are excesses from both sides. Some journalists

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

FREE-SPEECH INDICATORS:

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- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

“It is better for TVSH to remain an evil with one head, instead of two heads,” said Milton Nushi, the news director of Albanian Screen TV, alluding that it would be better for the public and the media if TVSH received only one frequency.

and media outlets still fail to sufficiently respect the ethical rules, while some courts tend to impose extreme penalties on journalists and the media when subjects, political and otherwise, object to their portrayal in the media.

When the government infringes upon the freedom of expression, the public’s reaction demonstrates that Albanians now value the freedom of expression and understand that they cannot afford to lose this right. At the same time, the public often finds it difficult to be certain of the truth, given conflicting and sometimes hyped-up reports by various media.

“Albania’s media legislation is generally advanced. Hence, the problem is not the question of whether or not strong laws exist, but their implementation,” said Remzi Lani, director of the Albanian Media Institute. The other panelists generally concurred. Bajram Peçi, director of *Shqip*, pointed out that editorial policy plays a role as well, silently affecting journalists’ free speech—especially on television stations and in newspapers that are firmly positioned politically.

As far as the licensing of electronic media is concerned, the panelists confirmed that it is still under strong political control. “The progress of the debate in the parliament over filling vacant slots on the Steering Council of Public Television (TVSH), and on the Audiovisual Media Authority (AMA)’s decision-making power, clearly speaks of the political interest and influence on licensing of electronic media,” said Thanos Goga, a marketing analyst with A&R Advertising.

Albania has started the process of switching over to digital broadcasting. However, the process stalled in 2013 due to problems with the composition of the regulator, AMA, which was operating with just four of the seven members called for by the law. Another obstacle is the fact that some private digital platform operators enjoy an advantage of duopoly in the media market. The switch of all media outlets to digital broadcasting would require that these operators, yet unlicensed, free up some of the frequencies they are currently using. Along with the public television (TVSH) station, there are four private operators that claim

to receive frequencies—at a time when there are only five frequencies in all. According to the law, TVSH is entitled to two frequencies, while the three remaining frequencies should be allocated to the four private operators that claim them. The risk for one operator to remain without a license has sparked a commercial war between them.

The law is drafted in a way that urges AMA to recognize and preserve the status quo, which can happen only by taking away one frequency for TVSH. The panelists generally believe that one fewer frequency for TVSH would not pose a problem for the public, which remains rather disappointed by this station's radical pro-government positions. Plagued by the perception that all governments have misused TVSH in the past 23 transitional years, TVSH, the panelists said, must not be strengthened. "It is better for TVSH to remain an evil with one head, instead of two heads," said Milton Nushi, the news director of Albanian Screen TV, alluding that it would be better for the public and the media if TVSH received only one frequency.

No serious barriers impede entry to the media market, and the tax structure is relatively favorable, compared with other sectors. Still, pointing to Albania's ongoing economic crisis and the hardship it has inflicted on the media, the panelists suggested that the media should be exempted from the value-added tax. Some panelists also believe that the government should subsidize the print media. They also expressed concern over the disproportionate distribution of government advertising and state/public notifications, which appear to favor media close to the government.

Crimes against journalists are rare, and the panelists are under the impression that society has grown more aware of journalists' mission. And yet, enforcement of the law against those who exert pressure and commit violence against journalists is poor. According to Peçi, "The law has not reacted severely in cases of punishable crimes against journalists." Luftim Vani, owner of TV Mati, brought up an occurrence at his station: the district's chief of police publicly threatened a TV Mati journalist. "Not only did the chief avoid punishment, but journalists' associations remained silent after this incident," Vani said.

In terms of legal assurances for the editorial independence of state media, the panelists noted that the law originally intended for AMA to be politically independent. However, they described an internal crisis within AMA, related to the rotation of power that resulted from the June 23 parliamentary elections. Considering that the vacant positions are filled upon recommendations from political parties, avoiding political influence on AMA's work has proved impossible. Broadly speaking, most of the members and the chair belong to the ruling majority and

the parliamentary majority. With the rotation of power, questions surfaced over whether the majority of members that make up AMA should change as well. "The reflection of the change of the dynamic majority-minority in the parliament on independent institutions, such as AMA, would be an indication of dependence, rather than independence, of these institutions on politics," said Aleksandër Çipa, chair of the Union of Albanian Journalists (UAJ). It seems that the option of reaching the majority, according to the traditional model, does not satisfy the new government. An alternate option, to reformulate AMA by including it in the structure of the Authority of Electronic and Postal Communications (AKEP), has been mentioned as well. This reform would shift the duty of administering frequencies to AKEP, while AMA would administer only content. However, the panel said that AMA's crisis demands an urgent solution, as it has also become a cause for delaying the digital switchover process. Now it is clear that it will be very difficult, if not impossible, for Albania to meet the June 2015 deadline for this process.

After dragging its feet for years, in February 2012 the parliament approved amendments to Albania's penal and civil codes governing defamation and libel. Since 2004, a number of civil society organizations had pressed the authorities to act on this issue, offering proposals to decriminalize defamation and libel in the penal code and to improve the institute of non-pecuniary damages in the civil code. These proposals from the civil society sector are at least partially reflected in the final product. While the revised code falls short of the full decriminalization of libel and defamation, some other articles were abolished that potentially could have been used against free speech. Meanwhile, the alterations to the civil code, which clarify the meaning of moral or non-pecuniary damage typically caused by the misuse of free speech, are potentially even more significant. The amended code changed the way such damages are estimated, capping the payments for damages of such abuses of free speech. The panelists noted, however, that while the newspapers and television stations now display a stronger ethic of self-discipline in this regard, some blogs and online forums are not following suit.

Currently, the spotlight is fixed on the response of the courts, which are not inspiring confidence in media professionals so far. The legal reforms achieved the goal of eliminating prison sentences for journalists in defamation and libel cases. Another aim, to ensure that the punishment is not disproportionate to the violation in defamation cases, is still fraught with some difficulties. The implementation of the civil code, which demands that judges argue the amount imposed on damages, seems to be the most problematic aspect. Judges are advised to relate the defamatory or offensive words that are published to the real damage a

victim suffers. In civil cases, a judge must prove whether a victim suffered, and to what extent, considering such factors as the size of the television audience or a newspaper's circulation numbers.

There are some indications that judges are failing, however, to take these legal requirements into consideration when they determine damages. The law was intended to decrease the amount of damages the media and journalists must pay. Even though there is still no genuine monitoring of the court practice in this aspect, the cases that have been reported in the media, usually involving politicians, raise concerns that the reforms are not achieving their goal. The judges generally appear reluctant to rein in the damage payments, despite the fact that the law was drafted to encourage the freedom of expression even if it sometimes clashes with public officials' right to preserve their reputations. For example, Lindita Cela, a reporter for *Shekulli* newspaper, risked being penalized for nearly €100,000 for alleged defamation by the director of public relations in the prime minister's office. The Union of Journalists was able to force the court to step back and remove the penalty after targeted protest.

Positive developments regarding the law on protection of personal data culminated in the signing of memoranda with public institutions that administer personal data and the appointment of a commissioner in this field. In 2013, the commissioner imposed the first fines on abuse of the right to privacy from public and private subjects in 2013.

The media's access to information also falls short of the laws meant to facilitate this right. The shortcoming apparently stems from weaknesses in the formulation of the law, as well as insufficient administrative support for its implementation. An apparent lack of political will plays a role as well, leaving the impression that the authorities are resistant to public transparency. "When there are hot issues related to tenders or funding projects, every journalist who has worked to obtain information from ministries or state offices has been met with silence, or received information very far from the truth," said Skënder Minxhozi, a freelance journalist. Other panelists agreed, further criticizing the fact that the law on access to information allows for a timeline of 40 days for an institution to reply to a journalist's request for information. To Ilir Yzeiri, a journalism lecturer at the University of Elbasan, this delay constitutes "a barrier that not only hinders the work of journalists to report the news, but it rather kills the news." For Nushi, the problem also remains a question of personal connections. "Often the institutions provide information only to the media they prefer, which generally are closer to the government," said Nushi. According to Lani, an initiative is under way to draft a new law on access to information. "The bill is in process

and is expected to significantly reduce the time limit for information to no more than 10 days. It will also impose heavier sanctions on employees who fail to observe the law," Lani said.

A study conducted by the World Bank and the Albanian Media Institute (AMI) raised the same concern, which served as the basis for the draft bill that illuminates some of the law's pitfalls on access to information. However, the public ombudsman, or people's advocate, opposes the bill. Some panelists speculate that is possibly because the draft bill proposes transferring some oversight from the ombudsman to a special commissioner. The bill has not yet been introduced for consideration by the government or the parliament.

The law does not restrict access to news from international media. The only obstacle in this aspect remains the financial limitations of many newsrooms and journalists; they are often unable to buy access to agencies, such as Reuters, and newspapers, such as the *Financial Times*. "The law does not discriminate against anybody, but it seems that the market does discriminate," said Valbona Kurti, a journalist for the television station Vizion +. The panelists agreed that intellectual property rights are sometimes abused in this respect.

Journalists may enter the media profession freely; the government does not impose licensing, restrictions, or any special rights for journalists. Some panelists argue that in fact, it is too easy for people to enter the field. Çipa lamented the effects on the field of "television stations and newspapers that hire first- and second-year journalists at very low salaries, ignoring all professional standards in a bid to lower the costs."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Albania Objective Score: 2.28

The panel returned relatively low scores regarding the quality of news reporting. Some sensed that during 2013, the quality of reporting deteriorated, compared with a year ago, which can be partly explained by the influence of the economic crisis on the media.

The panelists considered the recruitment process for journalists. According to Anila Basha, a freelance journalist, "The poorer quality of reporting stems from the decline of standards from the moment that journalists are recruited, in the hiring of unqualified students in order to lower the costs of publishing and broadcasting." It seems that the dip in salaries due to the crisis has also affected

“How can the ethical problems be included in journalists’ contracts when most of them continue to work without contracts to this day?” Yzeiri asked.

professional commitment, and the quality of reporting has suffered among more experienced journalists. For example, journalists frequently do not insist on verifying the news with two or more sources. The coverage of a November 2013 car accident that took the life of MP Sokol Olldashi, one of the opposition’s most prominent personalities, revealed these deficiencies. The inaccurate, unverified, and contradictory reporting that ensued led to confusion rather than clarity for the public. To Iris Luarasi, a journalism lecturer at the University of Tirana, the Olldashi accident coverage showed that the media tend to favor speed over accuracy when conveying the news.

The responsibility also lies with the newsrooms, which seem to have forgotten that while the speed of the news is important, being the first to report a story can backfire for the media, in terms of credibility, if they get the facts wrong. Luarasi commented that the race between the media devolved from an effort to provide the most accurate news to a contest over who would break the news first,” said Luarasi. “It is ridiculous, but at the same time tragic, that some media used the expression ‘he is 90 percent dead’ in their reporting of the Olldashi accident,” added Çipa.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Although a national Code of Ethics has been in place for many years, approved by the community of journalists, the panelists concluded that the code is not well respected. One problem is that there is no longer a self-regulatory body. The Council of Ethics, established some years ago, has dissolved—although, according to the panelists, it failed to make any positive progress during its tenure. To Kamber Velaj, editor-in-chief of *Shqip*, all media outlets, journalists’ associations, and the AMI have been indifferent to the problems related to observance of the Code of Ethics. Yzeiri suggested that the problem lies in the lack of governance in the media labor market, where journalists do not have contract requirements tied to observing ethical standards. “How can the ethical problems be included in journalists’ contracts when most of them continue to work without contracts to this day?” Yzeiri asked.

Other panelists countered that the failure to respect the Code of Ethics is compensated to some degree by the fact that some media outlets, newspapers, and television stations have created their own ethical codes. In general, the newspapers tend to push harder for the respect of ethical rules. The daily newspapers *Shekulli* and *Shqip* have established a tradition of respecting the ethical codes they drafted independently.

The panelists agreed that electronic media tend to be more problematic when it comes to observing ethical standards; ethical violations appear more frequently in this medium. “There is a great difference regarding respect for ethical standards between electronic and print media,” said Shkëlqim Bylykbashi, owner of TV 4+. That perception seems to stem from the political programs that frequently appear on television, where the heated debates between journalists, politicians, and other participants often stretch the bounds of ethics.

Ethical violations have seemingly become even more alarming in online blogs and the websites of newspapers and television stations. Even if they are more careful in print versions, newspaper newsrooms often fail to monitor and ensure that comments in forums meet ethical standards. It is now commonplace for participants in the forums to use obscenities against journalists or against each other just because they have different opinions. And yet, practice shows that moderating web comments is not an impossible task. The daily *Panorama* has provided a positive example in this aspect by forbidding publication of slandering and offensive comments in online forums. Unfortunately, other newspapers have not yet been inspired to do the same.

The panelists also gave low scores related to self-censorship, which continues to inhibit journalists. Self-censorship is

related, first of all, to the fact that many media owners have established newspapers or television stations to serve their own interests and those of political parties they support. The tendency of journalists and editors to conform to the editorial policy that harmonizes with the interests of media owners stems from this context. A media owner might not say a word, but editors and journalists, aware of the owner's political interests and leanings, try to follow them. The opposite rarely takes place, as this could cost the journalist his or her job. Hence, the phenomenon of self-censorship is also related to the absence of a total system, based on contracts and institutions that would protect freedom of expression and freedom of journalists. "The white traffic lines have been replaced by some hazy guidelines that show journalists the interests and tastes of the owner, which inspire loyalty, even if they might extend to criminal or mafia groups—a situation that leads journalists to self-censorship," Lani said.

Apart from politics, another factor behind the increasing self-censorship against the backdrop of the economic crisis is the fact that some large business companies are also among the major media clients. Faced with daily challenges to survive, and in need of advertising revenue, none of the media outlets dare to criticize or report on any questionable activity from these companies. This economic enslavement of the media compromises their mission to inform citizens. The panelists pointed to the example of the flight company Belle Air, one of the biggest advertisers, which went bankrupt in 2013. Albanian citizens heard no criticism of this company's activity up to the day it went bankrupt, appropriating the money of several thousand citizens who had already booked their flights.

The panelists viewed the media's coverage of key affairs in a similar vein. "I have given low scores for this point because if we accept the phenomenon of self-censorship, we must also accept that journalists are not fully free to cover all problems," said Luarasi. Velaj shared the same opinion, remarking, "For different reasons, there are developments that some media prioritize, while totally ignoring other issues."

Nonetheless, a new positive trend has emerged regarding blogs. In spite of the prevalence of self-censorship in the media, a lot of news is coming to the surface thanks to blogs. Some journalists have launched personal blogs, where they publish information they cannot publish in traditional media. "Blogs today have started to compensate for the topics that other media, for different reasons, fail to cover," said Kurti.

The media's dependence on politics negatively influences news coverage. Sometimes, different media cover important

events but produce contradictory content—as seen after Albania failed to receive EU candidate status. The media close to the opposition reported that the EU blamed the government for this failure. Meanwhile, the media close to the government insisted that EU statements implicated the previous government. Such clashes have been common even in cases involving irrefutable figures, which cannot be relative. However, it seems that for part of Albanian media $1 + 1 = 2$ and for another part $1 + 1 = 3$. "The figures provided by IMF are reported differently from TV Klan and differently by Top Channel, a phenomenon that brings significant confusion among the public and leads to misinformation" Luarasi said.

Kurti supported this view, noting that while there are no problems in covering the news, the interpretation and refinement of news from the newsrooms make the difference. "It depends if you are critical to the government or whether you support it. For the same event, one finds that 'the glass is half full,' while another finds that 'the glass is half empty,'" stressed Kurti.

Other panelists added that despite the tendency toward partisanship, the invisible hand of the free media market moderates the differences and ensures that everything is reported, in spite of the editorial censorship or the self-censorship of journalists.

Again this year, the panelists did not believe that salaries of journalists and other media professionals are sufficiently high enough to stop fostering corruption and maintain qualified staff. Albania remains a poor country, with relatively low wages, and the situation deteriorated further in 2013 given the economic crisis. According to Çipa, in 2013 more than 95 percent of the media had to delay paying journalists their salaries—for up to six months. The existing contracts are not respected, while most media professionals receive no contracts at all.

Two of the most fundamental laws that regulate social partnership, the Code of Labor and the Law on Trade Unions in the Republic of Albania, are apparently not implemented for the media. This situation has fostered an alarmingly informal approach to the media. According to Çipa, "Out of the media outlets, only 2 percent respect the legal criteria, while the other 98 percent use hidden documents and salaries that do not correspond to the official declarations at the tax office." Peçi recalled the situation two decades ago, when the salaries that some media outlets, such as *Gazeta Shqiptare* and *Koha Jonë*, paid to journalists were ranked as the highest in the country. Today, the salaries have remained at the same level, even though the prices have increased multifold and the local currency has depreciated. "They

are very low salaries, and it is difficult for them to stop the corruption of journalists through bribes," said Peçi.

Most panelists supported the opinion that, with very few exceptions, journalists are not better paid than other professions, such as teachers. Luarasi explained that the salaries of reporters in the districts are extremely low, in the range of €100–150 per month. Meanwhile, Vani, owner of a television station in the district of Mat, admitted that the salaries of reporters are low but stressed that the situation looks worse than it actually is because of the widespread fiscal evasion—the practice of reporting lower-than-actual salaries to the tax office.

The panelists also pointed to the case of a new television station, TV Agon, recently founded by an Italian investor. In this media, there are journalists who draw pay up to €20,000 per month. However, that is considered a rare exception. "The very high salaries of 20 or 30 journalists are not the standard, nor the reality in Albania," said Luarasi.

Yzeiri insisted that Albania's problem is that it fails to guarantee social protection to journalists. According to Yzeiri, a stratification of media employees is taking place. There are a few journalists who are very well paid, and nobody knows why. There are others who appear to be middle class and are well paid because they are acclaimed professionally and have a positive impact on the audience. Yet a majority of journalists, especially reporters, start their careers with a salary of €100 per month and enjoy no protection whatsoever.

The panelists agreed that entertainment programs do not eclipse news and current-affairs programs. In fact, they offered support for the opinion that news, political programs, and debates strongly prevail and are eclipsing cultural programs.

Unlike the situation with journalists' salaries, it seems that media owners do make serious investments in terms of technology and logistics. This is true especially for the main media, based in the capital. However, the panelists noted that even in cities far from Tirana, such as Shkodra and Gjirokastra, there are a couple of television channels that are even more developed technically than the public media. To Lani, "The premises and technology of some of the television stations in Albania are comparably better than even in Bosnia or Serbia."

Furthermore, according to Vani, "About 70–80 percent of local media have digitized their production." Still, the tendency that the most advanced technology is focused in the capital persists.

Almost all media have departments to cover different areas, such as politics, social news, the economy, culture, and sports. Meanwhile, the panel agreed that in each of the respective areas, there is still much to be done regarding the further qualification of reporters and journalists.

Investigative journalism is not strongly present in the country and is entirely lacking in the districts. The only investigative program, "Fix Fare," is broadcast on Top Channel, the biggest private television station in the country. The program's investigative reporters have used secret cameras to uncover stories and have reported on the main corruption scandals of the previous government. Last year, the program succeeded in unveiling corrupt practices, including bribes taken by judges and court clerks.

OBJECTIVE 3: PLURALITY OF NEWS

Albania Objective Score: 2.50

The panel generally gave higher scores for this objective of the MSI. All panelists agreed that in Albania there is no monopoly on news, but rather numerous sources of news, and that people have the option to compare sources. Different genres of media are available to citizens. Television stations have been more active by establishing online versions, where they report in real time.

"Sources of information are multiple, and now there are blogs and social networks, which are accessed by an increasing number of people," said Nushi. Peçi added,

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

"Not only are there sufficient numbers of newspapers and television stations, but there is an inflation of media outlets, to the point that if some of them stopped existing, nobody would miss them." However, other panelists see the situation slightly differently. "Today in Albania, there is diversity of print media, electronic media, and online blogs, but not necessarily diversity of information," said Minxhozi.

Local television News 24 and its online website became Albania's first channel to distribute the news through SMS for mobile phone users. The national station Top Channel and Digitalb platform experimented in broadcasting television programs through mobile phones, and currently some television stations have started to secure access to broadcast live through mobile phones and tablets. Meanwhile, an increasing number of people are relying on information received from social networks.

The panelists noted that citizens do not confront any restrictions to accessing domestic or international media. Internet access is available to all. The right to own satellite antennas or equipment to access any kind of media is also guaranteed to all. Foreign media are available—although few can afford them. "Subscriptions to newspapers such as the *Financial Times* are not affordable, not just for professional journalists, but also for media outlets," said Dorian Koçi, a freelance journalist. However, according to Luarasi, "In a market economy, we cannot demand that citizens' access to media is the same regardless of cost; it is important for citizens to at least have access to public media, which is free."

Inhabitants of larger cities can access media sources more easily than those living in villages and small towns. According to Vani, there is an improvement in citizens' access in some areas, but in other regions access to sources of information is still limited. "First of all, there is economic poverty, which is typically more pronounced for rural areas," said Vani. There are remote areas, where a satellite signal offers the only possible communication channel, and given that it is significantly more expensive than terrestrial or cable programs, most families cannot afford it. Peçi added that the rural and remote areas, where the print media do not penetrate and there is no Internet, remain a problem because a sizable portion of the population is denied access to information.

Many panelists rejected the notion that the public media serve the public interest or reflect the views of the entire political spectrum. As in previous years, the panel noted that not only is the public media not politically independent, but it shows a clear dependence on each government that comes to power. "State media, which is still far from being a true public media, remains totally partisan and a permanent client of the government and in this way does no favors to

Alluding to the fact that quite a few registered ownership shares serve as a cover for hidden media owners, Lani commented, "Albanians know who the media owners are, but the question is who owns the owners."

public interest," said Goga. The other panelists unanimously supported this opinion, citing years of low scores for this indicator due to the state media's lack of professionalism and partisanship. Minxhozi added that the public broadcaster's news editions do not reflect political pluralism at all. "In news editions on the only public television station in the country (TVSH), you might find nine stories on the prime minister, three for the speaker of the parliament, and none for the opposition," said Minxhozi.

Only in periods of electoral campaigns and rotations of power, when international monitoring of the media intensifies, do public media become more open to alternative comments and viewpoints. The panelists agreed that most public-media journalists and editors consider serving the interests of the government power, rather than the public, their primary role. In general, public media spend more time reporting government achievements than reporting on the opposition, and in 2013, this medium remained totally biased in its reporting. It remains to be seen if things will change after the full rotation of power from right-wing democrats to left-wing socialists.

The panelists concluded that it could not be said that public media manage to fill the void created by commercial broadcasters, and their programs in the area of culture and education are of a much lower quality than those broadcast by commercial media.

Albania's only genuine news agency is the public ATA, which, similar to public radio and television, is not independent of the government. According to Lani, "In Albania, the genuine news agencies are lacking, but meanwhile the Internet has become an important source of information." According to Goga, "With the exception of international independent news agencies such as Reuters, AP, AFP, and DPA, in Albania there are only some websites that serve as modest, independent, commercial news agencies." Television stations and newspapers widely use national news agencies. According to Basha, "Private news websites do much better work than the state news agency." Bylykbashi commented, though, that media outlets do not cite domestic news agencies, and they quote the source only when using products of international news agencies.

Almost all panelists said that private media generally produce their own news and information programs. The only panelist who hesitated was Bylykbashi, who said, "Not all commercial media produce their news, but copying the news without mentioning the source of information is a widespread phenomenon." Meanwhile, the panelists noted that even during the last electoral campaign, due also to financial benefits, commercial and private media agreed to broadcast reports on the campaign produced by propaganda headquarters of political parties and not by journalists of commercial media.

A majority made up of businessmen in the areas of construction, industrial production, and banking owns the overwhelming share of media outlets. Media ownership, at least from a bureaucratic point of view (ownership documentation), is somewhat more transparent. The people know the country's main media owners, as the data on media ownership are accessible, just as with every other business. However, to some panelists there are still problems in this aspect. Alluding to the fact that quite a few registered ownership shares serve as a cover for hidden media owners, Lani commented, "Albanians know who the media owners are, but the question is who owns the owners." For Kurti, "The issue of transparency on media ownership is a matter solved by the law on paper, but not in reality." Meanwhile, it is totally unclear for the public who controls the blogs and other online media, since most of them are not registered and there are no official data on their ownership. Goga noted that the lack of clarity on the real ownership of the media stems from the fact that there is no transparency in the funds that support television stations and newspapers.

The media generally report well on a wide array of social issues, and citizens are able to receive the news and information related to their city and other regions of the country, as well as international developments. There is a tendency for the media to focus more on domestic affairs, while international development news remains less covered. The newspapers usually take up just a page to summarize international developments. According to Vani, there is a strong tendency for local media to increase their viewership, since they are attracting the public by increasingly focusing on local affairs. Velaj also thought that media in small regions and cities produce information related mainly to local developments. To Nushi, the local media, even though they exist, generally suffer from mediocrity and generally protect the narrow interests of the media owners before focusing on the public interest. However, according to Minxhozi, "Albanian journalism is in the process of fulfilling the main standards of quality in all its genres."

The panel argued that there are media outlets in the language of minorities and that they are legal and focused mainly in the areas inhabited by minorities. The mainstream media do not suffer from discrimination, obstacles, or prejudice based on gender, ethnicity, or other characteristics of journalists and editors. In areas where ethnic communities are concentrated, the local radio stations broadcast programs in the languages of minorities, and newspapers are published in these languages. For the Greek community, these newspapers are also financed by Greece. In addition, public media do their job in this respect. "The branches of public radio are in Korçë, Gjirokastër, and Shkodër, where the ethnic minorities are based, and these branches broadcast programs in their language," said Luarasi. However, the panelists raised the matter of the Roma minority, which, even though it is the biggest ethnic minority, is not sufficiently covered in the media.

The panel also discussed the issue of other non-ethnic minorities, such as sexual minorities, who complain that the media neglect them. However, according to Çipa, a recent monitoring carried out by civil society groups that covers sexual minorities showed that broadcasting devoted to this group has increased.

OBJECTIVE 4: BUSINESS MANAGEMENT

Albania Objective Score: 1.68

Albanian media generally prepare and follow business plans to secure funding, to make decisions on expenditures and staff, to plan for capital expenditures, etc. Accounting

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

and financing practices are generally in accordance with international standards. The newsrooms of the main television stations and newspapers employ accounting, marketing, and human resources professionals.

And yet, in Albania, the goal of self-sufficiency has eluded the media. Almost all of the panelists agreed that Albanian media businesses do not either survive or fail based on a healthy ratio of revenues to expenditures. "Media in Albania are generally not able to guarantee their own financial means to sustain their activity. Newspapers, especially, have found it impossible to survive in the market without financial support from another source," said Velaj. Peçi asserted, "Without financial support, in the form of subsidies from a construction company, or other business, propping up the print media, all newspapers and magazines would be bankrupt."

According to Yzeiri, print media are also suffering consequences from the spread of online journalism. "Print media in Albania also face the dilemma of whether to continue printing up copies, or just publish online," he said.

The panel highlighted the difficulty of comparing print media to electronic media. Considering the dramatic decrease in interest for print media and the growing attention to electronic media, it is becoming increasingly difficult for the print media to secure advertising, compared with their electronic counterparts.

Television stations and newspapers receive revenue from many clients and sources, but it is generally not sufficient to avoid undue influence on their newsroom practice. According to Çipa, media generate revenue from many sources, but in most cases, especially for the print media, they are not sufficient. Only one or two national audiovisual media turn a financial profit from advertising.

Bloggers face particular difficulty in generating funding to support their work, as the law does not allow public institutions to buy online advertising. Meanwhile, private business companies have not yet restructured their advertising revenue in order to introduce the Internet as a category and a priority.

In general, there are no sustainable sources of revenue to fuel the media. Print media sales still account for a relatively small percentage of the total revenue structure, unlike other countries, where more than 75 percent of revenue flows from the advertising market. Hence, advertising revenue in Albania is not, as a percentage of total revenue for a media outlet, in accordance with widely accepted standards.

Additionally, given Albania's crumbling subscription system, the sale of newspapers brings little revenue. In effect, subscriptions are not even relevant anymore for citizens;

they apply only to some public institutions. In addition to this shortcoming, newspapers' failure to reach rural areas, inhabited by more than 50 percent of the population, further restricts the newspaper market.

Consequently, the scarce advertising revenue remains the main source of funding, and that meager share is far from capable of covering the costs associated with producing a newspaper. The anemic advertising revenue can be traced to the fact that Albania's economy is still stuck in a cycle of poverty. The difference must be covered by subsidies from owners, or the newspaper must shut down. Such dependence on ownership subsidies also applies to most electronic media. This odyssey of the media as an unprofitable business has continued for two decades.

According to Peçi, in the context of the intensifying economic crisis, the probability for media to go bankrupt has increased. *Java*, for example, one of the country's most well-known magazines, shut down recently due to financial hardship.

With the exception of the major television stations, which receive well-deserved advertising and sponsorship for programs that draw larger audiences, the rest of the advertising is distributed on the basis of merit. "The majority of advertising is given to a media outlet or is awarded based on an agreement to refrain from criticizing the business that is buying advertising, or based on political alignment," said Velaj.

The government does not subsidize the media, but this does not mean that in practice media that are close to the government do not enjoy some advantages. Kurti noted that pro-government media always seem to garner all the public advertising business, while media that criticize the government are frozen out. A former minister and some high officials of the former government, which lost power in June, were sued for corruption and abuse of public funds over such claims of favoritism. The panelists agreed, though, that regardless of the party in power, the government has always managed to exclude critical media from state advertising. "The media that criticize the government, both at national and local levels, do not receive any state advertising, with the exception of cases when they receive a small share to create an illusion that law was respected and there was no discrimination," said Bylykbashi.

Apart from political will, the fact that advertising and public notifications are not distributed to the media through a third actor, but rather directly from public institutions, also perpetuates the favoritism of pro-government media in gaining advertising. As a result, government agencies continue to influence editorial policy in many media outlets.

Albanian media do not use market research extensively. Editors and journalists attempt to adapt their products to the market demands based mainly on their perceptions of these demands. Professional studies are largely absent; measuring audiences through phone polling seems to be more convenient.

Albania is still missing an official and widely accepted authority to produce official audience or circulation assessments. "In Albania, there is not yet a bureau that verifies the circulation and audience shares, as well as the independent studies on these indicators, and this is a problem for the work of advertising agencies," noted Goga.

Even though newspaper circulation numbers are not published, the panelists agree with the perception that press circulation has steadily fallen. Even when newspapers declare their circulation, it is in a bid to attract advertising, and the figures they claim are often inflated. "The remains of unsold copies of print media are copious, and sometimes they account for up to 50 percent of the circulation," said Peçi—not a good sign for the health of Albania's print media.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Albania Objective Score: 2.45

In Albania, there are no legal restrictions on the establishment of associations of publishers and broadcasters. However, in 2013, the unofficial organization of publishers and media owners continued to stagnate. To Goga, "A more representative and professional organization, which

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

would embody the interests of commercial media owners, is still lacking." Velaj agreed, noting, "The associations exist, but they are not coordinated and are not able to lobby effectively." Some panelists trace the cause to a failure to identify common interests of media stakeholders. "Rather than uniting for a common interest, the media owners have tended to divide over more narrow concerns," said Nushi. In this respect, Kurti believes that the situation has worsened, saying, "The divisions in the media community due to political alignments deepened on the eve of the elections last June."

Regarding the organization of journalists in associations, the only organization that continues to operate is the UAJ, while the other associations have ceased any meaningful activity. Minxhozi said, "Journalists' associations exist only on paper, and UAJ is the only voice that protects the rights of journalists." According to Peçi, however, UAJ may be independent from the government, but it has no power over media owners. One major shortcoming the panelists pointed out was UAJ's failure, despite numerous attempts, to make progress in the legalization of labor relations in journalism. A considerable percentage of journalists continue to work for newspapers and television stations without contracts, and attempts to organize collective agreements for all media outlets have so far failed.

However, Basha underscored some optimistic signs, including the expansion of the UAJ with new branches in the districts, as well as the recent establishment of the Association of Journalists. Çipa, as the UAJ chair, offered some statistics to show the increasing intensity of work by the Union. According to him, in 2013, due to UAJ's reaction and the efforts of its branches in the districts, more than 102 journalists and media employees initiated lawsuits related to contract breaches or salary issues in the Court of Tirana and first-level courts of three other districts. Other panelists noted that UAJ's most visible benefits to the media community appear to be its reaction when journalists are fired or threatened, or when violence is committed against journalists.

The UAJ has found it impossible to fund its activities through membership fees. This is not only because the quantity of monthly contributions is relatively modest, but also because a sizable portion of members fail to pay their dues. The panelists expressed concern that the journalists' associations, unable to sustain themselves through their own membership funds, operate on donations or funding that come also from state institutions, compromising their independence to some degree.

The panelists concluded that the Albanian NGOs do not show any special commitment to media protection or addressing its problems. They are engaged in the process

of drafting bills on the media, as well as in observing and monitoring the media's work. Only a few organizations react when the freedom of the media is violated; the Albanian Helsinki Committee was mentioned as a high-profile NGO in this respect.

Albanian journalists have some options to obtain short-term training, financed mainly through international organizations. Apart from courses offered by journalism departments at the public university and some private universities, the AMI remains an important center for journalism training. The AMI stresses the practical aspect of the profession. However, as in the past, it is becoming more and more difficult for journalists to participate in these training sessions, considering the staffing reductions many media are experiencing during the economic crisis. Already shouldering an increased workload, journalists have little time for training.

Meanwhile, Lani admits that training opportunities are dwindling "given that Albania is no longer the focus of international donors." Peçi also commented that many more journalists graduate from the departments of journalism of commercial universities than the Albanian media will ever be able to hire, leading other panelists to surmise that it may be for the best that some private universities have been forced to close their journalism branches due to the economy.

Usually, media directors do not obstruct journalists' attempts to make use of professional development opportunities. However, they are not willing to pay for the journalists' participation in training courses, either. Meanwhile, many high-quality courses and internships abroad remain out of reach because of their expense. "Journalism students in Albania have few opportunities to receive training abroad, and the state should do more in this respect," said Yzeiri.

There are no political restrictions that hinder the importation or purchase of the necessary materials for the work of media and journalists. It is clear, though, that printing houses are no longer sufficient to sustain media's needs. According to Velaj, "Printers have become an obstacle for the work of newspapers, as they pose unsuitable time limits and do not guarantee the quality of the product." The panel stressed the poor quality of printing house equipment. Furthermore, there is a trend toward a monopoly of printing houses, with one owner for six out of the eight existing printing houses in the capital. This also helps explain the exorbitant printing fees one panelist mentioned. However, the fact that printing houses are private is a positive feature; at least they do not discriminate on political grounds.

The distribution of newspapers continues to suffer the same problems that previous MSI studies have underlined.

There are three business companies that carry out the whole distribution process, which remains restricted to the country's main cities and does not cover the rural areas at all. This limitation is explained by the high costs of distributing newspapers to remote rural areas, given that these zones are not covered by the national roads and are not easily reachable by cars.

The state does not offer any subsidy or support in press distribution. The local authorities also continue to show indifference to the network of selling points for newspapers and magazines. In the capital, there are 130 selling points for newspapers, out of which only 28 are kiosks. The others are improvised. The newspapers are placed over wooden boxes, with stones on top of them, so as not to be swept away by the wind. According to a panelist, "The current distribution is a service that provokes losses, accompanied by a miserable network of newspaper selling points, far from the European standards and much more similar perhaps to cities such as Kandahar."

List of Panel Participants

Aleksandër Çipa, president, Union of Albanian Journalists, Tirana

Anila Basha, freelance journalist, Tirana

Bajram Peçi, director, *Shqip*, Tirana

Dorian Koçi, freelance journalist, Tirana

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

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

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

Luftim Vani, owner, TV Mati, Burrel

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

Remzi Lani, director, Albanian Media Institute, Tirana

Shkëlqim Bylykbashi, owner, TV 4+, Lushnja

Skënder Minxhozi, freelance journalist, Tirana

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

Valbona Kurti, journalist, Vizion + TV, Tirana

Moderator and Author

Andrea Stefani, journalist and media consultant, Tirana

The panel discussion was convened on November 26, 2013.

Negative trends associated with the media sphere in previous years persist, such as the media's low level of professionalism, poor protection and conditions for journalists, a weak and oversaturated media market, an unsustainable public media service, a fragmented media scene, and political influence.



BOSNIA & HERZEGOVINA

Bosnia and Herzegovina (B&H) did not show signs of political or economic stabilization in 2013. The governing political parties avoided focusing on substantive reforms and implementing international standards. In April, a new political party launched—the Democratic Front, led by Željko Komšić, the Croat member of the B&H tripartite presidency. In the same month, the president of the Federation of B&H, Živko Budimir, was arrested on the accusation of taking bribes to approve amnesties but was released in May due to lack of evidence.

In June 2013, public protests in front of Sarajevo's parliament building and in other cities in B&H highlighted the lack of regulation of citizen IDs for newborns. The citizen initiative across B&H, although holding a promise of revolutionary change, ended as an unsuccessful bid to change politicians' corruption, inequality, and incompetence. Finally, at the beginning of November, the B&H House of Peoples, in an emergency session and without debate, adopted the proposed amendments and changes to the law on ID numbers. The fact that the protests were organized through online platforms and social media illustrated new media's growing influence in socially mobilizing the country. However, Serb and Croat parliamentarians framed the protests as an ethnically driven threat to their security and refused to attend parliamentary sessions for several weeks.

The first census of the B&H population since its independence took place in October 2013, with EU support. The results indicated that there are 3,791,622 people living in this country—585,411 fewer than 22 years ago, before the war. Statistics related to the ethnic composition of the B&H population, which sparked heated and politically motivated debates and clashes long before the census took place, will not be released until July 2014.

Negative trends associated with the media sphere in previous years persist, such as the media's low level of professionalism, poor protection and conditions for journalists, a weak and oversaturated media market, an unsustainable public media service, a fragmented media scene, and political influence.

Still, a notable improvement to the Objective 2 (professional journalism) score helped keep the score for 2014 consistent with last year (2.04 in 2014 compared with 2.03 last year). This could be explained by the fact that the past year was not an election year, which lessened the media's exposure to political and economic pressure. In addition, Al Jazeera Balkans and Anadolu press agency, as new media actors, are raising the bar for the country's journalistic practices. The lowest score, for Objective 4 (business management), highlights some of the biggest challenges: the oversaturated and poor media market and an industry that is losing its ground without proper institutional support and with unfair competition for advertising revenues. A moderate drop was noticed with regard to Objective 5 (supporting institutions).

BOSNIA & HERZEGOVINA at a glance

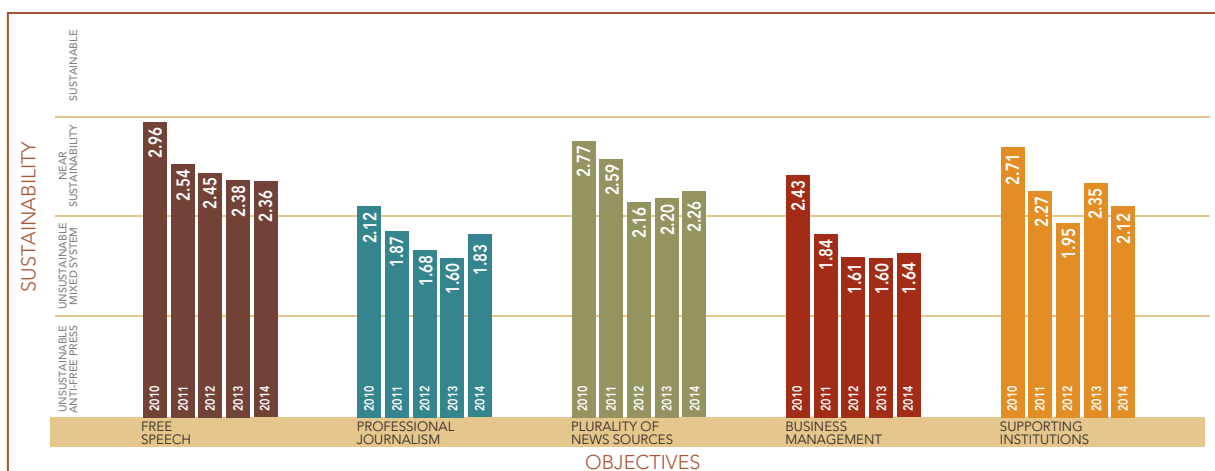
GENERAL

- > Population: 3,875,723 (July 2013 est. *CIA World Factbook*)
- > Capital city: Sarajevo
- > Ethnic groups (% of population): Bosniaks 48%, Serbs 37.1%, Croats 14.3%, others 0.6% (2000 est., *CIA World Factbook*)
- > Religions (% of population): Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14% (*CIA World Factbook*)
- > Languages: Bosnian, Croatian, Serbian
- > GNI (2012-Atlas): \$18.20 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$9,650 (World Bank Development Indicators, 2013)
- > Literacy rate: 98%; male 99.5%, female 96.7% (2011 est., *CIA World Factbook*)
- > Next scheduled presidential elections: 2014
- > President or top authority: Members of BiH Presidency, Nebojša Radmanović, Željko Komšić, Bakir Izetbegović (2010–2014)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: 9 daily newspapers, 189 periodicals (magazines, publications, of diverse content) (The Press Council of BiH); Radio Stations: 142; Television Stations: 43 (Communications Regulatory Agency)
- > Newspaper circulation statistics: N/A
- > Broadcast ratings: Top three television stations: Pink BiH (14.34%), Federal TV (13.02%), OBN (10.1%) (Mareco Index Bosnia, 2013)
- > News agencies: FENA (state-owned), SRNA (state-owned), ONASA (private), NINA (private), MINA (Islamic Community in B&H), KTA BK B&H (Conference of Bishops of B&H), Anadolu Agency
- > Annual advertising revenue in media sector: \$42 million in 2013; Television: \$27.6 million; Outdoor: \$8.2 million; Radio: \$3 million; Print: \$2.5 million; Internet: \$1.7 million (Fabrika advertising agency, 2013)
- > Internet usage: 2,184,500 or 57% of the population (Communications Regulatory Agency, 2012)

MEDIA SUSTAINABILITY INDEX: BOSNIA & HERZEGOVINA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorers.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Bosnia Objective Score: 2.36

The Objective 1 score did not change perceptibly. However, panelists did give improved scores for indicators 4 (crimes against journalists), 5 (guarantees of independence for public media), and 7 (access to information). The improvement was offset by lower evaluations of indicator 2 (licensing and registration of media) and indicator 9 (free entry in the journalism profession).

The main concerns that panelists expressed include the lack of enforcement of current laws and the apparent amendment of some laws to better serve politicians' interests. The courts lack the standards and expertise called for to process cases dealing with journalism, and the police are often unwilling to get involved. Overall, a culture of impunity prevails for those who violate the freedom of speech and rights of journalists.

The existing constitutional framework, which stipulates that "the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in BiH," guarantees basic human rights and freedom of expression. The criminal codes of the Federation of B&H, Republika Srpska (RS), and Brčko District do limit freedom of expression in cases of speech involving information and

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Borka Rudić, secretary general of BH Journalists, said that getting the police to testify that a journalist was beaten up is a serious challenge: "The key problem is getting proof ... We manage to win some of these cases thanks to good lawyers, but basically the problem is that the judiciary does not recognize this as a criminal act."

opinion that instigate discrimination, hatred, or violence against persons or groups of persons because of their religion, ethnic group, sex, or sexual orientation.

The legal framework to promote and protect the freedom of expression is sound, but it lacks the mechanisms and supporting institutions required to ensure they are enforced. A study led by Analitika suggests that the countries of the Western Balkans, including B&H, suffer from a "transplant effect." Namely, the international community imposed nearly all of the most important laws regulating the media sphere in B&H; the laws were borrowed from another context that has not always fit.¹

In 2013, several important laws were drafted and discussed. Asja Rokša-Zupčević, assistant director for broadcasting at the Communications Regulatory Agency (CRA), mentioned the proposed Law on Electronic Communication, which raises the issue of authority over the broadcasting sector, and had moved into parliamentary procedure at the time this study was being prepared. Recently, Dunja Mijatović, the Organization for Security and Co-operation in Europe (OSCE) representative on freedom of the media, expressed concern that the draft law could seriously affect the independence of the regulator, CRA.

The Association of Journalists of the Republika Srpska prepared a draft media law in this entity in July 2013, and the panelists expressed concern that some of the proposed elements would constitute a step backward. As media law expert Mehmed Halilović cautioned, it does not mention the regulatory (CRA) or self-regulatory (Press Council of B&H) body, and it collides with the Law on Freedom of Access to Information and laws regulating defamation.²

¹ "Development of Functional Media Institutions in the Western Balkans—A Comparative Study." Analitika, Centre for Social Research. For more see: <http://www.analitika.ba/bs/vijesti/istrazivacki-serijal-o-medunarodnoj-podrsici-medijima-u-zemljama-zapadnog-balkana>

² Halilović, Mehmed, "Analiza Nacrta zakona o medijima RS: Nedostaci i prednosti," Internews, 21 October 2013, available online: <http://www.internews.ba/aktivnost/analiza-nacrta-zakona-o-medijima-rs-nedostaci-i-prednosti>

In the RS, the Law on Radio-Television of Bosnia-Herzegovina (RTRS) was amended in October 2013, changing the procedure for selecting RTRS steering board members. With these changes, RTRS co-financing from the RS government budget was made possible.

The CRA regulates the broadcasting sector and has executive powers to enforce existing rules and regulations, including the Law on Communications. As Rokša-Zupčević explained, the Council “adopts rules related to everything from the field of telecommunication broadcasting, including licensing rules.” Thus, it may negatively influence the process of licensing, although it is not directly involved in the licensing process, unless a station that did not receive a license lodges a complaint.

In previous years, licensing procedures were seen as impartial, transparent, and apolitical. However, the panelists considered the November 2013 appointments of seven members of the CRA Council to be politicized. The association BH Journalists labeled the appointment procedure illegitimate, ignoring articles in the Law on Communications that describe requirements for CRA members in terms of experience and gender balance. Many other organizations and individuals also raised objections regarding the process. To complete the procedure, the list must be confirmed by the House of Peoples of the Parliamentary Assembly of B&H, still pending at the point this MSI study was prepared.

Once elected, the CRA Council has authority over the process of appointing the agency’s director general, whom the Council of Ministers must approve as well. As previous MSI reports indicated, for a period of more than six years, the CRA’s incumbent director, Kemal Huseinović, has never been officially confirmed, so he has been acting in an interim capacity for six years.

In spite of the fact that procedures for licensing community radio have existed for several years under the CRA’s authority, only three radio stations are licensed: Radio Open Network, Radio Maria from Mostar, and Radio Our Children from Zenica. The main problem lies in the fact that the law denies community media access to funding from advertisements, preventing substantial development of this media sector.

The media industry is treated the same as other industries in terms of market entry and tax structure. The government gives no tax breaks to media, nor does it differentiate value-added tax (VAT) for different industries. Some panelists considered that, in an economic downturn, any kind of tax break or financial incentive for media is welcome. Print media are in the least favorable position. Senad Zaimović, director of the marketing agency Fabrika,

said that the state is not actively trying to prevent the operation, existence, and development of media through taxes; taxes are equal to those of other businesses, but they are just not stimulating, considering the danger that the print media are in.

Crimes against journalists still occur, but the Free Media Help Line said that the number of reported cases of crimes against journalists fell just slightly—45 cases in 2013, compared with 47 in 2012. In 2013, the most serious cases included three physical assaults, one death threat, and 21 cases of other threats and pressure; the remaining cases related to other infringements of media freedom.

Several attacks on journalists and media in 2013 attracted public attention. On April 14, in Trebinje, an Orthodox bishop verbally attacked Nebojša Vukanović, a correspondent for the BN TV channel, because he was displeased by the journalist’s reporting. The OSCE representative on freedom of the media condemned an attack that set Sarajevo weekly *Slobodna Bosna’s* office door ablaze; the representative also condemned a threat written in graffiti against a journalist from Mostar, Nermin Biše. Many international organizations reacted after the journalist Predrag Lucić received death threats on various web portals in B&H. The threats appeared to be connected to a book of satirical poetry, which some groups perceived to be offensive and supportive of genocide.³

A serious hindrance is that free-speech violations happen with relative impunity. The panelists trace this to the limited capacity, inefficiency, and, in some cases, insufficient will of the police and judiciary, which are mandated to protect journalists and process attacks on media and journalists. Borka Rudić, secretary general of BH Journalists, said that getting the police to testify that a journalist was beaten up is a serious challenge: “The key problem is getting proof ... We manage to win some of these cases thanks to good lawyers, but basically the problem is that the judiciary does not recognize this as a criminal act. Most of these incidents are settled as misdemeanors, on the level of a café brawl.” Since journalists generally feel unprotected, they are often unwilling to tackle the more sensitive issues that would put them in danger, hindering reporting on issues of public relevance as a result. Branka Mrkić Radević, a journalist for the web portal Zurnal.info, expressed concern about police protection, noting that some journalists appear to enjoy privileges over others in this respect.

³ “SEEMO expresses concern at tide of South East Europe free media violations.” SEEMO Staff statement, April, 2013. Available at: <http://www.freemedia.at/home/singleview/article/seemo-expresses-concern-at-tide-of-south-east-europe-free-media-violations.html>

The Law on the Public Broadcasting System (PSB) formally guarantees the PSB's editorial independence and institutional autonomy. As a precondition for editorial independence, financial independence is stipulated through financing based on public fees, as well as advertising and various types of sponsorship (donations). The law on public broadcast stations also stipulates that editorial board members of public stations cannot be public officials or perform duties in a political party or organization with a political affiliation (Article 10). Doubts about editorial independence and performance of the public broadcasters surface frequently, most recently related to the process of electing members of the Board of Governors of the RTV FT B&H. The panelists indicated the steady influence of politics in the process of nominating and appointing members of managing and editorial structures of public media. The situation for local public media is even worse, as they are financed primarily through municipal and cantonal budgets. Although they enjoy a privileged market position, compared with private media, they endure constant pressure to support the interests of the local authorities in their reporting.

Protection against defamation is regulated by the Law on Protection against Defamation in the Federation of B&H (2002); the same laws exist in the RS (2001) and in Brčko District (2003). Subsidiary legislation applied in this field includes the Law on Civil Obligations (which regulates compensation of damage), the Law on Civil Procedure, and the Law on Enforcement Procedure, which are in force in both entities.

A big dilemma in the application of this legislation is whether a person who gives an interview or makes a statement to the media should be considered the author of that statement, and whether he/she should be held responsible for it in addition to the journalist who publishes or the editor who controls the information. The federal law clearly indicates that the person who gives a statement or interview to the media cannot be held responsible for defamation, which is contrary to European practice.⁴ One problem in the implementation of the law is that in practice, journalists sometimes must provide evidence on the accuracy of published information. Media representatives expressed doubt about the judiciary's impartiality in some of these proceedings, especially if the plaintiffs hold positions of power.

In 2013, an important case linked with libel was related to a Banja Luka court's decision to award damages of approximately €2,500 to the president of RS, Milorad Dodik,

⁴ "Indicator for measuring media freedoms in the countries members of the CoE: Shadow report for Bosnia and Herzegovina." Press Council and BH Journalists: 2012, p. 11.

Rudić, who has analyzed more than 700 cases of defamation lawsuits in a 10-year period, explained, "Most politicians file lawsuits to put pressure on the media, not with the intention of actually going through with a defamation proceeding."

in his lawsuit accusing the journalist Ljiljana Kovačević of defaming him. This represented a significant shift in the courts. Rudić, who has analyzed more than 700 cases of defamation lawsuits in a 10-year period, explained, "Most politicians file lawsuits to put pressure on the media, not with the intention of actually going through with a defamation proceeding. I have followed the lawsuits filed by Avaz (i.e., the former owner of Avaz); he filed 260 lawsuits in a period of five years and quickly withdrew 190 of them. Therefore, he got that first effect that he needed in the public."

Legal frameworks for free access to information exist on the state and entity levels and the level of Brčko District. The law at the state level initially was adopted in 2000 and amended in 2006, 2009, and 2011. The Agency for Protection of Personal Data in B&H initiated a new change to the law, and the Ministry of Justice of B&H published draft amendments to the Freedom of Information Act in May 2013. The most controversial provisions of the newly drafted law relate to the protection of private data, as well as limits to access to information in all cases in which the request endangers "the right to privacy and other legitimate private interests" (Article 4). Although some exceptions to the rule were also defined, under the law any kind of information related to property issues would be considered "private" and therefore could be unavailable to the public.

The new amendments essentially discredited the public-interest test—that is, the practice of making decisions on a case-by-case basis. The new draft included the principle of automatic responses to requests for public information and denial of access to information in cases that involve endangering the "right to privacy."⁵ B&H civil society groups, with backing from the Institution of Ombudsman for Human Rights in B&H, responded immediately and swiftly against the proposed changes. Experts developed a set of points

⁵ Halilović, Mehmed, "Analiza Nacrta zakona o slobodi pristupa informacijama BiH," Internews.ba, available online: <http://www.internews.ba/aktivnost/analiza-nacrta-zakona-o-slobodi-pristupa-informacijama-bih>

Boro Kontić, director of Mediacentar Sarajevo, believes that the high standards of Al-Jazeera and Anadolu news agencies positively influenced the overall score for this indicator.

that drew a large number of comments, after which the amendments were withdrawn.

In previous years, the panelists outlined the fact that only the state-level law defines sanctions for failing to provide information, while the entity laws lack this mechanism. Mirjana Popović, a journalist from the Centre for Investigative Reporting (CIN), said her organization sued three state-level institutions several years ago for withholding public information. CIN won favorable verdicts in all three cases, and the State Service Agency, the Border Police, and the Ministry of Foreign Affairs were ordered to pay court costs and provide complete responses to everything related to employment contracts that had been requested back in 2011. CIN requested the information for a series of articles on irregularities in vacancy procedures for employment at state institutions.

Access to local and international news and sources for media outlets in B&H is free and not restricted by law. Still, the lack of respect for authorship and the problems of plagiarism and lifting content from other media remain a serious concern, especially taking into account online media's growing influence.

Entry into journalism is open, and the government does not impose any restrictions in this regard. Still, there is an ongoing policy under which the RS government, led by the Alliance of Independent Social Democrats, prevents certain media outlets from covering public events or obtaining statements from entity officials. In 2013, the party instructed its members to refrain from contact with journalists from BNTV Bijeljina, prompting a statement of concern from the OSCE representative on media freedom.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bosnia Objective Score: 1.83

The score for Objective 2 improved modestly, compared with the previous two years. The scores for all indicators climbed slightly, except for indicator 6 (entertainment vs. news and information programming), which stayed roughly the same. Despite these improvements, the overall score for

this objective still falls below the overall country average, indicating that the overall level of professionalism is still unsatisfactory.

Fairness, balance, and usage of relevant and various sources in media reporting fall short of expectations. Due to the politicization and commercialization of media content, the overall quality of reporting is unsatisfactory despite the improvement in score compared with last year. Factors influencing the score include the strong fragmentation of the journalism community based on territorial, ethnic, and political affiliations, a lack of credible sources, and reporting based on political affiliations or financial dependence on major advertisers.

Within the broadcasting sector, the Broadcast Code of Practice for Radio and Television Programs defines the standards of programming, while the Press Code defines professional standards for the print media sector. The degree to which the media and journalists follow these regulations is far from consistent.

According to the Law on Communication (Article 49), the CRA is granted executive powers to respond when electronic media violate journalistic norms. It can impose financial penalties, suspend broadcasters, and revoke licenses.

Rokša-Zupčević suggested that the number and type of complaints submitted to the CRA are for the most part related to fairness, balance, and use of relevant sources. The panelists say that thorough investigation of any questionable articles appearing in the media is rare. According to the latest available report, in 2012 the CRA director handed down 108 enforcement measures for violations of relevant CRA rules and regulations and revoked

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

the licenses of four outlets: Independent Radio Travnik, Independent TV Travnik, Herzegovinian TV Mostar, and Herzegovinian Radio Mostar.

The Press Council of B&H promotes professional and ethical norms in print and online media. Unlike the CRA, it does not have enforcement powers, since its work relies on the principle of self-regulation and a system of voluntary compliance of print and online media with journalistic norms and Council decisions. An October 2013 EU Progress Report outlined its important role: “The Press Council has continued its cooperation with judicial institutions and journalists’ associations to improve the quality of reporting and to raise the public’s awareness of legal rights.”

The Press Council does not deal with the content of social networks, blogs, and forums. In addition, given that some websites that perform an informational role are not officially registered and do not provide contact information, citizens cannot complain about their content, and these websites cannot be part of the self-regulatory system.⁶

Boro Kontić, director of Mediacentar Sarajevo, believes that the high standards of Al Jazeera and Anadolu news agencies positively influenced the overall score for this indicator. Within this indicator, according to the panelists, the three most salient problems relate to plagiarism (due to the growing influence and exposure of online content), the blurred distinction between news reporting and advertising, and hate speech, especially online.

With reduced support from donors and meager advertising, most media in B&H operate in “survival mode.” In many cases, the economic interests of owners and the advertising power of big companies have overwhelmed media outlets’ professional goals, leading to self-censorship. Rubina Čengić, an editor for the news magazine *Start*, believes that editors often pressure journalists into censorship, although fear for their own safety and socio-economic status is undeniably a contributing factor as well.

Without relevant research and regular monitoring of media content (including programs on the PSB), it is difficult to know if media and journalists cover all relevant events. The panelists generally feel that public media overemphasize the importance of political and protocol events, such as conferences. What is lacking is more politically relevant journalism, as well as features. (Al Jazeera Balkans, which regularly broadcasts various features and stories on the

lives of ordinary people in various parts of the country, is one exception.)

Based on available research, media in B&H operate in line with their exclusive editorial policies, which promote the partial interests of political and economic actors and portray others (political, ethnic, religious, etc.) in a negative sense. In sum, they foster a situation of uncertainty and fear of others—which is especially visible when covering election campaigns and other political events.⁷

The panelists also commented that having a high number of potential sources (including online media) does not automatically ensure a better-informed public. Most media report on the same issues and even use the same sources.

The vast majority of online media and communication through social networks proved to be far more efficient when it comes to information exchange and social mobilization, mainly due to the fact that centers of (political) power do not directly control the flow of information online. An illustration of this could be found when protests were organized in Sarajevo through online platforms and social media over the lack of regulation of citizen ID numbers for newborns. On the other hand, some media—under the control of politicians representing the Serb and Croat peoples—labeled these protests as a Sarajevo-centric initiative and a threat to their security.

Consideration of pay levels for media professionals again drew low scores from the panelists, indicating a very poor and uncertain situation. B&H fails to comply with Resolution 1636 (2008) of the Parliamentary Assembly of the Council of Europe, which states that “journalists should have adequate working contracts with sufficient social protection, so as not to compromise their impartiality and independence.” As concluded by the Balkan Media Barometer for 2011, journalists in this country are “exploited and poorly paid, afraid of being sacked, and cannot be truly free and motivated to adhere to professional standards in their daily work.” Quite a number of media employees work for periods of more than five years without any contract, health insurance, or employer contribution to their pension or disability fund.⁸

As reported in previous MSI reports, it is estimated that average salaries for journalists vary from BAM 400 (\$278), the typical rate for those employed in small local media, to BAM 1,000 (\$696), to BAM 1,500–2,000 (\$1,044–\$1,393) for editors on the public-service or successful commercial stations. Journalists in smaller media outlets are underpaid

⁶ “Interview with Ljiljana Zurovac.” UNESCO. Available at: <http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/in-focus-articles/2013/advancing-tolerance-and-respect-online-the-case-of-bosnia-and-herzegovina/interview-with-ljiljana-zurovac/#sthash.f59fL67m.dpuf>

⁷ See further: Udovičić, R., Marko, D., Turčilo, L., and Ljubić, T., “Elections 2010: How did media cover the election campaign?” Sarajevo: Media Plan, 2010.

⁸ Balkan Media Barometer, 2011: 61

and possibly susceptible to corruption and less motivated to produce relevant journalistic content. The media also suffer a high rate of attrition of journalists seeking better-paying, more secure professions, such as public relations.

Despite the perception that media lean heavily toward entertainment programming, news and informational programming is still not eclipsed. As Rokša-Zupčević pointed out, there are several major television outlets classified as news and informational, such as public-service broadcasters and Al Jazeera and TV1, but she added that news and informational programming in other media is limited: "When we turn to any local community, we see a four- to five-minute flash of local news and rebroadcasting of the news programs I mentioned."

Individual media outlets vary widely regarding their technical resources for production and distribution of news. While public broadcasters are still waiting for basic conditions to be fulfilled for the digital switchover (they continue to disagree on the establishment of a corporation, a prerequisite for the switch), private media (such as Al Jazeera Balkans, TV1, and FACE TV) are the real leaders in technical developments. At the same time, small and local media, due to their struggle for survival, are not in a position to purchase modern technical equipment for production and distribution.

The panelists agreed that there is a lack of specialization for certain topics and for niche programming, as well as a general lack of investigative journalism. They noted that only a few media outlets offer this content, such as the Center for Investigative Journalism, Zurnal.info, portal Buka, and news magazine *Slobodna Bosna*. Recent research studies have indicated that the most common topics in media content are related to politics, sports, and social topics, while features, culture, the international activities of B&H, science, and the economy are underrepresented.

OBJECTIVE 3: PLURALITY OF NEWS

Bosnia Objective Score: 2.26

Scores for this objective remained relatively static this year (2.26, compared with 2.20 in 2013). Indicator 2 (citizens' access to domestic and international media) scored the highest, about three-quarters of a point higher than the objective score, while the lowest scores went to Indicators 3 (state or public media serve the public interest) and 7 (representation of wider social spectrum, including national minority languages); these each lagged behind by roughly three-quarters of a point. Indicator 3, however, improved the most of any indicator in Objective 3.

Media draw from a variety of sources, but these sources do not necessarily reflect a plurality of viewpoints—and there is almost no plurality of perspectives within single media outlets. The panelists mentioned that independent experts are rarely cited as sources. Instead of representing different political viewpoints, media are often biased, and affiliations between political parties and particular outlets are sometimes obvious. An exception to this, according to the panelists, is Al Jazeera Balkans. Web portals, blogs, and forums represent an additional source of information, but their popularity and social impact are still limited. According to a CRA report, 57 percent of citizens in B&H use the Internet,⁹ but television is considered the primary source of information. For 60 percent of citizens, television is still the source of the most reliable information, the Internet is second with 27 percent, radio and daily print media share third place with 6 percent, and news magazines are last with less than 1 percent.¹⁰

Social networks are important in the country; according to the panelists, there are almost 1.7 million Facebook profiles, and the platform Blogger.ba claims more than 300,000 users. There is still no SMS news or media content offered in the country, due to the high cost of this platform.

The government does not restrict access to domestic or foreign media, but the expense is too steep for some

⁹ "Godišnja anketa korisnika RAK dozvola za pružanje Internet usluga u BiH za 2012. godinu," CRA, 30 May 2013, available online: <http://www.cra.ba/bih/index.php?uid=1272548201>

¹⁰ "Mediji u BiH 2013, medijske slobode, profesionalizam, izazovi," BH Journalists/Friedrich Ebert Stiftung, April 2013.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

citizens. As Čengić said, “Laws do not stand in the way, but economic and other conditions do restrict access to media. Those who do not have money cannot pay for a cable television package or buy all the newspapers they want.”

Although several public and private broadcasters cover the entire nation, print media circulation is geographically differentiated based on the ethnic or political affiliation of their readership. When it comes to rural areas, there are some signs of improvement in both distribution of broadcasting content and Internet penetration. Rokša-Zupčević explained, “Due to the broad penetration of IPTV telephony, primarily by telecom operators, the situation in rural areas has changed drastically. People are willing to pay around 30 KM for a package that provides access to the Internet, a certain number of channels, and telephone with a certain number of free calls.”

Public media in B&H are directly dependent financially on the cantonal/city and municipal-level government budget. In addition, the process of selecting their management and steering boards is deeply influenced by politics, including not only appointments in local public media, but also the state and entity public broadcasters.¹¹ It became especially apparent during the election period that serving the public interest was not a priority for public media. In 2013, the panelists said that RS public-service reporting on the entity’s government and its leading political party (SNSD) was biased and uncritical, while FTV’s editorial policy improved slightly and is currently not influenced by a single political party, as it was after the 2010 elections.

When it comes to variety of topics, according to an analysis supported by Friedrich Ebert Foundation that studied the prime-time programming of public broadcasters BHTV1, FTV, and RTRS over a period of seven days, the most balanced is BHTV1. For BHTV1, the four dominant categories are movie and series programming (23 percent), sports (22 percent), news and information (21 percent), and magazines (21 percent). For the other two public-service broadcasters, movie and series programming dominates, especially on FTV, where it constitutes 50 percent of total programming; on RTRS, it constitutes 34 percent. News and information programming reaches 22 percent on FTV and 25 percent on RTRS. On RTRS, documentary programming is in third place, at 10 percent.¹² Rokša-Zupčević added, “Some content required by law is totally absent. Or, if it is present, in

¹¹ Hodžić, S., Flash Report: Bosnia & Herzegovina, 31 July 2013, available online: <http://mediaobservatory.net/radar/flash-report-bosniaherzegovina>

¹² Friedrich Ebert Stiftung and conducted during March, April, and May 2013 and are available online: <http://www.mediaonline.ba/ba/?ID=540>.

terms of children’s programming, it comes down to foreign cartoons.” Besides programs specialized for children, cultural and educational programs are also underrepresented.

Broadcasters are obligated to produce original content that constitutes at least 20 percent of their programming (Rule 55/2011, Article 13, paragraph 5), but it is questionable whether this provision is respected. Unlike private broadcasters, their public counterparts have regulatory requirements to produce specialized programs, and, according to Rule 57/2011, 40 percent of the program should be informational or educational (out of which 10 percent should be on refugees and displaced people, national minorities, and other vulnerable groups [Article 3, paragraph 1]).

There is no relevant research that takes into account the entire program schedule of all relevant public media. The CRA is not mandated for such monitoring, nor does it have the capacities and resources for this. In July 2013, the Media Plan Institute from Sarajevo published an analysis based on seven-day monitoring of programming on three public television stations—BHTV1, FTV, and RTRS—in the prime-time period. On BHTV1, FTV, and RTRS, news and informational programming make up 21, 22, and 25 percent, respectively, of total programming.¹³

There are two public or entity-owned news agencies, as well as four that are privately owned. The two strongest agencies, FENA (federal) and Srna (from the RS), are most likely under substantial political pressure, especially since there are no legal or regulatory guarantees of their independence. Several panelists praised Anadolu agency for elevating the standards of professionalism among news agencies on the market. The panelists also cited Onasa (from B&H) and Beta (from Serbia, with services in B&H) as relatively independent, along with international agencies, such as the Associated Press and Reuters—although not all media can afford their services.

According to Amir Zukić from Anadolu agency, major media can afford to pay for news agency services: “It is less costly to buy all agencies than to hire two people.” Media rely on these agencies in their everyday practice, and agency news is regularly published and broadcast in media without any modifications. On the other hand, as discussed in previous reports, most local media cannot afford to pay for agencies (at least, not for all of them as Zukić suggests), and their journalists are not paid the same as those working for the most prominent media.

¹³ Ibid., Friedrich Ebert Stiftung.

Zukić outlined the fact that media often do not mention agencies as sources: “Only some media cite Anadolu as a source of information.”

As for whether private media produce their own news programming, according to CRA rules, only segments of programming entirely produced by a licensed media outlet or produced by independent production exclusively and for use by a licensed media outlet can be classified as original programming. The same rule defines that a license user in its programs should contain at least 20 percent of its own productions, out of which 75 minutes must be broadcast in prime time, between 17:00 and 23:00 (Article 13).

In practice, most licensed private media outlets produce their own informational or news programs. However, according to Rokša-Zupčević, it is very difficult to observe the nature and quality of these programs in practice. In practice, broadcasters might consider a mere studio recording of a host reading agency news. “We prescribe an obligation for all license users to have a specific percentage of their own productions, but we do not assess the program in qualitative terms... there is a problem in that regard with some big stations,” Rokša-Zupčević explained.

The concentration of media ownership is unregulated, now that the Rule on Media Concentration and Cross-Ownership of Broadcast and Print Media has expired. No progress has been made in regulating these issues. With regard to transparency of ownership, data are available in court registries of business entities. The CRA currently does not release information on ownership, but Rokša-Zupčević announced, “We will soon publish in the CRA register the data from court registers on broadcast media ownership. Court registers are publicly available documents, and anyone can get information directly from users or from the court. This does not mean anything until a legal solution is created, consisting of rules related to ownership and encompassing a broader range of players, encompassing advertisers, media, bloggers—the whole industry. Only then can we perhaps start talking about possible transparency.”

When it comes to traditional media, information on their owners is accessible in court registers, but it is not displayed in their print or online editions. When it comes to web portals, due to lack of regulation in this domain, some online media are not registered as media businesses, and it is not clear who owns them. For example, the portal javno.ba does not mention the owner in the masthead, but many assume that this online media outlet is controlled by political and business affiliates of the president of the B&H Federation, Živko Budimir.

B&H media outlets have shied away from reporting on issues related to gender, religious, national, and sexual minorities,

including LGBT identities. Web portals and social media, however, are leaders in this sense.¹⁴ There are several specific portals that focus on issues important to these particular communities, such as www.diskriminacija.ba, www.manjine.ba, www.tocak.org, etc. In 2013, Sarajevo Open Center, in cooperation with Internews B&H, awarded the web portal radiosarajevo.ba, the public-service FTV, and the news magazine *Dani* for their professionalism and socially responsible reporting on LGBT-related issues.¹⁵

Analysis of media reporting on marginalized and vulnerable groups conducted in 2013 indicated that very few media reports/packages on this topic included bylines, possibly indicating lack of interests in these issues, lack of original and comprehensive content, and excessive reliance on other sources, such as press releases and agency news. The general sample consisted of 12 media outlets: four print, four television, and four web portals (Buka, Depo, Radiosarajevo, and Klix). Among those that provided bylines, the majority of the authors were female (65 percent).¹⁶

Public media do not pay enough attention to marginalized minority groups, according to the panelists. There is no regular show on PSB on minorities, and the public service in this sense does not fulfill its obligation under the law. Namely, according to the Law on the Protection of Rights of Members of National Minorities, all public media are “obligated in their program schedules to envision special shows for members of national minorities and may also provide other content in the languages of minorities. Radio and television stations as well as the public services of B&H shall at least once a week provide a special news program for members of national minorities in their language.” Recent studies indicated that there are no programs in minority languages on public media, but there are some magazine shows made regularly for and about national minorities in the majority language. These shows are “Patria mea” on BH Radio and “Korijeni” on Radio RS. Also, there are some periodical publications that cover minority topics, such as *Jevrejski glas*, the paper of the Jewish Community; *Zora Cankarjeva*, a Slovenian almanac published by the Cankar association; and *Glas Roma*, published by the Union of Roma NGOs of the RS. A magazine that promoted the Roma community, *Amarodrom*, was published by Media Initiatives until March 2013.¹⁷

¹⁴ Dardić, D., and Marko, D. “Izveštavanje o marginalizovanim i ranjivim grupama u BiH: Analiza medijskih sadržaja,” Helsinki Citizens’ Assembly BL, 2013: pp. 25–27.

¹⁵ “Nagrade za izveštavanje o LGTB temama,” Mediacentar portal, December 16, 2013. Available at: <http://www.media.ba/bs/vijesti-i-dogadaji-vijesti/nagrade-za-izvjestavanje-o-lgbt-temama-za-radio-sarajevo-dane-i-ftv>

¹⁶ Ibid., Dardić and Marko, p. 31.

¹⁷ Udovičić, R. “Media and national minorities in BiH,” in Marko, D. *Information in Minority Languages in the Western Balkans*, Sarajevo: Mediaplus Institute, 2013: pp. 128–192.

Mrkić Radević highlighted another problem with minority coverage: “In terms of minority groups, I think they are represented in media just for the sake of form; they are featured in programs on the public broadcasters at times when no one is watching or listening. I have had an opportunity to work with a lot with people who represent minorities, and that is precisely their objection. They even said ‘do not represent us at all if you are going to cover us at a totally unpopular time.’”

Coverage of local topics is compromised as well. According to the CRA Register, there are 12 public local television and 67 public radio stations (financed through the municipality, city, or cantonal budgets). They presumably cover local issues, but due to financial dependence on local governments, their editorial independence is considered jeopardized. The public-service broadcasters FTV and RTRS broadcast shows (*Federation Today* on FTV and *Srpska Today* on RTRS) on issues related to local communities in these two entities, but all of these media mostly cover national and international issues to some extent.

The CRA Registry lists 109 privately owned radio and television stations, which generally include news programming; some of the major ones are BN Bijeljina, ATV Banja Luka, and Radio Stari Grad. Some commercial media have reach in a small area. It is questionable whether private and public local media have the capacities or mission to cover local issues in a substantial way, providing a multitude of sources and some social critique. Online media also contribute to the variety of media content, although content on local communities is still scarce.

OBJECTIVE 4: BUSINESS MANAGEMENT

Bosnia Objective Score: 1.64

Business management continues to be a challenge for B&H media. The score for indicator 3 (advertising agencies and related industries support an advertising market) exceeded the objective score by half a point; otherwise all indicators scored close to the objective score. The main problems, according to the panelists, relate to a poor market’s oversaturation with media outlets, a lack of managerial competence of people heading local media, and a lack of advertising investments by local companies. In addition, currently there is irregular competition in the market for telemetric research. This competition exists between Mareco Index Bosnia, the agency that conducted research for years and whose reliability some media have questioned, and a new competitor favored by the state, Audience Measurement, which is licensed by Nielsen and whose ownership is not transparent.

According to Rokša-Zupčević, the CRA Code on Commercial Communication enables various types of advertising and sets minimal rules in this regard, but she indicates that advertising practices are problematic: “What we have as a result is giving away the (advertising) space for next to nothing, and total deformation of program content.”

Generally speaking, though, weak media management skills are a persistent problem in the field. “We don’t have educated media managers. Here, journalists [rather than people formally trained in business management] usually become managers,” Zukić observed.

While most media are fighting for survival, a handful of media operate efficiently and sustainably, including the commercial television stations OBN and TV Pink, the daily *Dnevni avaz*, and Radio Stari Grad, which the panelists mentioned as examples of well-organized businesses. In general, though, sources of revenue are insufficient to sustain the media market, given the shrinking of already rare advertising revenue, compared with the high number of media, fading donor support, and poor collection rates of RTV fees.

The panelists underscored some possible missed opportunities in the pursuit of revenue; for example, media outlets rarely tap the full potential of online platforms and social media.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

There are a few exceptions, such as the web portal www.klix.ba, which has established a sustainable model by drawing advertising revenue and reaching a huge number of users.

Media draw funding from the government (direct or indirect), other donors, advertising revenue, and subscription fees for public-service broadcasting. Overall, though, funding opportunities for media are highly limited, given the small and underdeveloped advertising market—and the crowded field of media competing for funds. Advertising revenue continues to shrink; in 2013, the total amount was around BAM 55 million, or \$39 million. In addition, the country's media industry is not competitive on the regional scene, and thus loses out on potential advertising revenue. Zaimović said, "Our space is given free of charge to our regional competitors ... at my competition in Belgrade, if you order ads through satellite programs in Serbia, you get this service in B&H for free. They don't pay taxes in Serbia, and there is no monitoring, so of course why would someone go through me and pay taxes for the audience in Bosnia if they can get it for free by ordering a satellite program." The panelists urged the Council of Ministers of B&H to discuss this issue in order to protect the local media industry and fairness on the media market.

Regarding public media funding, doubts persist over their financial transparency, despite the fact that public media are obliged to submit financial reports each year and make them available to the public. External audit reforms, such as one produced by the Audit Office of the Institutions of B&H for FTV in 2011, have indicated some problems in regard to the PSB's financial operations. However, a 2012 audit performed by Merfi, a private audit company, evaluated its financial operations positively.

Aside from formal rules and codes, such as CRA Rule 57/2011 on Public Television and Radio Stations, in practice there are no guarantees to protect media and their editorial policies. Guarantees of editorial independence are especially lacking in local public media, which local governments finance directly. However, whereas in previous years the RS government directly subsidized media outlets, no significant issues were reported in 2013, mainly due to the fact that it was not an election year.

Public-service broadcasters RTRS, RTVF B&H, and BHRT are funded primarily through RTV subscription fees. According to an analysis produced by the CRA, the levels of collection of RTV fees are decreasing and for 2012 amounted to 40.8 percent of FTV's overall income and 56.9 percent of RTRS's overall income. The total amount of non-paid RTV subscription fees for the 2009-2012 period totaled BAM 89

million (\$62.7 million).¹⁸ Refusal or reluctance to pay RTV fees is especially common among Croats, who feel that their interests are not represented in the current PBS system.

Independent media outlets are struggling to secure funding, as international donors have largely withdrawn their financial support for the media. This is especially challenging for print media, because advertising agencies work primarily with the television sector, which holds the highest advertising share and is based mostly in the larger cities. As Zaimović says, there are only a few relevant local advertisers in the media market in B&H, which is dominated by major international companies, such as Coca-Cola, Bieersdorf, and Henkel. Zaimović believes that local advertisers do not appreciate the potential benefits: "Local advertisers do not have enough knowledge. If we exclude BH Telecom and Eronet, there are not any other active local advertisers. The banks that you see advertising are all more or less foreign owned. Who has seen our local Union Bank advertising anywhere?" Other panelists pointed out that there are a few additional local advertisers, including the tobacco company Fabrika duhana Sarajevo, the electricity company Elektroprivreda, and some ministries.

The main political or business actors take advantage of the poor economic situation of media outlets to influence their work and limit their editorial independence, whether through advertising arrangements or subsidies.

According to Rokša-Zupčević, the CRA Code on Commercial Communication enables various types of advertising and sets minimal rules in this regard, but she indicates that advertising practices are problematic: "What we have as a result is giving away the (advertising) space for next to nothing, and total deformation of program content." According to Zaimović, the main advertisers on the media market have remained the same, while budgets for advertising are smaller.

The CRA has contested the commercialization of the PSB, and the CRA Council changed the Code on Commercial Communication, cutting advertising time in PSB programs from six to four minutes per hour. According to the Law on the Public RTV System in B&H, the CRA Council has the authority to determine the minimum and maximum advertising time for the broadcasting sector, in line with European standards and taking into account conditions of the local media market. CRA reported that public-service broadcasters take 35 percent of all advertising revenues

¹⁸ "Analiza finansijskih pokazatelja Javnih servisa u BiH", in "Analiza tržišta emitovanja u Bosni i Hercegovini," CRA document, available online: <http://www.media.ba/bs/magazin-medijska-politika-regulativa/argumenti-za-odluku-rak>

in the media sector, which is BAM 19.63 million, or \$13.8 million. FTV has the sector's highest advertising revenue: 39.8 percent of FTV's total income, or 22.2 percent of the entire advertising income of the television market in 2012, according to the CRA analysis. On the other hand, public-service broadcasters pay 50 percent less in fees for broadcasting licenses than commercial media. The CRA warned that public services are increasingly acting as leading commercial media, and their action was meant to block that trend. The decision was expected to create significant financial hardships for public-service broadcasters but will likely be reconsidered later in 2014.¹⁹

However, many considered the decision as a direct attack on the editorial and financial independence of the public services. As Mehmed Halilović warned, "If this policy continues, I am afraid that we will lose public services and get state services, which will even more openly serve the political elites instead of the public." Zaimović objected to the decision as well, especially since it was taken without consulting the wider media and communication community. Still, Zaimović believes the PBS practice should be challenged, since it failed to fulfill its public-service role and instead competes in commercial media territory. For example, he said, "When the public service buys a Turkish series, it jeopardizes marketing revenue for a commercial television station."

Only a handful of commercial television stations, those that enjoy the largest viewership, have no problem securing significant advertising revenues. For most local media, local governments are important sources of revenue, either through direct funding by municipal or cantonal governments or through various projects. As reported last year, the RS government provided significant support to various media outlets in this entity—\$3.3 million in 2010 and \$2.4 million in 2012. As reported in previous years, government funding of the media is problematic and is considered an attempt to secure favorable reporting.

Mareco Index Bosnia (MIB) provides data on broadcast ratings, in addition to occasional ratings on broadcast and print formats from GfK BH, a branch of an Austria-based research company. However, serious doubts have been expressed since 2010 with regard to the accuracy and impartiality of data provided by MIB. Recently, a new agency (Audience Measurement) entered the B&H market.

While some panelists, including Čengić and Rudić, do not believe that media take research results seriously, Zaimović

stressed that research results are especially relevant in the television sector. Still, only a minority of broadcasters develop their work plans and program schedules based on these data and analyses. As Reuf Herić, director of Radio Q Visoko, said, not only is there a lack of knowledge to adequately use research results, but the quality of research to begin with is insufficient—particularly for radio. In his words: "Out of 45 television stations, nine buy and use research. Extremely poor research is produced for radio stations, not only because of the researchers, but because the radio stations have no money to pay for research. Out of 144 radio stations, four or five use research, out of which only two radio stations use software. The others do not even know how to interpret the data. The problem with research lies in our lack of knowledge on media management."

Since 2005, the Association of Media Industry B&H (UMI), initially supported by USAID/Chemonics Inc. International, served as a platform for its members (advertising agencies, public broadcasters, and private television stations) to define aims and secure a financial basis for market research conducted by the contracted research agency (MIB). UMI's primary aim was to enable B&H media to secure financial resources for very complex, demanding, and expensive monitoring and research—an area that the MSI panelists highlighted last year, noting that the market-research prices were too high for B&H media. Due to some internal problems, however, UMI's reputation was questioned, and some members (such as OBN and the public-service BHTV) walked out. In 2012, new management was elected to empower UMI and reestablish its reputation.²⁰

In addition to MIB, a new competitor appeared on the market, Audience Measurement. It offered the same services for television stations at much lower prices, BAM 28,000 (\$19,500) annually instead of the BAM 60,000 (\$41,800) that television stations used to pay MIB. For the 2013 MSI report, the panelists commented on this as a serious threat to the poor advertising market. Having two separate providers could inject new uncertainty into the market-research results and risk both players' financial viability. Also, the lack of universally accepted research results could possibly lead to withdrawal of international clients from the advertising market.

Additionally, the UMI president, Zaimović, pointed out that ownership over one of the research agencies (Audience Measurement, tied with Nielsen) is absolutely unknown. Rokša-Zupčević said that the CRA has no power over these

¹⁹ The Commission on Information of the Federal Parliament House of Representatives supported public services, asking the CRA to reconsider its decision. Finally, the CRA Council decided at the last meeting (March 5, 2014) that the amendment will soon be opened for public consultations.

²⁰ Intervju dana, Senad Zaimović, predsjednik UMI-ja, Media Marketing, September 19, 2012, available online: <http://www.media-marketing.com/intervju/4643-senad-zaimovic-predsjednik-umi-ja.html>

Kontić mentioned the case of the CRA Council election, which did not respect the principle of gender balance. “We have hundreds of women’s NGOs. Of the seven people elected to the CRA Council, not a single woman was elected, although there were several female candidates. At least one should have been elected, not to say three. Not a single women’s organization said a word.”

issues and that it is in the domain of the Competition Council of B&H to check if ownership is problematic.

The Institute of Metrology of B&H introduced a practice of certification of television measurement equipment and authorized the laboratory belonging to Audience Measurement to implement the certification process, which places this research agency in a better position. Currently, only Audience Measurement equipment is certified to conduct television audience research. MIB management reacted to the irregularity in an open letter in December 2013 and filed a complaint with relevant state institutions.

There is a lack of reliable information on print media circulations, and recently only a few print media outlets (Ljepota i zdravlje, Press, Blic, Šik, and Sport Centar) allowed circulation audits.²¹ In spite of the fact that some estimates indicate that the total circulations of the leading dailies in B&H are fewer than 100,000 copies, the lack of exact data prevents allocation of advertising money in these media. As for online media, data on ratings and browsing are provided by Alexa and Google, and dozens of websites are subscribed to Gemius Audience. According to the latest research carried out by this agency, the most visited news portal in B&H is klix.ba, with 6.5 to 7 million visits per month; Sportsport.ba is second, with 3 to 3.5 million visits. The most popular web page in B&H is Pik.ba, with more than 10 million monthly visits. FB is the most popular social network, while Google was the most used research engine in 2013.²²

²¹ Available on ABC audit research: <http://www.abc.org.uk/>

²² Available online: <http://www.audienceba.gemius.com/>

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bosnia Objective Score: 2.12

The score for Objective 5 for 2014 is 2.12, a moderate fall from last year’s score. Indicators 3 (supporting NGOs), 5 (short-term training and in-service training institutions and programs), and 6 (sources of media equipment are apolitical, not monopolized, and not restricted) experienced the steepest drops, more than a third of a point each.

There are several broadcast associations that represent media owners’ and managers’ interests, including the Association of Electronic Media, the Association of Private Broadcast Media, the Association of Broadcast Media, and the Association of Local Broadcasters of the Republika Srpska. There are no similar associations of print media owners.

UMI, gathering representatives of broadcasting media and advertising agencies, lost its initial potential and power after several founding media left the association and after the failed attempt to create a unified system of measuring media ratings. As its president, Zaimović, commented: “Unfortunately, UMI, the only organization that worked on resolving the issue of the selection of bidders and obtaining full industry buy-in, lost its authority. The UMI association was created seven years ago with a lot of support from [USAID-funded] IREX Pro Media. What is completely clear

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

is that institutions that were not created as a result of domestic interests and competition simply have a hard time surviving.”²³

There are currently six associations for journalists in B&H: the Association of BH Journalists, Association of Journalists of the RS, Association of Croat Journalists from B&H, Association of B&H Journalists, Association of Young Journalists of the RS, and Network of Women Journalists. The latter two are not active at all, according to the panelists. During 2013, only one journalist association, BH Journalists, remained fully active and representative when it came to protecting journalists’ rights and advocating for media freedoms. By focusing on narrow political, ethnic, and territorial principles, these associations (with the exception of BH Journalists) have missed opportunities to unite and advocate for the rights and freedoms of the entire journalist community.

BH Journalists, the panelists agreed, conducts the most frequent and diverse activities. In addition to organizing seminars and educational events, it also initiated cooperative ventures with other associations from B&H and from the region. The association conducted research related to media freedom in B&H and professional standards in journalism (for example, jointly with the Press Council of B&H, it produced a shadow report on media freedoms in B&H for 2011). BH Journalists extends support to its members and also provides journalists an opportunity to call a journalist help line if their rights and freedoms are endangered.²⁴ Rudić, BH Journalists’ secretary general, noted that its membership numbers increased after membership dues were lowered.

Journalists in B&H are free to seek protection of their rights (mainly socio-economic) through trade unions. The right to organize independent trade unions in B&H is defined and guaranteed by entity laws and constitutions. There are four trade unions in B&H, and their integral parts are branch unions of graphic, publishing, and media workers. Two of the four are located in the RS, one is in the Federation, and one is in Brčko District.

Employees of BHTV1 and FTV and of RTRS are organized into trade unions as well. For a long time, RTRS has had problems with the organization of journalists into unions, and its management has been slow to recognize the union’s representativeness as a party in negotiations. Recent surveys have shown that around only 15 percent of journalists are

members of trade unions,²⁵ and according to Rudić, only 16 percent of media outlets have internal trade unions. A survey conducted in 2012 by the Press Council of B&H and BH Journalists evaluated the work of trade unions as poor and inefficient. The survey respondents urged trade unions to play a greater role and take more initiative to protect journalists.²⁶

The panelists commented that there are only a few NGOs, such as the Helsinki Committee for Human Rights and Transparency International, which actively support journalists and media freedom. Generally, the panelists shared their dissatisfaction with the overall impact and achievements of these NGOs in 2013. The panelists also mentioned their dissatisfaction with the state Institution of the Human Rights Ombudsman of B&H, which has not issued a single thematic report on media freedoms for the past seven or eight years.

Kontić mentioned the case of the CRA Council election, which did not respect the principle of gender balance. “We have hundreds of women’s NGOs. Of the seven people elected to the CRA Council, not a single woman was elected, although there were several female candidates. At least one should have been elected, not to say three. Not a single women’s organization said a word.” Additionally, most NGOs in B&H are project-driven and donor-dependent, which may contribute to their lack of strategic orientation and more substantive work in advocating for free speech and media professionalism.

Six public universities provide education for journalists (Sarajevo, Istočno Sarajevo, Tuzla, Banja Luka, and two in Mostar), along with one private university (Banja Luka College of Communication). According to the panelists, the programs at these universities still do not meet high standards and generally lack practical knowledge on media production—especially new media. Additionally, these universities admit a very high number of journalism students, more than media outlets can ultimately hire.

There are a number of student media efforts, including a print magazine, *Karika*, which has been edited and produced by journalism students from all parts of B&H and administered by the Youth Journalists Association of B&H since 2008. Also, there is a web portal, novinar.me, administered and edited by journalism students from all parts of B&H, as well as e-trafika.net from Banja Luka, which was initiated as a student project.

The number of short-term training programs for journalists has dwindled, mainly due to the fact that donors seem to

²³ E-mail correspondence with Senad Zaimović, on December 2, 2013.

²⁴ Marko, Davor. “The Role of Professional Journalist Associations in Generating Professionalism and Accountability of the Media in BiH” (study), Open Society Fund BiH, 2012. Available at: http://www.osfbih.org.ba/images/Prog_docs/PDFP/pdfp_12/ENG_73_Davor_Marko.pdf

²⁵ Balkan Media Barometer, 2011: 63

²⁶ Izvještaj o stanju medijskih sloboda u BiH u 2011. godini. Sarajevo: Vijeće za štampu/Udruženje “BH novinari,” 2012.

There was no significant progress in 2013 since several tenders for purchasing adequate equipment for digitalization failed. The government lost three years doing nothing in this field, and the two final deadlines for this process are the end of 2014 (for replacement of existing transmitters) and June 17, 2015 (for completing the entire digitalization process).

be losing interest in supporting these activities. Only a few local organizations, such as Mediacentar in Sarajevo, offer journalism education programs. As Kontić stressed, the organization offers very attractive programs, but students' interest is often low. In recent years, Mediacentar has focused mostly on training programs that offer practical experience in all phases of multimedia production but cover different thematic areas. For example, Mediacentar offered a UNDP Digital Academy, providing practical working experience in digital media, and a 10-day training on reporting on diversity and marginalized identities, supported by the US Embassy.

Also active in this field, but with decreased scope, are the Press Council, BH Journalists, Sarajevo Open Center (SOC), Youth Journalist Association (ONA), and Institute for Youth Development KULT. Internews provided special courses to empower journalists to work online and to promote media law in the system of formal education.

There are no restrictions on purchasing materials or equipment necessary for media production. Sources of media equipment, newsprint, and printing facilities are apolitical; they are neither monopolized nor restricted in any way. Media can choose from among many printing houses in B&H; some media own their own printing houses and even do printing for other media outlets. On the other hand, there are no subsidies for printing houses, and the print media's generally low circulations do not motivate existing printing houses to invest in better printing equipment.

Two major telecommunications companies (BH Telecom and HT Eronet) are state-owned, while a third, Telekom Srpske, was sold to the Serbian Telecom in 2006. In previous years, these companies have displayed monopolistic behavior, despite the existing rules and legislative framework. In its December 2013 session, the CRA Council adopted the Rule on the Register of License Users and defined new

monthly subscription prices for all three operators. The Telecommunication Policy for the period 2013-2017 has not yet been adopted. Adoption of this strategic document would enable further development and improvement of the telecommunications sector, development of the next-generation network (NGN), arrival of new investments, an increased level of competitiveness, and ultimately lower prices and a wider range of services for users.²⁷

There are a number of television and radio distributors that provide their services in different parts of B&H. The CRA obliges cable distributors to rebroadcast local media programming, and although they occasionally failed to honor this commitment, the situation in this regard is satisfactory.

Online media startups, and their choice of software, are not in any way restricted by the state. Channels of distribution in the print media sector and printing houses are privately owned. In practice, distribution is limited by the ethnic fragmentation of readers, but distributors' political affiliations are not mentioned as a relevant hindering factor.

Infrastructure, availability, and offerings in terms of ICT technology are constantly improving. Broadband Internet is increasingly penetrating the market, even in rural areas. Since mid-2010, the leading operators in B&H began extensive introduction of multimedia services, including integrated IPTV and multicast Internet access. In the initial phase of IPTV, end-users of services were offered linear programmed television services and VOD services. There are four IPTV providers, and one distributes through the mobile phone network. In addition, there are more distributors of phone, Internet, and television services. Providers of Internet, mobile phones, cable television, IPTV, and similar services offer professional, efficient, and unrestricted access to all parties under standard market conditions.

The switch to digital broadcasting has been a major challenge in this country for years. The B&H Council of Ministers adopted a digitalization strategy in June 2009, but no significant progress has been made since. An expert commission working under the auspices of the CRA, formed in September 2011, prepared an action plan for digitalization in April 2012 and passed it on to parliament. Infrastructure for digital transmission has been prepared by the public services, the Council of Ministers has created all legislative and economic requirements for the process, and the CRA

²⁷ "Vijeće RAK-a usvojilo rebalans cijena telefonskih usluga," December 9, 2013, available at: <http://ekapija.ba/bs/Vijest/vijesti/vijece-rak-a-usvojilo-rebalans-cijena-telefonskih-usluga/33368>

has issued all necessary licenses.²⁸ Additionally, a tender for purchasing the necessary equipment was announced in February 2012. There was no significant progress in 2013 since several tenders for purchasing adequate equipment for digitalization failed. The government lost three years doing nothing in this field, and the two final deadlines for this process are the end of 2014 (for replacement of existing transmitters) and June 17, 2015 (for completing the entire digitalization process).²⁹ If the government does not provide the necessary structure and requirements for broadcasting digital signal, its media will not be able to broadcast programs from foreign television stations or exchange their products with them.

List of Panel Participants

Boro Kontić, director, Mediacentar Sarajevo, Sarajevo

Senad Zaimović, general manager, Fabrika Marketing Agency, Sarajevo

Asja Rokša Zupčević, assistant director for broadcasting, Communications Regulatory Agency, Sarajevo

Mirjana Popović, journalist, Center for Investigative Journalism, Sarajevo

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

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

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

Branka Mrkić Radović, journalist, online magazine *Žurnal*, Sarajevo

Borka Rudić, secretary general, BH Journalists Association, Sarajevo

Nataša Tešanović, director, ATV, Banja Luka

Amir Zukić, chief of office, Anadolu press agency, Sarajevo

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

Mariana Šarčević, journalist, News Agency of Republic of Srpska, Banja Luka

Bijeljina Srna, president, Branch Union of Journalists and Graphic Workers, Confederation of Trade Unions of Republika Srpska, Banja Luka

Maja Isović, journalist, online magazine *Buka*, Banja Luka

Author

Davor Marko, research fellow, Center for Social Research Analitika, Sarajevo

Moderator

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

²⁸ "Proces digitalizacije u BiH," November 8, 2013, available at: <http://www.teve.ba/tema/digitalizacija-bih>

²⁹ Zvijerac, P. "Zbog namještanja tendera BiH bi mogla ostati bez televizijskog programa," *Dnevni list*, November 4, 2013, p. 5.

However, many traditional and online media outlets abandoned their functions as providers of objective news and played an active role in the political battles of 2013, taking sides and actively promoting political parties and candidates yet nonetheless claiming publicly to be neutral.



BULGARIA

In the past year, Bulgarian media have been at the center of political change marked by citizen protests, the resignation of Prime Minister Boyko Borisov, early elections, and the formation of a tenuous coalition government. Moreover, government officials, for example the speaker of parliament and members of the judiciary, have allegedly continued to exercise pressure and harass independent journalists and media outlets critical of the government.

During this period social media tools have played an important role and increasingly citizens are taking greater initiative to seek alternative sources of information and news, particularly turning to online media platforms. However, many traditional and online media outlets abandoned their functions as providers of objective news and played an active role in the political battles of 2013, taking sides and actively promoting political parties and candidates yet nonetheless claiming publicly to be neutral.

The country has witnessed the largest period of protests since the fall of communism nearly 24 years ago. In June 2013, thousands marched on the capital over the appointment of Delyan Peevski, a media mogul, who was appointed as head of the State Agency for National Security. Despite his resignation soon after being appointed, protests have continued into early 2014 amid growing dissatisfaction over corruption, monopolistic practices, and lack of viable economic reform.

Additionally, the non-transparent media ownership and the huge concentration of media outlets within a few conglomerates remain the weakest feature of Bulgarian media, and the problem has continued to become more acute. Concentration of ownership has also spread into the online media sphere, as seen with the multitude of print, broadcast, and online publications affiliated with a single corporate structure who promote the government agenda in exchange for legislative and financial support from the state.

Professional standards and trust in the media as a whole continue to worsen; interestingly, the efficacy of propaganda has also weakened despite the efforts of the multi-platform pro-government media conglomerate, which has failed to sustain a positive image of the government or even of its own bosses, who are among the least popular public figures in the country.

BULGARIA at a glance

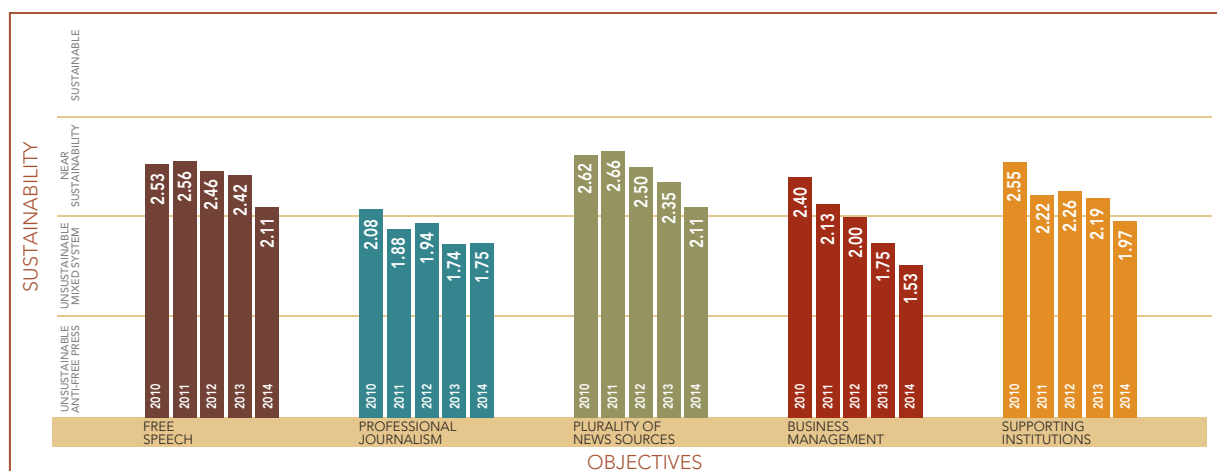
GENERAL

- > Population: 6,924,716 (July 2014 est. *CIA World Factbook*)
- > Capital city: Sofia
- > Ethnic groups (% of population): Bulgarian 76.9%, Turkish 8%, Roma 4.4%, Other 0.7%, Unknown 10% (2000 est., *CIA World Factbook*)
- > Religions (% of population): Eastern Orthodox 59.4%, Muslim 7.8%, Other 1.7%, None, 2.7%, Unspecified 27.4% (*CIA World Factbook*)
- > Languages: Bulgarian, Turkish, Roma
- > GNI (2012-Atlas): \$50.00 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$15,450 (World Bank Development Indicators, 2013)
- > Literacy rate: 98.4%; male 98.7%, female 98% (2011 est., *CIA World Factbook*)
- > President or top authority: President Rosen Plevneliev (since January 22, 2012)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: 354 newspapers; Radio Stations: 87; Television Stations: 114 (National Statistics Institute 2012)
- > Newspaper circulation statistics: Total daily circulation: 374,660 (National Statistics Institute 2012)
- > Broadcast ratings: Top three television stations: bTV, NOVA, BNT1
- > News agencies: Bulgarian Telegraph Agency (state), BGNES (private), Focus Information Agency (private)
- > Annual advertising revenue in media sector: \$758 million (Be Media Consultant advertising monitoring agency)
- > Internet Usage: 3.395 million users (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: BULGARIA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorers.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Bulgaria Objective Score: 2.11

The general conclusion of the panelists was that the legal and social protections of free speech exist but are not being vigorously and equally enforced. Stoyana Georgieva, editor-in-chief at Mediapool.bg, stated, “The legal norms effectively guarantee neither the freedom of speech nor access to information—the laws are bypassed or are selectively implemented; the regulators do not fulfill their functions. Despite attempts [by authorities] to exercise pressure on investigative journalists and media, these do not disclose their sources.” The panelists also noted the decision of the Bulgarian Constitutional Court to remove from the Radio and Television Law language that prevents officers from the former secret police of the Communist regime from participating in regulatory bodies for public broadcasting. The move by the Constitutional Court was seen as an attempt to limit the independence of the public media. “There is a complete reversal of values in the media; the regulatory bodies have abdicated their function of promoting these values,” according to independent producer and media lecturer Konstantin Markov.

According to panelists, the process to switch to digital broadcasting has uncovered a lack of competition and pluralism. The European Commission has referred Bulgaria

According to panelists, the process to switch to digital broadcasting has uncovered a lack of competition and pluralism. The European Commission has referred Bulgaria to the EU’s Court of Justice over the assignment of digital broadcast spectrum because of antitrust concerns.

to the EU’s Court of Justice over the assignment of digital broadcast spectrum because of antitrust concerns. Essentially, the Commission has found that the procedures in Bulgaria lead to the “exclusion of potential candidates” through “restrictive award conditions.” As a result of the procedures, two of the companies holding six out of the seven digital broadcast networks directly belong to a pro-governmental media conglomerate. Nelly Ognyanova, a European media law professor at Sofia University, added, “The licensing regime does not help strengthen the market and increase diversity.”

Panelists claim that there have been attempts to use investigations into taxes as an opportunity to hinder independent media. For example, multiple tax investigations were launched against Economedia, the publishers of *Capital*, one of the few remaining print publications outside the “pro-governmental” camp of the New Bulgarian Media Group.

Panelists noted that there have been relatively fewer crimes against media professionals, citizen reporters, and media outlets in 2013. However the panelists observed an increase in the number of threats against journalists. For example, investigative reporter Hristo Hristov received threats against his life and family for publishing results of his research into the archives of the former State Security Services and the investigations related to the Communist past of Bulgaria. Often, threats come from representatives of authorities, according to panelist and Mediapool reporter Boris Mitov, who was investigated by the prosecutor’s office for allegedly disclosing state secrets related to the prosecutors’ use of surveillance data. The reporter was interrogated twice before the prosecutors “realized” that the information quoted in his publications was actually not secret. Moreover, other cases have seen threats issued by political figures such as Volen Siderov, leader of the pro-governmental, xenophobic party Ataka, who has physically attacked reporters in parliament while demanding that Bulgarian

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Kanevchev added, "There is a growing critical mass of discontent within the journalism community, which may rekindle the will to enforce some measure of self-regulation."

National Television (BNT) provide his party with increased positive coverage.

As far as the legal protections of the editorial independence of state or public media are concerned, the panelists noted again that while norms exist on paper, there have been attempts to interfere with the editorial policy of BNT and Bulgarian National Radio (BNR) for example. One such attempt was the appeal by the speaker of parliament to BNT to limit its coverage of the anti-government protests; another was the budget cut for BNT seen by many as a sanction for its objective coverage of the protests.

Libel in Bulgaria is an issue of criminal law, however cases against journalists in 2013 were rare. Further, as a general rule, public officials are held to higher standards. According to the panelists, the courts do not treat all defendants equally and tend to favor individuals with access to power. In a controversial case, the mayor of Haskovo successfully sued a TV 7 anchor for libel; the TV 7 anchor has since left the station and is running for parliament. A few similar cases of mayors suing local reporters await trial in other regional courts. Conversely, there are cases of media professionals who have sued politicians. For example, the hosts of an entertainment program aired by one of the national television stations, Nova TV, have announced they will file slander lawsuits against Ataka party leader Volen Siderov, who hosts a political talk show on TV Alfa, for offensive remarks made in public. Incidentally, Sidenrov has also successfully sued a popular television personality for offensive remarks.

According to Stoyana Georgiev, since the election of the new government, there is a visible deterioration in access to information. The press offices of ministries, the government, and the judiciary decline requests to provide even routine information and insist that every request should be officially filed under the access to information legislation. Often, this results in a two week delay to get even a simple question answered, and Georgieva added, "Obviously the goal is to stop journalists from asking questions."

Access to international news sources remains one of Bulgaria's strongest indicators of media sustainability, with a number

of sources available online. Citizens and media professionals alike also benefit from fast and cheap internet connections.

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

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bulgaria Objective Score: 1.75

Since 2013 and through early 2014, growing political tensions in Bulgaria have hastened a "completely polarized" media market according to the panelists. Two political and ideological camps have formed, one supporting the government and the other in support of the opposition. This situation has contributed to poor professional standards and an absence of objective and unbiased reporting of the facts by the media. *Trud's* editor-in-chief, Ivan Michalev, stated "Many media outlets openly claim allegiance to either the government or opposition, producing visibly biased content with facts mixed with spin."

Bulgaria has a Code of Professional Ethics and two ethical commissions—one for print and one for broadcast media—but the implementation of the standards are neither universally nor vigorously enforced. Despite the massive violations of the Code, the broadcast commission did not review a single case in 2013, while the print commission reviewed just two cases connected to a package of complaints by the deputy speaker of parliament against

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

a local newspaper and a case brought forth by an editor-in-chief regarding copyright violations. According to Ivan Kanevchev, member of the board of the Union of Bulgarian Journalists, there is a “crisis in the system of self-regulation, but there’s also the potential for a new beginning.” Kanevchev added, “There is a growing critical mass of discontent within the journalism community, which may rekindle the will to enforce some measure of self-regulation.” The breakdown in professional standards is the direct result of media owners using the media for favors to the government and to pressure or provide negative publicity of their competitors. Nicoletta Daskalova, a media expert, researcher, and lecturer with the Media Democracy Foundation asserted, “Partisanship has replaced neutrality,” and added, “Reporters and editors lack stable values and ideology—the speed with which they reversed their opinion after the elections is shocking.” The majority of media outlets within the pro-government New Bulgarian Media Group have formed their own “Bulgarian Media Union,” adhering to a separate code of ethics that has yet to be implemented.

Panelists cited plagiarism as a growing problem. According to Ivan Radev of the Association of European Journalists, “Massive unlicensed copying of content is dealing the final death blow to traditional media.”

A separate and very serious problem is the rise of hate speech. According to Ognyanova, hate speech—rather an exception in previous years—is becoming the standard form of expression not just for the xenophobic Ataka members of parliament, but also increasingly for protesters; its use in the media becomes inevitable as it is becoming a part of the language of the street. Moreover, there is an “institutionalization” of online hate speech where paid “trolls” populate forums and social media of all media outlets with hate speech, including racist and xenophobic comments, and targeting political opponents.

Self-censorship remains the most important constraint on development within this objective; Radev noted that “self-censorship is rather the rule than the exception.”

Coverage of key events also worsened considerably. Daskalova stated that there are many issues that are “taboo” for the media, for example coverage of “the negative effect on the environment” to avoid upsetting investors. According to panel discussion moderator Petko Georgiev, “There is a serious problem with any coverage related to the activities of current or potential advertisers,” and Nelly Ognyanova and Ivan Radev added that, ultimately, “there is no visible distinction between editorial and advertorial content.”

The pay levels for journalists and other media professionals are also problematic—they do not discourage corruption

and cannot help retain qualified personnel within the media profession in Bulgaria. Emerging media organizations offer unrealistic remuneration packages in order to attract established journalists from other media outlets, but soon they start decreasing the promised salaries. Petko Georgiev asserted, “Media loyalty is considered by some media managers to be a problem.”

Although the past year has witnessed significant political discord and change, entertainment programming continues to eclipse news and information programs, according to the panelists. Panelists added that entertainment should not be underestimated—some of the most critical and hard-hitting revelations about the political process have been made through fiction and entertainment programs like *The Lords of the Air*, produced by BNT, which addresses problems such as organized crime and its links to the political and media establishment.

Quality niche reporting and programming exist, but these are limited to a few media outlets in Bulgaria. According to the panelists, there is an increase in good investigative journalism on BNT by Rossen Tzvetkov and others journalists at bTV and Nova, as well as reporters working online who examine sensitive topics such as election fraud, child trafficking, and youth violence. However, many of the panelists cited concerns over false or staged investigations. For example, a TV 7 reporter investigating a “cocaine track” between Bulgaria and Serbia was reportedly paying “witnesses” who were former Bulgarian media employees.

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

OBJECTIVE 3: PLURALITY OF NEWS

Bulgaria Objective Score: 2.11

Plurality of public and private news sources exists in Bulgaria, with a particular increase in online sources. The increased popularity of online media has resulted in a boom of information, but also of disinformation on the Internet. For example, “trolls,” or paid contributors on forums and social media continue to write in favor of a political party or an oligarch, according to Ivan Michalev.

However, the variety of sources does not equal varying viewpoints. Ognyanova emphasized that “plurality does

Stoyana Georgieva added, "Multiple news sites, blogs, and newspapers are often distributed by the same publishing group who appear to be offering an assortment of opinions," however this is fundamentally "misleading."

not equal diversity." Stoyana Georgieva added, "Multiple news sites, blogs, and newspapers are often distributed by the same publishing group who appear to be offering an assortment of opinions," however this is fundamentally "misleading." Many of the panelists agreed that the plurality of news sources is artificially created and results in increased media noise.

One of the most positive features of the media landscape of Bulgaria in 2013 was the willingness of state and public media outlets to capture the views of the whole political spectrum. However, these efforts have at times have been castigated by the government, as seen with BNT who were punished with budget cuts for objective coverage of the protests. Petko Georgiev suggested that "2014 will be a test for public media" as to whether or not these outlets are susceptible to political pressure.

A specific phenomenon in the news coverage for 2013 has been described by the panelists as "artificial balancing" of the news. The reports on the massive anti-government protests were immediately followed by reports of staged

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

pro-government rallies called "counter-protests." The panelists believe the "counter protests" are a part of a media strategy designed to manipulate the audience and create the false illusion of a divided society.

The independent news agencies that are expected to gather and distribute news for media outlets are currently in crisis. The state news agency BTA is surviving the financial crisis, but its services are not affordable for many of the independent media outlets. Among the other news agencies, the panelists noted the small online agency BGNES reversed its positions drastically and began supporting the new ruling majority, which resulted in the resignation of its editors-in-chief.

According to the panelists, the ability of private media to produce their own news is not limited by any regulations; however, many private outlets are producing less of their own content due to financial limitations. Ognyanova specified that radio stations in particular do not produce any of their own news content. Many of the participants remarked on the significant difficulties faced also by regional media outlets that operate on limited budgets and are highly dependent on local sources for funding, which affects their production output.

Over the years, transparency of media ownership and the concentration into conglomerates has been a core weakness of the Bulgarian media landscape. The trend towards further concentration continued in 2013 and has led to the creation of the megalithic New Bulgarian Media Group, which owns and controls most of the printed press, a growing number of broadcast media outlets, and a vast network of online media publications. The group was swift in changing its allegiance to the new government, and is strictly following the business model of trading influence for legislative and financial support from the government. According to Petko Georgiev, "There are more pro-governmental newspapers in Bulgaria than in Belarus—only [in Bulgaria] most are disguised as independent." The panelists therefore see no hope for change and, according to Ognyanova, the regulating agencies do not address these monopolistic practices.

Investment funds and offshore companies, listed as owners, do not disclose information on the actual ownership structure and therefore the parties deciding the editorial policies of these media conglomerates remain a matter of speculation. For example, panelists cited the Time Warner takeover of bTV, Bulgaria's largest private television channel, which was approved by the European Commission. However the transparency of the merger did not dampen speculation over the editorial control of the Bulgarian entity. Several journalists known for their critical stance of the government have since left bTV, reinforcing

the panelists' concerns over bTV's neutrality. Moreover, politicians from the ruling majority, alongside media outlets from the New Bulgarian Media Group, have been attacking EconoMedia, the publishers of one of the few remaining independent weeklies, *Capital*, for having formed their own conglomerate, which is allegedly connected to the president and funded by Western foundations. In a move seen by many of the panelists as protectionist, the son of the president of New Bulgarian Media Group, an MP from the ruling coalition whose failed appointment as the head of the country's national security services sparked massive anti-government protests, recently introduced a bill in parliament restricting offshore ownership of media. Since the New Bulgarian Media Group is controlled without financing from offshore companies, this potential legislation is expected to render little if any change in the current media environment.

As in previous years, there is a discernable absence of minority language sources and social interest pieces. Illiteracy among ethnic minorities is a contributing factor, however Daskalova remarked, "The prevailing approach towards the minorities is to stigmatize rather than to protect their rights."

While the media provide news coverage and information about local, national, and international issues, there are problems with the diversity and depth of the coverage, the panelists noted. In general, there is very little international news, however this, they said, is related to a lack of interest from the audience and not due external limitations. Moreover, national media outlets rarely cover events outside the capital. Local media outlets, according to Ivan Kanevchev, are dwindling, as most local news is now available online.

OBJECTIVE 4: BUSINESS MANAGEMENT

Bulgaria Objective Score: 1.53

For the first time in 13 years, panelists awarded the lowest scores for the management practices of media outlets in Bulgaria. Most of the participants attributed this regress to changes in the media market and a failing business model centered on "trading influence" utilized by the government and advertisers. As the government continues to increase the role they play within the media market, the majority of outlets cannot operate as efficient and self-sustaining enterprises, the panelists asserted.

Panelists added that the editorial independence of the media continued to deteriorate in 2013, partially due to the crippling financial crisis and the absence of a viable

Radio stations throughout Bulgaria do not have the resources to invest in the creation of news programs and, according to Assen Grigorov and Ivan Michalev, "Radio is dead as an effective source of information," due in part to the growth of the Internet.

business model. Editorial independence without financial independence is not possible; media businesses are forced to seek alternative means for reaching their target audiences and, according to the panelists, have grown dependent on advertisers, government funds, and on trading influence.

Radio stations throughout Bulgaria do not have the resources to invest in the creation of news programs and, according to Assen Grigorov and Ivan Michalev, "Radio is dead as an effective source of information," due in part to the growth of the Internet.

The government has become the largest advertiser in Bulgaria through the procurement of information campaigns using European Union funds. The funds are distributed without open tenders or a clear understanding of the criterion. "Paradoxically, this is being done at the expense of the European taxpayer, with the funds donated by the European Union to show Bulgarian solidarity with Europe," according to Petko Georgiev. Moreover, corporate advertisers are leveraging their influence to force outlets to project a positive image or else threats are made to

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

“The media do not invest in training their staff (with the exception of TV7) as editors request their reporters to cover multiple beats and write numerous stories, which inevitably results in low quality pieces, especially in regional media,” according to Daskalova.

withdraw advertising. Ivan Kanevchev asserted, “As the economy stagnates, the role of the government and advertisers within the media market has increased.”

The panelists also discussed the relationship between the banks and conglomerates, as seen by a disproportionate share of state funds deposited in Corporate and Commercial Bank, which allegedly controls the New Bulgarian Media Group conglomerate. While the bank’s management denies any involvement with the media, investigative reports have uncovered a clear connection. Many analysts see a link between significant government funds, exposure of the bank, and the pro-governmental stance—regardless of the party in power—of the media outlets in the conglomerate. This exposure also may explain why the media conglomerate changed its allegiance in favor of the new government and abandoned past ties.

Two highly respected Bulgarian freelance contributors to the Germany’s Deutsche Welle (DW) were suspended after an official letter from Corporate and Commercial Bank vaguely threatened DW with legal action, only to be reinstated after the audience and protestors organized a social media campaign. In a letter to DW, leaked by the press, the bank denied any leverage over the media and ownership and accused the two journalists of not being objective.

Another visible aspect of state intervention in the media market is its distribution of state subsidies to the public media, BNR and BNT, and its funneling of budget funds to selected media for “information campaigns.” BNT’s budget subsidy for 2014 has been reduced in an apparent attempt to punish the public broadcaster for its independent editorial policy. Dimitar Radev cited the information campaign around digitalization as an example of “how limited national resources are distributed toward private players in order to increase control over broadcast media.” Interestingly, the campaign, which included information on the importance of using set-top boxes on older television units once analog broadcasting ends, did not include a budget for BNT’s participation, whose target audience requires these upgrades.

It is also hard to account for the actual level of advertising revenue generated by media companies, as the market is not transparent with the exception of a few of the biggest foreign-owned media organizations. “While there is significant growth in online advertising, it is still not enough to support independent online news sites,” according to Ognyanova.

The panelists noted differences between how market research data is used by various media companies. For example, large foreign owned media companies along with BNT utilize market research to develop their strategic plans, enhance advertising revenue, and tailor the product to meet the needs and interests of their audience. Conversely, many traditional and online media outlets do not use market research data to tailor their programming and/or advertising plans.

In Bulgaria, reliable print circulation figures do not exist. Ivan Kanevchev noted, “Up to 50 percent of the printed papers are returned for recycling” and are only printed to meet the inflated expectations of publishers. As for broadcast audience measurement, Dimitar Radev noted, “The distorted media measurement systems for broadcast media help redirect financial resources to select market players.”

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bulgaria Objective Score: 1.97

There has been a significant decrease in the role supporting institutions play in furthering professional interests of independent media in Bulgaria. Strong trade associations once represented the interest of media managers and owners, providing high-quality member services. However, professional associations have since weakened, and lack of adequate training opportunities and absence of strong trade unions have all been attributed to the concentration of outlets within conglomerates and a rise in “alternative” trade associations that, according to panelists, are more willing to cooperate with the government.

According to the majority of the panelists, journalists do not trust the professional unions and there is a very low level of professional solidarity. People look to support provided by informal initiatives that, for example, assisted Mediapool reporter Boris Mitov and DW freelancers Emmy Barouh and Ivan Bedrov in the cases against Corporate and Commercial Bank and the prosecutor’s office respectively.

While there are some NGO’s working to support free speech and independent media, their impact is relatively limited.

Funding for such NGO's is practically non-existent, as they survive on a project-by-project basis, which ultimately hinders the development of effective professional and legal services to protect independent media in Bulgaria.

As in past years, there continues to be a lack of quality journalism degree programs in Bulgaria able to provide substantial practical experience and prepare young journalists for the difficult working environment. With the exception of the American University in Blagoevgrad, Sofia State, and the New Bulgarian University, the general level and quality of journalism education received low scores from the panelists due to outdated media curricula and a disconnect between the education received and the needs of the media industry.

Due to a lack of funding, there are limited opportunities for journalists in Bulgaria to participate in short-term training to update and acquire new skills. "The media do not invest in training their staff (with the exception of TV7) as editors request their reporters to cover multiple beats and write numerous stories, which inevitably results in low quality pieces, especially in regional media," according to Daskalova.

The channels of media distribution including newspaper kiosks and digital broadcast transmitters are monopolized, thereby restricting access for independent media in Bulgaria. However, the trend is reversing due to proposed changes to the legislation governing concentration of newspaper sales and digital broadcasting networks.

The Bulgarian media sector enjoys availability and access to sources of media equipment and printing facilities, and excellent information and communication technology

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

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

List of Panel Participants

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

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

Dimitar Radev, chair, Bulgarian Association of Cable and Communications Operators, Sofia

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

Ivan Radev, Bulgaria representative, Association of European Journalists, Sofia

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

Konstantin Markov, media lecturer, independent producer, Sofia

Ivan Michalev, editor-in-chief, *Trud*, Sofia

Vesselin Vassilev, owner, Radio Sevlievo, Sevlievo

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

Dimitar Lipovanski, journalist and producer, Arena Media, Russe

Asen Grigorov, journalist and producer, Bulgarian National Television, Sofia

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

Rositzka Donkova, manager, Action Bulgaria public relations agency, Sofia

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

Moderator and Author

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

The Bulgaria Study was coordinated by, and conducted in partnership with, BTC ProMedia Foundation, Sofia. The panel discussion was convened on December 17, 2013.

“What would have happened had the media shown the same sense of solidarity on other issues, primarily on those directly related to the media industry and professional standards? Would the media environment have been better off?” the panelists wondered.



CROATIA

The year 2013 did not start well. A long-awaited new daily newspaper, expected to serve as a balance between the two well-established and predictable national dailies, lasted for only two months. The paper, which wanted to position itself as a herald of the politics-saturated urban audience, initially raised hopes that the media environment—especially when it comes to print—still has market potential. In the end this venture was annihilated by the market itself. Dozens of journalists, probably the best available at that moment, lost their jobs and found themselves in a bitter (and humiliating) struggle to at least receive their back pay—to no avail.

Whereas previously journalists discussed their average monthly salaries during coffee breaks, now the conversation has turned to whether they received their last salary, or if they have lost their jobs. With Croatia in its fifth consecutive year of recession, and considering that the media industry is among the handful of industries that have suffered disproportionately from job cuts, this is an absolutely legitimate question. Even the lure of discussing Croatia's long-awaited EU accession did not last long. Only days after the accession, July 1, 2013, the public discourse returned to basic bread and butter issues.

Near the end of the year, a sudden burst of media solidarity delivered some optimism. Namely, initiators and organizers of the national referendum on the constitutional definition of marriage did not allow a public television crew to cover one of their final press conferences due to the public television station's "biased approach" on the issue. In a rare act of solidarity, all other media boycotted further activities of the referendum organizers. "What would have happened had the media shown the same sense of solidarity on other issues, primarily on those directly related to the media industry and professional standards? Would the media environment have been better off?" the panelists wondered.

These are purely hypothetical questions, but it is clear that 2014 is shaping up to be another tough year for the media and media-related industries in Croatia. There are no indications that circulation and advertising income will recover; on the contrary, all the relevant figures continue to be negative, with the expected consequences in terms of further deterioration of professional standards in the media industry.

For Croatia, it can no longer be explained as just a bad year. Now, it is clearly a trend that the media are underperforming.

Score-wise, Croatia remained static compared with the 2013. None of the objective scores changed by more than a tenth of a point. Croatia's score remains in the middle of the "near-sustainability" range, yet undoubtedly the profession as a whole sees untapped potential to do better.

CROATIA at a glance

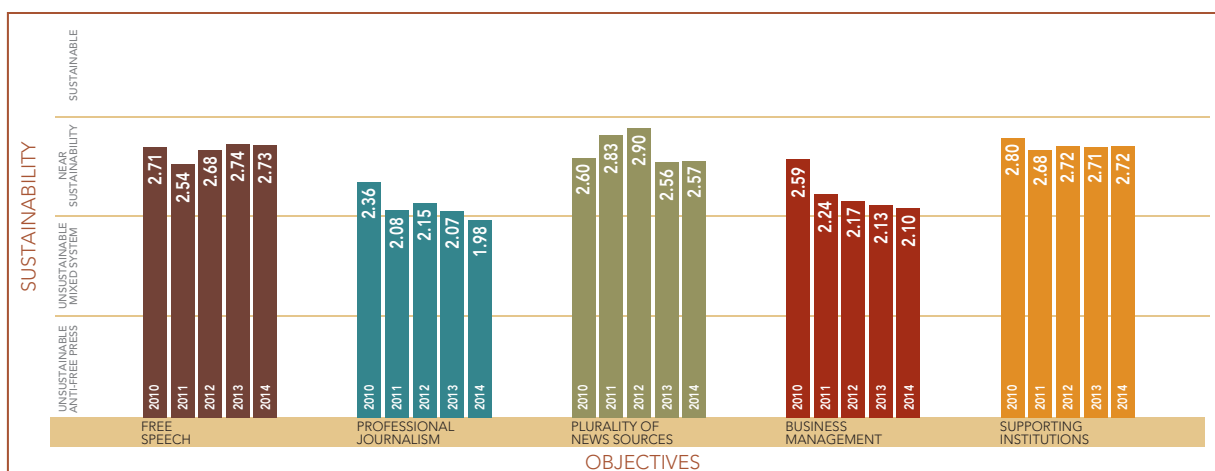
GENERAL

- > Population: 4,470,534 (July 2014 est. *CIA World Factbook*)
- > Capital city: Zagreb
- > Ethnic groups (% of population): Croat 90.42%, Serb 4.36%, other 5.41% (including Bosniak, Hungarian, Slovene, Italian, Czech, Roma, etc.) (2011 census, Croatian Bureau of Statistics)
- > Religion (% of population): Roman Catholic 86.28%, Orthodox 4.44%, other Christian 0.3%, Muslim 1.47%, other 0.78%, none 4.57% (2011 census, Croatian Bureau of Statistics)
- > Languages: Croatian 95.6%, Serbian 1.23%, other and undesignated 3.17% (including Italian, Hungarian, Czech, Slovak, Roma, German, etc.) (2011 census, Croatian Bureau of Statistics)
- > GNI (2012-Atlas): \$57.57 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$20,200 (World Bank Development Indicators, 2013)
- > Literacy rate: 98.9% (male 99.5%, female 98.3%) (2012 est., *CIA World Factbook*)
- > President or top authority: President Ivo Josipović (since February 18, 2010)

MEDIA-SPECIFIC

- > Number of print outlets, radio stations, television stations: Print: 10 major daily newspapers; 6 major political weeklies; Radio: 158 stations; 6 of which are national; Television Channels: 31, of which 10 channels are national; Online: 119 electronic publications (June 2013)
- > Newspaper circulation statistics (total circulation and largest paper): The total circulation of daily papers is estimated at 340,000 copies a day, the top 3 being tabloid *24 sata* (circulation 105,000), *Vecernji List* (circulation 60,000), and *Jutarnji List* (circulation 45,000); the highest circulated political weekly is *Globus* (12,000 copies)
- > Broadcast ratings: Top 3 television stations: Nova TV (private/commercial), RTL Croatia (private/commercial), HRT 1 (public)
- > Annual advertising revenue in media sector: Approximately \$340,000,000
- > News agencies: HINA (public), IKA/Croatian Catholic News Service
- > Internet usage: 2.234 million users (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: CROATIA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscores.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Croatia Objective Score: 2.73

On July 1, 2013 Croatia completed its long path to the EU. During the accession process (2003 to 2013) Croatia aligned its media legislation with EU laws, especially the EU broadcast media directives, which define the framework for electronic media legislation. As the 28th EU member country, Croatia is expected to follow and actively contribute to the higher international standards involving the media industry. But EU membership, *per se*, is not a guarantee that Croatia is on an unobstructed path to observing and promoting the higher standards.

"Freedom of speech has long been recognized as the cornerstone of democracy, and it has achieved its full maturity during the process of transposition of the EU body of laws into the Croatian legislation," said Vesna Alaburić, a lawyer and internationally recognized expert in media legislation. "No one would dare to question it. This is not only a matter of the legal framework, but much more the result of accepting legal and social protection of the freedom of speech as one of the most important, most dear public values," she added. Indeed, the Constitution, the Media Law, the Electronic Media Law, and the Law on Public TV guarantee and safeguard freedom of speech. "I cannot imagine a situation in which any type of 'emergency'

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

"I cannot imagine a situation in which any type of 'emergency' or 'higher interests' would block the freedom of speech," Dalibor Dobrić, a web editor and journalist at www.net.hr, said. "This is a truly internalized value, one that all media professionals and the public would stand up to protect," he added.

or 'higher interests' would block the freedom of speech," Dalibor Dobrić, a web editor and journalist at www.net.hr, said. "This is a truly internalized value, one that all media professionals and the public would stand up to protect," he added. Despite the overall negative trends in the media industry, no panelist expects deterioration of the freedom of speech standards. Maintaining this underlying support for the freedom of speech is an important prerequisite for a healthy media environment, but it is not enough on its own. "Freedom of speech and freedom of media in general is a constant process, not a goal. It is yet to be seen how Croatia will cope with development of the web and new media standards, which are by definition new standards of freedom of speech itself as well," said Toni Gabrić, a blogger and web editor at www.h-alter.hr.

Licensing of media applies only to the media (e.g., radio, television) that use a limited public good, namely broadcast frequencies. In the 1990s and early 2000s, frequency allocation had been subjugated either to direct political control or, in the later phase, to the political and/or business lobbies' influence. In the last few years, the regulator has gained more independence and more expertise, leading to significant improvement. It is noteworthy that in 2013, the Council for Electronic Media decided for the first time to decline to allocate an available national television license on the grounds that the applications were lacking in quality. "This is a good indication that now content and quality matters as well; technical and financial preconditions will not suffice on their own," said Sanja Mikleušević Pavić, a news editor at Croatian Television and president of the Croatian Council for Media.

Croatia would have easily secured a high score on Indicator 3 (market entry, taxation), barring one hardly explainable decision made by the government in June 2013. There are no additional requirements in terms of founding capital or taxation for market entry of media entrepreneurs, compared with other industries. On the contrary, some media sectors (such as daily newspapers, for example) enjoy a reduced VAT rate of five percent (the standard VAT rate for most

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other products and services is 25 percent). In granting this reduction, the government placed a limit only on daily papers “with greater than 25,000 words published in each edition.” Although the basic idea behind this limit is understandable, to help promote high-quality content, as opposed to tabloid-style publications, this decision directly breached the related EU directives that state, “...one single VAT rate should apply to all products of the same type.” Furthermore, it would give the government the power to interfere directly in the media sector based on artificial criteria (number of words). “Although the decision was later revoked, a certain sense of arbitrary decision making remains,” said Ante Gavranović, a seasoned media analyst and founder of the Croatian Association of Publishers.

Crimes against journalists have been in decline for the past several years. “It is not about open physical attacks on media professionals anymore,” said Dobrić. But, panelists have mentioned that journalists are more commonly exposed to subtle types of pressure. “They are working under constant pressure. Journalists depend on their editors and media owners, with no guarantees that their jobs or social rights will be respected,” Gabrić said. Any open attack on media professionals would certainly provoke an immediate reaction, but more subtle forms of intimidation go on below the public radar, especially in times of crises. “Most of the population shares the same problems related to the enduring economic crisis. We should not expect them to be more sensitive when it comes to the media professionals,” said Pavić.

There is no such a thing as a best model for protecting the editorial independence of the public media. “From the late 1990s onwards, we have tried almost all models for protecting the editorial independence of the public media. None seem to be working as we expected,” Alaburić said. Still, most of the MSI panelists agreed that the current Law on Public TV is a regression compared to the previous one, especially in terms of giving the parliamentary majority

more instruments to control the public service (HRT, or Croatian Television). “Our suggestion was to introduce a two-third majority of the MP votes for appointing the Croatian Television general manager. But, the ruling party prefers a simple majority. I do not want to say that this was deliberately intended to control the public service, but it has made Croatian Television more exposed and more vulnerable to political pressure,” said Jelena Berković, spokesperson at the watchdog NGO, Gong. Zdenko Duka, president of the Croatian Journalists Association, thinks that the Croatian Television general manager has “too strong a role in the decision-making process,” but Alaburić noted that international advisors had suggested the “one captain on the boat” concept. According to Alaburić, it is not working now “...because legislation, *per se*, can work only in conjunction with the capacity of society to actively absorb and implement it,” a point it will obviously take Croatia more time in transition to reach.

Unlike many countries from the wider region, public television in Croatia enjoys a high collection rate of the subscription fee/tax (around 90 percent), which should be enough to ensure stable operations—even taking into account the considerable drop in advertising revenue. But, the non-transparent budget spending and production policy is keeping Croatian Television too close to the brink of financial collapse, which by definition makes it more exposed to outside influences and/or pressure.

Libel is a civil issue, defined in line with higher international standards. On January 1, 2013, though, the government introduced the new criminal offense of “vilification”—defined as a “systematic and deliberate” defamation case. “This is a clearly regressive act,” Alaburić said. “As it stands now, it means that journalists could be prosecuted even if they are conveying the truth to the public. Although I am not aware of such cases in judicial practice, this is unacceptable and worrisome,” she said. Other panelists added that the financial fines in libel cases are out of proportion, adding up to 150 average salaries—and create another force driving self-censorship.

“The government has erected a communication wall between itself and citizens,” commented Boris Rašeta, a journalist for the most circulated daily, *24 sata*, and a columnist for the minority weekly *Novosti* (published by the Serbian National Council in Croatia). “Twitter and Facebook posts are there only to create an illusion of communication, but the government’s intention is clearly to avoid any public exposure to criticism,” Rašeta said. Milan Živković, himself an advisor in the Ministry of Culture, believes that government officials simply do not know how to communicate to the public. “Sometimes, it is intentional. More often, it is about incompetence,” he said. “The prime minister gives

interviews to whomever he wants and when he wants. Even then, he simply refuses to answer questions he does not like. This government is manipulating the public, and wants to reduce it down to a 'recipient' of the information on the decisions made, not an active partner in the process. They deliberately avoid sharing information with the public," Berković said. This could be the result of the government feeling pressure from non-parliamentary initiatives (such as public referendums), or government reluctance to face the public with the reality of crisis and admit its shortcomings. Regardless, the end result is a visible deficit in applying democratic practice in communication, going well beyond the nominally accepted EU standards.

Access to local, national, or international news sources is completely open and unrestricted. Intellectual property and copyright standards have been observed with a bit more prominence than before (which is one of the side effects of EU accession), but they are still not in line with the higher international practice. This is especially visible in online news portals, which try to compensate for their lack of financing and staff by applying the copy-paste approach.

Entry into the journalism profession is unrestricted; no license is needed. The accreditation process should be more efficient (and for that matter less bureaucratic), but no media professionals are deliberately prevented from covering an event or issue (aside from the case with the referendum organizers mentioned above).

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Croatia Objective Score: 1.98

For many consecutive years, Objective 2 has been in decline. Most media professionals in Croatia would agree that the standards of quality have deteriorated, even if not all of them would agree on the degree and the main causes for deterioration. Paraphrasing an old saying, it would be safe to say that if the truth is the first casualty of war, then professional quality reporting is probably the first victim of the enduring financial crisis.

"Journalists have no time, no support from their editors, no money, and, I am afraid, not even any remaining personal drive to check multiple sources of information," said Dobrić. "There is neither background research nor investigative reporting. On radio and television, pasting sound bites one after another, without explaining the context or providing background information, passes for news," said Tena Perišin, a news editor at Croatian Television and a professor of journalism. "I can no longer recall anymore a good interview

"On radio and television, pasting sound bites one after another, without explaining the context or providing background information, passes for news," said Tena Perišin, a news editor at Croatian Television and a professor of journalism.

in any of our media," said Pavić. "Most often, interviews involve questions agreed-upon in advance, with no intention to dig further, to investigate, to follow-up on answers, or to ask for clarifications. This is just another form of PR," she said. Experts are consulted quite often, but the same names appear over and over again. "Experts are chosen based on what journalists think about a certain issue, not in order to clarify the background and give additional explanations," said Gabrijela Gabrić, a journalist with *Novi List* and a trade union activist. Indeed, the acceleration of the processing of news is a global trend, as Gavranović rightly pointed out, but in smaller markets such as Croatia, and especially during a financial recession, its overall impact is much deeper than what it would have been otherwise. No media sector has escaped the process of deterioration of its professional standards. "Whole pieces are often simply copied, with no interventions whatsoever. One can read exactly the same sentences and paragraphs in print, online media, even find the same piece on the evening television news. A lack of resources cannot be an excuse for that. This is about degrading the profession," said Anja Picelj-Kosak, a media specialist at the U.S. Embassy to Croatia.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

The Croatian Journalists Association's Code of Ethics, considered to be one of the best-detailed documents of its type, is often used as a point of reference for professional associations in transitional countries. Some of the bigger media have developed their own ethics codes, aligned with those of leading global publishers. "A majority of journalists observe these standards. But then, there is a vocal minority that is either not aware of these principles, or simply do not care about them. Unfortunately, most often the general public judges the whole profession on the example of those who deliberately breach ethical standards," said Duka. Still, Dražen Klarić, content director of *Večernji List*, believes that notable progress has been made, especially in terms of protecting children's rights in media.

A few months ago, a well-known and respected Croatian journalist (who was also a lecturer at the Study of journalism) decided to take a job as a translator in Brussels. "She did not lose her journalist's vigor, not at all. But she simply did not want to work under the constant pressure of downsizing and restructuring of the newsroom, which are just other words for massive layoffs," one panelist explained. Indeed, the year 2013 saw continuation of the trend of seasoned professionals losing jobs and being replaced by young, inexperienced journalists, mostly working part-time, and thus totally dependent on their editors and publishers. "They simply did not get a chance to learn how to tell the difference between information and spin. They did not get a chance to learn investigative reporting techniques. They simply publish information as it comes in or as they are told," said Perišin. The number of endangered and insecure jobs in the media industry has grown. "This is perfect soil, at least, for a certain conformism, if not direct self-censorship," Živković said.

Perišin exposed yet another form of more subtle censorship. "With a bit of cynicism, one can say that there is not much left in media to be censored. By publication time, most reports have already gone through the filters of self-censorship, balanced to fit the editorial policy of media or expectations of owners and lobbies behind them," she said. "But let's not forget that top management at Croatian Television banned its journalists from discussing in public their opinion on the referendum on the 'constitutional definition of marriage' or even to discuss in public their opinion on Croatian Television management decisions. I would say this is also a powerful generator of self-censorship on Croatian Television," Perišin said.

"Media do cover all key events and issues in the country. Or, to be more precise: they cover all issues that have been served to the public. But they rarely initiate public discourse on issues that are important, but not obvious," said Picelj-Kosak. Berković agreed. "With so many media,

it is really impossible to 'stop the press.' But, I am more concerned by the fact that certain issues simply do not make their way to the media. What about the national strategy for using EU funds, for example? It is not about censorship or self-censorship; it is about media leaning toward stories they think have commercial appeal, and neglecting issues that require more space and effort to be explained," Berković said. Due to the already mentioned "conformism" of the mainstream media, web portals and social media more commonly cover sensitive issues. "There are a myriad of web media and social media channels to expose any issue or wrongdoing. But web and social media still have a limited reach, and are used more to alert the public than to give detailed background information," Rašeta commented.

"Statistically, salaries of journalists are in line with salaries in other comparable professions. But, the media sector in general suffered a much bigger drop in average salaries paid in the period 2008 to 2013 than other trades," Galić said. Indeed, in the past five years the media industry has suffered net losses equal maybe only to the construction industry. Duka estimated that the average salaries paid in the sector in 2013 are about 20 percent lower than salaries paid in 2008, for example. Unlike some other professions (government institutions, or in health or education, for example) where salaries might be lower than in media, but are paid regularly, journalists are going unpaid for months. This is a problem for all, but most severely impacts freelancers. "It is virtually impossible for freelancers to make enough for a living," Galić said.

Infotainment is a well-known concept in Croatia, accompanied in the last decade with an influx of a trivial content on all media platforms. Discussing whether the trend is changing course or at least slowing down, Živković commented, "My impression is that entertainment productions are in a kind of stagnation. It seems that the crisis and its duration have increased the appetite for news." Croatian Television recently launched two specialized, commercial-free channels, dedicated exclusively to cultural programming (HRT3) and to news (HRT4). Their ratings are far below soap opera-type programming on commercial television stations, but a more demanding audience now has another source of programming to turn to. "Information is always available. As a consumer of news and cultural programming, I can say that there is adequate information available," said Alaburić.

Facilities and equipment for gathering, producing, and distributing news are efficient and increasingly affordable. Even if newsrooms are not equipped with cutting-edge equipment, the panelists do not believe this could be used as an excuse for not reporting, recording or delivering news.

On the other hand, Klarić said, “The lack of specialized and niche reporting is devastating our profession. Journalists are trying to compensate for their own lack of knowledge by consulting experts. But, they are not doing that in order to provide additional information, but because they do not feel competent enough to present the story on their own,” Klarić said. Indeed, the list of specialized journalists (such as, according to one panelist, “journalists who covered financial markets in late 1980s, and still do, and have a PhD in economy and business, which is unthinkable nowadays,”) is reduced to the same old names. “There are no specialized journalists in the younger generation,” said Perišin. It takes time to produce a quality niche journalist. On such a small market, with ever-dwindling numbers of journalists, there is simply no place, no interest for specialized journalism, aside from sports, fashion and entertainment niches. “It’s easier to outsource the expertise. But then, it still takes an experienced journalist to present the background, and make an informed choice in outsourced expertise. We do not have that. We have experts and niche journalism on demand,” said Dobrić.

OBJECTIVE 3: PLURALITY OF NEWS

Croatia Objective Score: 2.57

“I do not expect each media to be perfectly balanced and objective. On the contrary, I think that there should be media to advocate certain political options, to take part in civic activism, to promote values they transparently and

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

“My impression is that Croatian Television journalists are simply too neutral in their reporting. There are occasions in which politicians and other public figures are simply lying directly into microphones, with no reaction from journalists whatsoever. This is not about being ‘neutral.’ This is unprofessional,” Berković said.

responsibly back,” said Alaburić, as an introduction to the Objective 3 debate. “In that regard, I think as media consumers we do have a choice between ‘left and right,’ ‘liberal and conservative,’ ‘mainstream or alternative’ media, and that is good,” she said.

With 158 active radio stations (152 local and county radio stations, and six radio stations with a national license), 31 television channels (21 local and county, 10 national television channels), ten national dailies and about the same number of relevant weekly and biweekly publications, 119 registered web portals (as of June 2013), 1.3 mobile phones per person (predominantly smart phones) and slightly over a half of the population on Facebook and Twitter, plurality of news sources is absolutely guaranteed. As it has been mentioned in the previous reports, this plurality looks more like a puzzle, where it takes more than one piece (source) to create an informed opinion on the relevant issues, but it definitely exists.

“Whoever wants to get information can find it. It is only a matter of an active approach, rather than passively receiving the news,” said Pavić. Print media (dailies, weeklies) are rather expensive (monthly subscription to a daily paper would consume up to 2.5 percent of an average salary), but there are enough free-to-access terrestrial television stations and web media available. Croatia has one of the highest percentages of households using IPTV platforms in Europe, (since recently available in all rural and remote areas via satellite). Still, a standard IPTV service (including flat Internet fee and basic package of some 50 television channels) comes at a price. “We may say that HRK 350 [about \$65] is not much for such a package. Let us look at that from a prospective of a pensioner who receives an average of \$400 per month. Is then IPTV really an affordable service?” asked Živković.

In the sense of availability, there are absolutely no restrictions to citizen’s access to domestic and international news. The panel moderator remembered the times in the

late 1960s and early 1970s, when most of the western part of then-Yugoslavia (Slovenia, Croatia) watched Italian and/or Austrian television channels, and their schedules were regularly published in the print media. International broadcasters (BBC WS, Voice of America) have been allowed to broadcast freely even from the mid-1950s. International press has been available since the late 1960s (in the beginning to serve hundreds of thousands of foreign tourists, later on as a legal and legitimate source of information for the local readership, as well). The government does not block or restrict Internet access, VOIP services or social networks in any way. This freedom is not only because of the EU standards Croatia applies and subscribes to; any such initiative even before the EU accession would have been simply unimaginable.

Croatian Television (in Croatia, this is basically the synonym for the public television) has a specific position. In the SEE region, Croatian Television is still seen as a model of a successful transition from a state controlled to a public service media, and even as a desirable model when it comes to its financial stability. To a large degree, this "role model" image applies to its independence from the state or ruling party. But, as elaborated under Objective 1, all MSI Croatia panelists would agree that, for example, the most recent amendments to the Public TV Law have made Croatian Television more open, more vulnerable and more exposed to the political pressure.

Although, a majority of panelists would also say that this is not reflected in the daily Croatian Television programming. "It is a kind of constant reminder, but my opinion is that this government is either not interested, or not capable of putting the public service under its control," said Klarić. "If we reduce politics to political parties and their activities, than there is a balance in this type of reporting on Croatian Television, for sure. But, the social spectrum should not be reduced to political parties, and a mathematically precise allocation of time for the government and opposition parties," Živković said. "My impression is that Croatian Television journalists are simply too neutral in their reporting. There are occasions in which politicians and other public figures are simply lying directly into microphones, with no reaction from journalists whatsoever. This is not about being 'neutral.' This is unprofessional," Berković said. As a credit to the public service, and as mentioned under Objective 2, the launch of the commercial-free news channel, which is yet to be editorially and production-wise defined and fine-tuned, is also worth mentioning.

There is only one news agency in Croatia (HINA, a public news agency), and it is struggling with limited financial resources and a small market for its services. Although the service is relatively affordable, "there is nothing more in the

morning hours than announcements and protocol news," as Perišin said. The larger publishers have launched their own news and photo agencies, which is one of the reasons for degradation of the public news agency. Local radio stations, which had been regular users of the agency's services, have turned more to radio networks as sources of information. Croatian media occasionally use foreign news services, but most publishers find them too expensive to go for a full subscription.

Broadcast media in Croatia are obliged by the Electronic Media Act to produce their own news programming, regardless of the level of the coverage (local to national). In addition, at least 10 percent of the overall programming of the broadcast media should be news productions. For years, associations of local radio and television stations have tried to change this regulation, on the rationale of the increased expenses versus contracted advertising income. "The regulations are the same as ten years ago, when the advertising market was far more generous," said Miljenko Vinković, owner of the local television station and representative of the Association of the Local Commercial Television Stations in Croatia. "We are commercial broadcasters and we should not be bound by such obligations," he added. But most panelists disagreed. "Without this stipulation, most of the local broadcasters would transform themselves into platforms for airing music and soap operas only," Dobrić said. "Users of a finite public good should have more responsibilities toward the same public than, say, publishers of a commercial tabloid," he added.

All media are obliged to disclose their ownership structure, and this information is available to the public. Understanding the importance of the public disclosure of media ownership, the MSI panelists feel that transparency as such has its own limits. "It is absolutely important to insist on this legal norm. But we should be aware that a transfer of ownership is possible at any given moment and it should not be always publicly announced," Alaburić said. "We should know who the media owners are, but it would be even more important to realize who owns the owners. The answer is a simple one: two or three major foreign banks are keeping the most relevant print and some electronic media in Croatia afloat on their will," said Berković. This is not unique to Croatia. But, when it comes to the foreign capital investments in media industry, it would be fair to say that the foreign investments in media, started some 15 years ago, have not contributed much in terms of quality of content (sometimes quite on the contrary; they trivialized it), but have deserved credit for consolidating the Croatian media market and trade standards, as well as making, at least at

a nominal level, a demarcation line between politics and editorial policies.

One could say that minority issues became the headline-makers in Croatia in 2013. Indeed, the media sphere in autumn/winter 2013 was overflowing with reports and comments—first, on the referendum on the constitutional definition of marriage as relation between man and woman (excluding gay partnerships), and then on amendments on the rights of minorities on using minority language. But the opposing arguments and quite often a bitter public debate on the legal issues have left only a small space for discussing the real, everyday problems of, in this case, sexual and ethnic minorities.

The fact is that minority language media in Croatia are well established, with elaborate mechanisms to subsidize this sector (from direct government financial support, to priority in using money available through the so-called Fund for Pluralization of Media, alimeted by three percent of the subscription fee to Croatian Television). Some of these media outlets (such as the Serbian-language weekly *Novosti*) have become relevant far beyond issues concerning the minority they represent. When it comes to minority issues and the mainstream media, as Živković said, “It is more about excesses, than about systematic coverage.” As discussed under previous indicators, the mere number and structure of media guarantee a variety of information to local and national audiences. “It is more about low quality reporting, and a lack of certain forms and content—such as investigative reporting or coverage of international events—than about reflecting social interests,” said Saša Leković, a freelance investigative reporter.

OBJECTIVE 4: BUSINESS MANAGEMENT

Croatia Objective Score: 2.10

Financial crises have hit the media industry ferociously, leaving no sector intact. Circulation of daily and weekly papers is barely at half what they used to be five or six years ago. The advertising market shows no signs of recovery when it comes to its overall financial volume. Meanwhile, media have become more dependent on even this reduced advertising income, making the sector more vulnerable to direct and more subtle forms of control. The number of employed journalists declines year by year, reaching now more than 25 percent of the total number of media professionals. There are no fresh investments in the media sector, leaving it at the mercy of volatile, unstable and degrading market conditions.

“Despite the crisis, print media make on average some 55 percent of their income from advertising, and about 45 percent from sold copies. This is, in general terms, in line with international standards,” said Gavranović.

There is no recovery in sight, especially for the print media sector. Once, it was almost a pride of the Croatian entrepreneurship. The biggest publisher in Croatia—and, until recently, the biggest one in the SEE region, as well—started in late 1980s as a “garage-type” joint venture, founded by a group of young journalists and editors, initiated into the profession in the late 1970s in a “rebel youth” media, who did not want to miss the opportunities opened by introduction of the free market in 1989–1990. The company reached its full glory in early 2000, only to be faced now with halved circulations, a decaying advertisement market, huge tax debt and un-serviced bank loans of more than \$100 million. Other publishers are struggling for survival, as well. “If it were not for our side products, that we sell along with our papers, we would probably be in the red, as well,” said a representative of the second-largest publisher in Croatia. Gavranović, who has been analyzing data on the Croatian print sector for more than a decade, said, “The ongoing crisis is the result of a combination of the contracted advertising market, reflecting the overall financial crisis; managers incapable of coping with new market circumstances; and, the public’s sagging

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

trust in media—stemming from the trivialization of content, as usually the last resort of print media managers with no vision.”

Alaburić agreed, but elaborated on another aspect of the problem. “Our anti-monopoly regulations...are too strict, and to a large degree reduce market development and business options for the media companies. Why should there be restrictions for print media publishers to enter television or radio market, for example? The Croatian market could sustain, say, four media conglomerates, which should be enough to allow fair competition. Media consumers would only benefit from it. I do not want to say that these anti-monopoly restrictions are the main reason for the crisis of the media sector. They are not, but I am sure that an open market approach would have had a positive impact on the media market in general,” Alaburić said.

Media in Croatia do receive revenue from a multitude of sources—although these sources are dwindling. Consequently, media are more vulnerable and more exposed to different forms of undue influences on their editorial policies. Four or five years ago, the advertising market was dominated by a list of five or six large advertisers, and they had an almost untouchable status in the mainstream media. Nowadays, reduced advertising income makes media outlets even more dependent on the remaining advertising income. “Isn’t it strange that we had to wait to read an interview in a Slovenian paper on some delicate issues involving the main business operation of the Croatian company that is the biggest national advertiser? Why didn’t anyone in Croatia ask the same questions?” asked Berković.

“It is a kind of pyramid of fear. Journalists fear they will lose their jobs. Editors fear they will lose their positions with owners. Owners fear they will lose advertising income. This is a vicious circle. Only a steady increase of the income and a stable improvement of the market position of media could interfere with it in a positive way. But, realistically, one should not expect any tangible improvements before 2020,” said Dobrić. There are no real community media in Croatia, though at least some of the local radio stations could fit into this description. A significant percentage of them still have local governments in the ownership structure. “Direct financial arrangements with the local government help these stations to weather the crisis, but have an immediate, negative impact on quality of reporting. You cannot expect a local radio station to be paid from the local government’s budget, to use municipality owned space free-of-charge, and to criticize this same local government. In real life, it does not happen,” Leković said. But at least the national public service enjoys a steady and stable income. It is not a result

of the overall public’s satisfaction with the programming offered, but rather a consequence of well-elaborated legal norms that enable Croatian Television to block any individual bank account if the subscription fee is not paid. “It is a whole different set of questions whether these funds are used in responsible and transparent way,” Perišin noted.

Commercial radio and television stations do not enjoy such an advantage; they rely solely on advertising income. There is only one (but important) exception: all local commercial radio and television stations may apply to the Fund for Pluralization of Media for financial support for productions in the public interest and productions in minority languages. “It would be fair to say that most local commercial television and radio stations maintain their news, documentary, and other non-commercial productions mostly thanks to the support from the Fund,” said Vinković, owner of a local television station. “It amounts to about \$7 million per year, which keeps us in business,” he added. As of 2013, web portals are allowed to apply to the Fund, as well. This decision did not please local radio and television stations (the same amount is now divided to more users), but will definitely contribute to consolidation of this important media segment. “I do not ask for much. But, if the Fund can cover, say, a modest honorarium for one investigative journalist, that would be a great help to me,” Gabrić said.

The advertising market in Croatia is dominated by big international agencies such as McCann Erikson, BBDO, and Grey, for example. This is not a result of the more recent transition: McCann opened its office in Croatia back in mid-1980s. This is a solid indication of the sophistication of the Croatian advertising market. Only recently, Zagreb hosted an exhibition on 50 years of modern advertising in Croatia. Some of the campaigns launched in the early 1960s still seem fresh and innovative. The advertising market is well developed, covering the whole range of media by type (print, broadcast, web and social media) and area of coverage (local, national, regional). Barter deals between local media and small companies are ever rarer; the advertising agencies dominate the market now both in terms of connecting companies with media, and selling media to advertisers. Regardless of the sizeable market contraction—or, paradoxically, maybe exactly because of that—advertising agencies have increased their influence over media. “Media are so desperate for any advertisement that they would accept anything that goes in the package—from product placement to hidden advertising,” said Božo Skoko, a founding partner of Millenium Promocija and a media studies professor at the University of Zagreb.

“Despite the crisis, print media make on average some 55 percent of their income from advertising, and about 45

percent from sold copies. This is, in general terms, in line with international standards," said Gavranović.

Private media do not receive government subsidies or subsidies from other public sources, aside from some of the already mentioned forms (financial support from the Fund for Pluralization of Media, for example). Some other regulations (for example, the stipulation that at least 15 percent of the advertising budgets of the public companies and government campaigns should go to local commercial media) also contribute to the operational budgets of the most endangered species—local commercial media.

But, the most controversial decision in 2013 related to the flexible definition of "government subsidies" was on taxation and fiscal policy. "What else is the government subsidy, if not the government's decision to pardon accumulated taxes, as it happened with one big publisher. This comes at a price, for sure," said Rašeta. On the other hand, the same government decided to relax VAT on all daily papers, with the exception of those with under 25,000 words. "That was a stupid decision, indeed. Even more, because there is only one paper of this type on the market—and unsurprisingly, it is critical of the government," Rašeta said.

Surveys and market researches are sophisticated and follow higher industry standards. Media do use the results for their strategic business planning and for additional fine-tuning of their content, although not always or necessarily in order to increase their quality.

The leading international companies in the field of surveys and ratings (such as AGB Nielsen) have had a presence in Croatia for years, and have set standards for all market participants. Broadcast ratings are reliable and precise. Recently, presented circulation figures have been accurate within a margin of up to 10 percent.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Croatia Objective Score: 2.72

There are a handful of trade associations in Croatia. Local media (radio stations and local print media) are organized in the Association of Local Radio and Print, while local commercial television stations form the National Association of Local Television Stations. National commercial television stations have their own association, as do print publishers. Web portals have organized themselves as well, and actively lobby for their interest. So, it would be safe to say that professional associations are well organized and their activities well elaborated.

"To a certain degree, it was easier to be a civic activist promoting free speech in the 1990s than now. Back then, we had 'bad guys' who wanted to impose political control over media, and 'good guys,' who wanted to keep media independent and expand media freedom. In these terms, an almost unconditional support to one side was an easy choice, I'd say," Alaburić said.

The Croatian Journalists Association (CJA) will mark its 104th anniversary this year. This alone should be enough to conclude that institutions supporting the trade have strong roots. "CJA has managed to preserve itself as the sole representative institution of journalists in Croatia. This is a remarkable achievement by itself," said Alaburić, who served as an informal (and pro bono) legal adviser of the CJA in the 1990s. Keeping one single institution to represent the voices and interests of thousands of journalists was of particular importance in the turbulent and authoritarian 1990s, but it should be at least equally important today, when journalists are struggling to keep both jobs and professional standards of quality.

And yet, the membership of the association has been in decline since 2008/2009. "Younger journalists do not perceive CJA as 'their' voice anymore. They are exposed to

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

brutal work conditions and all too often even do not dare to raise their voice; or they do only when the damage becomes irreparable," said Galić. In addition, the membership fee (\$60 per year) might also deter new members, although it offers various benefits such as discounts for restaurants, hotels, travel agencies, bookshops, and IT equipment. "It seems to me that CJA is not capable of answering the burning issues of the profession," Berković said. "CJA does not offer legal help; it does not organize trainings. No wonder membership is in decline," she said. "But CJA still remains the place to go when we want to solve issues relevant to our profession, such as media legislation," Klarić said. Rašeta added, "It would be unfair to blame CJA for the current position of the profession. CJA has no leverage when it comes to the overall negative impact of the market. The media industry in Croatia is in chaotic decay."

One panelist commented, "I have not received my salary in three months now. I feel ashamed and humiliated. Luckily enough, there is one more salary in my family, but should I feel better not to be paid for my work because of that? But I cannot blame my own professional association for that. What can CJA do to change the course of the whole industry? I am afraid little, if anything at all."

CJA should probably have done more to protect professional standards in the media, the panelists agreed, but then each journalist should ask what they personally have contributed in that regard. CJA is not a voice by itself, it works only by our own input, Klarić said. But Pavić concluded, "Journalists are resigned and disillusioned. CJA is reflection of that."

Still, CJA gathers together more than 75 percent of the active professional journalists in Croatia. The association is organized into more specialized sub-associations (investigative journalists, journalists reporting about sports, the economy, ecology, health, the IT sector, the automotive industry, then bloggers, photo reporters, etc.).

The Journalists' Trade Union works closely with CJA, and by itself is a point of reference in the region, as well.

CJA and NGOs involved in promoting free speech interact, although they tend to be less prompt in joint reactions than they were in the 1990s, for example. "To a certain degree, it was easier to be a civic activist promoting free speech in the 1990s than now. Back then, we had 'bad guys' who wanted to impose political control over media, and 'good guys,' who wanted to keep media independent and expand media freedom. In these terms, an almost unconditional support to one side was an easy choice, I'd say," Alaburić said. In the meantime, the environment has become much more complex. "Innocent advocacy is not possible any more. Many of yesterday's heroes of the independent media have become too close to one political party, and therefore are

not suitable any more for the role of 'controllers of the power.' Now, there are good and bad guys on both sides. It is about who controls the controllers, which is more demanding and, if you will, a less appealing role than in the 1990s," Alaburić said.

Regardless of this change to the overall environment, the NGO sector is active in reviewing media legislation, access to information regulations, and in other watchdog activities. It would be safe to say that they are still in the leading role in the SEE region when it comes to cooperation with international free speech and watchdog organizations.

In 2013, more than 350 journalists lost their jobs, but more than 400 students enrolled in journalism studies. "For me, this is inexplicable paradox," said Rašeta. "Why would journalism be anyone's choice, knowing that employment chances are minimal?" he said. "There are quality journalism degree programs, no doubt about that," said Perišin, speaking as a journalism professor. "But our capacities simply surpass the market needs. Besides, most media demand their employees have a degree, any degree, not necessarily a degree in journalism. So, study of journalism does not provide what would otherwise be an expected edge to our students in finding jobs," she said.

The best example of the well-organized journalism degree, panelists said, is probably Study of Journalism at the Faculty of Political Science in Zagreb. Students have at their disposal a fully equipped television studio (TV Student) and a fully licensed radio station (Radio Student). "Low absorption capacity of the media is the main problem," Perišin concluded.

The situation with short-term training opportunities has remained the same for years. Trainings are available, and there are a variety of local and international training providers, but the problem is often in gaining permission from editors/owners to participate in trainings. "My last training was a two-day workshop on investigative journalism. I could not get approval from my editor, so I took two days off to participate at training," one panelist said. The situation is even more complex with the local media. "There are not enough opportunities for their specific needs," said Pavić. "In addition, they are working in small newsrooms that can hardly afford to send a journalist away for a two or three day training program." In the 1990s, in-house trainings were much more often, exactly for the purpose of meeting the needs of local media. Nowadays, most of the trainings are centrally organized, which is detrimental to many potential participants from local media.

Sources of newsprint, printing facilities and media equipment are apolitical, privately owned and managed

exclusively as profit-making businesses. The proximity of good quality print presses in neighboring countries (Slovenia, Bosnia Herzegovina, Serbia) offering usually lower prices for services than print presses in Croatia has also contributed to the growth of more favorable market conditions in Croatia. There have been no occurrences of providing or declining services on political or any other non-business related criteria.

Distribution of content is unrestricted and exclusively business-based. Internet, IPTV, cable television, mobile phone providers, transmitters and similar services are privately owned, most of them by local branches of a large international IT and communication business conglomerates, offering professional and efficient access to all interested parties under the standard conditions. In the past 15 years, there have not been any decisions and/or restrictions in access to these services made on the base of political, or any other arbitrary affiliations.

The only problem in this segment could be assigned to the distribution of print. The biggest business conglomerate in Croatia, Agrokor, which is also the biggest advertiser in the country, owns the most important national distribution network, Tisak. So far, this segment of the media market (distribution) has been functioning as an efficient business model, but it should be noted that such a concentration of power could be detrimental, if not for clients, then certainly for any other potential investor in the sector.

ICT capacities are sufficient to meet the needs of communication platforms on the market, as well as the demands of content and communication consumers. Internet streaming of audio and video content, digital broadcasting (98 percent of households have been digitized so far), podcasting, content distribution via mobile phones, etc., are standard and regular market services, introduced in Croatia basically simultaneously with the global market.

The only discouraging element in this rather techno-optimistic vision is the price of services. In the late 1990s and early 2000s, the Internet service used to be much more expensive than in Europe or in the US, for example. At those times, a \$150 Internet bill was to be expected for a heavy user. Nowadays, the "triple package" (flat Internet, basic IPTV package and fixed phone line) starts at \$60. Is this affordable?

There is no straightforward answer to this dilemma. In times of crisis, every expense should expect to be scrutinized. Prolonged crises probably will not stop the steady growth

in usage of the high-end technologies, but would probably change a mainstream consumer's pattern. Despite contracted family budgets, communications and content receiving/sharing will certainly consume an ever-higher percentage of an average consumer's "basket."

List of Panel Participants

Vesna Alaburić, lawyer, media legislation specialist, Zagreb

Jelena Berković, spokesperson, GONG, Zagreb

Dalibor Dobrić, journalist and executive editor, www.net.hr, Zagreb

Zdenko Duka, president, Croatian Journalists Association, Zagreb

Toni Gabrić, editor, H-Alter.org, Zagreb

Gabrijela Galić, journalist, *Novi List*; trade union activist, Rijeka

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

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

Saša Leković, freelance investigative journalist, Daruvar

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

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

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

Božo Skoko, media studies professor, University of Zagreb; founding partner, Millenium Promocija, Zagreb

Milan Živković, advisor, Ministry of Culture, Zagreb

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

Boris Rašeta, columnist, *Novosti*, Zagreb

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

Moderator and Author

Davor Glavaš, independent media consultant, Zagreb

The panel discussion was convened on December 16, 2013

In every election, the media's integrity is scrutinized. Both local and foreign observers agree that the media covered the election campaign well, providing equal space to all of the candidates' activities.



KOSOVO

On April 19, 2013, Kosovo's Prime Minister Hashim Thaçi and Serbia's Prime Minister Ivica Dačić reached a landmark agreement. After 10 rounds of talks chaired by Catherine Ashton, the EU high representative, both prime ministers signed the 15-point agreement that aims to normalize relations between the two countries. Global political organizations, such as the UN, NATO, the European Council, and others, considered this a historical event and praised both leaders for their courage. By the end of the year, four US congressmen officially nominated Ashton, Thaçi, and Dačić for the 2014 Nobel Peace Prize for their efforts in improving relations between Kosovo and Serbia.

At home, though, the agreement was highly disputed. Although the Kosovo Assembly ratified the agreement, the opposition party, Vetvendosje, opposed the ratification and tried to block it. Those against the agreement feared that Kosovo was being divided along ethnic lines, as part of the agreement included the creation of an association of Serb majority municipalities. A positive outcome of the agreement was the participation of four Serb majority municipalities of the North in the November 2013 local elections. It marked the first time that Serbs participated in organized elections in Kosovo. Previously, they had boycotted all elections, as advised by the Serbian government; under the terms of the agreement, the Serbian government has committed to play the opposite role.

The elections proved to be another significant milestone of 2013, in the sense that most experts regarded them as one of the best organized elections, with the exception of a serious incident that occurred in the North. In this incident, a group of Serbs entered into a polling station and stole or destroyed ballot boxes and election materials while terrorizing the election organizing committee. A local journalist captured the whole event on camera.

In every election, the media's integrity is scrutinized. Both local and foreign observers agree that the media covered the election campaign well, providing equal space to all of the candidates' activities.

The overall average score for Kosovo increased slightly over last year's MSI study. The panelists highlighted the new law on the protection of journalism sources, adopted last year, as important progress. On the other hand, the new draft-regulation of the Independent Media Commission, which intends to increase the licensing fee for broadcast media, has received harsh criticism, considering the already difficult financial situation for broadcast media operating in Kosovo. This is the reason why Objective 4 (business management) has traditionally received the lowest scored low in Kosovo, and it did again this year. Apart from that, Kosovo citizens enjoy a variety of news sources (Objective 3; score: 2.90), the media community enjoy a great deal of support from NGOs (Objective 5; score: 2.58), and the quality of professional journalism has stayed more or less steady (Objective 2; score: 2.32).

KOSOVO at a glance

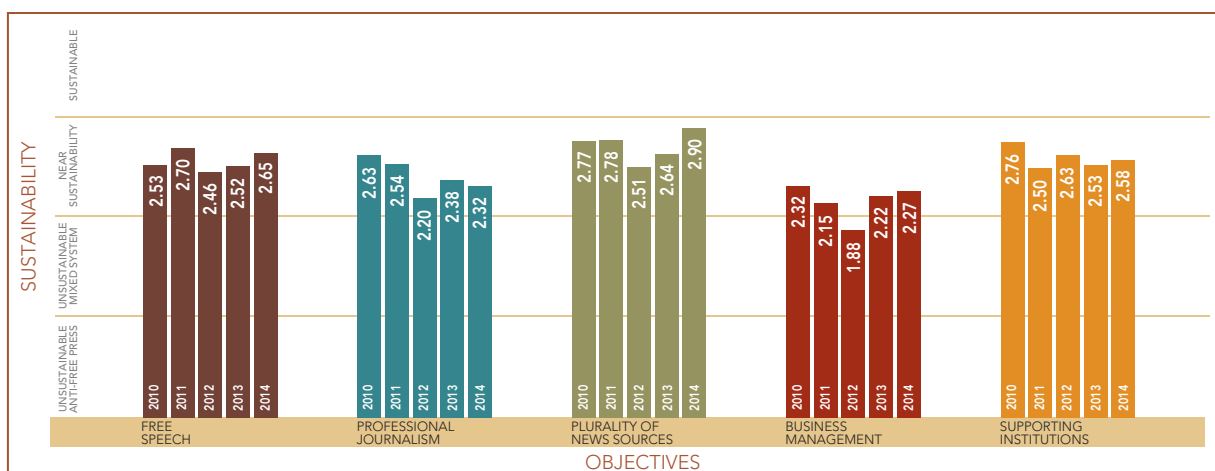
GENERAL

- > Population: 1,859,203 (July 2014 est. *CIA World Factbook*)
- > Capital city: Pristina
- > Ethnic groups (% of population): Albanians 92%, Other 8% (2000 est., *CIA World Factbook*)
- > Religions (% of population): Muslim, Serbian Orthodox, Roman Catholic
- > Languages: Albanian, Serbian, Bosnian, Turkish, Roma
- > GNI (2012-Atlas): \$6.508 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-Atlas): \$3,600 (World Bank Development Indicators, 2013)
- > Literacy rate: 91.9%; male 96.6%, female 87.5% (2007 census)
- > President or top authority: President Atifete Jahjaga (since April 7, 2011)

MEDIA-SPECIFIC

- > Number of print outlets, radio stations, television stations: Print: 8 daily newspapers; Radio Stations: 83; Television Stations: 21 (Independent Media Commission, 2012)
- > Newspaper Circulation Statistics: *Koha Ditore* is the leading newspaper, followed by *Kosova Sot* (Index Kosova, July 2009)
- > Broadcast Ratings: RTK 52%, KTV 28%, RTV21 49%; Radio Dukagjini 8%, Radio Kosova 5%, Radio 21 2% (Index Kosova, 2009)
- > Annual advertising revenue in the media sector: N/A
- > News agencies: Kosovo Live, Kosovo Press
- > Internet Usage: 377,000 (Dec. 2008 est., Internet World Stats)

MEDIA SUSTAINABILITY INDEX: KOSOVO



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscsres.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Kosovo Objective Score: 2.65

In general, Kosovo enjoys good legal and social protection of free speech, which is quite harmonized with EU and international standards. Freedom of speech, the right to access public information, and media pluralism are each regulated in article 40-42 of the Constitution of Kosovo. This is the reason why Objective 1 received the second-highest score, 2.65, from this year's MSI panel. The media operating environment is generally well-regulated; there are written rules with regard to media licensing and registration procedures, there are certain tax breaks for media organizations, crimes against journalists are mostly limited to the level of threats, entry into the journalism profession is free of any sort of governmental interference, and there are no restrictions for accessing international news and news sources.

Apart from Kosovo's constitution, there are specific laws that also guarantee the freedom of speech. One reason why such laws are compatible with international standards is that an EU expert is always engaged in the process of drafting bills. One specific law that the Kosovo Assembly adopted in 2013 is the law on the protection of journalism sources. The panelists see this as a significant step, because the new law guarantees journalists and other media professionals the right to remain silent regarding their sources of information, and they cannot be obliged to reveal the identity of their

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

sources or the origin of their information. The law also prohibits physical and non-physical searches of journalists' and media properties. Journalists are obliged to reveal the identity of a source of information only at the request of a competent court and only if that information is necessary to prevent a serious threat to a person.

Kreshnik Gashi, an editor and investigative journalist at the Balkan Investigative Research Network (BIRN), also praised changes made in the new Penal Code that allow photographers to record court hearings.

The media licensing and registration process is overseen by the Independent Media Commission (IMC), which is in charge of broadcast media only. Print media, news portals, and news agencies do not go through any licensing procedures, since they are registered as business enterprises. The panelists are very critical of the IMC's work, because they believe this institution is highly politicized. In December 2013, two board members, including the head of the board, were fired by the Kosovo Assembly—the body in charge of appointing them—on charges that they both violated the law when they ran as candidates during local elections in November. The EU Election Observation Mission in Kosovo criticized the work of the IMC as well, concluding that the IMC failed to take up its legal responsibility to oversee media performance and to review and adjudicate media-related complaints.

Furthermore, the panelists agreed that the IMC regulation on covering election campaigns is unclear and confusing. Gazmend Sylja, the editor-in-chief of KLAN Kosova—a private television station that the IMC fined for breaching the election silence—described how the IMC failed to make it clear what broadcast media can and cannot cover during the elections.

Ardita Zejnullahu, the executive director of the Association of Kosovo Independent Electronic Media (AMPEK), added that the IMC, in its inefficiency, is destroying Kosovo's media market—especially now, when Kosovo needs to adopt a law for switching to the digital broadcasting system.

There are tax breaks for media outlets in Kosovo. The government made a very important decision last year to exempt all broadcast media from the value-added tax (VAT). The panelists say that this is quite a release for broadcast media and an incentive for them to invest in the latest technology. Lavdim Hamidi, the vice editor-in-chief of the daily *Zëri*, noted, however, that this decision applies only to the importation of media equipment and is not applicable when equipment is bought from a local retailer. He suggests that the government should consider a reimbursement mechanism, since not all media outlets can import their equipment.

An IMC announcement of a draft regulation that aims to increase the licensing fee for broadcast media by three times sparked a major debate. This means that the annual fee for

a local radio station, for example, would increase from €540 to €1,620. Many local radio and television stations protested that a threefold increase in the licensing fee would be an unbearable hardship. The IMC has yet to confirm the decision.

The panelists agree that the number of crimes against journalists has been decreasing over the years. The word “crime” for them appears to be too harsh, considering that even in the past no journalist has been murdered and the most common crimes against media professionals come as threats. Investigative reporters often receive threats mostly from businessmen and other individuals who are suspected of being involved in corruption scandals.

Occasionally, the threats escalate into physical assaults. In one case, a businessman beat a KTV cameraman while he was filming a condominium being built in Pristina, allegedly with no legal permit. Although the perpetrator was held by the police and charged by the prosecutor, the panelists said that courts in Kosovo are overloaded with files and assign no priority whatsoever for cases involving crimes against journalists. Another problem, raised by Kreshnik Gashi, is that Kosovo journalists do not feel safe enough to report from the North, which is a predominantly Serb-populated area. During the local elections in 2013, Kosovo Albanian journalists, in particular, had very limited access in the North, where Serbs killed an EULEX police officer just before the local elections.

As of 2013, there were two public television channels in Kosovo. The former Radio Television of Kosovo (RTK) is now RTK1 and RTK2. The latter is a Serbian-language channel and broadcasts only via cable, while the former is mostly in Albanian and has a national frequency, in addition to a satellite version intended for the diaspora community.

Although the law on public broadcasting protects the editorial independence of public media, the same law says that public media, which consist of two television and two radio channels, shall be financed from the state budget until the board members suggest to the Kosovo Assembly a viable financing option. For the panelists, a heavily politicized board on the one hand and the state financing on the other hand are jeopardizing the public media’s editorial independence.

However, Mentor Shala, the general director of RTK, insisted that the public media provide independent and balanced reporting, as well as equal space for all political parties. Other panelists disagreed, saying that the RTK board is just for décor, with members who lack basic knowledge on media operations. Krenar Gashi, the director of the think tank INDEP, said that after 2008 the regulatory authorities have abused their role, tilting in favor of political parties in power. This has led to the degradation of public television, he emphasized.

According to Kosovo’s law, the Civil Code regulates libel. There was a previous tendency to try to make libel a criminal matter, but journalists’ associations managed to advocate against it. The problem, however, is that the number of libel cases against journalists is increasing, and the burden of proof, according to Kosovo’s legal standards, falls upon accused journalists. The panelists said, though, that this practice should be changed, because it is very time-consuming and costly for journalists.

Online news portals, which, unlike traditional media, lack an editorial team, are frequent targets of libel charges by public officials and businesspeople. When public figures come under fire, it has become a typical response for them to file charges against the media reporting on the issue, to create a public impression that they are innocent. Furthermore, they do not need to provide any proof of their claims in court, since the burden of proof falls upon the plaintiff.

The panelists described a case that is a typical example. Last year, Indeksonline, an online news portal, announced plans to publish an article showing evidence that linked the head of the Kosovo Intelligence Agency (KIA) with corruption. Before the story was published, the owner of Indeksonline, Faton Shoshi, was asked to report to the AKI headquarters. An AKI car was sent to bring him in, and on the way to the agency the driver kept threatening him. After realizing that he was followed by Shoshi’s reporters, the driver stopped and forcefully took their camera. After this, Shoshi refused to continue the journey and considered the incident an act of kidnapping. The Association of Kosovo Professional Journalists condemned the case.

The law regulates access to public information, but the panelists expressed disappointment that the law is limited to access to public documents only. Another problem is that public documents are not accessible online, especially budget spending reports, which public institutions rarely publish on their websites. Although all journalists have equal access to information, the problem lies within the public institutions, which stall and delay in providing their responses. The lack of an official spokesperson of Kosovo’s government makes it even more difficult for journalists to gain certain information.

On the other hand, there are no government restrictions of any kind to deny media’s access to international news and news sources. Citizens also have access to foreign television channels, which are part of cable packages. The government also does not impose any restrictions or licensing criteria for entry into the journalism profession. Even citizen reporting is practiced nowadays through social media.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kosovo Objective Score: 2.32

The overall score for professional journalism shows that journalism in Kosovo more or less meets professional standards of quality. In general, reporting is fair and objective, especially in broadcast and print media, where journalists follow certain ethical standards. This is not the case with online news portals, which are famous for massive copyright breaches. Besa Luci, editor-in-chief of Kosovo 2.0 magazine and blog, said that many online news portals pretend to be doing journalism, while most of them only copy and paste news from other sources.

In general, reporters tend to comply with journalism standards, in the sense that they try to include comments from all relevant parties to a story. The problem the panelists raised is that a lot of stories are built on anonymous sources, a practice that is becoming commonplace. Luci believes that around 70 percent of stories are based on anonymous sources, and this practice is affecting media credibility.

On the other hand, journalistic organizations adhere to written ethical standards, which are in line with other internationally accepted ethical standards. Last year, the Council of Kosovo Print Media updated its code of ethics, making it more comprehensive. All print media subscribe to this code. RTK, the country's largest media organization, has its own code of ethics. Broadcast media tend to have their own ethics codes, but most online news portals and other news agencies do not have any written code of ethics. To this day, they remain unregulated.

Self-censorship is evident among journalists, mostly due to their perceived fear of losing certain political or business

support. In such cases, editors pressure journalists to practice self-censorship. For journalists, especially local media, low salaries also contribute to self-censorship.

The case of IPKO vs. Koha last year showed a clear example of business organizations' revenge toward a critical media outlet. IPKO is one of Kosovo's largest cable providers, as well as a provider of mobile and Internet communications. It is the only private provider of mobile telecommunications services, and, along with the state-owned company VALA, is an oligopoly in mobile telecommunications. Koha group, on the other hand, owns KTV—a national television station—and *Koha Ditore*, one of the highest-circulating newspapers. When Koha ran a story alleging that IPKO engaged in some corrupt practices in its attempt to expand its media market in Kosovo, IPKO responded by withdrawing all ads from the newspaper and shifting KTV from number 3 to number 83 in cable's list. This was a clear act of revenge, which the panelists and media organizations highly condemned at that time. After harsh criticism by media experts, IPKO eventually changed KTV's place to number 8.

Traditional media appear to cover all key events and issues, local and international, with one exception: the North. This Serb-populated part of Kosovo, where Kosovo's authority is not recognized, has suffered from heavy violence. Kosovo journalists face real danger when they cover news from that area. They faced a real test when covering the local elections in November and December 2013, in which Serbs took part for the first time. Sylva said that he did not dare to send any team to the North because he feared for their lives, leaving this as an option for journalists who wished to go there.

Journalists' low pay levels are another reason why they are not willing to take such risks. The panelists also underscored a striking disparity in salary levels for public and private media professionals. While salary levels in public media range from €600 to €900, the average salary in private national radio and television stations is around €300. In newspapers, it is between €150 and €200, the panelists said. In local media, the average salary tends to be even lower. However, journalists are generally paid the same as other professions, such as civil servants, police, teachers, and doctors, whose monthly income ranges from €300 to €400. Poor income for journalists has been the primary reason why a number of them have left the profession for certain positions in the public or business sector. Another problem raised by the panelists is that media owners do not adequately respect the labor law, meaning that there are still journalists working without proper work contracts.

Overall, people get news when they need it. There is a balance in the media between news and entertainment programming; the latter does not eclipse the former. This aspect of the media is well regulated, because the IMC has a strict regulation that all licensed broadcast media must

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

comply with. In addition, the IMC closely monitors the time television stations spend on commercial activities, which is 12 minutes per hour for private television stations and six minutes for public television stations.

The panelists agreed that media organizations have good facilities and equipment for gathering, producing, and distributing news. The VAT abrogation for media also has reduced the import cost of the latest technologies.

It is unusual for journalists to specialize in a specific field. Media organizations today tend to look for “generalist” journalists—those who are able to cover all sorts of issues, be it politics, business, health, or education. Investigative reporting, however, is becoming more professional. One particular media outlet that specializes in investigative reporting, BIRN, has increased the variety of channels after launching the online newspaper version of its famous *Life in Kosova* television program.

OBJECTIVE 3: PLURALITY OF NEWS

Kosovo Objective Score: 2.90

Objective 3 received the highest score of all MSI objectives. Indeed, the score shows not only a significant increase from last year, but an overall achievement of plurality on news, compared with all previous years. The number of mediums has been increasing over the years. Along with traditional media, social media, the Internet, and access to news via mobile devices have all increased rapidly. Although the number of online news portals is increasing, the panelists did not necessarily see this as progress, because the quality of

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

journalism on many online outlets is poor. Due to the lack of an overseeing body, most of these online outlets do not have any editorial team, and the ownership is very non-transparent.

Today, the public media consist of two television channels and two radio channels. RTK has become RTK1 and RTK2, the latter a television channel in the Serbian language. In addition to RTK2, the Serb community has other private radio and television channels, including the well-established local Radio Kim in Gracanica, which is now testing its own television channel. There are no newspapers, however, in the Serbian language. In fact, there are no local newspapers at all, only nine daily newspapers with national coverage. Magazines also exist, but their content is limited mostly to show biz, business, and religious issues. The market in Kosovo is not very friendly to magazines; some do not survive long because of financial problems and because subscriptions do not generate any substantial income. Perhaps the most common source, although with limited credibility, is now online news portals, which tend to post truncated versions of important news covered by the traditional media. In this context, people now rely heavily on social networking tools, such as Twitter and Facebook, which are used as platforms for debates and discussions among their users. As the panelists said, this is possible because the Internet has enjoyed a massive penetration rate, with over 70 percent of all households connected to the Internet.

The variety of public and private news sources allows citizens to check the news, and to obtain and compare multiple viewpoints. Even individual media outlets allow multiple perspectives in their editorial policies, especially when it comes to providing various political viewpoints about a particular issue.

There are no government restrictions whatsoever on accessing domestic or international media and news sources, accessing any Internet features, or owning a satellite dish. However, the panelists raised two issues that can restrict, to some degree, citizens’ access to the media. First, the monthly fee for a cable service package, including Internet access, is still high, considering a family’s average income. Second, RTK, although required by law, has failed to spread its signal to the whole territory, leaving many families without the terrestrial signal. Shala, from RTK, said that this is not RTK’s fault, because there is a special body called the network of terrestrial broadcasters that is responsible for spreading the signal all over the country. This network is a composition of all licensed broadcast media.

There are legal provisions that regulate the public media to serve the public interest, although most of the panelists criticized the public media, feeling that state financing is jeopardizing editorial independence. Even the EU local election observing team criticized RTK for having a positive tone when covering the activities of the ruling party. Shala, however, insisted that RTK tends to provide equal space to all political parties.

There are news agencies that gather and distribute news for national and local media in the country. There are two main news agencies in Kosovo, Kosova Live and Kosova Press. Both agencies provide other media outlets with reports that are believed to be editorially independent. The subscription fee is affordable for most media outlets, which in return receive print, video, and online news content. The main problem is that in most cases, media outlets fail to cite them as sources of information. On the other hand, international news agencies, such as Reuters, AP, and AFP, are used only by larger media organizations that can afford such services.

The panelists agreed that private media, especially those with national coverage, are not very dependent on news agency services. Almost all private media, national and local, produce their own news and information programming. Even bloggers and online media produce their own content, which sometimes becomes a matter of wider public debate after being picked up by other media.

With regard to the transparency of media ownership, the panelists agree that in general this is well regulated, at least as far as broadcast and print media are concerned. Broadcast media, including cable providers, are overseen by the IMC, which requires detailed information about the owners. Print media are registered as businesses, and their ownership is generally known to the public.

Only a few business conglomerates own media outlets, but the level of interference with media management and the editorial team is not that visible. However, ownership is not very transparent when it comes to online news portals.

In general, the media cover a broad spectrum of social interests, including issues that a few years ago were considered taboo themes, such as religion, ethnicity, and sexual orientation. Today, there is no resistance to covering such issues in the media, as long as there are opinion makers who publicly debate them. In addition to these topics, citizens are able to get all sorts of news regarding their hometown, municipality, national issues, and international developments, and there are also media in the minority languages that serve minorities' interests. This is mainly due to the existence of many local and community radio and television channels.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kosovo Objective Score: 2.27

Objective 4 scores remained about the same compared with last year. However, according to the panelists, business management is still the least developed feature in terms of media sustainability; thus, this objective still received a lower score than the other MSI objectives.

To a certain extent, media outlets operate as efficient and self-sustaining enterprises. This is especially true for public media, which enjoy multiple revenue sources, including a guaranteed annual budget from the state budget, around six minutes of advertising time per hour, and the right to produce private programs as well. Two national television stations, most national newspapers, and cable operators manage to function well as enterprises, and in addition to their journalists and technical experts, they employ trained accounting and marketing personnel.

Local media, on the other hand, face less favorable conditions, because their revenue sources are not very sustainable. Zejnullahu mentioned the case of TV Prizreni, a local television station that is in particularly bad financial shape. For this, Zejnullahu places a certain amount of the blame on the IMC, which has never conducted a proper market analysis. In Prizren, a town of fewer than 200,000 people, the IMC has licensed five local televisions, which is more than the market can absorb. Furthermore, unlike their national counterparts, most local media do not have any other staff besides journalists and technical experts. They simply cannot afford them. Krenar Gashi believes that the local media do not prepare business plans like national media, either; they just live day by day.

Private media do not rely on subscriptions, for the most part; they are not yet considered an important source of revenue. Advertising revenue is their main income. Private television stations are allowed 12 minutes of advertising time per hour, which is closely monitored by the IMC. In the past, broadcast media often have been issued fines for exceeding the allowed commercial time.

Other than ads, there are no government subsidies for private media. The panelists say that government ads,

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

although not in the amount they used to be, are fairly distributed among Kosovo media outlets.

According to the existing law on public broadcasting, the public media have a guaranteed budget until 2014. By then, the RTK board must come up with a financing solution, which may be in the form of subscriptions. For the panelists, the current form of financing for the public media is clearly affecting the editorial independence of this medium. RTK2 is in a favorable position, though, because its budget is subsidized by RTK. There are no government subsidies for private media.

The number of companies that buy advertising is increasing. Foreign banks with branches in Kosovo, insurance companies, private colleges, telephone companies, and certain public agencies are the country's biggest advertisers. The government used to be a great advertiser before it opened a special web page where it posts all public calls for tenders and other services.

According to a recent study conducted by the IMC on the advertising market in Kosovo, more than 80 percent of large companies allocate a certain budget for advertising. So do around 65 percent of medium-sized enterprises, 53 percent of small enterprises, and 88 percent of micro-enterprises. The study shows that they advertise on local television stations (22 percent), national television stations (20 percent), local radio stations (17 percent), national newspapers (12 percent), national radio stations (14 percent), and the Internet (3 percent). In total, around €30 million is spent on advertising, according to this study.

Online media are gaining prominence in Kosovo's media market, as more advertisers show interest in buying ads on online news portals. However, Meriton Shoshi, a journalist for the Indeks online news portal, said that news portals are struggling to compete with traditional media to get ads from public institutions, and even when they win them, they do so at the lowest price possible.

There are no reliable market research companies, and market research is not well developed or used in strategic business planning. The same goes for broadcast ratings and circulation figures, which are not produced regularly and independently. Such figures are collected, but the panelists believe they are not reliable, as they tend to be influenced by the medium that orders such services. As a consequence, advertisers do not take them seriously.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kosovo Objective Score: 2.58

Scores for Objective 5 remained static compared with last year. Trade associations representing the interests of media owners exist and tend to do a better job than journalists' associations, according to the panelists.

Most media outlets have their own trade associations that represent their interests. Hence, private broadcasters subscribe to the Association of Independent Electronic Media of Kosovo (AMPEK), print media have the Council of Print Media, and RTK has its own trade association. AMPEK is one of the largest and most active trade associations; it advocates for policies in favor of private broadcast media. It became very vocal when the IMC introduced a new draft regulation that seeks to more than double the license fee for all broadcast media and cable operators. The new tariffs were considered too high, especially for local and community media.

As for journalists' professional associations, there are two: the Association of Kosovo Professional Journalists (AGPK) and the Union of Kosovo Journalists (UGK). Although the main role of these organizations is to protect journalists' rights and raise their voices, especially when crimes against them are committed, they also provide training and other educational activities for their members. AGPK is the larger of the two; most accredited journalists belong to AGPK. Last year, it gained a new president and a new board.

The panelists said, though, that AGPK was not very active last year and lacked credibility after electing a controversial head of the association. Some of its members publicly criticized the new president as being too close to the ruling party and not representing journalists' interests. Some board members even resigned as a result of the new president's close association with the ruling party.

Shala said that under the current circumstances, it is difficult to lead this organization, because journalists tend to try to protect the interests of the media they work for. Again this year, the

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

panelists emphasized the lack of a trade union representative of all journalists, regardless of the type of media they work for.

Kosovo has a huge number of registered NGOs that support free speech and media independence and advocate for laws in the media's favor, but only a few of them are truly active. Those that are active have cooperated with the media sector to support the freedom of speech. Some of the most prominent think tanks and NGOs, including the GAP Institute (organizers and authors of the MSI study), INDEP, KIPRED, and BIRN, have produced a number of publications addressing the freedom of the press. Perhaps their biggest contribution was their involvement in reviewing legislative changes on media. The panelists mentioned that it was a good sign of cooperation when media organizations, along with NGOs, reacted in the case of IPKO vs. KTV/Kohavision (when IPKO moved KTV from channel 3 to 83, far outside of the 1–4 channel listings for national networks). Sylva said that since NGOs need the media, and the media need opinions from experts working at NGOs, they have created an alliance of good communication and cooperation.

One public and two private providers of higher education offer journalism studies, providing theoretical and practical training for new journalists. Three journalism degree programs are offered in Kosovo, the largest of which is at the public University of Pristina. However, the technical infrastructure for conducting practical work is poor, and students are unable to practice and demonstrate their knowledge, said Besim, a lecturer of journalism at the University of Pristina and a journalist with Voice of America. Nevertheless, the employment level of graduates from the public university is satisfying. Around 70 percent of all graduates find employment, according to Muhamet Jahiri, president of the Kosovo Journalists' Union (UGK).

In addition, larger media outlets offer in-house training to help young journalists upgrade their skills. The OSCE, EBU, and other organizations offer short-term trainings. RTK has its own center for professional training that is available to its staff, as well as to many journalism students who do their internships there. Klan Kosova TV also accommodates a great number of students for internships, said Sylva.

Apart from financial restrictions, there are no other restrictions on importing and purchasing materials that journalists need, or on printing facilities. The existing printing and publishing houses are privately owned and tend to be apolitical in their business endeavors. Luci said that there is no competition among printing houses.

Channels of media distribution, especially kiosks, cable, and Internet providers are apolitical, and the state does not interfere with them. The panelists raised the issue of switching from analog to digital broadcasting, which should be completed by 2015. So far the IMC, which is responsible

for carrying out this project, has introduced only a draft strategy, which the broadcast media disputed. Zejnullahu blamed both the government and the IMC for not applying for IPA funds, which are exclusively aimed at financially helping broadcasters buy the new technology necessary for digital broadcasting. All other countries in the region have benefited from such funds, while in Kosovo the responsible institutions have not even applied, Zejnullahu added.

Lastly, the existing ICT infrastructure is quite modern and meets the needs of the media industry. The Internet penetration is relatively high, with over 70 percent of households believed to have Internet access, and Internet speed is quite good.

List of Panel Participants

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

Kreshnik Gashi, journalist, Balkan Investigative Research Network, Pristina

Muhamet Jahiri, president, Kosovo Journalists Union, Pristina

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

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

Mentor Shala, general director, Radio Television of Kosovo, Pristina

Krenar Gashi, director, INDEP think tank, Pristina

Lavdim Hamidi, journalist, *Zëri*, Pristina

Gazmend Sylva, editor in chief, KLAN Kosova Television, Pristina

Meriton Shoshi, journalist, Indeksonline news portal, Pristina

Moderators

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

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The Kosovo chapter was coordinated by, and conducted in partnership with, the GAP Institute for Advanced Studies. The panel discussion was convened on December 11, 2013.

Two new media laws (the Law on Media and the Law on Audio and Audiovisual Media Services) were adopted near the end of the year, despite opposition from many in the media community who feared the laws would undermine media freedom.



MACEDONIA

When police forcibly and unceremoniously removed opposition MPs and journalists from a parliamentary budget debate in late 2012, acting on orders of the speaker of the parliament, it opened up a prolonged crisis in Macedonian politics.

The opposition left the parliament and launched a campaign of street protests that lasted for several months, and threatened to boycott the local elections in spring 2013. The crisis was ultimately resolved with a March agreement, brokered by the EU Mission to Skopje, which returned the opposition to the parliament before the elections. The ruling VMRO-DPMNE party still won local elections by a landslide.

For the fifth year since Macedonia achieved the status of candidate-country, the EU Council again opted against awarding it a start-of-negotiations date for EU accession. However, Macedonia's long-standing dispute with Greece over its name is no longer the single impediment on the path to EU membership. The 2013 European Commission's Progress Report on Macedonia outlined a number of issues the country must first address, including the independence of the courts, freedom of expression and relations with the media, electoral reforms, and corruption.

Several important events influenced the media landscape in Macedonia in 2013. Two new media laws (the Law on Media and the Law on Audio and Audiovisual Media Services) were adopted near the end of the year, despite opposition from many in the media community who feared the laws would undermine media freedom. The switchover to digital broadcasting went ahead in June but was plagued with setbacks. In addition, several media outlets folded in 2013. The first to go, in February, was the weekly *Gragjanski*, citing economic difficulties and inability to cover the costs with the available advertising in the existing advertising market, which is under strong political influence. The www.komunikacija.mk news portal folded operations in July, after the arrest of its owner, who was charged with fraud and serious embezzlements. *Fokus* stopped publishing after the sudden, tragic death of its owner; *Fokus's* weekly magazine edition briefly stopped publishing as well but was rescued when its journalists and editors reorganized to ensure its continuation.

Given this backdrop, Macedonia's prospects for media sustainability further deteriorated, reflected by a dip in scores for four of the five MSI objectives. The low scores reflect the media community's pessimism about the prospects of escaping the trends toward greater state control, politicization, and economic degradation of the media.

Recent MSI panelists have suffered abusive verbal and media attacks for their decision to share candid comments on the state of the media and press freedom in Macedonia. Therefore, panelists this year asked to remain anonymous.

MACEDONIA at a glance

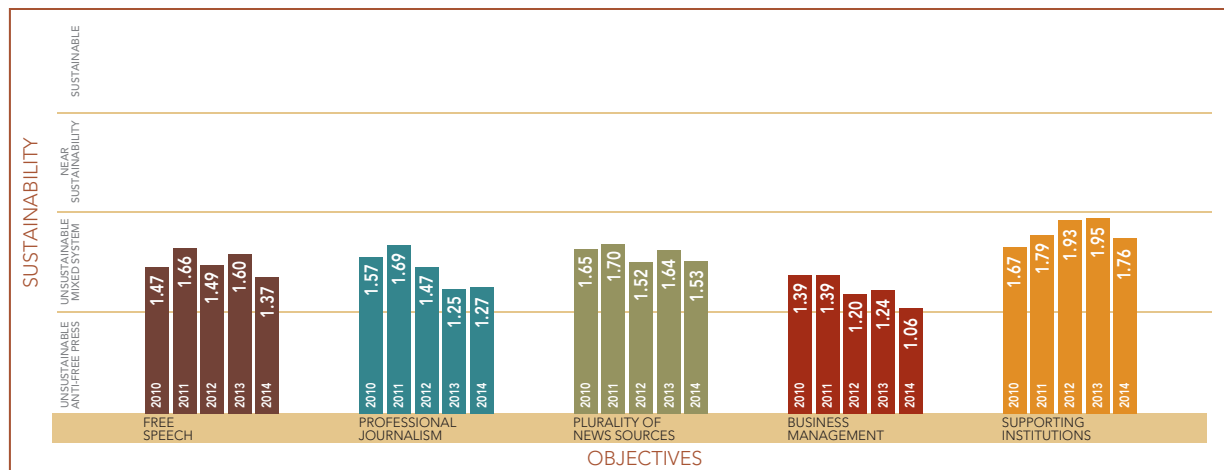
GENERAL

- > Population: 2,091,719 (July 2014 est., *CIA World Factbook*)
- > Capital city: Skopje
- > Ethnic groups (% of population): Macedonian 64.2%, Albanian 25.2%, Turkish 3.9%, Roma 2.7%, Serb 1.8%, Other 2.2% (2002 Census)
- > Religion (% of population): Orthodox Christian 83.9%, Muslim 9.9%, Armenian-Gregorian 3.9%, Catholic 0.8%, other 0.8%, none 0.7% (*CIA World Factbook*)
- > Languages (% of population): Macedonian 66.5%, Albanian 25.1%, Turkish 3.5%, Roma 1.9%, Serbian 1.2% Other 1.8% (2002 Census)
- > GNI (2012-Atlas): \$9.732 (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$11,540 (World Bank Development Indicators, 2013)
- > Literacy rate: 97.4% (male 98.7%, female 96%) (2011 est., *CIA World Factbook*)
- > President or top authority: President Gjorge Ivanov (since May 12, 2009)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: 7 dailies, 4 weeklies, 30 periodicals; Broadcast: 5 public service broadcasters and 65 commercial broadcasters: 5 TV stations and 4 radio stations with national coverage (digital terrestrial multiplex); 5 TV stations provide national satellite coverage; 17 TV stations and 16 radio stations provide regional coverage; and 25 TV stations and 56 radio stations provide local coverage. 3 non-profit radio broadcasters (Broadcasting Council, 2013). Internet News Portals: more than 120
- > Newspaper circulation statistics: N/A
- > Broadcast ratings: Television stations: Sitel TV (28.98%), Kanal 5 TV (16.71%), AlsatM TV (5.97%) and MTV1 (5.85%). Radio stations: Antena 5 Radio (20.0%), Kanal 77 Radio (8.50%), Macedonian Radio 1 (5.90%). (Broadcasting Council, 2012)
- > News agencies: Macedonian Information Agency (state-owned), Makfax (private), and NetPress (private)
- > Annual advertising revenue in media sector: There is no reliable comprehensive data for the whole media sector. The total annual advertising market is estimated at between \$40 million and \$50 million, of which \$33 million was on television and \$2.8 million on radio. (Broadcasting Council, 2012)
- > Internet Users: 1.057 million (2009 *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: MACEDONIA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscsres.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Macedonia Objective Score: 1.37

Macedonian law includes constitutional and legal guarantees for the freedom of expression. As noted in previous MSI studies, the actual implementation of such legal guarantees remains a problem. The panelists agreed that the situation in the area of freedom of expression and the media was possibly the worst ever; they noted several negative trends and developments that contributed to further deterioration of the freedom of expression and a worrisome trend toward self-censorship. The judiciary's independence, or lack thereof, remains a serious problem as well.

The year 2013 was active legislatively. In early April 2013, the Ministry of Information Society and Administration proposed new media legislation, to be adopted in an urgent procedure that was deemed secretive and opaque—a problem that required considerable effort by Macedonia's media community, with assistance from international partners, to overcome. The greater part of the media community opposed the lack of proper public debate and a multitude of provisions in the two laws (the Law on Media and the Law on Audio and Audiovisual Media Services) that they found harmful for the freedom of the media and freedom of expression in general. In particular, the Law on Media, in its initial form, proposed provisions that 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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

The fact that eight of the 10 panelists who participated in this survey opted for anonymity and requested that they not be quoted illustrates the reality for journalists on the ground.

majority of the media community considered tantamount to censorship.

The two laws (the Law on Media and the Law on Audio and Audiovisual Media Services) were adopted on December 25, 2013, but only after the government accepted the obligation to exempt print and online media from the regulatory framework and to secure seats for journalistic associations in the Council of the newly created Agency for Audiovisual Media Services.

The panelists also described a case where the courts failed to uphold the confidentiality of sources. On October 21, 2013, Tomislav Kežarovski, a crime-beat journalist at *Nova Makedonija*, was sentenced to four and a half years in prison for revealing the identity of a protected witness in a murder case. The majority of his fellow journalists came to his defense and organized several rounds of protests, demanding his release from custody. They believed that the real reason behind Kežarovski's arrest, and the reason he was held in custody for the duration of the investigation and the trial, was his refusal to name his sources in the Ministry of Interior and the prosecuting authorities. Also, the general perception within the media community was that Kežarovski should have been acquitted on all charges and that the court disregarded the evidence.

In 2013, there was an attempt, in the new media legislation, to extend the media's registration beyond broadcasting and to include an obligation for registration for online and print media. However, the government has accepted the obligation, upon agreement with the leading association of journalists, to amend the law to eliminate that obligation for the online media by the end of January 2014.

The regulatory body responsible for broadcast licensing, the Broadcasting Council, hastily allocated two broadcasting licenses (one for radio and one for a television broadcaster with national coverage) at the last possible moment before the digital switchover. "It is not clear at all why the two licenses were granted in the first place. The Council should have presented its legitimate goal and purpose to back its decision to allocate the licenses. Not to mention, it should have conducted an open nomination process, to allow the people to learn more about the views and programming offers of the nominated candidates," said one panelist.

The digital switchover in June 2013 introduced changes to the existing licensing system. Namely, the existing licensing process (managed by the Broadcasting Council, which will be renamed and reconstituted as the new Agency for Audio and Audiovisual Media Services, under the new media legislation) will cover only those broadcasters that want to broadcast on the air, while cable broadcasters will have to simply register their operations with the regulatory body.

The panelists also noted a number of problems with the digital switchover in June, including the high costs of digital transition—especially for small local and regional media, most of which chose to go to cable instead of applying for digital transmission licenses. As noted by one panelist who works for a local broadcaster, that decision came at a great loss of audience, knowing that cable network operators still do not provide full coverage of the territory of Macedonia and are limited to the urban area.

In theory, entry into the journalism market is fair and equal for all interested parties. However, as noted above, especially in the broadcasting sector, the licensing procedures seem to be rigged in favor of those broadcasters that are perceived to be, or are, openly pro-government. For the print and online media, such restrictions, real or perceived, do not exist, especially in the segment of online media. For print media, there are still sometimes prohibitive costs to launch a startup newspaper or weekly magazine.

While tax authorities do not approach media outlets differently from other industries, many in the media community believe that the media should receive some breaks because of their social responsibilities. Also, it was noted that there is evident difference in the treatment that tax authorities and other inspectorates reserve, first, for local and national media and second, for pro-government and independent or critical media.

Last year, there were no reported crimes against media professionals and journalists. However, a sense of persecution of critical media and investigative journalists prevails, primarily due to the economic pressure on the media. When journalists publicly protest or expose governmental pressure, or voice their opinions in opposition to government policies, they are subjected to intensive smear campaigns and outright hate-speech directed against them. They are labeled “traitors” who “betray” or “badmouth” their country abroad—and they have received no protection whatsoever from the proper authorities. The fact that eight of the 10 panelists who participated in this survey opted for anonymity and requested that they not be quoted illustrates the reality for journalists on the ground. Journalists possess deep-seated mistrust of government institutions, driven by the lack of institutional protection of

their freedom of expression. For the most part, they do not even bother to report the (primarily verbal) attacks to the competent authorities.

The year 2013 was a sad one for Macedonia’s journalism community, as it mourned the loss of two important people. In June, the journalist and media activist Roberto Belicanec, the founder and president of the Media Development Centre, passed away from a heart attack. Also, on March 26, Nikola Mladenov, a prominent publisher, owner, and the editor of *Fokus*, died in a horrific car accident. Mladenov was considered a strong voice for independent journalism and media in the country, committed to defending the public interest and exposing abuses of power.

The panelists also noted the public suspicion surrounding the investigation (or rather, the lack of proper investigation) of the tragic traffic accident that took Mladenov’s life. To this day, there are people who are convinced that there must have been some foul play surrounding his death, especially in view of the fact that Mladenov was a strong critical voice in Macedonian media, and the investigation was widely seen as hastily and incompetently led.

While the legislation provides for the editorial independence of the public broadcasting service MRT (Macedonian Radio and Television), in actuality MRT remains largely a mouthpiece for the government policies, as it was throughout the better part of the past two decades. Admittedly, there were efforts over the past year to redesign the programming offerings, but those amounted to purely cosmetic changes that resulted in sleeker visuals and upgrades of the public broadcaster’s technical capabilities. MRT’s programs, especially news and information, remain strongly biased in favor of the government, and the public broadcaster has not refrained from joining in smear campaigns directed against the opposition or critical media and journalists.

While the decriminalization of defamation with the Law on Civil Liability for Defamation, adopted in 2012, was seen as a positive development, many warily regarded the high limits set for punitive damages as possible new tools to apply pressure and silence the critical media. Furthermore, as noted by one journalist with senior editorial experience, “A possible fine of €10,000 for the editor-in-chief discourages investigative journalism projects and their publication, especially in view of low levels of trust in the judicial system.”

It is evident that the courts tend to push for out-of-court settlement of defamation cases. On the other hand, no cases were concluded in 2013, making it difficult to give any sort of definitive opinion on the implementation of the law. However, there is an evident tendency toward different treatment for cases involving pro-government

media and journalists and critical or opposition journalists and media, which is a cause of concern and calls for ongoing monitoring.

Macedonia has Freedom of Access (FOA) legislation. However, officials holding public information often deploy stall tactics in response to information requests, far beyond all proper legal deadlines. They also adopt a very liberal approach to the rules on classification of documents, meaning that they all too often choose, with impunity, to classify as confidential documents they do not want exposed. Also, special requirements are imposed upon journalists seeking access to information; for example, they are asked to ensure that their requests for information are stamped with the seal of their media outlet. FOA officials of various institutions frequently instruct journalists to seek the information they want from the spokesperson or public affairs office.

Another issue related to the access to information refers to the fact that journalists from independent and critical media have been “blacklisted,” in a manner of speaking; spokespeople and officials do not return their calls and ignore requests for interviews or questions asked in official press conferences.

There are no legal restrictions to either local or international news and news sources. On the contrary, online media, in their coverage of world events, entertainment, show business, and sports, rely on the abundance of online sources. One issue of concern in that area is the fact that, in an effort to provide a large volume of daily posts, they plagiarize foreign online news without much regard for copyrights or intellectual property.

The new Media Law adopted at the end of 2013 introduces a legal definition of “journalist” that is seen as restrictive in the sense that it emphasizes official contractual ties to a legacy-media operation, and an employment contract with an actual newsroom. Media professionals, media organizations, and other civil society organizations strongly contested that definition, saying they would accept only a mission-based definition of journalists.

Bloggers and citizen journalists are not recognized as proper journalists by the law or members of the journalistic profession. Therefore, journalists’ rights (in terms of protection of sources of information, for example) are not extended to cover their work.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Macedonia Objective Score: 1.27

Given the near-total divide of Macedonian society along several lines—political affiliation and ethnic background, to name the most obvious—journalism faces a continuous deterioration of professional standards. With such a pervasive divide, journalists have been forced, by combined pressure from political centers of power and media owners (with strong political ties themselves), into taking clear sides and moving from journalism into outright political propaganda.

As one panelist, an experienced journalist and union activist, noted, “We find ourselves in a situation in which we try to use journalistic criteria to appraise and assess propaganda.” In this climate, according to the panelists, only the reporting coming from international newswires (Reuters, AP, etc.), adheres to journalistic standards for fair, objective, and well-sourced reporting. With few exceptions, the bulk of the reporting available in Macedonian media fails to implement those standards. The resulting coverage is a mixture of facts and comments.

As in previous years, the media tend to present just one side of the story on any contested issue, and the whole coverage is tailored toward that goal. The reporting is presented in a manner that ensures the given media outlet’s political positions and views, as evidenced by the use of headlines, leads heavily colored by bias, and the choice of consulted experts. Investigative journalism, which has never been a strong point of Macedonian media, has further suffered

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

As noted by one experienced journalist and union activist on the MSI panel, “Formally, they work in departments, but there are maybe a handful of journalists who truly specialize in a single topic or subject.”

from the prevalence of self-censorship, which political powers strongly encourage.

An ethical code for journalists exists, and the Council of Honor of the Association of Journalists of Macedonia oversees its implementation. Throughout its history, the Council has faced problems stemming from its low visibility. The media largely ignore its rulings, especially its rulings on actions and reporting by journalists who are not members of the Association of Journalists. However, in the last quarter of 2013, negotiations started within the media community on the creation of a Council of Ethics that would cover the media landscape across the board and involve all, or at least the majority of, Macedonian media and journalists.

Few media have and adhere to internal ethics codes. Those that have nominally adopted such standards rarely apply them in their everyday work.

Furthermore, the prevalent atmosphere of fear has turned self-censorship into a common practice. Journalists and editors fear losing their jobs, while media owners fear losing advertising revenue in a situation in which the government and state institutions dominate Macedonia’s advertising market with so-called government ads. The panelists commented that self-censorship has grown to the extent that overt pressure is now unnecessary; journalists have learned what they can cover and how far they can go in their investigations without running into trouble—ultimately stifling investigative journalism.

The Law on Civil Liability for Defamation has also emerged as an instrument of pressure that pushes the media toward self-censorship. The relatively high compensations prescribed by the law threaten the chronically money-strapped media with great hardship. The late Mladenov admitted publicly in a talk-show appearance that he started to consider the pros and cons of every story his papers published: “€27,000 in compensation ... I admit it, I have told my reporters that they cannot cover this or that story. I just do not have the money to pay compensations anymore.”

Journalists and media cover key events and issues, but their approach is often biased and politically motivated. Media

tend to cover only the events that are favorable to their political affiliation. Events organized by political opponents tend to be downplayed, buried low in the newscasts or pushed to the back pages in the newspapers. That is especially the case with pro-government news websites, which tend to overexpose even minor events organized by the government and rely primarily on news agencies for the other coverage.

“Salaries of journalists in Macedonia are well below the dignity of the profession,” said one panelist, a former journalist who has moved to the civil sector. At about \$270 per month, they fall approximately halfway between the minimum monthly salary for Macedonia, which currently stands at \$170, and the average salary of approximately \$460. Journalists at critical and independent online media work for even less. The panelists noted that the figure listed above is usually the gross salary, before taxes and social benefits, and that many journalists have no employment contracts and are employed part-time, or as part of project activities. Many of those who are employed full-time operate under near-constant fear of losing their jobs. Also, growing numbers of journalists work for several media outlets, most of them in an attempt to boost their monthly earnings. (However, there are reports that journalists working for pro-government media are forced to work, at the same time, for government-controlled news websites.) Senior editorial staff salaries, on the other hand (and of course, depending on the media outlet), are much higher, especially for the traditional media that follow pro-government editorial policies.

The past tendency to favor infotainment, trivial, and tabloid content over serious content continued in 2013. People are still able to get news, but it takes increasingly more effort and consultation of many sources to get all the aspects of a given story. Prime-time programming is increasingly populated with reality shows and soap operas, with fewer and fewer quality debate programs. The panelists also noted the role that advertising agencies play in strengthening that trend, through the growing practice of purchasing not just advertising time, but whole prime-time slots that they fill with programs of their choosing—usually some form of entertainment. “That combination is fatal for the media. They buy the whole prime-time block, they place their ads there, and you get programs in return. They decide when something is to be aired, not the media’s programming director,” said one panelist, a program director at a local television station.

There are evident discrepancies in the technical capacities and the quality of equipment used by national and local media. While national media and their journalists have access to high-quality equipment and facilities, most of the

local media work with severely outdated equipment. The public-service broadcaster has especially benefited from investments in new equipment and technology, financed with grants by international donors, and it has significantly increased the quality of production of its programs—especially newscasts. As the panelists noted, the prices of equipment are constantly dropping, making it accessible to an ever-growing number of people. However, the media have been slow and unwilling to use the services of citizen journalists. Several media outlets, especially on the Internet, make attempts to host user-generated content, but they focus mostly on trivia and entertainment issues.

Specialized journalism, already a rarity in Macedonia, is on the decline in the traditional media. As noted by one experienced journalist and union activist on the MSI panel, “Formally, they work in departments, but there are maybe a handful of journalists who truly specialize in a single topic or subject. As financial strain shrinks newsrooms, most of them are forced to cover whatever topic they are given by the editorial staff. In some situations, journalists are sent to cover events they have no background on.”

The biggest national broadcasters still produce specialized economic programs, but economic reporting in general continues on a declining path. Entertainment, show business, and sports, on the other hand, receive great attention and specialized coverage. Otherwise, specialized coverage has largely moved to the Internet, with several quality websites that specialize in economic and business reporting, culture, technology, and other similar topics. Audiences can also see specialized leisure, lifestyle, and other programs and content on foreign channels available on IPTV or cable networks, or on foreign websites.

OBJECTIVE 3: PLURALITY OF NEWS

Macedonia Objective Score: 1.53

Macedonia enjoys an abundance of media outlets, with huge numbers of broadcast, print, and online media for such a small market. Technically, it provides sufficient possibilities for people to gain different viewpoints and compare the coverage of news and events in different media. The panelists, however, commented that the media’s pluralism is mostly formal. “An ordinary citizen, to get the information, should go to at least three sources: a left-leaning, a right-leaning, and a somewhat neutral source,” said one of the panelists, an experienced broadcast journalist.

The process of political stratification, primarily a result of governmental pressure in its bid to establish effective control over the editorial policies of the leading broadcast

and print media, has led to a situation in which only a handful of remaining media outlets offer views and positions that differ from the pro-government editorial policies. Those include broadcasters Telma TV, 24 Vesti TV, and a new daily, *Sloboden Pecat* (which entered the marketplace in October 2013).

On the Internet, the situation remains far more diverse, although the wave of new websites that used to crop up on an almost monthly basis has somewhat subsided. Still, in 2013, many local websites emerged that offer primarily local news in all municipalities outside of the capital city of Skopje. The newly adopted media legislation prescribes that they, together with the print media, will enter into the same regulatory framework with broadcast media. However, the Association of Journalists and the government announced, several days before the new legislation was adopted, that an agreement was reached to exempt online and print media from the regulatory framework, with additional interventions in the legislation as soon as possible.

Online media increasingly remain the sole source of critical viewpoints available to the public. However, they continue to attract mainly the younger generations and are still viewed as being somehow less relevant than the traditional media. The panelists noted that their coverage is too low to have any actual effect on public opinion. “It is the senior citizens, those who are not on the Web, who are most susceptible to propaganda. Those who have access to the Internet at least try to find alternative information. It is not a coincidence that all propaganda efforts are directed toward the pensioners and those who do not use

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

the Internet,” said one of the panelists, an experienced journalist who moved from traditional to online media. Social media networks serve as sources of information and as channels for communication with the audience, but primarily for the youth. All media outlets that have online versions offer the possibility to view their websites on mobile devices. They do not, however, offer other types of mobile news services, like SMS notifications and personalized news services.

There are no legal restrictions on the reception of foreign television, to the extent that, other than newscasts and several extremely popular soap operas and telenovelas, most people actually watch foreign programming as available on the local cable television networks. The same goes for distribution of foreign newspapers, which are available on the newsstands. There is no Internet filtering. Actual barriers to media accessibility include the fact that telecommunication networks rarely venture beyond the boundaries of urban centers, which leaves much of the rural population relying on over-the-air broadcasters. Furthermore, the falling purchasing power of people means that many have given up the habit of buying their favorite daily newspaper. That has been compensated, to an extent, by the growing availability of broadband Internet, which allows people to access online versions of daily newspapers.

The digital switchover that started on June 1, 2013, meant that many local broadcasters found the costs of new equipment for digital broadcasting prohibitively high. As a result, some of them chose to move to cable completely. That decision comes with a significant loss of audience, especially the people living in rural areas that are, usually, not covered by cable distribution networks.

On paper, the law guarantees the public broadcaster institutional autonomy and independent editorial policy. The public broadcaster is also legally obligated to present different views along the political and social spectrum. However, its coverage of events strongly reflects the viewpoints of the government and the ruling parties. The coverage of different political options is hugely biased in favor of the government, while the opposition’s activities, when reported, are pushed to the back of the newscasts.

The public broadcaster does offer educational and cultural programming. The quality of such content has improved slightly with the latest efforts to redesign the programs of the public broadcaster, but it is still far from truly satisfactory. Commercialization of the programming remains a concern. The public broadcaster increasingly acts as competition to the private commercial media, at the expense of its public-interest role.

In addition to the state-owned MIA news agency, which offers print and online news and photo services, and serves as the primary news agency for the Macedonian media, the privately owned Makfax news agency also supplies news to the media. In addition, there are several operations that call themselves online news agencies, but they are de facto ordinary news sites. Macedonian media also use the services of several foreign news agencies, most commonly Reuters, AFP, and AP. Only a handful of media have the financial resources to pay permanent correspondents stationed abroad.

The level of news production at the privately owned media depends largely on the size of their journalistic staff. National dailies and broadcasters have sufficient human resources to produce their own news and rely on news agencies and online sources for their foreign coverage. Local media, on the other hand, make efforts to provide the local news with far more limited resources. The panelists noted that political parties primarily set the news agenda and that coverage in privately owned media is very similar to the news coverage offered by the public broadcaster.

The new media and news websites produce their own news and content, and for them the rule that the size of the newsroom dictates the volume of production is also valid. They, however, rely heavily on other news sites for news and reports, which they publish, as well as on news agencies, whose services they use abundantly. While plagiarism is still rampant, over the past year several “gentlemen’s agreements” were reached between the leading news sites to use each other’s content with proper attribution of the source. Also, several groupings of sites have emerged that share their content freely among themselves in an effort to increase the number of “impressions,” the all-important figure when approaching the advertisers.

Macedonian laws offer clear legal limitations in terms of shares of ownership that a single person can own in different media to prevent unwanted media concentration. In addition, elected and appointed officials are prohibited from holding shares of ownership in media outlets. While nominally transparent, ownership is not always as clear as it should be, with constant suspicions arising over actual owners’ possible use of proxies.

The lack of transparency in print and new media remains a complicated issue. The new media legislation prescribes an obligation for the print media to register their business activity with the proper Registry of Commercial Companies or the Registry of Other Legal Persons. However, the panelists noted that the law does not prescribe proper instruments to prevent secret shareholders or co-owners. That is especially true of the Internet news websites, which,

in general, do publish the name of the publisher, without other information on the ownership structure. In quite a few cases, the Internet news media do not provide the names of the editorial team members.

The media, to a great extent, fail to address the needs of society's vulnerable groups. This is especially true of the media that follow pro-government editorial policies, which are dictated by the strongly conservative ruling party. Such editorial policies have little to offer to sexual minorities and women. Sexual minorities still face reporting that is based on and upholds negative stereotypes. Gender issues are almost always depicted from a masculine, traditional, patriarchal point of view, and objectification of women is commonplace. On the other hand, traditional media made an effort to clean up their act and avoid hate-speech and stereotypes in their programs and on their pages, with incidents of that kind reserved to several regular columnists. Hate-speech has moved mostly to the social media networks.

There are broadcasters that air programs in the Albanian, Roma, and Bosnian languages that focus on issues of relevance to their respective communities. National minorities can freely access foreign programs, usually through cable networks, which commonly stock their catalogues with numerous channels that broadcast in the countries of the immediate region of Southeast Europe. However, the panelists noted that one cable network operator that provides cable services in a large number of predominantly Macedonian-speaking cities and regions used the fact that the "must carry" obligation covers only the public broadcaster and its channels. The cable network operator chose to remove the leading privately owned bilingual broadcaster, AlsatM TV, from the list of channels it carries, citing lack of interest among its customers. AlsatM TV's programs are predominantly in Albanian, but it also carries news and other programs in Macedonian and subtitles most of the aired programs.

Media with national coverage find little space for local news, especially for news coming from local communities and regions outside of the capital city of Skopje. The difficult financial situation has cut severely into their presence in the smaller communities, with fewer local correspondents who have to cover ever-greater geographical regions. The panelists agreed with that assessment, and one panelist with long experience in broadcast media noted that "even MRT (the public broadcaster) is turning into a local station for Skopje, and there are not enough teams covering the rest of the country. Economically weak media find it difficult to cover a greater variety of affairs; they focus on Skopje instead." Local media, on the other hand, lack the proper human and financial resources necessary to produce quality content. Local Internet news sites exist in most municipalities

to cover the void left by the local broadcasters. The local administrations control most of those websites, but there are several independent operations, too.

Macedonia's media present global news but make efforts to infuse the coverage with a domestic perspective. International news agencies provide the bulk of the world coverage, in view of the fact that only a handful of media have established networks of correspondents, and those are usually restricted to the countries of the region and several important state capitals of the world.

OBJECTIVE 4: BUSINESS MANAGEMENT

Macedonia Objective Score: 1.06

This objective received the lowest score from our panelists: 1.06, a drop of 0.18 from the 2013 MSI score of 1.24.

A combination of several factors make Macedonia's media sector financially unsustainable: the poor economy, an overcrowded market, citizens' low purchasing power, a lack of viable business models, and poor managerial and administrative skills. With the exception of a couple of larger national television broadcasters, the media are constantly on the brink of bankruptcy.

As the panelists noted, the main problem is that independent media companies that are not a part of larger corporations with other core businesses can be counted on the fingers of one hand. "As a result, we do not have a real broadcasting industry that functions as an independent industry in its own right. What we have is backup operations

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

“[W]e do not have a real broadcasting industry that functions as an independent industry in its own right. What we have is backup operations for owners’ core businesses,” said one of the panelists, an experienced broadcast media manager.

for owners’ core businesses,” said one of the panelists, an experienced broadcast media manager. The situation is somewhat better in the area of regional broadcasters, where broadcasting is the core business, but they usually have to venture into other businesses to ensure more sustainable income sources. At the local level, the majority of the media depend greatly on contributions from local administrations, for which they have to surrender most of their editorial independence.

Macedonia’s traditional media rely heavily on advertising revenue, which on average accounts for more than 90 percent of their total revenue, with the remaining income coming from various sponsorship deals. For several years now, *Vest*, part of the MPM group that publishes two other daily newspapers, has sold a PDF version of its print edition over the Internet, mostly directed at the Macedonian diaspora. According to MPM, its circulation is now equal to the circulation figures of the print edition in the country.

Advertisers still prefer traditional over new media. Macedonia’s total advertising market is estimated at between \$40 and \$54 million. Of that, television draws over 80 to 85 percent, according to most estimates, with the rest divided between outdoor advertising, radio, print media, and the Internet.

In spite of reported increases in the collection rate of the monthly broadcasting fee (set at about \$3.25 per household) since that obligation was moved to the Public Revenue Office (the national taxation authority), the public-service broadcaster still relies on budget grants and subsidies with negative effects on its independence. In fact, a survey conducted by several media watchdog CSOs found an amount of about \$6.8 million on the public-service broadcaster’s balance sheet for 2012, with no source listed. Also, the public broadcaster has seen an increase in its legal limit of number of minutes allowed for advertising per real hour. Nonprofit media are allowed to sell advertising, much to the dissatisfaction of for-profit media enterprises. In addition to three nonprofit radio stations, most nonprofits are online news sites critical of the government and its

policies that depend primarily on international or private donors for funding.

Online media still cannot attract advertising revenue sufficient to ensure sustainability. Officially, less than 1 percent of the total advertising market in the country goes to online advertising (the unofficial estimate by advertising agencies places that number at 3.5 to 4 percent), but only a fraction of that actually goes to online news media. For that reason, many still have to rely on private and institutional donations. While some try to diversify their sources of revenue, usually through other commercial activities, they have been slow to explore all income-generating possibilities offered by the Internet as a platform.

Only big companies and international corporations with a presence in Macedonia apply a systematic approach to advertising. Small and medium enterprises usually lack both human and financial resources for proper marketing and advertising operations. When they do decide to spend something on advertising, they tend to direct those limited funds toward smaller, local media, where airtime costs less.

The panelists noted that advertising agencies continue to serve as “budget keepers” and decide where to direct their clients’ advertising budgets. A couple of the biggest advertisers have their own in-house advertising departments. According to the panelists, many decisions on allocating advertising are dictated by political considerations. Panelists pointed out that several of the leading advertising agencies also hold big accounts with government clients and that may influence how they place advertising within the media. “The picture is not yet completely black and white. (...) There are still several agencies that stick to some market principles, and monitor ratings, for example, so it is not a total disaster. Otherwise, I would have had to close the shop a long time ago,” a media manager on the panel said.

Agencies tend to get media plans from the advertisers, with allocated percentages per different types of media (television, radio, print, Internet), and have some say in the distribution of those media-specific budgets to individual outlets. The general perception is that agencies are primarily focused on their own revenue, without much consideration of ratings or the quality of content in the decision where to direct the advertisers’ budgets. The media, in general, prefer to work with advertising agencies, and only the biggest outlets have specialized advertising and marketing departments. As noted earlier, online news media fail to consider all possibilities to produce revenue; they are often content with merely selling banner ad space. Several outlets introduced the “cost per impression” (CPI) system, but most

still use the old methods, transplanted from print media, of selling banner space for a fixed period of time.

The panelists noted that advertising agencies and advertisers have no system to measure the effectiveness of their ad campaigns outside of the capital city of Skopje. As a result, they tend to avoid allocating the available budgets to local media and concentrate instead on media with national coverage and local broadcasters in Skopje.

Government advertising still plays a major role, distorting the advertising market and exerting economic pressure on the media. According to the latest data, presented in a Broadcasting Council report on the 2012 advertising market, the government was the leading individual advertiser—with close to five percent of the total advertising time sold in the broadcast media. The government consistently channels the advertising and promotion budgets of all levels of government (national and local), but also the advertising budgets of public enterprises, toward “friendly” media in order to establish control over their editorial policies.

The whole process remains opaque, with the government refusing to share data on its media buying—whether requests for information come from Macedonian or international organizations. It has successfully evaded, for instance, repeated requests by the European Commission to provide full information on the spending of advertising and promotion budgets. While the panelists noted that the use of government’s advertising and promotion budgets is on a downward trend, they mentioned that the new law on audio and audiovisual media services has established a new instrument of budget subsidies for in-house productions that can be used to continue the practice to channel budget funds to pro-government media. Independent and critical media often complain, publicly and privately, that the government uses political pressure to redirect advertisers toward “friendly” media.

The local branch of the global Nielsen media research firm uses People Meters to provide audience measurements, which advertising agencies use to prepare proposals for television outlets. Broadcasters do not tap the full potential of integrating ratings measurements into their programming schedules, apart from moving their most popular programs (in most cases, soap operas and telenovelas) into the prime-time slots, to maximize their advertising potential. The new Law on Audio and Audiovisual Media Services prescribes for a domestic national system for ratings and audience measurement of the broadcast media. The panelists warned that this process should be monitored closely, for fear that the government could abuse it to justify its current practices of allocating advertising and promotional budgets.

There is no independent system that would gather the data about circulation of print media, which continues to be treated as a closely guarded secret. The few figures that circulate in public are assessments made by advertising agencies.

Online news media increasingly use Google Analytics as their primary audience measurement tool, mostly on the insistence of the advertising agencies that found the Alexa rankings unreliable. Last year, Gemius, the region’s leading online ratings and analytics firm, launched its Macedonian operations and now provides more detailed information about numbers of visitors and audience demographics. After some initial success in attracting news sites to use their systems, it now remains to be seen how many will remain in the system once it starts charging for its services.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Macedonia Objective Score: 1.76

The score of 1.76 is a drop of 0.19 point, reflecting the growing pressure on professional associations and the government’s favoring of an association that primarily gathers journalists from pro-government media, as well as the lack of trade associations.

There are no legal restrictions to prevent the registration or functioning of trade associations in Macedonia, but there are currently just two media trade associations: the Association of Privately-Owned Electronic Media (APEM) and

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

the Association of Macedonian Internet Portals (AMIP). Also, there is the more informal Association of Private National Television Stations. The trade associations have low visibility and appear only when significant new developments affecting their operations emerge. Last year, they were actively involved in the debate on the proposed new media legislation, including the Law on Audio and Audiovisual Media Service and the proposed changes to the Law for the Film Fund. The trade associations' ability to lobby for changes is restricted by the government's inaccessibility and unwillingness to hear proposals that deviate from its own intentions and policies. The government's influence was, in fact, seen as instrumental in the creation of AMIP, which gathers about a dozen online news media that follow pro-government editorial policies and was formed explicitly to support the proposed new media legislation. Media owners are unwilling to finance trade associations, as evident from the dissolution of an earlier Association of Private Electronic Media of Macedonia (APEMM), which was resulted directly from the withdrawal of donor support. Therefore, trade associations depend on members' volunteering their efforts and activities.

The panelists noted the existence of an orchestrated effort to annul the work of the existing professional associations—the Association of Journalists of Macedonia (AJM) and the Independent Trade Union of Journalists and Media Workers (SSNM)—which stood in strong opposition to the proposed media legislation. “The trade union faces direct bans (by the owners) of union activity in the newsrooms, and lack of proper reaction by the competent institutions to the trade union's petitions and complaints, in collision with national and international rules and conventions,” said one panelist who is very active in the journalists' trade union.

The panelists maintain that AJM is still the legitimate representative of the journalists' interests. However, the government's efforts to strengthen the status and position of the other journalistic association, the Macedonian Association of Journalists (MAN), has placed additional pressure on AJM. MAN, established in 2002 by several journalists who were not satisfied with AJM's work, has seen its membership boosted by the pressure of media owners with strong government ties, to counterweight AJM in the debate on the proposed media legislation. MAN now primarily gathers journalists from pro-government media and, unlike AJM, strongly supported both the Media Law and the Law on Audio and Audiovisual Media Services and government policies in general.

In spite of its opposition to the legislation, which it found unnecessary and severely restrictive of freedom of expression and media, AJM was ultimately pressured by international representatives in the country to engage in

negotiations with the government that led to agreement on several changes in the proposed legislation. That left many AJM members discontented, because they still find the proposed legislation unnecessary.

In addition to the Macedonian Institute for Media (MIM) and the Media Development Centre (MDC), two organizations directly involved in media policies and issues, several other NGOs work on various media or freedom-of-expression issues. They include the NGO Infocentre, which regularly monitors media reporting on a range of issues; the Centre for Civic Communications, which works on issues related to freedom to access information; and the Youth Educational Forum, an organization that fights online hate-speech. Also, there is the Front for Freedom of Expression, an informal group of about a dozen NGOs and individuals that is very vocal in cases of threats and violations of the right to freedom of expression. It should be noted that a number of news websites critical of the government are actually published by NGOs, and are specifically set up for that purpose.

MIM and MDC were working hand-in-hand with professional associations AJM and SSNM to oppose the proposed new media legislation, and both saw AJM's decision to negotiate with the government as unacceptable.

Three state universities, in Skopje, Tetovo, and Štip, have journalism schools. The Macedonian Institute for Media also has its own school of journalism, and there are media and communications studies in several other privately owned higher-education institutions. The main problem with journalism schools, in the panelists' view, is that most of them, with the exception of MIM's school of journalism, offer too little practical work and focus heavily on theoretical subjects. They also mentioned the dropping interest among young people to choose journalism careers. “It is the general climate in the society... Nobody sane would want to enter a profession in which he or she may be spat on, work for meager salary, or end up in prison. I mean, one has to be a true masochist for that,” one panelist said. Another issue the panelists raised is that young journalism students aim to avoid true reporting, opting instead to work as talk-show or entertainment-show hosts, or weather forecast announcers.

The panelists commented on the declining number of short-term and in-service training programs for journalists, to some extent reflecting media owners' and managers' unwillingness to invest in professionally advancing their young journalists. “The NGOs do not have the money anymore; the media choose not to organize in-house training programs because of the fast turnover rate of young journalists, so that there is no return on investments in the

capacity of journalists,” said one media manager who took part in the panel. On the other hand, one panelist noted that while there may be fewer short-term training programs, those that are available are of higher quality and more focused and topical.

The panelists noted that there is a monopoly over the country’s printing presses, creating a huge problem for new print media that want to enter the market. Otherwise, there are no restrictions on importing or purchasing the necessary materials and equipment for media production. In fact, several panelists said that, if anything, the prices of technology, especially for broadcast media, are falling constantly and are increasingly accessible to both professional outlets and the general public. The print media face a major problem with distribution, which the largest newspaper company, MPM, monopolizes.

Television distribution is not monopolized, with several companies operating DVB-T, IPTV, and cable networks. The digital switchover on June 1, on the other hand, created the conditions for ONE, a telecommunications company owned by Slovenian Telecom, to consolidate the monopoly over the DVB-T broadcast signals, since it gained control over a majority of digital frequencies (two multiplexes were reserved for the public-service broadcasters, to carry its programs).

The digital switchover was accompanied by many problems, related primarily to the costs of the transfer to digital broadcasting for Macedonian broadcasters, especially at the local level, with most choosing to go to cable instead. That resulted in a situation in which rural areas, which suffer from weak coverage with cable distribution networks, could no longer watch many of the broadcasters. The Public Enterprise Macedonian Broadcasting is waiting for the necessary equipment to ensure 100 percent coverage (it currently has about 90 percent).

Another problem the panelists mentioned is the fact that the “must-carry” provision for cable network operators covers only the public-service broadcasters, allowing cable operators to choose which channels they will and will not carry. That led to a situation, already mentioned earlier in this report, in which Telekabel chose to remove the bilingual AlsatM national broadcaster (broadcasting in Albanian and Macedonian languages) from its offerings, citing its subscribers’ low interest in its programs. Telekabel also owns its own television station, in spite of the explicit prohibition for telecommunication companies and operators of public cable distribution networks to own media outlets.

In general, ICT infrastructure capacities satisfy the newsrooms’ connectivity needs. Competition in the telecommunications sector leads to constantly falling prices,

although possibly not at the desired rate. The major problem remains the population’s low purchasing power, which means that mobile Internet access remains somewhat prohibitively expensive for significant segments of the population. In addition to the rural/urban divide, an age gap persists. Young people and adults under 50 years of age are far more likely to use the Internet and mobile technologies. Older people stick to television as their media of choice.

List of Panel Participants

Recent MSI panelists have suffered abusive verbal and media attacks for their decision to share candid comments on the state of the media and press freedom in Macedonia. Therefore, panelists this year asked to remain anonymous.

The Macedonia study was coordinated by and conducted in partnership with Media Development Center, Skopje. The panel discussion was convened on December 17, 2013.

IN MEMORIAM: Roberto Belicanec



Roberto Belicanec, the founder and president of the Media Development Centre, journalist, editor of *Fokus* weekly, and media activist, passed away on June 29, 2013. Belicanec had an unsurpassed reputation as an analyst of media policies, a critic of Macedonian politics and society in general, and a tireless fighter against all injustice. His colleagues remember his quick wit and sharpness of tongue and pen. He was uncompromising in public debate, always offering indisputable arguments in the fight against what he saw as harmful policies imposed by governments past and present. He served as a MSI panelist every year from 2004 through 2013.

The panelists said that the 2013 elections resulted in the media sector experiencing one of the worst years in the last decades, further exacerbating tensions between leading private outlets (Vijesti and Dan) and DPS-controlled state media outlets (Pobjeda).



MONTENEGRO

Montenegro had a politically turbulent 2013, with presidential elections as well as local elections held in four of its 22 municipalities. The elections were conducted amidst tension between the ruling and opposition parties, and conflict within the ruling coalition intensified the problems.

The Montenegrin constitution, adopted after Montenegro won independence in 2006, limits the president to two terms in office. However, a minority coalition member, the Social-Democrat Party (SDP), contested the constitutionality of incumbent candidate President Filip Vujanović, a member of the Democratic Party of Socialists (DPS), the main ruling party. Divergent interpretations of the constitutional provision grew into widespread criticism from the general public and particularly SDP, while DPS maintained that Vujanović's bid for the presidency was legal.

Most key private media outlets (the independent dailies *Vijesti* and *Dan*, and TV *Vijesti*) strongly disputed Vujanović candidacy. Ultimately, the Constitutional Court of Montenegro adjudicated in his favor. After the ruling, Vujanović ran and narrowly defeated opposition candidate Miodrag Lekić by a reported 7,000 votes. However, the opposition has not recognized the outcome of the electoral process, pointing to such potential issues as a miscounting of votes in the Municipality of Rozaje.

These elections underscore a resistance to democratic change even seven years after the country's independence. This is primarily the result of 23 years of DPS control, which has seen Prime Minister Milo Đukanović as the sole original post-Yugoslav politician to remain in power. The party has demonstrated a willingness to abuse public resources and control government institutions, thus leading many observers to question the viability of fair and free elections in Montenegro.

The MSI panelists asserted that the state of Montenegrin media has deteriorated, and the most influential media outlets have become increasingly political, undemocratic, and partisan mouthpieces for the government and the opposition. The panelists said that the 2013 elections resulted in the media sector experiencing one of the worst years in the last decades, further exacerbating tensions between leading private outlets (*Vijesti* and *Dan*) and DPS-controlled state media outlets (*Pobjeda*). Further, panelists decried a new wave of attacks on journalists, including the detonation of an explosive device by the window of the *Vijesti* editor-in-chief in Podgorica in December, the stoning of *Vijesti* staff in the newsroom by unidentified persons in November, and an explosion at the home of a *Vijesti* journalist in August.

Montenegro is currently in negotiations with the European Commission for accession to the European Union (EU), but the country's lack of substantive reforms to fight corruption and organized crime might hinder its bid. According to the panelists, the general public perceives the ongoing reforms to be insufficient, as do private and independent media outlets, as shown in their reporting. However, pro-government media are ostensibly satisfied with the reforms.

MONTENEGRO at a glance

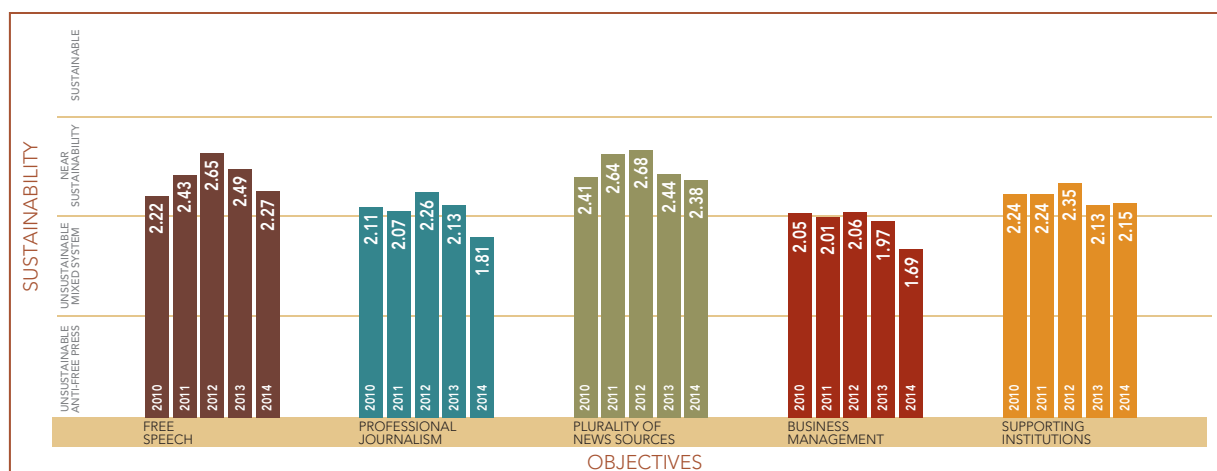
GENERAL

- > Population: 650,036 (July 2014 est. *CIA World Factbook*)
- > Capital city: Podgorica
- > Ethnic groups (% of population): Montenegrin: 45%, Serbian: 29%, Bosniak: 9%, Albanian: 5%, other (Muslims, Croats, Roma (Gypsy): 12% (MONSTAT 2011–census)
- > Religions (% of population): Orthodox 72%, Muslim 19%, Catholic 3.5%, other 0.6%, unspecified 3%, atheist 1% (MONSTAT 2011–census)
- > Languages (% of population): Serbian 43%, Montenegrin (official) 37%, Bosnian 5%, Albanian 5%, unspecified 10% (MONSTAT 2011–census)
- > GNI (2012-Atlas): \$4.486 billion (World Bank Development Indicators 2013)
- > GNI (2012-PPP): \$14,590 (World Bank Development Indicators 2013)
- > Literacy rate: 98.5% (male 99.4%, female 97.6%) (2011 est. *CIA World Factbook*)
- > President or top authority: President: Filip Vujanovic (since April 6, 2013)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: 4 dailies, 3 weeklies, 30 monthlies; Radio Stations: 54; Television Stations: 24; Cable operators: 8 (2013, Agency for Electronic Media of Montenegro)
- > Newspaper circulation statistics: *Vijesti* (circulation 8,000, private), *DAN* (circulation 9,000, private), *Dnevne Novine* (circulation 5,000, private), *Pobjeda* (circulation 3,000, state-owned) (2013 est., Direct Media Ltd.)
- > Broadcast ratings: N/A
- > News agencies: Mina News Agency (private)
- > Annual advertising revenue in media sector: €8–€10 million (2012 est., Direct Media Ltd.)
- > Internet usage: 328,000 (2012 est., Internet World Stats)

MEDIA SUSTAINABILITY INDEX: MONTENEGRO



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorers.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Montenegro Objective Score: 2.27

Media regulations in Montenegro are to a great degree aligned with international standards. Media owners, journalists, and editors on the panel agreed that the legal framework in place is sound, and all relevant media regulations (Law on Media, Law on Electronic Media, Law on Digital Radio Broadcasting, and Law on Public Radio Broadcasting Services) facilitate the development of free and professional media. However, as in previous years, panelists highlighted issues with media legislation enforcement. This is confirmed by the fact that journalists are very much exposed to pressures exerted by organized crime and interest groups. Marina Vuković, editor-in-chief at the state public service, RTV Crne Gore in Podgorica, commented on the legislative framework. She said that media regulations do represent a step in right direction, but “enforcement is inadequate [for] normative solutions adopted under political pressures, which, for example, put state-owned Radio and TV of Montenegro [RTV Montenegro] in a disadvantage financially with respect to commercial broadcasters during election campaigns.”

Sonja Drobac, editor in chief at Atlas TV in Podgorica, agreed that “enforcement [of media regulations] is problematic” due to the absence of “unskilled judges”

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

According to Ašanin, “Journalists who are critical of the government have lots of reasons not to feel safe.” She added that there have been “numerous attacks in recent years both on journalists and assets of critical media companies.”

and uninformed journalists and citizens. Tanja Ašanin, a journalist with TV Vijesti in Podgorica, commented that “freedom of speech, although guaranteed by the constitution, is a losing battle in situations when this freedom is contrary to interests of ruling structures and related business and financial lobbies.”

Media outlets that investigate corruption cases are often accused of endangering alleged national interests, and often denied access to information that would reveal the truth. However, the panelists noted that the Minister of Interior, charged with investigating cases of attacks on journalists and editorial teams, has launched a special commission on law and regulation enforcement. Panelists said that the commission represents a positive step toward protecting freedom of speech in Montenegro.

The panelists said that they do not perceive media licensing procedures or issuance of appropriate permits as an impediment. Registration of media companies in Montenegro is quite liberal and has been reduced to mere record-keeping. However, the licensing procedure for electronic media is a complex legal and technical process. Montenegro has two regulatory agencies in the media sector (Media Agency and Agency for Electronic Telecommunications) and the panelists questioned the need for two, given their similar scopes of work.

Media companies enjoy free access to the market, and related business regulations are the same as regulations for other economic sectors, placing them on an even fiscal playing field. Tax statuses of media companies are almost identical to other types of companies, with the exception of print media outlets that run daily or periodical issues; they pay a lower VAT rate (7 percent).

The general political environment for journalists in Montenegro has worsened. According to Ašanin, “Journalists who are critical of the government have lots of reasons not to feel safe.” She added that there have been “numerous attacks in recent years both on journalists and assets of critical media companies.” She gave the example of the unsolved murder case of *Dan* editor-in-chief Duško

Jovanović. Some media report exhaustively on journalists who face attacks, while other outlets with a closer affiliation to the government do not mention these attacks. Drobac agreed, saying that the Jovanović murder and the attacks on *Vijesti* “haven’t resulted in adequate legal recourse. In principle, courts are unwilling to trial cases involving journalists or people from the media.”

Montenegrin law provides for editorial independence of state-owned media and national and local public services. However, these regulations do not represent serious obstacles for powerful figures in finding personnel that will abuse principles of depoliticized and professional management. The public frequently criticizes these outlets for failing to resist evident political pressures on their editorial policies. *Dan* journalist Jadranka Rabrenović said that the national public service (RTV Montenegro) is financed from the national budget and is a state media outlet, although its board includes representatives of NGOs, trade unions, and business associations. She said that editor and journalist appointments to state-owned media are politicized, and this practice precludes “balanced reporting of ruling parties and opposition party activities.”

The Montenegrin judiciary now imposes fines ranging from several thousand up to €40,000 since the decriminalization of libel. However, libel is now a matter of civil law, which comes with a host of other issues, as court practices vary and result in inconsistent verdicts and fines. However, the panelists said that they expect court practices to become harmonized in libel cases, with lower fines handed to journalists and media companies.

Slavko Mandić contended that the “decriminalization of libel was premature,” and that the “majority of European countries haven’t decriminalized libel.” He concluded that the change has “enabled the media to behave irresponsibly frequently.” Rabrenović responded by saying that journalists were never sent to prison even when libel had been a criminal offense, and she considers the decriminalization an “optimal solution.” As a result of the new laws, the daily *Dan* was acquitted in civil court for alleged libel of Ana Kolarević (sister of the Prime Minister Đukanović). But the panelists said that this acquittal is a rare case, and it raises the question of lack of accountability for parties that falsely accuse media outlets of libel.

Montenegrin society is in an ongoing debate regarding the enforcement of Freedom of Information Act, adopted in 2005. NGOs often criticize the limited enforcement of the law and the conduct of authorities when citizens apply for access to information. Most of the panelists agreed that often government bodies are ineffective in enforcing the act. Gordana Borović, member of the Podgorica Self-

Regulatory Body Board of Directors, stated that information access among the different “government bodies is not harmonized.” Some agencies are quite open in this respect while others are completely closed. Borović has noted a strategic and “frequent informal leaking of information, and this ‘mechanism’ is used especially by the police, judiciary, and different ministries.”

Montenegrins encounter no significant obstacles or limitations in accessing international and local news. Information is generally accessible, with no media censorship, and growth in Internet journalism is increasing significantly. The Internet is being used on massive scale in Montenegro, with more than 300,000 recorded users, which accounts to roughly half of the population.

The Montenegrin government has never had licensing requirements for journalists, nor do journalists need any of the kinds of permits mandated for other professions (engineers, physicians, lawyers, etc.). Some members of the journalist community are advocating for the introduction of professional journalist licenses, but there is no clear willingness among their peers to push for licensing.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Montenegro Objective Score: 1.81

The panelists agreed that the state of Montenegrin journalism has suffered additional setbacks with professional standards. Editor Samir Rastoder asserted that journalism quality in Montenegro has never been lower, with bigotry and biased, tabloid-like journalism emerging. According to

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Borović, Montenegrin journalism is often inaccurate, with writers not consulting relevant sources. She said that these practices underscore an absence of quality investigative reporting and she agreed that journalism in general has become completely biased. Mandić echoed that Montenegro has no objective journalism, and that reporting has become motivated by political reasons. Journalists are “forced to be biased, regardless of efforts they invest to make it look as if they are not,” he said. Borović also noted that “the media are prone to instigating scandals and spin campaigns.”

The Code of Journalistic Ethics in Montenegro, adopted by the country’s media organizations a decade ago, is not adequately enforced, according to the panelists. Experts and general public have noted the increasing politicization of media outlets—major private and independent media outlets are aligned with opposition parties, whereas public/state-owned outlets very much support the government. Dragan Markešić affirmed that there “are clear cases of unethical behavior of certain journalists,” adding that “print media are, in that respect, the worst.”

Ašanin agreed, saying that “ethical standards are often seriously violated, despite the fact that we have ethical norms.” She explained that the violations are in part due to a general lack of awareness, coupled with the practices of some media outlets that have “survived for years thanks to various benefits they receive either from the government or big capital, whose interests they are protecting.”

The panelists stated that the Montenegrin media sector has a self-regulatory body that contributes to promotion of professional ethics. However, this body represents the media community only partially, as influential outlets such as *Dan* and *Vijesti* do not participate in the group.

The practice of self-censorship in Montenegro is a legacy from the communist era. The panelists cited that the overall lack of professionalism, the poor financial situation of journalists, the corruptive tendencies, and the negative influence of politics and big business continue the culture of self-censorship.

According to the panelists, journalists in Montenegro do not face significant problems in reporting on key events. However, Mandić pointed out that “journalists are covering events in line with available resources” and at their editors’ discretion.

The media sector in Montenegro has experienced harsh economic times, with most outlets forced to lay off journalists and technical staff. The average monthly salary of a journalist is €450, which is less than in previous years. (In the 2013 MSI, €500 was cited as average media salary.) The

Dragan Markešić affirmed that there “are clear cases of unethical behavior of certain journalists,” adding that “print media are, in that respect, the worst.”

panelists stated that the entire industry employs some 3,300 people in a country of 620,000 people.

Montenegro has only four daily newspapers and five national television outlets that provide national coverage. As in previous years, there is an ongoing trend of journalists transitioning to other professions, and/or taking on additional work in order to make ends meet. The poor financial situation of journalists is exacerbated by weak trade unions, which enable media employers to financially marginalize their employees. This is another contributing factor to corruption in journalism. Journalists that come from poorer backgrounds often fail to uphold professional standards—some are easily swayed and prone to corrupt practices.

A majority of media outlets in Montenegro have modest amounts of news programming, if any at all. Only 10 percent of media outlets produce their own news programming, and panelists have identified that as a question of capacity. On the other hand, entertainment and commercial programs are pervasive and often represent easy money for media companies that are looking to survive in the market. According to the panelists, media companies disregard the social role of journalism, with news and educational programming falling victim to entertainment programming, which have contributed to the depreciation of the journalism profession in Montenegro. These trends are quite visible at the electronic media level, but even more present in public local and national broadcasting, panelists said. Most electronic media outlets prefer to present soap operas and reality shows instead of educative or informative programming.

Key private media companies (TV *Vijesti*, TV *PINK*, *PRVA* TV, TV *Atlas*) have managed to move to digital program broadcasting, and therefore require robust technical equipment. While private media outlets possess adequate facilities and equipment for gathering and producing news, local and state-owned media do not have access to modern equipment.

No progress has been recorded in the area of niche reporting when compared to previous years. The panelists reiterated the lack of investigative and/or specialized journalism in

With regard to private production of news, Rabrenović expressed the dominant opinion of the panelists: “printed private media are producing their own information, [and] part of electronic media as well—but most of them rely on agency sources.”

Montenegro, with Borović commenting that “investigative journalism is a rarity, with few editorial teams dedicated to specialized journalism, while sensationalism has suppressed objective and comprehensive reporting.” The main reason, panelists cited, is a lack of adequate financial resources, which hinders professional journalists from pursuing in-depth pieces.

OBJECTIVE 3: PLURALITY OF NEWS

Montenegro Objective Score: 2.38

With regard to plurality, Montenegro is above European standards, with more than 70 media outlets for a population of 620,000. About 90 percent of outlets are privately owned. The country has more than 60 electronic media outlets and has four daily papers (*Vijesti*, *Dan*, *Pobjeda*, and *Dnevne Novine*). Borović affirmed that “citizens enjoy absolute access

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

to media” and can consult a variety of sources to “compare information and reporting.”

The impact of social networks (Facebook, You Tube, and Twitter) is growing, panelists said. Suzana Ganić, a journalist with local television station Teuta in Ulcinj, concluded that Montenegro has “more than enough information sources and it is quite easy for citizens to obtain new information. There are enough newspapers, magazines, [and] radio and TV stations, as well as online news sources.” However, as in previous years, the 2014 panelists were unanimous that the increase in sources of information has not reflected an increase in the quality of journalism in Montenegro.

Montenegro has no legal limitations on access to national or international media. The only barriers are related to the financial background of citizens. The cost for ADSL access varies, from €20 to €50 per month—a significant investment for many people in Montenegro. However, the influx of telecommunication companies has resulted in Internet, cable, and satellite networks covering almost entire territory.

Public services and state-owned media outlets do not reflect the entirety of social interests and opinions, as they are predominantly promoting the interests of ruling structures and groups. For example, the state-owned daily *Pobjeda* often radically advocates for a core circle of people in power, according to the panelists. This method of reporting discounts the Law on Public Service and mitigates effective pluralism of social and political interests and opinions in public media.

Media outlets in Montenegro gather news and information from local and foreign news sources. Leading organizations continue to use mostly the national agency (MINA) or regional services from Serbia, Bosnia and Herzegovina, and Croatia.

With regard to private production of news, Rabrenović expressed the dominant opinion of the panelists: “printed private media are producing their own information, [and] part of electronic media as well—but most of them rely on agency sources.” The most influential private electronic and printed media produce their own news programs. Local media outlets, however, do not have the same resources as national media and have not been able to develop strong news programming. Panelists said that they have recently seen Internet portals make a significant penetration into the market and try to produce their own sources of information. However, Neđeljko Rudović said that “independent media outlets are under huge pressure from the government,” and if this environment continues, free journalism in Montenegro will be under threat.

In line with Company Law, all companies in Montenegro, including media outlets, are obliged to be registered in public registries. The registries are public and transparent, and provide access to information on formal owners of media companies in the country. Information is available from offices and on the Internet. As the panelists reported in past years, the public remains skeptical of official ownership; the prevailing belief is that the majority of actual owners remain hidden behind other registered names. The panelists noted no formal cases of illegal media conglomerates at present.

Panelists agreed that Montenegrin media do publish news and information of local, national, and international importance. The general public is not deprived of any important information, allowing citizens to be informed on all crucial social issues.

However, editorial policies are predominantly in the hands of political and economic centers of power, so the interests of groups with no political or financial power are marginalized. Most Montenegrin media still do not fully explore certain social issues, such as discrimination, threatened collective or individual rights, poor investigation of criminal affairs and cases of violence, the status of the LGBT population, and minority rights. RTV Montenegro, however, offers a good repertoire of cultural programming. Several stations do have broadcasts available in minority languages; for example, some outlets serve the Roma population.

OBJECTIVE 4: BUSINESS MANAGEMENT

Montenegro Objective Score: 1.69

As in past years, media outlets in Montenegro continued to struggle to generate profit in 2013. The panelists witnessed layoffs in the media sector in the past year. Media companies are financed by local or national authorities or by groups promoting political and business interests. For example, the Vijesti Media Group is financed partly from local business owner; and Atlas radio and TV is financed by the Atlas Group.

Media industry employees are dissatisfied with their financial status, as just a few well-paid journalists have monthly salaries that exceed €1,000. Mandić, owner of local media company, said that Montenegrin media companies do not operate "as efficient and well managed companies. All media [outlets] need donors, regardless whether they are state-owned or private."

Panelists noted that public media services (two national and a dozen municipal outlets) enjoy permanent budgetary support. However, the economic downturn coupled with reduced advertising revenues continue to adversely impact private media outlets.

The majority of private media (more than 60 percent) are being supported by donations coming from their owners. The panelists' general assessment was that the majority of private media are on the brink of closure, while public services are totally dependent on national or local government budgets. Markešić explained, "Media generate revenues from numerous clients, but to private media, they represent their core revenues (along with complementary funding from their owners), while state owned [outlets] receive most of the money from government budgets, with client revenues representing the next tier of revenue." According to Borović, "Media depend on advertisers, and their editorial policies are limited because no advertiser is willing to put up with critical reporting on its own account. All media, both state owned and private, are subjected to influences, and revenues beyond advertising are very limited."

The Montenegrin advertising market is modest, with an annual valuation of about €10 million. The market is shrinking every year, with a 10 percent decrease in advertising revenues in 2013. Overall advertising revenues in Montenegro are below regional and European standards. The Montenegrin market is among the least developed in the region, along with Albania and Kosovo. About 80 percent of advertisements are placed through specialized advertising agencies, with the remaining 20 percent contracted directly between media outlets and businesses.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

The market is dominated by branch offices of big regional advertising chains. However, the share of companies that advertise directly is going down every year, and at the moment, most clients are using advertising agencies for their promotion work. According to Markešić, the “number of advertising agencies is proportional to the size of the market...Advertising is not developed sufficiently because there are still no prerequisites on the market for this development.”

Advertising agencies prioritize placements in private media outlets with national coverage, then national public service outlets. As a result, local media generate very little from advertising compared to leading national media companies. The general position of the panelists was that government ads are important for some private media outlets, and it is quite clear that central and local authorities prefer to provide financial incentives, through advertising, to pro-government outlets.

Markešić differed slightly from most panelists and said that technically the telecommunication industry is the largest advertiser, and “the government does not represent a huge player on the market. However, advertising budgets of government institutions are being spent without public tenders, and the money is diverted to either state-owned media or those not critical of the government.”

Ašanin had a view more typical of the other panelists, saying that the “government is using subsidies, advertising, or other financial incentives to impose pressure on critical media or to reward the loyal [outlets].” Borović, a journalist and member of Self-regulatory Body, agreed, saying, “state-owned media survive on government subsidies, and the government is one of the key advertisers both with private and state owned media.”

In Montenegro, there is an absence of survey and market research focused on developing “good media business policies,” according to the panelists. Markešić asserted that the “Montenegrin market is in short supply” of market research and media outlets’ unprofitability can be attributed to them not utilizing “market surveys for the development of business strategies.”

When facing low profit margins, media companies in Montenegro use publicly accessible surveys developed by NGOs. These surveys are “deemed more credible and reliable” by the general public in comparison to surveys contracted by the media. Journalist Mirjana Miladinović added that the “results of surveys often depend on the organization that contracted the survey.” For example, television networks will administer market surveys promoting their platforms. According to the panelists, it is

obvious that general public does not trust these surveys, as their objectivity and reliability are questionable.

Regional agencies have commissioned professional ratings from time to time, and their results are generally not publicly known. Advertising agencies use these results on a regular basis, understanding fully the importance of using ratings.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Montenegro Objective Score: 2.15

As they noted in previous years, the panelists said that media trade associations today are poorly developed, inactive, and without significant influence, and protection of media company interests is weak. Mandić said that business associations are essentially “inactive and therefore do not represent” the interests of the media industry.

Borović said that the Association of Independent Electronic Media is potentially “better organized” than print associations, but added that “all professional associations in Montenegro have practically died out” and journalists’ rights remain “unprotected in the area of labor relations” in particular.

The panelists did mention the 2013 formation of the National Journalists’ Trade Union, which aims to protect labor rights of journalists. So far the Union is still engaged in recruiting members and therefore it is early to assess its performance, panelists said.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

In Montenegro, both at the local and national level, NGOs have been involved in development of civic democracy and protection of free speech. They have provided valuable support to independent media outlets, including assistance in professionalizing editorial policies. Some of the organizations (e.g., Fund for Active Citizenship, Institute Alternative, Human Rights Action, and Civic Alliance, for example) are engaged in advancing freedom of the press, investigating public impact and public confidence in media, and supporting the development of a free civil sector.

The panelists said that Montenegro has seen a decrease in recent years in educational opportunities and skills training in journalism. The economic situation and the commercialization of the media sector have impacted investments in training, acquisition of new specialized skills, and overall development of the journalism profession.

The Faculty of Political Sciences within the Department of Journalism at the State University of Montenegro continues to serve as the country's key academic institution for educating journalists. For the past decade, the Media Institute has offered training programs for journalists, but in recent years it has been facing financial difficulties in supporting programs.

The panelists contended that Montenegro now has more educated staff in the area of journalism as compared to previous years, but young journalists still have problems acquiring practical skills for everyday work. Conversely, a substantial number of educated journalists, due to the poor economic climate within the media sector, have had a hard time finding a media job and are forced to seek alternative employment.

Ašanin observed that "professional training in media companies is sporadic and insufficient," as media outlets are not interested in investing in "vocational training for their staff" and instead prioritize finding a "cheap labor force." Miladinović added that the "faculties don't provide students with on-hands training in the area of journalism, [so] direct trainings organized in media companies play crucial role" in the development of a journalist's skill set.

Media companies encounter no limitations in acquisition of equipment. There is no monopoly on the printing press market, and the panelists noted that leading print media outlets such as *Vijesti* and *Dan* have their own printing presses, as does the state-owned daily *Pobjeda*.

According to Markešić, "Distribution channels are open and accessible, although in print media, there are fewer distribution channels. But even this reduced number for

distribution" does not present limitations for the industry, he said. Distribution companies are privately owned, and aside from print media that rely on one key distributor (selling through press kiosks), media companies enjoy varied access to distribution channels.

The Montenegrin telecommunication network is modern and among the best in this region of Europe, according to the panelists. Internet and broadband Internet penetration is very high, and cable media and mobile telephony are widely accessible. Panelists called the IT and communication technology infrastructure "satisfactory," and it will improve with the completion of digitalization process for remaining households and users of modern information services.

List of Panel Participants

Nikoleta Bošković, journalist, Radio Antena M, Podgorica

Tanja Asanin, journalist, TV Vijesti, Podgorica

Marina Vuković, editor-in-chief, RTV Crne Gore, Podgorica

Predrag Zečević, journalist, Analitika Informativni Portal, Podgorica

Neđeljko Rudović, journalist, *Vijesti*, Podgorica

Suzana Ganić, journalist, TV Teuta, Ulcinj

Dragan Markešić, general manager, Direct Media Montenegro, Podgorica

Jadranka Rabrenović, journalist, *Dan*, Podgorica

Sonja Drobac, editor-in-chief, Atlas TV, Podgorica

Slavko Mandić, editor-in-chief, Radio Skala, Kotor

Gordana Borović, member, Board of Directors, Media Self-Regulatory Board, Podgorica

Samir Rastoder, editor-in-chief, *Dnevne Novine*, Podgorica

Moderator

Vladan Simonovic, partner, Media Ltd, Podgorica

Author

Rade Bojovic, executive director, Media Ltd., Podgorica

The Montenegro study was coordinated by, and conducted in partnership with, Media Ltd., Podgorica. The panel discussion was convened on November 22, 2013.

The RMCG case eroded public trust in mainstream media, which the protestors targeted alongside politicians.



ROMANIA

Romania was relatively quiet in 2013 despite a constitutional crisis in 2012 that took its toll on media caught-up in a politically charged environment. Media institutions within the country continue to be politicized and affected by prevailing business interests, which weaken neutrality and freedom of the press.

The media industry in Romania has suffered since the economic crisis hit in 2008, with a 17 percent decrease in the total circulation for the top 10 dailies in 2013 compared to 2012. Given the current economic environment, reports of media outlets filing for bankruptcy are on the rise.

The private media landscape witnessed significant changes in ownership in 2013. A sector once controlled by powerful businessmen with deep political ties saw many of these owners charged with corruption and even sentenced to prison. For example, the biggest private media conglomerate—Intact—is owned by Senator Dan Voiculescu and has openly contested President Traian Basescu's policies. Any journalist who questioned Intact's practices or coverage was subsequently removed. Voiculescu, however, was found guilty of corruption and sentenced to five years in prison, although appeals are still ongoing.

However, there are still many business elites who manage media companies and continue to maintain close ties with government. Sebastian Ghita, a member of parliament (MP) from the Social Democrat Party, and a close friend of Prime Minister Victor Ponta, had successfully won the most contracts with state institutions to the benefit of his television station. This trend has undeniably impacted freedom of the press in Romania, as Ghita's station has been widely considered for example, to be a public relations arm for the prime minister. According to the panelists, rule of law is still protected only by the intervention of EU and US officials.

Overall, the public's trust in media has decreased, as seen with the controversial Rosia Montana Gold Corporation (RMCG), a Canadian company exploring mineral resources in central Transylvania. The project has been met with protests across Romania from environmental groups and citizens since September, who assert that significant environmental impacts will result from the mining of gold and silver. Controversy over government corruption and environmental concerns culminated in the biggest street protests Romania has seen in the last decade.

In order to influence public perceptions and the overall mood of the country, and maintain pressure on decision makers, RMCG spent a significant amount of money on advertising the benefits of the project. The advertising money invested by RMCG in an impoverished media industry raises concerns about the pressures that face journalists, and the growing self-censorship in Romania. The RMCG case eroded public trust in mainstream media, which the protestors targeted alongside politicians. The link between the presence of RMGC advertisements and the disappearance of any critical reporting on the project by media accepting such advertisements has been documented by media watchdogs.

ROMANIA at a glance

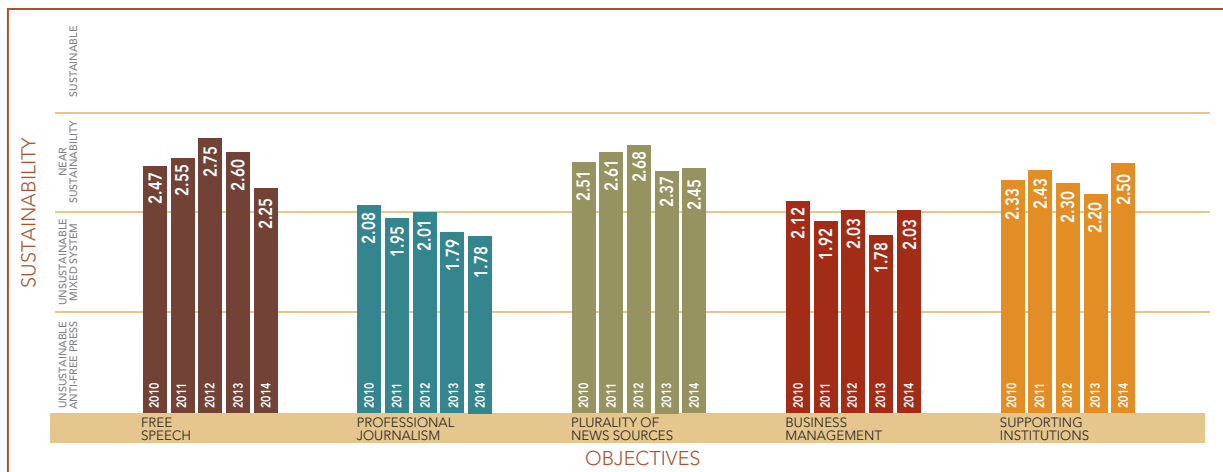
GENERAL

- > Population: 21,729,871 (July 2014 est., *CIA World Factbook*)
- > Capital city: Bucharest
- > Ethnic groups (% of population): Romanian 83.4%, Hungarian 6.1%, Roma 3.1%, Ukrainian 0.3%, German 0.2%, other 0.7%, Unspecified 6.1% (2011 est., *CIA World Factbook*)
- > Religions (% of population): Eastern Orthodox (including all sub-denominations) 81.9%, Protestant 6.4%, Roman Catholic 4.3%, other (mostly Muslim) and unspecified 0.9%, none 0.2% (2011 est., *CIA World Factbook*)
- > Languages (% of population): Romanian 85.4% (official), Hungarian 6.3%, Romany 1.2%, other 1%, Unspecified 6.1% (2011 est., *CIA World Factbook*)
- > GNI (2012-Atlas): \$ 188.1 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$ 16,860 (World Bank Development Indicators, 2013)
- > Literacy rate: 97.7% (male 98.3%, female 97.1%) (2011 est., *CIA World Factbook*)
- > President or top authority: President Traian Băsescu (since December 20, 2004)

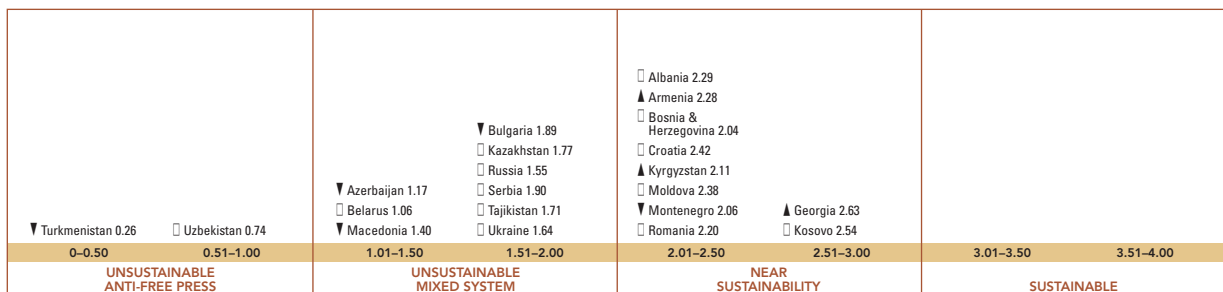
MEDIA-SPECIFIC

- > Newspaper of active print outlets, radio stations, television stations: Print: 136 publications (BRAT); Radio Stations: 605 terrestrial, 35 satellite (CNA Annual Report 2010); Television Stations: 43 news stations, 12 music stations, 11 sports-oriented (CNA Annual Report 2012)
- > Newspaper circulation statistics: Top ten papers had a combined circulation (June–September 2013) of approximately 353,700 (calculated by the authors based on Audit Bureau of Circulation)
- > Broadcast ratings: Top three television stations: Pro TV (8.7%), Antena 1 (6%), Kanal D (5.1%) (paginamedia.ro, October 2013)
- > News agencies: Mediafax (private), Agerpres (state-owned)
- > Annual advertising revenue in media sector: about €295 million (a small decrease), of which €183 million on television, €19 million on radio, and €46 million on Internet (Media Fact Book 2013)
- > Internet usage: 8.9 million (2013, Gemius Research)

MEDIA SUSTAINABILITY INDEX: ROMANIA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorers.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Romania Objective Score: 2.25

Against the backdrop of economic fragility and political interference, panelists noted that journalists in Romania have been subjected to ongoing harassment over the past few years. Several years ago, President Traian Basescu initiated a new “national security strategy,” which listed “media campaigns” as one of threats against the state. Razvan Martin, program coordinator at the media watchdog organization, ActiveWatch, added that the Romanian Intelligence Service (RSI) has been targeting “investigative journalists who threaten national security.” Cristi Godinac, the president of MediaSind (a trade union) stated that the media community in response “initiated a petition to the European Parliament regarding the issue of media seen as a threat to national security,” whereas the “Romanian Parliament has not voted on [Basescu’s] strategy for two years.”

Razvan Martin noted that there are “serious” and ongoing abuses of the justice system in Romania that continue to “affect individual rights and freedom of the press. He added, “For the journalist Narcis Daju (from Gorj county), and his newsroom colleagues, electronic communications have been intercepted under a court order issued without justification.” Moreover, the prosecutors’ request “contains

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

no evidence that the journalist had any connection” with “any criminal activities,” as later confirmed.

Panelist Razvan Martin described the case of the local Targu Mures branch of the National Anticorruption Directorate (DNA) investigation of local journalists at Radio Targu Mures. The DNA requested information regarding an interview conducted in May with Barboly Csaba, President of Harghita County Council, who was indicted by the DNA for alleged corruption. However, without presenting identification, DNA officials interrogated a journalist and the deputy director at Radio Targu Mures. Martin considered the actions of the DNA to be intrusive in the way information was garnered, which can lead to self-censorship among journalists and impact freedom of the press.

Ioana Avadani, director of Independent Journalism Center, highlighted the gap between the legal norms and their actual implementation, stating that enforcement of the law is weak; however “social norms are even weaker.” Adrian Voinea, owner of *Gazeta de Sud*, added that he feels “protected by legal norms,” however does not feel “protected by the social norms.”

The National Council of Broadcasting (CNA) is an autonomous body that controls broadcast licensing and enforces the legal obligations of broadcasters, and is formally under parliamentary control. Its 11 members are appointed by the government and parliament; their terms do not coincide with the political elections, however from 2012 to 2013, the CNA saw the appointment of new members by the new majority and winners of the 2012 elections. Thus, the 6-year mandate of six of the 11 CNA members ended in December 2012. They were replaced by three new members appointed by the ruling coalition, one by the government, one by the Hungarian-minority party (not part of, but supporting the ruling coalition) and one by the president. Thus, the parliamentary majority is over-represented in the new body.

Panelist Costin Ionescu, journalist with the Hotnews web portal, asserted that the former methodology used to structure membership of the CNA was somewhat “politically balanced,” however, the current system does not render this balance. The new majority has isolated older members appointed by President Basescu or the former government, which led to a publicity war between the two camps. The conflict escalated, according to Ionescu, when the president of CNA sent an open letter to a member from the other camp “urging him to attend the regular meetings.” The minority accuse the majority of the CNA of acting based on political motivations and protecting media outlets favorable to the government and critical of the President. Ionescu

For example, the mayor of Navodari, Social Democrat Nicolae Matei, threatened journalists from Casa Jurnalistului through a post on his Facebook page as a result of a story published (that was widely quoted in international media) regarding corrupt practices within his office.

concluded that “CNA members should disregard their political background” once appointed.

Nadina Digioiu declared that “the [CNA] lacks credibility in all respects.” The other panelists explained that the new leadership began 2013 with a bold approach to tackle such issues facing the CNA, however, this approach later degenerated into discord following deals between powerful media owners and the politicians who appointed members of the CNA.

The CNA, according to Razvan Martin “seemed to somehow awaken this year and sanctioned a number of media outlets” irrespective of media ownership. The Social Democrat representative in the CNA, Monica Gubernat, fiercely opposed granting a television license to a media group in Craiova County due to conflict between the media group and the head of the Social Democrat branch in Craiova County.

The panel consistently expressed concerns and mistrust towards the licensing process in Romania over the past years, and 2013 was no exception. Mihnea Maruta, a freelance journalist, added that “obtaining a license” is tied to political connections and capacity to lobby. Maruta added that, generally speaking, existing players in the media market have greater chances of obtaining a new license than emerging outlets who intend to enter the market.

Adrian Voinea, as owner of a local newspaper and a radio station in Craiova County, had tried to obtain license for a television station, however given the “discretionary manner” in which licenses are administered, CNA explained that their decision to reject the application was due to the fact that the station’s acronym was similar to an NGO based in Bucharest. Panelists regarded this example as a pretext, as the CNA was “compelled to respond within 30 days” but never did. The CNA did in fact grant many licenses in 2013, but Nadina Digioiu attributed this increase to the forthcoming elections in 2014.

CNA is legally entitled to police the content of broadcasting in Romania. Some of the panelists appreciated a more proactive approach of the new leadership of the Council, but they criticized the inconsistent manner in which CNA imposes fines against radio and television stations. The CNA’s decisions are rendered according to the votes of its members, who vote not only whether to sanction but also on the amount of the fine levied, which leads to endless negotiations on the amount of the fine and the unpredictable nature of the CNA.

Adrian Moise, vice-president of Mediasind the journalists’ trade union, attended a meeting of the CNA and observed how sanctions were imposed, and the politics of decision making, including how “different outlets received different fines for the same offences.” Ioana Avadani, director of the Center for Independent Journalism, referenced two examples of how CNA’s decisions are inconsistent: “The decisions are frantic, going with the law, but overreacting.” For example the CNA fined a television station €2,200 for homophobic remarks made by a rap singer, while fining a public television station €11,000 for broadcasting a traditional song that included anti-Semitic lyrics. Avadani observed that this inconsistency extends a perception that it is more serious to “offend Jews than the LGBT community.”

When submitting a request for a license, each broadcaster includes a content proposal that is taken into consideration by CNA before making a decision. The panelists agreed unanimously that CNA is not monitoring the content contained within the submitted editorial plans. In practice, CNA has influence over editorial content only in cases in which broadcasters require permission to change the license. For example, the media group Intact had to change their license for channel Antena 2 to increase their entertainment programming. Intact was denied a license initially due to the CNA’s concerns that the channel would feature a controversial figure. However Intact launched attacks against the CNA leadership, who convened a special meeting to approve the change of license. Adrian Voinea was not happy with the special treatment Intact received, as he shared his frustration over an ongoing delay over a license requested. On the other hand, Iulian Comanescu believed that CNA’s refusal to approve the license due to the “presence of a controversial person” could set a dangerous precedent for censorship of Romanian media outlets.

With the exception of the licensing procedure described above, there are no special market entry conditions for media in Romania. However, this year panelists criticized the government for creating a special insolvency procedure for television stations. The general insolvency law was

modified to include a provision that terminates the license of television stations entering into insolvency. Therefore, while other insolvent companies may operate with a plan to reorganize the company, the change in law forced insolvent television stations to cease operations.

The secretive manner in which the government adopted this change raised suspicion, as the move was seen to indirectly benefit Sebastian Ghita, owner of RTV, a social-democrat MP, and a close friend of Prime Minister Victor Ponta. Ghita was a shareholder of Realitatea TV, another news station, and after failing to take over Realitatea TV, Ghita split the editorial team and started RTV (which is largely seen as prime minister's favorite station). According to the panelists, Realitatea TV entered the insolvency procedure but continued to function, therefore, the new regulation was seen as a tool used against Realitatea to help Ghita eliminate competition. The measure was immediately criticized by human rights organizations and media watchdogs such as Active Watch, Center for Independent Journalism, and the Helsinki Committee, for introducing "discriminatory" procedures that were inherently biased and not contrary to media freedom.

Moreover, nearly 100 television and radio stations were affected by the proposed insolvency procedure despite the lack of any similar procedure in the CNA's own regulations. In the end, the Constitutional Court rejected the new law on procedural grounds, stating that the government was not entitled to pass an emergency ordinance on insolvency matters. The panelists were extremely critical with the government decision and welcomed the court's intervention; however, Nadina Dogioiu expressed concerns that the government's overall motives behind these changes represents an ongoing threat to media in Romania.

While critical of the government intervention in this case, other panelists were quick to add that the rules governing insolvency in the media industry should be changed. Calin Juncu, managing director of the Romanian Association for Audience Measurement, said, "In Romania insolvency does not work anymore." There are many companies, Juncu added, that declare insolvency, but do not devise a plan for reorganization, declare bankruptcy, or pay their creditors. Catalin Moraru added that insolvency is used by media owners as a tactic to clear debts. Juncu concluded, "Insolvency should be valid only for a limited period of time. But through various legal ways, it is postponed."

Panelists expressed concern over the increasing number of threats leveled by some journalists against others. Nadina Dogioiu said that the only time she was threatened and

blackmailed was by another journalist. Razvan Martin cited the example of Mircea Badea and Mihai Gadea, a famous moderator and general director of Antena 3 (owned by Dan Voiculescu, a senator and close ally of Prime Minister Victor Ponta) respectively. Badea and Gadea virulently attack other journalists who disagree with their editorial line, and have engaged in targeted character assassination campaigns against officials, journalists, and activists who criticize Voiculescu.

Journalists have also received threats from politicians. For example, the mayor of Navodari, Social Democrat Nicolae Matei, threatened journalists from Casa Jurnalistului through a post on his Facebook page as a result of a story published (that was widely quoted in international media) regarding corrupt practices within his office. Matei was found guilty of bribery and spent five months in prison.

Due to financial difficulties, the Romanian Public Television (TVR) now has four channels after pulling the news and cultural channels. TVR was bankrupt in 2012 and has since received a loan from the government with the condition to implement reforms. These reforms consisted of rolling back on staff after a contested personnel evaluation. The majority of the board members of TVR are appointed by the Parliament (9 out of 13). Like CNA, the board sends an annual activity report to Parliament. Unlike the CNA however, if the report is rejected by parliament, there are no ramifications apart from changes to the board and director of TVR. This mechanism was included in the 1994 law that governs TVR and meant to ensure parliamentary control of the institution, which according to the panelists, contributes to the politicization of the station. After each parliamentary election, the new majority rejects the board's report and appoints new members.

As in past years, panelists criticized the influence and political control the government exercises over public television. Media analyst Iulian Comanescu explained, "The laws of public radio and television are the same," and continue to affect audience ratings, financial situation, and politics of these outlets. Nadina Dogioiu added that there is "no political will" to challenge existing laws to help protect state/public media from political control and thereby increase their editorial independence. Therefore many of the panelists do not consider TVR to be a credible outlet. Parliament replaced the TVR board and director in December 2013, due to party conflict between the Liberal and Social Democrat partners in the coalition government. The sacked board had been appointed in 2012 and had the expressed intention to restructure TVR, downsize, and provide a plan to resolve the €140 million debt. The restructuring process

was in fact a purge: journalists with a lot of experience were destroyed professionally, and nearly 1000 staff have since departed. At the end of 2013, the TVR director reinforced its role as a government mouthpiece, as the station TVR signed a memorandum with the Ministry of Agriculture to extend its third channel to rural areas in order to inform the citizens about rural policies.

As with TVR, the Romanian Radio Actualități (RRA), the public radio channel, functions under the same legal mechanism whereby the board and director are appointed by the government. After the parliamentary election, the new director, Ovidiu Miculescu, was appointed; Miculescu formerly worked at a private radio station and is close to the prime minister. Panelist Adrian Moise, who led the RRA trade union, was elected by the employees to be their representative within the board at RRA, but was later fired by Miculescu and denied access to the board meeting, as Moise had been critical of Miculescu and because the trade unions had filed a complaint against Miculescu for conflict of interest as he held two positions at the same time. Moise argued, "The [RRA] should be de-politicized, and as long as individuals are politically appointed, nothing will be solved."

The public news agency Agerpres is considered by panelist Catalin Moraru as "government's news agency," which continues to propagate the state agenda. However panelists noted that Agerpres has significant human resources at its disposal and has access to events where private media are barred. Agerpres in 2013 published an "extremely flattering" interview with then Transportation Minister Relu Fenechiu on the day before a verdict was rendered on an anticorruption case against Fenechiu. Fenechiu was eventually found guilty and sentenced to five years in prison. Agerpres thereafter removed the interview from the website, stating that the information was not in accordance with the principles of the agency. The current director of Agerpres is the former public relations manager of the Social Democrat Party, which reinforces that there is a clear lack of editorial independence.

In December, the Romanian parliament passed several controversial laws on what commentators called "Black Tuesday," and tried to pardon common criminals in order to allow politicians previously convicted on corruption to be released. The laws proposed on Black Tuesday included the reintroduction of libel and calumny in the Penal Code; however MPs temporarily backed away from the proposal after public backlash and criticism from western embassies.

The panelists criticized the manner in which parliament debated the laws; however, they felt that there could be more sanctions against journalists who abuse basic principles

that govern freedom of expression. Nadina Dogioiu explained that freedom of expression is misconstrued in Romania, and abuses are committed under the guise of free speech. For example, Cristi Danilet, a judge and member of the Superior Council of the Magistrates (the elected body that governs the judicial system), was photographed with a young girl and Antena 3, a television station that fiercely attacks magistrates who do not advocate for anti-corruption initiatives, implied Danilet was a pedophile. The young girl proved to be Danilet's daughter; this case left panelists outraged, saying that freedom of speech does not equal defamation and calling for tougher laws. But Ioana Avadani was quick to state that "Danilet did not file a complaint," and has the opportunity and ability in Romania to address defamation. She concluded that if the state is forced to protect the "dignity and honor" of the journalism profession, then the government will ultimately only protect a few, therefore tougher legal instruments are not an ideal approach.

Romania adopted a Freedom of Information Act (FOIA) in 2001, in consultation with NGOs and inspired by the model used in the United States. As in previous years, panelists complained that the implementation of the FOIA remains to be seen. Mihnea Maruta, who worked as a journalist both in Bucharest and in Cluj, explained that the FOIA has not stopped journalists from seeking information from the communication departments of state institutions, which continue to remain unresponsive in order to protect their institutions. Maruta added that seeking legal recourse is not a solution as employers are not interested in suing local governments and "are not willing to spend money on lengthy litigation." Iulian Comanescu agreed, reinforcing that "the procedure for obtaining public information is cumbersome," and "authorities were using the law in order to discourage journalists" from requesting information. According to Catalin Moraru, this includes "even minor or trivial data that would otherwise be obtained easily and immediately." Ioana Avadani also pointed out that freelancers and bloggers often experience discrimination, as many institutions ask that requestors be registered with a media outlet in order to submit FOIA requests.

Panelists reported no restrictions on accessing and using other sources of media, either from within Romania or foreign countries. The panelists likewise agreed that there are no restrictions to work in the Romanian media. No special permits or registration is required. However, some of the panelists considered total access as a problem that affects the quality of journalism.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Romania Objective Score: 1.78

As in previous years, the panelists criticized the quality of reporting in Romania. Silvia Vranceanu, editor-in-chief of the local newspaper *Ziarul de Vrancea*, discussed her struggle to survive local political pressures from county councils. Vranceanu added that the lack of resources and solidarity between journalists fostered an environment where professionalism is not valued. Media analyst Iulian Comanescu also explained that investigative journalism is rare, and in fact “documents are leaked by politicians” who are interested in attacking “their adversaries,” concluding that the “media do not look for the story anymore; the story comes to the media.”

Few media outlets have an editorial policy grounded in ethical standards, and often decisions are dispensed by the editor-in-chief rather than referring to an organization’s charter. Media analyst Petrisor Obae estimated that “around 10 percent of the media organizations respect ethical codes,” and only if the CNA has questioned the outlet’s practices. Obae added that the CNA’s request for television stations to adopt ethical standards was part of an attempt by the former majority of the Council to create a buffer between journalists and media owners. These codes, some CNA members assumed, in theory could protect journalists from media moguls who were interested using their journalists to launch political attacks.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

The quality of media has decreased in order to compete with “yellow journalism” to the point that one can hardly discern the truth. “News broadcasts have become entertainment shows,” Petrisor Obae added.

Ahead of a European Commission report in January 2014, panelists expressed doubts over the seriousness of CNA’s efforts to enforce ethical codes at television stations. In Romania, there is an ongoing problem of how the media treat the judiciary and the magistrates, as many of the media owners are involved in cases involving corruption. The open partisanship that is practiced by some media outlets has generated general suspicion towards journalists. However, Petrisor Obae was quick to note that even if an ethical journalist criticizes a public figure, the immediate tendency is for the figure to claim that it is personal, leaving the public to question if a story is true.

Both public television and radio have ethics committees whose members are elected directly by the employees. However, their functionality has been affected by the frequent changes of board members and by the fact that their decisions are not enforced.

Self-censorship was identified as a problem by the panelists. Nadina Dogioiu estimated that “it is practiced in 90 percent of the cases,” and the economic crisis has since heightened the problem. As Antoaneta Cote, an independent media consultant, explained, “It is difficult for journalists to find another job,” and therefore they are forced to practice self-censorship. Increasingly, media companies, according to the panelists, are including specific clauses within contracts that forbid journalists from criticizing a particular organization and/or person. For example, a journalist with the television station that specializes in sports broadcasting violated a contractual clause that forbade him from criticizing the Romanian Football Federation; as a result he was fired. Panelists added that sometimes journalists are personally obligated to pay fines levied by CNA. Razvan Martin considered the practice to be abnormal, asserting that the “presence of such clauses in working contracts” creates “enormous pressure” for journalists and broadcasters.

Cătălin Moraru added that even young journalists are engaging in self-censorship, citing a case when a young reported asked Moraru how a news piece on public

transportation should be portrayed. However, there is a trend among young journalists to launch new and independent outlets in which they are also the owners. Although the impact of these emerging independent outlets is limited and they mostly survive on special projects involving civic action or are funded by niche advertisements, they provide an alternative to mainstream media and a way out. The most successful independent media outlets are *Decat o Revista* and the Internet-based Casa Jurnalistului.

In the aforementioned Rosia Montana Gold Corporation case, Razvan Martin considered the corporation's advertising led to self-censorship among journalists, since advertising is "a vital source of income for media." The editor of Ziare.com, Nadina Dogioiu, however argued that the protesters' "radicalism" forced some journalists to self-censor. Dogioiu added, "There are journalists who censor themselves in order to remain in the comfortable majority."

The panelists noted that the lack of resources among media outlets in Romania continues to hinder in-depth coverage of key events and issues throughout the country. For example, the health care reform package that was recently proposed by the Ministry of Health was not properly debated; also, the state budget received little attention beyond reporting the official statements of the politicians involved, Nadina Dogioiu posited. The quality of media has decreased in order to compete with "yellow journalism" to the point that one can hardly discern the truth. "News broadcasts have become entertainment shows," Petrisor Obae added.

The panelists considered the level of the wages as a problem for media professionals. The sharp decline of the advertising revenues after 2008 has significantly affected salaries. According to estimates by the MediaSind trade union, 6,000 journalists were sacked after 2008 and those still practicing are in a weak position to negotiate. Panelists estimated average monthly wages at national newspapers to range from €250 for entry level positions up to €750 for top editors. However, for local newspapers and websites, the panelists cited €200 a month for entry level positions and up to €550 for senior editors. Finally, television stations were purported to pay €350 per month for entry level positions and up to €900 for senior positions. These estimates do not include the salaries of notable moderators and columnists who have negotiated special deals with owners.

Generally speaking, salaries in public television and radio are higher than in the private sector. The general average salary in the Romanian economy is around €350, so journalists are in line with this average. What makes the industry special is a widespread use of non-permanent contracts. Many journalists are paid through "intellectual rights contracts," which do not provide any stability. Mihnea Maruta said this

form of contracting is another sign of the general economic instability of the media industry; the purpose of these contracts is to avoid paying full social taxes that would be included in a permanent contract.

The economic situation of the Romanian media also affects its capacity to produce independent content. Programs that are investigative in nature are rare and thus the few program that exist stand out, as these shows are expensive to produce. Panelists recommended *Romania, te iubesc!*, a weekly show on Pro TV (a commercial station with otherwise little interest in news) as a good example.

Aside from the economic reasons, Mihnea Maruta pointed out that investigative content also raises the risks for media owners who do not want to upset the political and business elite. However, a few journalists with experience in investigative reporting have started their own independent websites such as Rise Projects. However, this website is financed by international funds that support investigations of transnational crime and money laundering.

OBJECTIVE 3: PLURALITY OF NEWS

Romania Objective Score: 2.45

Although there is a plurality of media in Romania according to the panelists, they noted that outlets are aligned with political parties and platforms. Thus, one has to follow several outlets in order to get to the heart of a story. But

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

few Romanians do, and therefore consumers follow one narrative that reinforces their personal social and/or political beliefs. For example, the panelists agreed that TVR lost audience share as the station became increasingly aligned with, and controlled by, the government. However, a few stories covered by TVR are good, and due to its robust reporting team, TVR often covers stories that are ignored by private media stations. Razvan Martin gave the example of shale gas, an issue that provoked public protests in the autumn of 2013 and yet was covered by TVR long before becoming such a hot topic in other media.

After the collapse of Newsin due to financial troubles, there were only two news agencies in the market in 2013, Mediafax and the state owned Agerpres. Panelists considered that Agerpres still functions as a government news agency with very little credibility. "We use Agerpres only for the photos," added Adrian Voinea. Even if Mediafax has little or no real competition, the company is struggling financially as the number of publications decreased and its potential market has thinned. Increasingly, fewer outlets are able or willing to pay for content. Moreover, the prevalence and access to websites that publish free content has rendered the paid news services obsolete. A client of Mediafax, Catalin Moraru's local newspaper is in a "good" position to bargain, and pays "25 percent below" what the paper used to pay for Mediafax's services.

Transparency of ownership remains less than ideal as in past years. Television stations have an obligation to inform CNA about their ownership but this may be avoided. Mihnea Maruta explained, "The most common method is to use an intermediary person or company." Several powerful media moguls once controlled many media outlets but only Dan Voiculescu remains an important owner due also to his political connections. Dinu Patriciu, who once controlled the biggest newspapers, went bankrupt and disappeared from public life. Sorin Ovidiu Vintu sold all his media operations and spent time in jail for blackmailing another media owner, Sebastian Ghita. The outlets once owned by Patriciu and Vintu were sold and split among various owners, some of them acting as intermediaries for political forces. Media analyst Iulian Comanescu defined the new landscape as the post-moguls era, yet many outlets continue to be controlled by politicians' intermediaries, which leave the press now, as ever, susceptible to political pressures.

Panelists were divided whether minority issues are given coverage in Romania. Some panelists considered that there is a politically correct approach towards covering the Roma people, for example, and yet some panelists disagreed. Nevertheless, panelists noted that compared with

Silvia Vranceanu, editor-in-chief of *Ziarul de Vrancea*, accused the president of her county's council of directing all the public contracts to *Monitorul de Vrancea*, another newspaper that provides positive coverage of the council president.

previous years, media coverage is less fervent regarding ethnic minorities.

However, Razvan Martin gave two examples where media coverage was biased against minority groups: the *ProSport* campaign against a handball player and the campaign regarding Romania's flag ribbon. In these cases, the media largely invoked nationalist and homophobic narratives. In January 2013, *ProSport* daily published a series of articles about the private life of a handball player according to her husband, who alleged her homosexuality. Other publications quickly republished the information and it turned into a traumatizing experience for the woman and her family. In the other example, on March 15, the National Day of Hungary, a teenager wore a Romanian flag ribbon at the Romanian-Hungarian College (in a region where Hungarians are a majority). Some in the region considered this action offensive to the country's Hungarian minority. Important media outlets started a vehement campaign to defend the honor of the young Romanian girl, utilizing very aggressive speech aimed at demonizing the Hungarian minority.

OBJECTIVE 4: BUSINESS MANAGEMENT

Romania Objective Score: 2.03

Most of the media outlets function with some business plan, but few of them manage to make a profit and sustain their activity without owners' contributing funds from other activities. Petrisor Obae cited an exception: "The top [television stations] function for profit, with a business plan." The market for television advertising is around €200 million according to panelists, however, with more than 50 revenues are diluted.

Some newspapers also own a printing house and use this revenue to subsidize editorial activities, but this trend on the decline. Adrian Voinea, owner of the local newspaper *Gazeta de Sud*, used to generate profits by printing regional

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

editions of some Bucharest based newspapers, but this side of the business registered losses in 2013, since “printed papers have since disappeared.” In 2012, the top 10 dailies sold 416,000 copies, however in 2013 this number decreased to 353,000 copies according to the Romanian Audit Bureau of Circulation (BRAT).

The pressure of Internet-based media and its revenue model has been largely the reason of lower revenues for media and, panelists said, weakening professional standards in Romania. “There is an excess supply” of websites, according to the panelists, for the advertising market to consider, and therefore overall income from advertising has decreased. Advertising revenue is now generated through clicks, or number of visitors per site. Catalin Moraru, editor-in-chief of *Monitorul de Botosani*, the flagship publication a poor county, added “There are 32 news websites in Botosani” alone, and that the newspaper has to repackage important topics so that they maintain readership and revenue.

The past year has seen a decrease in circulation and declining advertising budgets. Petrisor Obae explained “The advertising market crisis has led to a massive decrease of prices” as television advertisements were very expensive in 2008 and now companies that previously could not advertise now can. As a result of lower advertising prices in television, print media has suffered. “For print media, the market went down from a total of €80 million in 2008 to €20 million in 2013,” according to Adrian Voinea.

Most of the panelists also attributed the worsening economic situation of media in Romania to the advertisement agencies. Petrisor Obae said, “The

advertisement agencies forced prices to go down. The publishers are trying to decrease prices as much as possible, but agencies are doing so even more. Many newspapers closed down, yet none of the big advertising agencies did so.” Other panelists said that the rebate (discounts asked by the agencies from media partners) varies from 8 to 10 percent for television to 20 percent for print and even 30 percent for Internet. Costin Juncu, president of the Association for Measuring Audiences (ARMA), a professional association that includes agencies, defended the agencies, stating they do what they can to support media and most of them “are local branches of international networks.”

There are no subsidies for the Romanian media; however, panelists noted that advertising contracts in fact are paid by the state institutions. In 2005 a coalition of NGOs and professional associations worked with the government to establish some transparent and competitive rules to distribute this money. The rules were in place for some time but later annulled. Panelist Ioana Avadani, who led the 2005 coalition, stated “The big contracts are now European projects, and there is total flexibility regarding allocation, yet no transparency.” Other panelists confirmed that public money is used to favor outlets aligned with politicians. Silvia Vranceanu, editor-in-chief of *Ziarul de Vrancea*, accused the president of her county’s council of directing all the public contracts to *Monitorul de Vrancea*, another newspaper that provides positive coverage of the council president.

The media industry in Romania developed complex instruments to measure circulation and audience numbers. ARMA organizes regular competitions to select a company that assesses audience share numbers and another company to audit the process. For print media, the industry and big advertisers formed the BRAT in 1998 as an independent, nonprofit entity. BRAT represents the standard and its numbers are recognized within the industry. For many years BRAT generated circulation figures, for example the number of copies distributed. It later developed the National Readership Survey (SNA), which approximates the total number of readers per publication. For the Internet, BRAT developed the Study of Audience and Internet Traffic, an instrument to measure the number of website viewers.

Antoaneta Cote, who worked in the past both with BRAT and ARMA, argued that Romania uses the best market research methodology. However, as in previous years, some panelists criticized the SNA for inconsistent results, as the SNA measures more the notoriety of a media brand than the number of readers itself. Catalin Moraru stated that his newspaper stopped paying for this service since the advertisers attracted based on SNA numbers were

insignificant. However, Adrian Voinea added, “The problem with advertising agencies is that they hunt for rebates and special deals with media outlets rather than examining the results of research.” In other words, panelists asserted that there is no issue with the quality of the statistics generated, and more an issue with the way statistics are utilized.

Costin Juncu, the current president of ARMA, explained that all the statistics providers in Romania were selected in the bid to measure audience numbers, adding “Every year there was a general audit of the service.” Panelists concluded that international standards are respected; however, Costin Ionescu criticized ARMA for not being transparent enough. The two panelists debated the case of TVR, which criticized the statistics for underreporting its audience. Juncu rebutted by saying it was a last-ditch strategy to blame the messenger for the bad results: “[TVR] had to justify the audience decrease and they said it is a problem with measurements. It was not. TVR used to have a captive audience in the rural areas, but in the last years the technology changed; people have cable and [direct-broadcast satellite] antennas even in the villages and TVR lost them.” Other television stations with poor results contested ARMA numbers and this method seemed to become the standard justification for managers, Iulian Comanescu concluded.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Romania Objective Score: 2.50

Journalists in Romania are not any better organized this year compared to previous years, and there are no new professional associations to help the community present a common voice. The largest trade union and only organization with a public presence is the Romanian Federation of Journalists (MediaSind). According to the panelists who are members of MediaSind, the union has around 10,000 members, most of whom are employees of public television, public radio, and state institutions from the culture sector. Some panelists criticized the activity of MediaSind, for example Adrian Voinea said, “The union is fighting mostly for the employees of the public television and the public radio.”

In 2011, the previous government adopted a reform of the Labor Code to overhaul state sponsored negotiations between unions and owners’ associations. The government reduced the number of sectors by merging many, resulting in a media sector uniting with the culture sector (largely comprised of state institutions). This forced MediaSind to unite with unions from cultural institutions, which reduced the relevance of the union for the media industry.

Nadina Dogioiu concluded, “The lack of a strong and credible professional organization is one of the serious problems of the Romanian media. CRP was such an organization in its glorious time, but it was dominated by the owners. Splitting media by political and hidden economic interests may be the main cause preventing such an organization to function.”

There is a general reluctance among Romanian journalists to participate in collective bargaining and action, despite the fact that 6,000 jobs were cut in the sector after 2008 when the economic crisis hit, according to Adrian Moise. Razvan Martin added that very few journalists go to court to protect their rights, despite the general trend that the rights of journalists are generally upheld in the court of law.

Panelists agreed that there are no powerful and valuable professional associations present in Romania. The once powerful Romanian Press Club (CRP) has since collapsed after the withdrawal of Cristian Tudor Popescu, its former president and a well-known columnist. Popescu attempted to organize CRP as an umbrella organization to gather both journalist associations and club owners. This plan was

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

however unsuccessful. Ioana Avadani, director of the Center for Independent Journalism, which has collaborated with CRP in the past, stated, "I don't know what CRP is doing any more. They don't even reply to emails." Nadina Dogioiu concluded, "The lack of a strong and credible professional organization is one of the serious problems of the Romanian media. CRP was such an organization in its glorious time, but it was dominated by the owners. Splitting media by political and hidden economic interests may be the main cause preventing such an organization to function."

Very few NGOs are active in defending freedom of expression in Romania. These include the Center for Independent Journalism and ActiveWatch—Media Monitoring Agency. "Only NGOs are fighting for media independence and professionalism, with limited resources and, inevitably, limited results" according to Nadina Dogioiu. As there are only a few NGOs that provide a limited scope of activity, their work is largely ignored by decision makers, Dogioiu added.

Currently, if an organization is not receiving funds from international donors, then the work is unlikely to receive local funding. Antoaneta Cote explained that the past year has been hard for NGOs even compared with 2000 to 2004, a period dominated by former Prime Minister Adrian Nastase, and seen by many panelists as a dark period for media freedom in Romania. As the political opposition is weak, NGOs have neither allies nor leverage.

The panelists unanimously agreed that the number of students in journalism school is too large for the absorption capacity of the market. "There are 19 university programs for journalism in Romania. The number of students is 2,000. In an industry where 6,000 jobs have disappeared in the last years, you throw 2,000 new graduates each year. This is no way to respect the labor market or the graduates," Avadani added.

Journalists on the panel were very critical of existing courses offered at universities. In their opinion, most of the graduates are not adequately prepared in both theory and practical training. Moreover, many of the young journalists possess poor knowledge of grammar and therefore are ill-equipped to write for print outlets. Nadina Dogioiu argued, "Generally, journalism schools produce mediocrity. It's a usual practice to learn all you have to know directly in the newsroom and there is not real demand for professional journalists in the media market. Most of the media institutions prefer someone with other skills, like obedience and endurance." Other panelists lamented the lack of general professionalism among young journalists, and Catalin Moraru added that often they are interested in

the profession in name only but not interested in the hard work required.

There is a discernable gap in communication between journalism schools and media institutions, as these schools have not cultivated very many partnerships with media organizations to develop internship programs. Panelists added that in their newsrooms, those who are employed most often are graduates of journalism. "Out of the newly hired, more and more are journalism graduates," according to Adrian Voinea.

Although the owners of media outlets criticize the overall lack of professionalism in journalism, outlets are hardly willing to provide or pay for training. Journalists must pay for their own training and must take a leave of absence to participate. Silvia Vrinceanu lamented, "Mass media institutions do not support the efforts of employees to receive professional trainings. Personally, I have worked at a newspaper in Vrancea for 16 years, but the management did not provide any training programs; all the trainings I participated in were my own choices."

Traditional training organizations have failed to cultivate a sustainable link with employers, who show little interest in training their staff. Ioana Avadani explained, "We still organize trainings, but we don't know for whom to organize them. People now ask for unpaid leave to come to courses. Professional quality improvement is no longer the employer's task."

Cable companies in Romania are emerging as serious players in the media market, producing their own content. For example, panelists noted that RCS—RDS is the biggest cable provider in Romania and now owns several television stations, including the highly regarded, all-news, Digi 24. The company has been known to harass other channels in the past, according to panelists, for instance removing Discovery or Eurosport from packages to force their hand in negotiations. Ioana Avadani considered the presence of cable companies on the media market a "big problem" that presents a "huge conflict of interest." Adrian Voinea added that "it is not normal" to have cable companies "both producing and distributing the content."

Another problem raised by Voinea is the distribution of newspapers by the state-owned Romanian Postal Service, which is facing financial problems. Due to inept political management, the company sacked letter carriers, which reduced its reach in rural areas. "The Romanian Post has cut half of its personnel. Newspapers don't reach villages anymore," Adrian Voinea concluded.

The Internet infrastructure is relatively well developed in Romania, but there are differences in penetration and overall growth between rural and urban areas. Broadband Internet penetration is 46.2 percent for households, with a quarter of this percentage in the rural areas. Still, the growth rate for rural connections is higher than the rates for urban areas. Romania has one of the fastest Internet connections in the world (4th or 5th in the world, depending on the parameters of the assessment), with a 56 percent penetration rate for mobile Internet according to panelists, citing data provided by the National Authority for Communications.

List of Panel Participants

Adrian Valentin Moise, vice-president, MediaSind Romanian Federation of Journalists, Bucharest

Adrian Voinea, director, *Gazeta de Sud*; vice-president, Association of the Local Publishers, Craiova

Antoaneta Cote, consultant, Agent of Change, Bucharest

Cătălin Moraru, editor-in-chief, *Monitorul de Botosani*, Botosani

Costin Ionescu, journalist, *HotNews*, Bucharest

Cristi Godinac, president, MediaSind Romanian Federation of Journalists, Bucharest

Costin Juncu, managing director, Romanian Association for Audience Measurement, Bucharest

Hannelore Acarnulesei, editor-in-chief, *HunedoaraMea.ro*, Hunedoara

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

Iulian Comănescu, freelance journalist and media analyst, Bucharest

Mihnea Măruță, freelance journalist, Cluj-Napoca

Nadina Dogioiu, editor, *ziare.com*, Bucharest

Răzvan Martin, program coordinator, FreeEx ActiveWatch, Bucharest

Silvia Vrinceanu, editor-in-chief, *Ziarul de Vrancea*, Focsani

Petrișor Obae, blogger and media analyst, *Paginademedia.ro*, Bucharest

Moderators and Authors

Cristian Ghinea, journalist, media analyst, Bucharest

Oana Ganea, sociologist, Bucharest

The Romania study was coordinated by, and conducted in partnership with, the Center for Independent Journalism, Bucharest. The panel discussion was convened on December 16, 2013.

After more than a decade of waiting for the authorities or media institutions to step up and fix the problems, journalists have had enough. They are finally realizing that improvements are only possible if they unite, develop their own initiatives, and pressure the authorities to wake up.



SERBIA

Serbia's crowded media field keeps growing, but the market cannot sustain the growth. The country now has 1,300 registered media vying for professional survival in a weak and stagnating market. The economic situation remains of serious concern, with more than 800,000 officially registered unemployed. Each year, Serbia spends about €2 billion more than budget revenues. To pay arrears in 2014, Serbia will need to borrow a new €5 billion. The poor economic state continues to thwart the media sector's hopes for growth; development plans and program and technological innovations are not on the agenda.

Sinking journalism standards—perhaps at the lowest level in several years—impacted the sector in 2013. The trend of media tabloidization persists, and political pressure on the media continues to influence editorial lines.

After more than a decade of waiting for the authorities or media institutions to step up and fix the problems, journalists have had enough. They are finally realizing that improvements are only possible if they unite, develop their own initiatives, and pressure the authorities to wake up. Their new motivation is perhaps the most important development of this past year.

On the political front, the year's most significant development was the European Council's June 28 decision to open accession negotiations with Serbia. The decision came after Serbia took steps to improve relations with Kosovo. The media community expects that the process will advance reforms already initiated in key areas—including media freedom.

Despite those hopeful signs for the future, the 2014 MSI study recorded generally unfavorable development in the Serbian media sector. The overall score is nearly identical to the 2013 score, reflecting stagnation or further deterioration of media independence, professionalism, and the media economy. Only several indicators improved compared to the previous period. Objective 2 (Professional Journalism) and Objective 4 (Business Management) experienced minor setbacks as a consequence of the escalating tabloid journalism pervading the media sector and persistent weaknesses in the media market. Scores for Objective 3 (multiple news sources provide citizens with reliable and objective news) improved slightly, as new media are improving access to information. However, the panelists sharply criticized the conditions scored under the other indicators in that objective.

The total picture shows that stagnation and declining standards threaten the Serbian media. If the media community takes full advantage of the opportunities ahead to reform—as presented by the EU accession process, and within the stirring attempts to build meaningful coalitions—the media might be able to advance its interests and end the standstill.

SERBIA at a glance

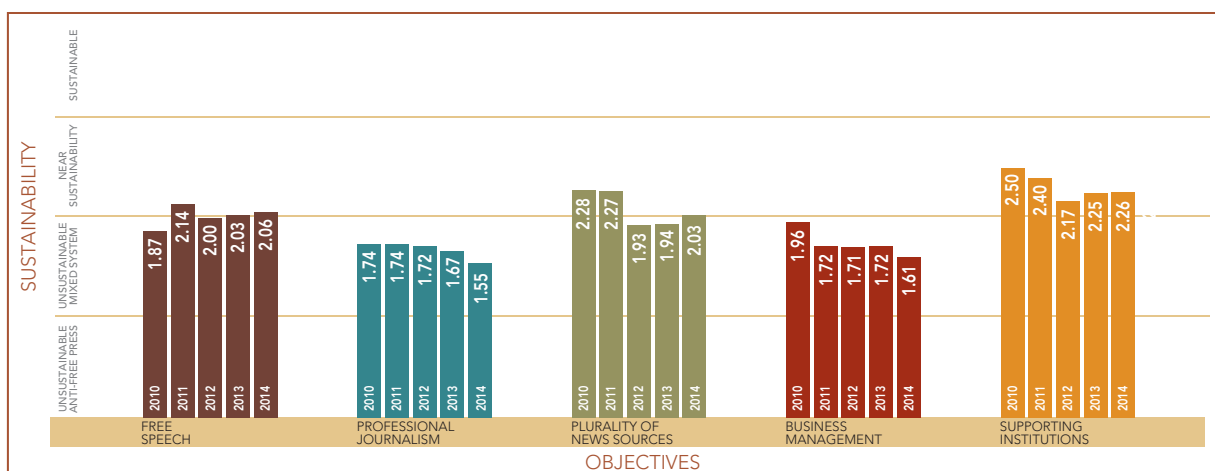
GENERAL

- > Population: 7,209,764 (July 2014 est., *CIA World Factbook*)
- > Capital city: Belgrade
- > Ethnic groups (% of population): Serb 83.3%, Hungarian 3.5%, Romany 2.1%, Bosniak 2%, other 5.7%, Unknown 3.4% (2011 est., *CIA World Factbook*)
- > Religions (% of population): Serbian Orthodox 84.6%, Catholic 5%, Muslim 3.1%, Protestant 1%, atheist 1.1%, other 0.8%, Unknown 4.5% (2011 est., *CIA World Factbook*)
- > Languages: Serbian (official) 88.1%, Hungarian 3.4%, Bosnian 1.9%, Romany 1.4%, other 3.4%, Unknown 1.8% (2011 est., *CIA World Factbook*)
- > GNI (2012-Atlas): \$38.12 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$11,430 (World Bank Development Indicators, 2013)
- > Literacy rate: 98%; male 99.2%, female 96.9% (2011 est., *CIA World Factbook*)
- > President or top authority: President Tomislav Nikolić (since May 31, 2012)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: 647 (20 dailies); Radio Stations: 228; Television Stations: 91; Internet News Portals: 133 (103 with daily news) (Source: APP midyear 2013)
- > Newspaper circulation statistics: Top three dailies by circulation *Blic* (circulation 105,185, private), *Alo*, (circulation 106,500, private), *Novosti* (circulation 97,400, state-owned) (Source: ABC midyear 2013)
- > Broadcast ratings: Pink 21.5% share; RTS1 20.0%; Prva 16.1% (Source: Nielsen AM, Jan. 12, 2013)
- > News agencies: Fonet (private), Beta (private), Tanjug (state owned)
- > Annual advertising revenue in media sector: €150–€160 million (2013 est., Nielsen Audience Measurement)
- > Internet usage: 4.107 million users (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: SERBIA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorers.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Serbia Objective Score: 2.06

As they did in previous years, the panelists agreed that constitutional norms and the legal foundation protecting the freedom of speech in Serbia are in line with relevant European and international standards. The panelists appreciated that the government respects the confidentiality of sources. However, the application of the laws, and the court's handling of media cases, remains seriously deficient. The protection of freedom of speech in the courts is still weak, either due to a lack of awareness or the influence of politicians or strong interest groups. Saša Gajin, a law professor at University Union, Belgrade (UBB) said, "The authorities and political elites understand media as a remedy to fulfill their political interests. Therefore, judicial norms in laws may reflect European standards, but in practice, the laws are too weak to defend media independence."

In 2013, for the first time, a court ruled in favor of a journalist. In the case, a reporter sued local Prokuplje Parliament President Dragoljub Zindović for harassment and insult on the premises of TV Forum. Media members welcomed this development, hoping that it finally signaled a new approach from the courts. In spite of clear evidence against Zindović, though, at end of the year a higher court of appeal cleared him. Media associations protested strongly

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

RBA practices have led to the registration of too many national broadcasters, and now RBA is rushing to introduce one more national television station before digitalization takes effect.

the courts' repeated displays of bias. In another extreme court case, the Appellate Court of Kragujevac ordered the editor of *Svetlost* weekly (which no longer exists) to pay a high fine for text that was published 19 years ago.

Miša Brkić, editor of *Novi Magazin's* Business Plus Portal, agreed that the courts are not impartial. "This year, several top politicians insisted publicly on the importance of freedom of expression, and several journalists appear to have permanent police protection," he said. "But real legal protection is nonexistent, as Serbia's judiciary system is far from independent. On the contrary—it is under strong political pressure and influence." He added that the authorities frequently justify their failure to enforce freedom of expression laws by pointing to a "higher national and state interest." Freedom of expression violations do not typically provoke public protests, as most citizens do not see the freedom of expression as an important democratic institution.

During 2013, discussions on a new law on public information held promise to be the most important development in media law, but again, Serbian authorities failed to finish the process. The panelists agreed the delay was intentional, aimed at preserving the old practice of financing state-owned, politically controlled media despite provisions in the national media strategy that require all future state budget media financing to be given on a project basis.

The year 2013 saw the strongest conflict to date between state and private media, over the new media laws that still have not been adopted. Backed by Serbian authorities, the state-owned media dismissed the request to remove the state from media ownership as a violation of citizens' rights in local municipalities.

Other laws proposed by the media stalled as well, according to Siniša Isakov, legal counsel at RTV. "As we expected, the set of new media laws, proposed by last year's media strategy, did not enter into procedure in the parliament," he said. He explained that the working group formed by the end of 2012 was later extended to include representatives of stakeholders, but efforts to coordinate proposed laws on electronic media and the new law on public services

As Snežana Milošević, secretary general of Lokal Press, said, “New amendments on criminal law decriminalized libel, but did not decriminalize insults—a fact that enables individuals who sue newspapers to sue them for insult instead of libel.”

became strained, due to the incompetence of working group members and obstruction from ministry officials. After changes in the ministry, efficiency picked up again. Media professionals showed great interest in the public discussions and submitted comments on the proposed laws.

Vanda Kučera, chief governance officer with McCann Erickson Group, added that the new draft laws do not promise improvement on advertising law, and that the regulatory body should include advertising sector representatives to ensure more self-regulation for this aspect of media management.

The broadcast market in Serbia is oversaturated, and the regulatory body (Republican Broadcasting Agency, or RBA) tasked with issuing broadcast media licenses and preventing such a scenario is awash in controversy. Although the agency is formally independent, the panelists agreed that its work is questionable and compromised, and its board is in need of a shake-up.

RBA fails to follow standard procedures, as illustrated in 2013 by the case of TV Nova, which started to promote its virtual channel before the license was formally approved. RBA practices have led to the registration of too many national broadcasters, and now RBA is rushing to introduce one more national television station before digitalization takes effect. Furthermore, RBA is not applying legal provisions on advertising standards; all media advertise longer than mandated by regulations. These issues prompted the Association of Independent Electronic Media (ANEM) to formally ask the RBA to explain its operating principles.

By law, entry into the media market is free, with no specific obstacles to media registration. In spite of media association requests in 2013, the media sector has no tax relief benefits—in fact, VAT rose from 10 to 12 percent, so the situation worsened compared to 2012. The VAT increase will hurt print media especially, but tax increases on ITV equipment have affected broadcast media as well. At the local level, a number of public media do not pay taxes at

all—an open secret that the authorities tolerate and indeed cover. Privately owned companies have to pay all taxes.

Zoran Sekulić, CEO of Fonet, noted anomalies in media registration practices. For example, various services under press agencies are registered separately as individual media. Serbia’s three press agencies are registered as 19 media companies, he said.

The panelists agreed that they have seen progress in the protection of journalists, but attacks on journalists and threats that pressure media continue. The response from the authorities could be more efficient also, panelists said; for example, extensive bureaucratic procedures slow efforts to prosecute militant groups that harass journalists.

Journalists are frequently sued or threatened with lawsuits for insulting powerful people. Investigative journalists tend to be exposed to threats and have little protection from official political and state structures, while their media outlets are subjected to financial pressure.

In 2013, top-level government officials announced that two public services would no longer be financed from citizen’s subscription fees, but from the state budget—its first move to propose a new formal financing system. The financing of public services in Serbia and the province of Vojvodina worsened in 2013, as two-thirds of television owners do not pay subscription fees, and the state did not establish an alternative finance system. Most panelists viewed the government’s announcement as an obvious attempt to increase its control over public services through financial measures. The changes pushed the two public services to the brink of closure several times during the year.

Isakov gave “another clear example of discriminatory practice,” explaining that the government recently extended non-transparent monthly financial aid to RTS, but withheld such assistance from the Vojvodina public service. He noted that even worse, often the debtor does not repay the credit in these cases, and the government eventually writes off the debt.

At the local level, municipal governments distributed around €16 million to local media. Local state-owned media are financed between 70 and 80 percent from municipality budgets, according to Milorad Tadić, the CEO and owner of Radio Boom 93 and president of ANEM, Pozarevac. State-owned local media enjoy this marriage and are not interested in trying to live off of meager market proceeds; thus, they preserve the status quo. In most cases, financing is non-transparent. Aside from direct funding, the state uses hidden and unlawful tactics, such writing off debts, allowing interest-free loans during election campaigns, and allowing the state-owned media to use taxpayer funds to pay fines when they lose court cases.

Regarding the composition of state-owned media leadership, Tadić commented, “The management in state-owned media is not elected neutrally—on the contrary. Only political interests dictate the election of media management and their decisions...the managers and editors of state media and their media are not politically independent.”

In most Serbian municipalities, local and regional authorities elect the editors for state-owned media, and the ruling local parties tacitly agree that all managerial posts in public entities will be divided among the members of the ruling parties. The panelists pointed to the election of the director of the state-owned RTV Vranje as an example. A high-level official of Vranje’s Socialist Party was elected, but just before the formal election took place, he announced that he would be freezing his political activities and party membership, and was elected formally as non-partisan figure. As a result, all public enterprises, including state-owned media, are under direct political control.

Predrag Blagojević shared another example: “The new editor-in-chief of the state-owned Niška TV was elected by the director of the station, not by the board. In that television station’s statutes, the editor-in-chief position was erased, so his post is treated as any other in the television station. Now the director is free to control all posts in the station and to change conditions for the editor post as he wishes. That case is a dangerous precedent for media in state ownership.”

The state also owns three daily newspapers. They are unprofitable and the state covers their losses and finances their activities. The state support creates unfair competition in the print media market and skirts a deadline defined by law 12 years ago to cease this support. This situation keeps most private media at a disadvantage as well.

Media reform advocates have suggested that instead of paying salaries in state-owned media, the state should finance public interest media products so that all media could compete for the funds. Only a handful of municipalities have started this method.

The delay in privatization is maintaining unequal advantages for players in the market. The state still owns 79 media outlets, and they all actively oppose privatization, presenting it as an attack on public interest. With backing from powerful politicians, they have invested in a huge push to promote the view that the process of informing citizens is their media monopoly—arguing that private media are not able to inform citizens objectively. Their lobbying proved successful, as some elements included in the draft

law appear aimed at prolonging and strengthening state control over media. The new draft law on public services, for instance, proposed the establishment of a program council elected by a media managing board, rather than an independent body free from interest group influence.

Last year marked Serbia’s first period following the removal of libel from the criminal code. In spite of that improvement, some other controversial legal provisions remain in the criminal code. Exposing private life to the public and violating state symbols remain criminal acts, creating conditions ripe for misapplication of the law. As Snežana Milošević, secretary general of Lokal Press, said, “New amendments on criminal law decriminalized libel, but did not decriminalize insults—a fact that enables individuals who sue newspapers to sue them for insult instead of libel.”

The number of court cases remains high. According to Tadić, “During the last year, in Belgrade, 242 litigations against the media for publishing information were filed. Media associations warned several times that court cases against journalists are encouraging self-censorship in the media.”

Despite the existence of a law on free access of information, public information is often out of reach for Serbian citizens. Very often, officials obstruct the media’s efforts to obtain information of public interest. The commissioner of public information has made good efforts to help the media, and again won praise from the panelists. Journalists frequently appeal to the commissioner to try to compel authorities to provide information. But in spite of his success, resistance from officials at all levels is still strong.

Amid the many legal obstacles that Serbian media face, several strengths have held steady for a number of years. Journalists have long enjoyed unfettered access to international news and news sources, entry in the journalism profession is free from discrimination, and the government has no legal regulations on Internet services.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Serbia Objective Score: 1.55

Panelists were very critical of the Serbian media’s lack of objectivity and fairness in reporting seen during the past year. They blamed the shortcomings on the growing political and economic pressure on the media. They reported that national media, and the most influential media, appear to be the worst offenders in terms of unfair reporting, especially on Serbian political themes.

Sekulić said that the editorial policies of national media are tailored to appease the politically and economically powerful. “Nobody is interested in objective reporting,” he said. “A wide variety of sources are consulted only rarely, and most journalists and editors are intentionally subjective and only transmit the attitudes of politicians.”

Sekulić said that the editorial policies of national media are tailored to appease the politically and economically powerful. “Nobody is interested in objective reporting,” he said. “A wide variety of sources are consulted only rarely, and most journalists and editors are intentionally subjective and only transmit the attitudes of politicians. They rarely conduct background research and professional interviews are rare. Specialists are consulted, but only those who support certain attitudes. The practice on blogs is similar.”

There are some exceptions—mostly local weekly print media, which have more time to confirm their information, so fact-checking their sources is the norm. Local media rarely have information that comes as great news to readers, but self-censorship has still spread in recent years. Local journalism is also endangered by the apathy and fatigue of older journalists, who have served as the main backbone of local 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 and retain qualified personnel within the media profession.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Another effect of the media’s economic woes is the advertising presented as news, which is seeping into local media in an effort to keep the rare advertisers satisfied.

Formal ethical standards are in line with international standards, but tabloids such as *Informer*, *Kurir*, *Alo*, *Blic*, and *Nase Novine* only marginally respect professional standards, and sometimes are openly defiant of them—swearing and resorting to name-calling of political opponents. In the past year, non-compliance with the media’s ethical code grew more typical, further lowering professionalism in the field.

The influence of tabloids is apparent in serious media, as well. Although all dailies except *Danas* accept the jurisdiction of the Press Council, in practice, the council does not make public its decisions on ethical code violations, enabling editors to keep their mistakes from readers.

All panelists agreed that pressure to violate ethical codes intensified in 2013. State-owned media in particular do not abide by the ethics code anymore. For example, in the beginning of 2013, *Južne vesti* received a complete interview with the director of Niš Parking Service. Blagojević, as editor-in-chief, refused to publish it, in spite of pressure. One month later, the complete interview was published in the tabloid *Nase novine*, without revealing that the source of the interview was the parking service itself.

Another common ethical lapse is that private media often steal news from agencies without quoting the source, and they sometimes even distort the reports.

Self-censorship is dominant in state-owned and private media alike, and strong among editors in particular. Editors resort to this measure to not risk losing advertising money from public enterprises and state-owned institutions. The low salaries and the large number of out-of-work journalists also contribute to Serbia’s pervasive self-censorship.

Serbian media cover key political public events well, but they do not touch a number of serious social problems. Information can be found on social networks, but editors and media that pick up such stories can be punished. Recently, the Independent Journalists’ Association of Serbia (NUNS) and the Independent Journalists’ Association of Vojvodina (NDNV) protested the fact that several media portals withdrew news reports two hours after being posted, almost simultaneously. The reports claimed that the daughter of the governor of the national bank was using an official car for private purposes. NUNS and NDNV assessed the removal of the stories as self-censorship in reaction to obvious political pressure, and warned that it is unprofessional behavior for media to cave.

Following years of complaints that journalists' salaries are miserably low, a new practice has emerged: individual sponsors for journalists. Revealed by the signatures under published or broadcasted stories in media, this practice may explain why more journalists are not leaving certain media despite low salaries.

In state-owned local media, salaries are somewhat higher—around Serbian average. For these journalists, pay delays are rare, and they do not have to worry that they will not be paid. Journalist salaries in local private media are far below average, and very often disbursed several months late. Many journalists are registered with the Employment Bureau and do pro bono journalist work for the local media. According to Sekulić, "In mainstream media, salaries are so low, it is not worth mentioning. The low salaries drive many journalists toward other professions, like public relations and marketing."

Isakov said that journalism quality is suffering as a result of money issues. "In spite of high inflation, in the Vojvodina RTV public service salaries have not changed since 2000. Due to financial problems caused by dropping subscription fees, and in the absence of government help, the Vojvodina RTV public service lost any hope of offering pay raises to motivate journalists and other media workers. During the year, several of RTV's best young journalists and editors left the organization, a trend that is expected to continue. The people best suited to uphold professional standards are leaving, yet professionalism is the only measure that can save the media."

Furthermore, throughout the year it became obvious that a number of state-owned media do not pay employee taxes, social security, and similar obligations. On the basis of a survey of 22 local press members, only 26 percent of 514 journalists are classified as full-time employees. Ten years ago it was the opposite. Obviously, local private media are cutting costs and employing fewer journalists—the average number of editorial employees in local print media is six. In spite of that, much more attention in Serbia is paid to employees in state media that could lose their jobs after repeatedly postponed privatization is one day realized.

Concerning the balance of entertainment to news, one panelist pointed out the strong tendency for entertainment programming to crowd out informative content such as news and social and economic themes. The third daily news programs, in the late hours, are postponed on most television stations, and some stations (such as B92) change the program scheme significantly.

Other panelists said that Serbian media consumers are still exposed to abundant news, and the balance between news and entertainment is satisfactory. During the pre-election

period, politicians and political themes will on occasion drift into entertainment programs as well.

Again this year, the panelists lamented the media's poor technical capacities. Access to equipment, software, and services continues to drop, in a trend that has persisted since 2008. To illustrate, Sekulić shared his experience: "My agency, Fonet, photographs 10,000 to 12,000 events every year, and films around 10,000 events. We are constantly servicing and mending our equipment, as we do not have the money for upgrades. In a few years, we will lag far behind new technology innovations, with catastrophic consequences for our development."

High-definition (HD) television has been introduced on cable, but only foreign programs and some RTS HD programs are broadcast with an HD signal. One consequence is that up to 40 percent of viewers in Vojvodina are increasingly turning to foreign programs. As Darko Bročić said, "The viewership of foreign programs is growing parallel to the drop of viewership of national television stations."

During 2013, Slovenia engaged RTS to broadcast the Eurobasket championship in HD. In spite of that, RTS did not promote HD broadcasting in Serbia. The panelists expressed the belief that HD could be introduced relatively easily if RTS addressed the problems. As the biggest television station in Serbia, RTS should dictate broadcasting standards and help push private television stations to transfer to HD resolution as well, panelists said.

Quality niche reporting has still not improved. Journalists that specialize in covering difficult Serbian societal issues are rare. According to NUNS President Vukašin Obradović, "In most media, there are no professionals who are specialized to cover certain areas. Typically everyone is a generalist, as media do not have money to help train individual journalists to specialize. The consequence is the decline in quality."

Panelists agreed that the absence of niche reporters is partly a result of the low level of education many editors and journalists bring to the job, combined with a lack of willingness to advance their education. Obradović added that Serbia has never had more educational institutions and fewer educated journalists.

Another part of the story is the media's higher investment in entertainment than serious journalism. At the local level, the situation is even worse, because national media have fewer local correspondents on the ground. Instead, they are transmitting news from local state-owned media outlets.

OBJECTIVE 3: PLURALITY OF NEWS

Serbia Objective Score: 2.03

In April 2013, about 1,300 media were registered in Serbia—a 10 percent increase in a two-year span. Although some traditional (mostly print) media closed, the number of media outlets continues to mushroom across the underdeveloped Serbian market. As Milošević said, “The quality of content on different modern platforms is questionable. Plurality exists, but not the quality of sources.”

Blogs, Twitter, and other social networks open the possibilities for new sources, but quality is lacking overall in that sector as well, and part of the Serbian population lives in areas where new media are not present. Although Serbia’s Internet penetration rates are strong, research data shows that for more than 90 percent of young people, their Internet usage is limited exclusively to Facebook. In another new trend, politicians are paying much more attention to social networks, including several media websites that are well edited and have many followers.

In today’s Serbia—perhaps even more so than in the Milošević era, some panelists said—there is virtually no oppositional media. Most media compete with each other to praise the authorities and to publish uncritical stories about them. The public services, RTS and RTV, are trying to keep some balance in their editorial policy, but especially on RTS, it is evident that more time is given to parties in the ruling coalition. Instead of covering public interest themes, public

services are competing with commercial television stations for viewership. “Public services produce a modest amount of public interest programming, but it is limited to studio debates—often with incompetent moderators,” Brkić said. He added that moderators are often chosen in a biased way that precludes presentation of the full story.

Brkić also agreed that the local media are still under the thumb of local interest groups, and state-owned media content is determined by local politics. He gave the example of the Kragujevac case. During November 2013, the state-owned RTV Kragujevac and the private TV9 reported in very different ways on a strike by workers at a transportation company. Distressed over unpaid wages, the striking workers blockaded the railways and roads in the region, impacting many companies—including a Fiat plant in Kragujevac. RTV Kragujevac broadcasts reflected the attitude of the city’s mayor, who said that the strike was politically driven. A group of citizens organized a counter-blockade, which the state-owned television reported on in prime time specials, while reporting almost nothing on the five-week-long workers’ strike. The private TV9 and online media Sumadija pres actively reported on both events.

Two independent news agencies, Beta and Fonet, are in unfair competition with the state-owned agency, Tanjug. Thanks to its huge budget, Tanjug enjoys a privileged position on the market. Although in theory, media companies are free to turn to any agencies for their news, they all have tight budgets and in truth could never afford to pay a news agency’s fair prices. In some cases, Tanjug gives its services away for free, or at dumping prices, and it is also uniquely positioned to survive longer periods of waiting on arrears to be paid. One panelist said that as a consequence, many media are deprived of Beta’s and Fonet’s non-partisan and objective information.

Media outlets typically use the services of foreign agencies, though they are too expensive for many media. News agencies are often quoted, but in a number of cases, media fail to credit sources or even try to pass off pieces as their own content.

For the last six to seven years, most local media have produced their own news. Due to the serious economic and financial situation, however, fewer and fewer media are able to continue producing original reports. Instead, they are beginning to reproduce news from other sources, such as online news agencies, or switching to paid content. Only a few media produce more in-depth news, apart from daily news. The panelists attributed this partially to financial strain, and partly to a laziness of spirit.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

The authorities in power and RBA continue to tolerate non-transparent ownership, and the panelists said that they see little improvement in this area. For example, again this year, it is still unclear who owns two national television stations—B92 and Prva—and if they are owned by the same person.

Serbia also does not regulate of the impact of owners on media content, and the panelists confirmed that owners often do affect media content, directly and indirectly. The panelists made a distinction between national local media ownership—local media ownership is always transparent, they said.

The media community is seeking new solutions to improve transparency, but neither current laws nor the draft law on information will affect Serbian business law, which enables off-shore ownership and investment in Serbian businesses. That legislation makes such owners especially difficult to track. Right now, only one media company is listed on the stock exchange (Axel Springer).

Some panelists expressed the belief that too much attention is given to the need to identify media owners, at the expense of far more important media development problems, such as media quality, professionalism, and the media economy. “Foreign investments in media brought commercialization, entertainment, and informative news, as is the case with B92 and Prva. The owner is unimportant,” Brkić commented. “People buy media that speaks to them, no matter who is the owner...and secrecy surrounding ownership is typical for a highly politicized society. The state as the owner is what is frightening, as the state is the most influential media owner.”

Minority-language media are still overseen by national minority councils. Under the legal arrangement, national councils have the power to name managers and editors and to completely control the editorial policy of minority media. Commenting on how this structure has led to declining standards, Isakov said, “During 2013, the ghettoization of minority language media continued—with the obvious intention of national councils to control business and editorial policy of minority language media.”

During the year, RTV launched a one-hour daily program of selections from all minority programs in Vojvodina. The programs were translated into Serbian and broadcast on the first channel. This new approach produced several important effects: the content of minority programs is being presented to a majority viewership; the overall viewership of minority programs is larger, which leads to greater engagement of minority journalists and editors; professional standards are increased; and each minority group becomes better informed on other minority groups, depending

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on the Serbian language that most minority groups have in common as a second language. Also in 2013, RTV substantially improved its website on minority languages, through communication with radio and television journalists.

Still, the media does neglect some groups—and public services leave out coverage of certain groups, citing the need to compete with commercial stations. For example, in 2013, Serbian stations did not air the European Paralympics games, which meant that Serbians did not have the opportunity to watch the live broadcast.

Citizens have no institutional limitations to accessing local, regional or international coverage. International news is traditionally well covered, and media with national reach cover major events that take place outside of large towns. Local news media in Serbia, panelists said, are clearly focused on local issues and events. In general, the panelists feel that private local media do a better job with news than politically biased state-owned local media. Citizen journalism at the local areas is spreading, promising to help fill some of the gaps.

OBJECTIVE 4: BUSINESS MANAGEMENT

Serbia Objective Score: 1.61

As noted earlier, Serbia has many more media outlets than its advertising market—an industry with annual turnover of about €160 million—can support. It would be too many media outlets for even a market richer than Serbia to maintain.

In this environment, most media find it impossible to reach sustainability and efficiency—and the panelists concluded that most do not achieve these goals, delivering poor marks for business management. According to Brkić, “The only efficient and self-sustainable media in Serbia are media owned by foreigners.” Milošević added, “Most media are not profitable, and a large number of them are reporting losses. Therefore, the question is, why does the state keep these media alive? Local print media do not have any chance to be profitable, not even three local papers with the highest circulation: *Napred* from Valjevo, and *Zrenjanin* and

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Pancevac from Pancevo. Today, their biggest ambition is to simply break even.”

In terms of income, political connections are often more important than commercial activities. As a result, the transparency of financing at most media companies is questionable, as huge sums of money come from state subsidies, public company funds, and agencies with close ties to politicians. Such sources inevitably lead to political influence on media.

The panelists pointed to the public service, RTS, as an example of irresponsible spending of taxpayer money that enables the maintenance of a huge, unrestricted, unprofitable system that produces inadequate programming. Local private media live constantly on the brink of bankruptcy, or else they are in serious arrears. In such circumstances, they are forced to reduce staff—and journalists are relieved if their salary is not more than two months late, according to the panelists.

Data are not available on spending in media financed from public budgets, but public services are known to carry heavy debts to public enterprises (electricity, fuel, communications). After a number of years, compensation in the form of products or services is often accepted.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

After the announcement by high-ranking government officials that both public media services are switching from being financed through the state budget, the services were faced with the lowest collection rates of television subscription fees ever, leading to a serious crisis for both. In response, the government has provided monthly financial assistance to RTS, but not the Vojvodina public service, RTV. RTV now has accumulated \$1.2 million in debt towards state and other media units and to the owner of its rented space, where it has operated for 14 years, following NATO destruction of all studio and production spaces. The process of securing new premises for RTV has been delayed indefinitely.

Given these issues, some panelists expressed the view that RTV is stuck in a severely unfavorable position compared to other media (including RTS) and most of all with regard to Serbian citizens. RTV’s compromised financial situation prevented it from being able to develop or improve educational and entertainment programming during 2013. Technological improvements and the introduction of new media platforms are also on hold, with the exception of development and implementation of an Android application, www.rtv.rs.

Internet media possess some financial advantages, as their less costly activities and equipment translate into a healthier financial standing than traditional media. Local political parties have taken notice, and they have started to establish their own information portals. In Niš, the leading SNS party financed its own portal from the town budget. Vranje, Toplica, Kragujevac, and other Serbian towns are following suit.

Lokal press research showed that the average local print media outlet brings in €18,000 in revenue per year. On average, only 35 percent of that sum is from commercial activities, with subsidies and donations representing the bulk. One print media outlet in the study drew 95 percent of its income from state subsidies, and just five percent from market proceeds. In private media, the number of business managers and financial specialists employed continues to diminish, while in state-owned local media, about 10 percent of all staff are non-journalists—and in general, these media maintain far more employees than needed. *Lokal press* research also revealed that as many of 60 percent of respondents admitted that they are uninterested in planning activities for survival in the market.

The two principle sources of income for Serbian media are advertising and state subsidies. As Brkić noted, state media (RTS, Studio B, RTV, and local state-owned electronic and print media) do not have stable income sources that could

guaranty sustainability and editorial independence, and “therefore, they are subject to all sorts of influences.”

Though there are some irregularities in advertising, the law bars any financing that could create an imbalance among market players. In Serbian practice, state subsidies are the likeliest response to market distortions. Most private media get public funds through direct deals with the executive bodies of self-governments. Only rarely are these funds distributed through public procurement procedures or public competitions for financing media projects that would offer equal opportunities for all the media.

When local governments have a need for favorable reporting on an important topic, they sometimes dismantle free competition by providing local funds to favorable media, using their budgets as instruments to influence editorial lines. For example, the local authorities in Nis issued a tender for an official information project. To exclude competitors to state-owned media, authorities often will include a funding condition that information on municipality authorities’ activities be published on the first, third, and fourth page of the print newspaper.

For web portals in local areas, donations are the primary source of income. State-owned and funded media are also developing local websites, which also constitute unfair competition to private online media.

Tadić commented, “Media, including online media, should generate income from different sources in a way that none of the sources can decisively impact editorial policy. State-owned media have guaranteed budget proceeds, which give them stability, but not political independence... sometimes sources of income impact editorial policy, management structure, and program content of such media. The state money in the media sector is significant, and is used as a remedy for pressure on media editorial policy.”

The advertising market did not change significantly in 2013. The main advertisers are public and state-owned companies. Advertising agencies are still active, as in past years, but advertisers have lower budgets. Around 30 percent of advertising funds do not go through agencies but directly from advertiser to media outlet (a percentage that has increased since 2012), although some major advertisers still forge agreements with agencies. Agencies tend to focus on national coverage media; local media get just a small part of the total amount.

According to Tadić, advertising rates are unfairly determined. “Advertising agencies and advertisers are in a position to dictate prices. In Serbia, advertising in state-owned media and in both public services is allowed, and in practice, such media negotiate prices with

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Vukašin commented also on the advertising agencies’ political connections. “In the previous period, three agencies owned by leaders from the ruling party dominated the market. Now, after the changing of authorities, new agencies connected to the new leading parties appeared, such as Profajler—which used to employ Vucic, who is now a leading politician.”

In 2013, clear signs emerged that foreign advertising agencies are eyeing the Serbian market, as confirmed by the sale of Serbia’s biggest advertising agency, Direct Media, to a Bulgarian firm.

Internet advertising is still growing, radio is stable, and print media advertising remains about the same, but television continues to capture most advertising business. Increasingly, money is being funneled to media through public relations agencies.

Commercial activities have dropped steadily since 2008—a decline with no end in sight. The purchasing power of citizens is even lower than in previous years, and fewer ads are being produced. In this environment, media houses are again turning towards paid advertising so they might pay even just a portion of their bills and debts.

There are rules on advertising time limits, which a number of media, including public services, violate—drawing little reaction by RBA. Media managers face substantial financial pressure to sacrifice news and educational content in order to broadcast or print as many advertisements as possible. As a result, advertisements in programs can extend to up to 20 percent of the time slot, which is unbearable for viewers and listeners.

Online advertising is still growing, albeit at a slower growth rate than that seen in previous years. Out of

Serbia's total advertising budget of almost €160 million last year, advertisers spent about €12 million, or around seven percent, on online media. Blagojević noted that most advertising money goes to several popular portals of print and electronic media (Blic, B92, etc.) with national coverage. He gave some examples: "Južne vesti as a portal has 30,000 visits per day, but during the whole year, revenue from advertising agencies was no more than €1,000." Here again, local media earn less than media with national reach.

Interest from advertisers determined that electronic and print media both need seven new online readers to equal one hard-copy reader. Several big media portals earn good money on online ads; for instance, the online edition of daily Blic sold more advertisements than the print edition.

Brkić said that state subsidies are a key tool used by the authorities and big business to discipline media. The authorities use subsidies, advertising of state institutions, and other financial incentives to exaggerate pressure on media that are critical, or to reward media that obey to authority's requests. In Serbia, the state (e.g. parties in power) is one of the dominant advertisers, and it often favors certain media in its ad placements, irrespective of media market shares.

Research agencies conduct market research, and some media companies conduct this research on their own. Owners, journalists, and editors are using polls, social networks, and web data to tailor media products to their target populations, and a number of them use results by professional research agencies. According to Bročić, "The use of research findings is somewhat smaller than in previous years, but research results have been used by media and advertisers in Serbia for years. The national media turns to research results more than local media."

Tadić elaborated on the market research situation in Serbia. "Data on electronic media, website visits, print media copies, and the number of subscribers are relevant, but still are not 100 percent exact and reliable. Organizations that are dealing with the number of copies printed are often under the control of politicians, and sometimes they publish biased data. Professional research organizations are experienced and very qualified to produce reliable data. Media entities that have money to pay research results could be informed in a timely way on their standing among viewers, listeners, readers and internet users. Advertisers and media understand the importance of those data and use them in everyday activities," he said.

ABC conducts print media audits, and Ipsos and other professional agencies measure print media readership. A smaller percentage of newspapers is audited than within the broadcasting sector, and questions about ABC's objectivity

have slowed the process. The panelists expressed concern over the fact that in print media, only media belonging to the Axel Springer and Color Press groups are audited. In 2013, ABC announced plans to audit websites of print media that are already its members. Currently, only one Internet site is audited, but different international analytics programs supply necessary data.

Ipsos also conducts radio research, but the geographical spread of listenership is limited only to bigger towns. Most local stations do not have the funds to finance research.

Television viewership is measured with people meters by Nielsen. People meter measurement of viewership gives representative results for Serbia's territory, but is not precise enough for all television stations that broadcast on provincial and regional levels. Viewing of foreign stations is increasing, especially in Vojvodina. The increase there is due to geographical convenience, as Vojvodina sits to the north of Serbia, and due to the predominance of KDS and IPTV cable providers in the region.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Serbia Objective Score: 2.26

In 2013, the Media Association group of media company owners dissolved, and the country's main publishers, including Color Press Media Group and Informer, launched a new independent association of newspaper and magazine

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

publishers. Another new media coalition, ZUM, which unites employees from state-owned media, formed in 2013.

A number of traditional associations for journalists remained active, including Local Press (LP), an association of local independent print media; ANEM; the Radio Advertising Bureau (RAB); NUNS; the Journalists' Association of Serbia (UNS); and NDNV. All of these associations protect their members in their own ways. UNS and NUNS, part of International Federation of Journalists and European Federation of Journalists, actively advocate for the protection of journalists and lobby for better media quality. Blagojević shared an example: "Our portal, *Južne vesti*, suffered from threats and pressure during the year, but promptly got strong help and backing by three media associations: NUNS, Local Press, and ANEM." However, Isakov expressed disappointment with the current group of associations. "This year, again I must repeat that in Serbia, we still do not have an association for non-journalist media employees," he said.

The Press Council, as a self-regulatory body, was active in 2013 but has failed to publish its decisions as intended. Still, the panelists emphasized the importance of the media sector initiating self-regulation on media quality.

Significant efforts are also underway to develop a group, Media Coalition, which includes NUNS, UNS, NDNV, ANEM, and LP. The coalition is designed to help implement the adopted media strategy, create new media legislation, and bring media standards in line with EU standards. Media Coalition is also investing in efforts to improve media literacy and promote other interests of the media and journalists—though it was formed on loose connections and on minimal consensus.

Self-regulation does not exist in the sphere of advertisers. However, awareness seems to be growing that they need to unite to address their challenges, panelists said. For example, advertisers are fed up waiting on the new law on advertising, which was prepared in draft but has long been kept in the media ministry drawers. Kučera remarked, "Advertisers are finally aware that they have to push authorities to act."

During the year, members of the media community worked intensively to draft an Advertisers Codex. The advertising community responded very positively, and the group preparing the codex also started preparations for a self-regulatory body for advertising. The Chamber of Commerce strongly backed self-regulation steps, which promise to help speed up the legal procedures.

NUNS worked actively with NGOs during the year, but the panelists said that Media Coalition should explore ways to

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engage the civil society sector with coalition activities, to improve the efficiency of its activities, and to heighten its impact on the authorities.

The case in Niš, involving *Južne vesti*, illustrates how communication between media and NGOs is improving, compared to previous years. As many as 13 NGOs immediately stepped up to protect *Južne vesti* when it was strongly attacked and threatened by the director of the local state public enterprise Niške toplane. Several NGOs from Belgrade even reacted promptly. This development resulted in the founding of a coalition of *Južne vesti* and NGOs, which will be devoted to the realization of civil projects in Niš.

During 2013, several NGOs began asking media companies to help support their activities at the local level, according to the panelists. "Cooperation with the civil society sector is a tradition reinforced this year, with conditions from foreign donors that projects they finance need to have visibility—a media component. CSOs themselves should insist on greater visibility of their activities, and develop more intensive contacts with media," Tadić said. Milošević added, "In 2013, Media Coalition improved contacts between media and civil society organizations. Local media understood that local CSOs are their natural allies. The association *Lokal Press* also developed stronger communications with CSOs than seen in previous years."

In terms of formal education programs for journalists, the panelists agreed that journalism degree programs are inadequate and turn out poorly prepared graduates. Brkić commented that "most young people want this profession because it is trendy, and because of their focus on self-promotion." He said that his impression is that the most popular tracks for journalism schools are those focused on television personalities, and the least popular are for economic journalists.

In spite of some excellent traditions, Serbia has no more student and youth radio. Radio broadcasting used to be a well-respected training ground for future journalists. The panelists faulted the state authorities and RBA for their indifference to the strategic problems of the broadcast

media. They doled out an enormous number of frequencies, but offered none for student or youth radio.

Participants agreed that media members show very poor interest in courses on specialized reporting. Internal education efforts have dried up within both of the public services, but in 2013, RTV took advantage of education opportunities organized by the Association of Western Balkan Public Services for video journalists and mobile journalism. Both courses helped improve the quality of work at RTV.

The panelists did not report any problems with sources of media equipment, newsprint, or printing facilities. All are apolitical, unrestricted, and not monopolized.

Channels of distribution are biased in the sense that the Internet is completely left out of any regulation, producing serious distribution problems in Serbia. Similar problems affect other countries in the region, and are likely to continue, as the EU announced that regulations will not be introduced before 2015.

Technical regulations in Serbia are satisfactory, but media content is completely out of control, which some panelists blame on RBA's refusal to uphold its regulatory duties. RBA is exclusively focused on traditional electronic media, and is not paying attention to cable, which is full of foreign media programs with marginal domestic content.

The panelists also highlighted the case of the sports channel packages on Serbian cable. Those channels broadcast several sporting events, but otherwise keep the channel tied up 24 hours a day without media content. Behind such packages are communication companies that are very profitable but are detracting from media program offerings. There is obviously no goodwill to regulate this area, panelists complained.

Serbian television stations were still not broadcasting in HD technology in 2013. According to Republic Agency for Electronic Communications (RATEL), 86 percent of cable television in Serbia is presented in analog signal.

RTS does already have the required technical equipment, but only broadcasts a very small amount of its productions in HD—and only on the cable program RTS HD. As Isakov explained, "Digitalization of terrestrial broadcasting, which should have wrapped up by April 4, 2012, is overdue. Until November 2013, only initial network, DVB T2/MPEG-4, was

introduced to a significant part of the state. However, for full coverage of territory, there is still lot of work to do—especially to inform citizens on how to adjust and equip during the transition from analog to digital television broadcasting."

Meanwhile, distribution systems have more and more foreign localized HD channels, which are offered to viewers as a special package. Television distributors are still carrying on business without legal regulations—only technical regulations. This hurts viewers as well as domestic media, especially those that create original media content, the panelists said.

Tadić gave an example of the problems stemming from poor regulation. "Telecom and SBB, two big providers, often obstruct the development of media programs in regions where they hold a license. Five years after they secured their license, the providers have not ensured a signal for the whole approved area. At the same time, media in the region must pay all taxes and other fees to the state. RBA's inertia is breathtaking—it is utterly failing to force operators to enable complete technical coverage. To do this job, SBB and Kopernikus have requested an enormous amount of money from affected media to cover the whole area that the state licensed them to cover," he said.

Obradović noted that the problems are not limited to television. "The relations with distributors and producers of media content in print media are also biased," he said. "The draft law on information states that distributors may also be producers of media content. Obviously, in print media as well as electronic media, distributors are pressing to ensure the best position for themselves."

The panelists offered different perspectives regarding the communication technology infrastructure. In terms of mobile technology, one opinion was that mobile operators in Serbia do not treat media as specific partners, and that the infrastructure is not satisfactorily developed for media usage. This is especially true in peripheral territories, where minimal service is not ensured. Other panelists said that the situation it is not terrible, and that main problem is again the lack of financial sources, not the infrastructure itself. Over most of Serbia's territory, relatively high quality access exists and modern techniques of information gathering are available, and almost all journalists have smart phones to assist with access.

List of Panel Participants

Vukašin Obradović, president, Independent Journalists Association of Serbia, Belgrade

Vanda Kučera, chief governance officer, McCann Erickson Group, Belgrade

Darko Bročić, chief executive officer, Nielsen Audience Measurement, Belgrade

Saša Gajin, professor, Law Faculty, University of Belgrade; member, Media Reform Group, Belgrade

Zoran Sekulić, chief executive officer, FONET News Agency; secretary general, Association of Media (ASMEDI), Belgrade

Miša Brkić, Business Plus editor, *Novi Magazin*, Belgrade

Siniša Isakov, counselor, Radiotelevision Vojvodina, Novi Sad

Predrag Blagojević, chief executive officer, Južne Vesti, Nis

Snežana Milošević, secretary general, Lokal Press, Kragujevac

Milorad Tadić, chief executive officer, Radio Boom 93; president Association of Independent Electronic Media, Pozarevac

Moderator

Dragan Kremer, media program coordinator, Open Society Foundation Serbia, Belgrade

Author

Goran Cetinić, independent consultant, Belgrade

The panel discussion was convened on November 26, 2013.



CAUCASUS

There has been significant progress compared with past years, when virtually no airtime was given to representatives of the opposition party on public television.



ARMENIA

The main political events of 2013 included the presidential elections in February, with the incumbent, President Serzh Sarkisian, winning the majority vote. However, the runner-up, Raffi Hovannisian, claimed electoral fraud and called for mass protests to contest the outcome.

Prior to the elections, state/public media outlets exploited the Electoral Code, specifically the 19th article on “Pre-Election Campaign through Mass Media,” which stipulates that each party be given a certain amount of airtime. For example, outlets would give opposition parties their allotment of hours during the mid-pre-election period and crucial airtime to the incumbent party, which could affect citizen perceptions. There has been significant progress compared with past years, when virtually no airtime was given to representatives of the opposition party on public television.

In autumn 2013, the visit of Armenia’s President, Serzh Sargsyan, to Moscow eclipsed even the presidential elections earlier that year. During the visit, President Sargsyan stated that the country would join the Customs Union (which comprises three countries—Russia, Belarus, and Kazakhstan), signaling a significant reversal in the country’s foreign policy. This policy change follows categorical overtures by President Sargsyan to sign the Association Agreement with the EU during the summit in Vilnius, which was scheduled for late November. Moreover, Vladimir Putin’s visit to Armenia in December brought protestors to the streets who were against the country’s bid to join the Customs Union. A number of international and local organizations issued a statement condemning police reaction to the protests, which violated basic freedom of expression and assembly enshrined in the national constitution. The public’s response to these dramatic policy shifts was thoroughly covered by the media and represented the varying opinions across Armenia. However, broadcasting outlets were more reserved and attempted to present the advantages and disadvantages of joining this union, despite often promoting benefits of the Association Agreement with the EU over the Customs Union.

Overall, the panelists recorded progress across many objectives and individual indicators for the 2014 MSI. They noted that freedom-of-speech rights and enforcement, albeit still needing considerable improvement, have progressed significantly over the years. The amendment to the law of copyright and adjacent rights, for example, was a step forward; however, the actual impact and results have yet to be determined. The panelists noted that over time, it will be important to see if original content replaces copied material.

ARMENIA at a glance

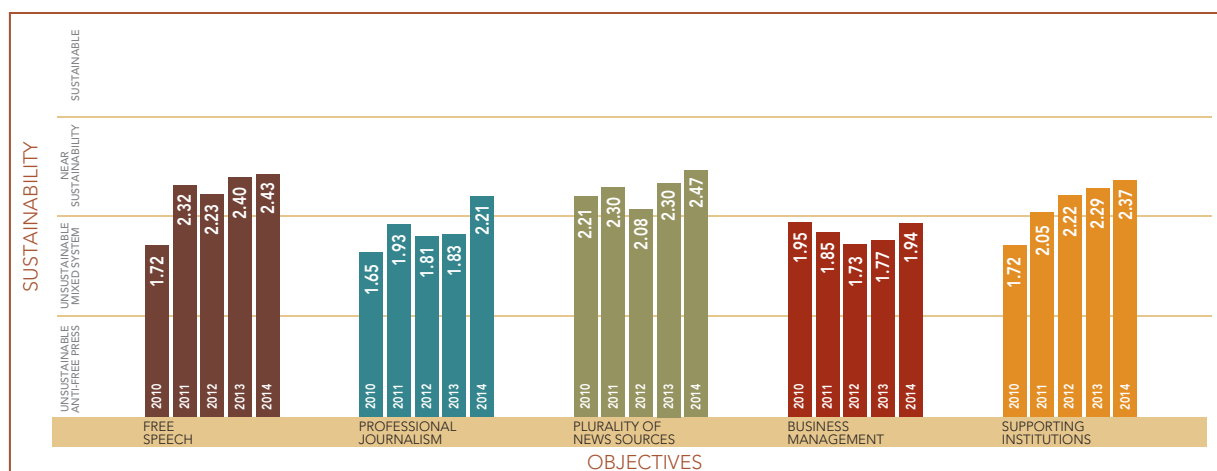
GENERAL

- > Population: 3,064,267 (July 2013 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 (2012-Atlas): \$11.03 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$8,820 (World Bank Development Indicators, 2013)
- > Literacy rate: 99.6% (male 99.7%, female 99.5%) (2011 est., *CIA World Factbook*)
- > President or top authority: President Serzh Sargsyan (since April 9, 2008)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: more than 36; Radio stations: 21; Television Stations: 14 stations in Yerevan, 3 Russian relay channels; 26 television stations in regions; Internet News Portals: more than 220
- > Newspaper circulation statistics: Average reported circulation is between 1,000 and 3,000
- > Broadcast ratings: Top three most popular television stations are H1 (public), Shant TV (private), Armenia TV (private) (AGB Nielsen)
- > News agencies: ARKA, Armenpress, Arminfo, MediaMax, Photolur
- > Annual advertising revenue in media sector: \$70 to 80 million, estimated by panelists
- > Internet Users: 208,200 users (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ARMENIA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscores.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Armenia Objective Score: 2.43

The panelists were in agreement, as in past years, over the guarantees provided for by the constitution; however they asserted that the enforcement of free-speech rights has been far from ideal. However, it should be noted that as a whole, the freedom-of-speech environment has improved, despite instances where the government has interfered with the press in Armenia. For example, in December, against the backdrop of protests surrounding Vladimir Putin's visit, the panelists noted little or no coverage on television outlets.

According to the panelists, society generally places a high value on the freedom of speech and media freedom, as seen with the ever-increasing growth of online media platforms. More and more regular citizens take the time to contribute comments through Facebook under posts and articles.

However, the panelists argued over the parameters of free speech. According to Nelli Babyan, a reporter at *Aravot* newspaper, an online periodical, freedom of speech is an opportunity to "serve and present the truth," but many media outlets, according to Babyan, have abused free speech. The panelists, for example, disagreed over the use of quotations—whether one can publish all quotations and attribute it to freedom of speech. Samvel Martirosyan, a blogger, argued that one "shouldn't publish" quotations

"We have been approached several times before [to disclose the sources], but we have refused," Martirosyan remarked, adding that often they are asked to provide a written statement referring to the law that protects the confidentiality of sources.

that could incite hate or be seen as hate speech, including profane language. Edgar Vardanyan, of the Armenian Center for National and International Studies, added that it is "very difficult indeed to define the borders of what is acceptable to quote and what is not."

Violations of free speech often do cause public outrage, but this outrage is limited to small circles of the same people. "This has its reasons—the public at large doesn't like journalists, and there are layers of society that the public is always willing to protect." However, journalists are not among those the public wishes to protect, said Martirosyan. According to the other panelists, however, the journalistic community is often united in certain cases and continues to demonstrate a high degree of solidarity.

Armenian law respects the confidentiality of sources, but investigators make some attempts, without a court order, to disclose the sources. However, in practice, if the journalist/media outlet refuses to disclose, no further action is taken to force journalists to reveal their sources. "We have been approached several times before [to disclose the sources], but we have refused," Martirosyan remarked, adding that often they are asked to provide a written statement referring to the law that protects the confidentiality of sources. However, Martirosyan rhetorically questioned if this was indeed a form of pressure.

Some panelists said that the judiciary does not act independently, but they hastened to add that this absence of independence is not specific to just the media sector. "The judicial system, as an independent government body in Armenia, does not exist," Martirosyan affirmed.

The only media sectors that require licensing in Armenia are radio and television. There has been no competition in 2013, and the digitalization of the broadcast media has been postponed until July 2015, while the current analog licenses have been extended until December 2014. According to the panelists, the government, outlets, and citizens are not financially and logistically prepared for the digitalization process.

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Moreover, the panelists agreed that the licensing body is far from apolitical or impartial. They cited the case of A1+ TV, which was critical of the government and was shut down in 2002. However, the television station was not shut down by the government directly; instead, its existing license was not renewed. Since then, A1+ TV has applied 12 times in total, with little success. The station applied for a license within the 2010 competition and was once again rejected by the regulatory agency, the National Commission on Television and Radio (NCTR), for allegedly submitting fraudulent documents. Structurally, the NCTR is not apolitical, according to the panelists. It has eight members; half are elected by the National Assembly for a period of six years, and the other half are appointed by the Armenian president for a period of six years. Legally, the NCTR must guarantee freedom of the press and diversity, as articulated in Article 35 of the Law on TV and Radio, which enshrines the NCTR an independent regulating body.

Steadily over the years, market entry and tax structures in Armenia have been no different from other industries. Print media also enjoy a slight tax break, as they are exempt from value-added tax for distribution.

Crimes against media professionals, citizen reporters, and media outlets in Armenia occur mostly during the elections. According to Nelli Babayan, the police often come to “conduct formal interrogations and then leave.” Outlets receive a notice a few months thereafter, citing “lack of evidence” and thereby closing the case. Gayane Saribekyan, a reporter for *Hraparak* newspaper, stated that her crew was once attacked by a group when trying to shoot evidence of election bribery and could manage to shoot only the faces of the persons involved, as there were other people preventing them from entering the room. “Right after our complaint a case was filed but eventually closed due to lack of criminal activity,” Saribekyan said. Babayan provided an example of attempts to confiscate her phone, but again the case was later closed with the same explanation. The panelists also mentioned a case where the police officer was demonstratively dismissed (although later rehired) after he pushed and insulted a reporter. The panelists agreed, however, that in this case the reporter herself had also gone overboard.

Gayane Abrahamyan, a reporter at armenianow.com and eurasianet.org, asserted that “during the past couple of years” there has been “progress” made. The panelists also noted that there had been no violent or outrageous cases of crimes against journalists reported, although they expected some activity during an election year. “There has been significant progress,” said Saribekyan, adding that

“years ago it was very violent at some polling stations,” with violence against/between proxies, journalists, etc. Melik Baghdasaryan, owner of the Photolur photo news agency, noted that his photographers are generally “free and secure” even during rallies and protests.

Armenia has two public newspapers, two public television stations, and two public radio stations. In principle, the country’s Law on TV and Radio protects the editorial independence of state and public media and provides for their adherence to the principles of objectivity, democracy, impartiality, and diversity. However, according to Edgar Vardanyan, an expert at the Armenian Center for National and International Studies, “If we take this law and enforce it in Sweden, it’ll work flawlessly, but if we take into account that all five members of the Council on Public Television and Radio are appointed by the president, it becomes evident that in reality public media cannot be and are not independent.”

Libel has been a civil law issue since 2010. Although at first it prompted an avalanche of civil cases that could bring some outlets to the brink of extinction, the boom has faded away ever since, and recently there have been no significant cases during the reporting period.

In Armenia, widespread access to information remains an issue despite the existence of the legal frameworks. According to Armine Gevorgyan, a journalist with haynews.am and public radio, “The most closed structures are the City Hall and the State Revenue Committee.” However, the panelists couldn’t help noting some positive developments, compared with previous years. Among the most open institutions, the panelists noted, are the Police of RA and the National Assembly. Some panelists said, however, that the ability to obtain information varies from outlet to outlet and from journalist to journalist, depending on their position in the market and level of professionalism. Other panelists contended that access to information should not be dependent upon personality/status and that a system should be in place to facilitate greater access. “They should answer even the most stupid question,” Babayan added.

The media are not restricted from accessing or using any local or international news or news sources, as has been the case for several iterations of the MSI study.

Entry into the journalism profession is free and unrestricted. However, some panelists voiced the need for review of professional qualifications and experience to prevent the entry of inexperienced newcomers.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Armenia Objective Score: 2.21

There are journalists/media outlets in Armenia that follow professional journalistic practices. However, when examining the broader media landscape, over the years there have been reporters who have continued to not verify or fact-check all the information they present. Moreover, they do not consult a wide variety of relevant sources.

The panelists recounted many instances of ridiculous content emerging as a result of not verifying information. Martirosyan discussed an example where a fake letter to the media from a “reader” was published by many media outlets, which presented it as their own content. The letter voiced complaint over the desecration of a modern sculpture in one of the city parks. Other examples include “hot” articles published without the standard verification, resulting in the redaction of these pieces, which turned out to be false.

It has also been observed that the desire to print quickly has compromised the accuracy of published information. “We had information about an upcoming appointment in the city council from a very trusted source, but our editor told us we couldn’t publish it before we received verification from at least one more source. So we didn’t publish until hours before the other outlets,” Abrahamyan said. “Society doesn’t care whether they [the journalists] have used one source or two sources; once it’s written, they buy it,” Martirosyan said. “There is no public need for professional journalism. This is the problem,” he added.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

“Society doesn’t care whether they [the journalists] have used one source or two sources; once it’s written, they buy it,” Martirosyan said.

Quite often journalists do not avoid subjectivity and subsequently do not pursue all sides of a story. Moreover, they seldom conduct the necessary background research or consult the technical experts on stories. However, truly independent experts can rarely be located, according to the panelists, and quite often present views aligned with a particular political party. There are journalists who function more as “activists” rather than members of the press, said Baghdasaryan. “There are also journalists who are intentionally provocative,” Martirosyan added. “Quite often, the provocateurs are the ones who are affiliated with political parties,” Saribekyan stated. Gevorgyan added that there are also many journalists who do not seek the “second side of the story,” and when you inquire, these journalists accuse you of possessing a “pro-government” affiliation.

Journalists seldom follow recognized and accepted ethical standards in Armenia. Journalistic organizations have developed ethical standards that are very similar to those accepted by international professional journalists’ associations, but these are not widely adhered to or recognized by the majority of media outlets.

Journalists from different types of media have developed their own codes of ethical standards they try to enforce them on their reporters/journalists. Some outlets make clear distinctions between news reporting and “advertorials,” while others don’t. Journalists have been practicing plagiarism for many years. However, the enforcement of the new amendment within the law on copyright and adjacent rights, which came into effect in October 2013, hopes to reduce plagiarism in Armenia. According to the amendment, any duplication of original content without the consent of the content producer should be contained in quotes, with the original source cited at the beginning of the story.

As stated in previous years, the panelists agreed that there is more self-censorship than direct censorship. “We belong to those countries where censorship is more in the form of self-censorship,” Vardanyan said. Self-censorship takes place on almost all levels of news production. Reporters and editors practice self-censorship due to a real or perceived fear of losing their jobs or risking their safety or well-being.

Most key events and issues are covered across media outlets, and according to Martirosyan, no event is deemed taboo. If a story is not covered by broadcast, Martirosyan said,

According to Vardanyan, “Although the opposition hasn’t been blatantly criticized [during the presidential elections],” the state/public media outlets have cultivated an image or “impression” that this opposition “is not so serious.”

then “it will certainly be covered online,” if not by at least some outlet.

Pay levels vary from outlet to outlet in Armenia but have traditionally been low. Little, if any, progress has been recorded. Nevertheless, it should be noted that low wages are not specific to the media industry. The reality is that most reporters have to work for multiple outlets to make ends meet. Sometimes they have to do this on a confidential basis, since some outlets require exclusivity. The overall quality of reporting is often compromised as journalists are stretched across different agencies. There is a great deal of rotation of journalists from one media outlet to another, and quite often they switch from a pro-government outlet to an ultra-oppositional one, and vice versa.

As in previous MSI reports, Abrahamyan cited a familiar indicator: The Armenian journalists’ profession has seen a preponderance of women, who represent nearly 75 percent of the profession. This is an unfortunate manifestation of a larger phenomenon that sees women in Armenia often entering professions that do not pay well.

As for the exodus of journalists to other industries, “since their overall background is not so strong, there’s hardly anything else they can do [but to report],” Martirosyan said. On the contrary, journalists can easily be replaced by mediocre specialists from other industries.

According to the panelists, entertainment programming eclipses news and information programming. “Even the news,” according to Martirosyan, has evolved into “entertainment programming.” Most outlets believe that the inclusion of more news-related programming may force audiences to switch to other programming; therefore, news programs are increasingly pushed out of prime-time and toward later hours.

The panelists agreed that the quality of facilities and equipment for gathering, producing, and distributing news is modern and efficient, with the exception of digitalization. Today, most outlets have the minimum equipment required; however, Internet connectivity remains an issue. According

to Margarita Minasyan, the director and co-owner of Tsayg TV, “Internet in the regions” is still very weak, as stable fiber-optic connections do not exist. However, this gap in infrastructure, the panelists noted, does not affect the quality of journalism in Armenia.

Quality niche reporting and programming exist in Armenia, but this category of reporting is rare. Agriculture, ecology, health, and business are covered by niche reporters. Investigative reporting also exists but is, again, very rare. Often one journalist will cover a myriad of topics due to lack of human resources. According to Abrahamyan, these reporters are often not “professionally prepared in terms of education, experience, or even research to produce specialized reporting.” However, he added that the opportunity to cover a topic that is not within one’s specialization is welcomed, as it prevents journalists from feeling limited and provides an opportunity to develop professionally. Moreover, Vardanyan emphasized the importance of having training or experience in niche reporting, as journalists often ask “generic” questions that don’t get to the heart of a specialized report.

OBJECTIVE 3: PLURALITY OF NEWS

Armenia Objective Score: 2.47

There are multiple newspapers, magazines, radio stations, and even more online news sources in Armenia, with the latter number increasing every year. The proliferation of news sources enables citizens to corroborate stories and

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

obtain different points of view. For the most part, media outlets have an official or de-facto political affiliation; however, according to Babayan, there are also outlets that try to “genuinely” provide professional coverage that presents a myriad of viewpoints in their editorial policies. Vahe Sargsyan, a political analyst and freelance journalist, confirmed that given the multitude of sources with varying points of view, Armenian citizens do not have a problem obtaining information.

Citizens’ access to domestic or international media is not and has not been restricted by law. People in large cities have greater access to a number of media sources than people who reside in villages and smaller towns. The Internet has largely bridged this gap but remains more accessible for residents in the capital. Progress has been made toward increasing rural access to the Internet, as seen with the entrance of a new major, fiber-optics, triple-play provider in the market. This provider has entered from the regions downward toward the capitol, compared with previous providers, who initiated service from the capital, which would often result in little or no coverage for rural areas. The panelists noted that Internet access should continue to improve in the months ahead as more towns and districts receive coverage.

However, the panelists noted that the cost of good-quality, stable, high-speed Internet “where accessible” is still high enough for mass consumption, but competition should hopefully bring down costs in the future. “In some villages, when people turn on the computer, it automatically logs into Skype,” according to Sargsyan. This behavior is indicative of how citizens in rural areas use the Internet. Martirosyan noted that there is potential in the market for media outlets to capitalize on, such as identifying ways to promote services other than Skype and basic communication that the Internet can provide to citizens.

State/public media, although not independent from government, have lately become open to alternative views and comments; however, the quality of coverage is disputable. According to Vardanyan, “Although the opposition hasn’t been blatantly criticized [during the presidential elections],” the state/public media outlets have cultivated an image or “impression” that this opposition “is not so serious.” He added that these state/public media outlets have employed “tricks” whereby cameramen from these outlets have reportedly shot specific protestors or audiences members to project a caricature of members of the opposition. In some instances, Vardhanyan noted, state/public media outlets have deployed camera crews before the start of a rally to “shoot the few gathered” in order to highlight low attendance.

Public media outlets do not fill the gap left by commercial broadcasters. “In Greece, people protested when their public TV was shut down because their public TV, as opposed to commercial TV, was representing their [people’s] interests and covered issues not covered by commercial TV due to their own business interests. But [in Armenia], it’s quite the opposite,” Vardanyan said. Armenian public television has not lived up to its mission of providing cultural/educational programming, given the absence of this programming on commercial stations. However, this year, according to Minasyan, public broadcasters have modified their schedule/content considerably to also include cultural/educational programming and have discontinued numerous low-quality soap operas.

Armenia has several news agencies, including ArmInfo, ArmenPress, MediaMax, Photolur, and ARKA, that sell news to television stations, embassies, etc., because these agencies include a variety of stories in their feed, as opposed to outlets that choose a piece of news according to a political preference. According to Martirosyan, “Today, it is very difficult to differentiate between an online periodical and a news agency, [even] a radio from TV.” In other words, news doesn’t sell anymore because it’s readily available online, so the agencies must seek alternative means to generate money often through different projects, such as monitoring, research, etc.

Today, it is difficult to find any outlet that would pay for news from a news service, as a large amount of news is openly available over the Internet in Armenia. Photo agencies, however, continue to sell their work. Only television stations acquire unique video footage—from Reuters, for example.

Private media produce their own news and information programming, but other outlets re-circulate content as an affiliate of a national broadcaster, as an online aggregator, or as a flagrant plagiarizer. In some instances, regional outlets, such as Tsayg TV, even manage to sell some of their programming to other outlets. However, there are many online media outlets that merely amalgamate news and information from other sources/outlets that produce their own content. These outlets also repost Facebook posts of bloggers, citizen journalists, activists, etc., which ordinary citizens often perceive as original content.

According to Abrahamyan, “The sad truth is that the outlets that produce their own content and spend a significant amount of financial and human resources” to produce original content are often “outperformed” in revenue by “parasitic” outlets that “do not produce their own content.” However, the panelists agreed that these “parasitic outlets” have decreased in number. According to Martirosyan,

In Armenia, there are no organizations that produce consistent data on circulation. Print runs have decreased dramatically, as seen with Saribekyan's *Hraparak* newspaper in Yerevan. According to Saribekyan, the "3,000 daily copies" printed are barely sold.

"parasitic outlets" have "started to produce their own content" because they are able to generate more money, but there are still "online outlets that still do not have any reporters."

Transparency of online media remains a controversial issue. On the one hand, it could be stated that active citizens and the journalistic community have a general idea of which outlet belongs to whom. And quite often this is also evident from the content produced. The nominal directors are also easy to identify. According to Vardanyan, when an outlet belongs to an LLC, it is difficult to discern ownership and more important, funding, which results in many "contesting" the outlet's transparency. On the other hand, ordinary viewers/readers often have no prior knowledge of outlet ownership and cannot judge the degree of objectivity and impartiality of a particular news piece. Moreover, there are online media outlets that do not provide any contact information whatsoever, and it is even literally impossible to determine who is in charge of these "orphan outlets," according to Martirosyan. It is also difficult to contact the outlet to address the misrepresentation of facts, he added.

Conversely, there are other types of outlets that appear to be balanced, but the panelists questioned their genuine impartiality and sources of income. According to Abrahamyan, "online platforms" have become an "open field" for journalists to promote "sophisticated propaganda," which can often mislead citizens. The panelists also noted that there has been an emergence of pseudo-oppositional online outlets as well.

Minority-language outlets exist. Newspapers are printed in Russian, Ukrainian, and Kurdish, and public radio has been airing content in Russian, Kurdish, Georgian, and other languages. A project featuring the history, culture, and religion of ethnic minorities has been launched on public television, and Minasyan's Tsayg TV has aired a "series of programs describing how each ethnic minority celebrates the New Year." However, religion (other than the traditional) and sexual orientation are delicate topics to cover, and the resistance to the inclusion of such issues in the media

generally comes from society itself, which is not ready to consume this type of coverage on a regular basis.

Overall, the media provide news coverage and information about local, national, and international issues, and citizens access local news, information about other regions of the country, national issues, and international developments. Media with a nationwide reach report on significant news from regions outside the capital. Tsayg TV provides news products to different television outlets in the capital. However, the general volume and flow of information from the regions is relatively low. Although problems and issues are more or less covered, "an average capital resident has no general idea of life in the regions," according to Martirosyan.

Armenians turn to international sources for international news, as there are few broadcasting outlets that provide news in English.

OBJECTIVE 4: BUSINESS MANAGEMENT

Armenia Objective Score: 1.94

There are very few media outlets in Armenia that operate or intend to operate as true for-profit organizations. For the most part, media outlets are set up to serve as a platform for political parties, which defy the purpose of being a self-sustainable profitable business. There are exceptions, though, and Minasyan's Tsayg TV is one such exception. Based in Gyumri, Armenia's second-largest city, Tsayg TV and radio have managed to achieve self-sustainability over the years. According to Minasyan, Tsayg TV develops business

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

plans that help secure financing and guide decisions on expenditures and personnel. Accounting and finances should be in line with the local standards to avoid problems with tax authorities. As for the international standards, few, if any, outlets employ managerial accounting, while financial accounting is used almost solely for the purpose of tax reports, Minasyan added.

The panelists raised doubt over the appropriate use of taxpayer funds by state or public media outlets—on soap operas, for example, but also for alleged pro-government news content. Public media have a guaranteed source of revenue from the state budget, but this in no way frees these outlets from political interference. Moreover, public television garners commercial advertising from the market, thereby competing with private/independent media outlets.

In Armenia, many outlets have just a few sources of planned income. For example, commercial announcements, video production, etc. are examples of other possible sources of additional income for mostly regional media outlets, aside from direct advertising. Moreover, the collection of subscription fees for television outlets included in cable networks is far from reality.

There are two major “triple-play” cable providers that carry the content of local stations but do not pay the stations in return. However, the local stations are in a good position, as the cable providers have enabled better coverage of their signal, as opposed to the free terrestrial signal.

Large advertisers indirectly influence media outlets’ content; negative news regarding an advertiser is often not covered, as outlets are naturally dependent on this income. The panelists brought forth a number of examples, including one case involving the largest telecommunications provider, which is also a prominent advertiser. The provider’s service had declined in the opinion of many customers, but this story was not reported by the media. In another case, a media outlet employee was fired for “liking” a negative comment on Facebook about a telecommunications provider.

This dependence is somewhat mitigated when/if the outlet receives the advertising through an advertising agency. It is especially true in the case of online advertising, where an advertiser pays the ad agency to place its ads on websites that are in the advertising network. Advertising agencies cooperate mostly with broadcast outlets in the capital (radio and television) and less with print.

Many companies use advertising in the media, and the largest advertisers are traditionally banks, telecommunications providers, insurance companies, etc. The advertising agencies are often “multiple-headed,” meaning that even if they participate in tenders under different company names, these

small companies basically belong to the same stakeholders. Thus, a small group of advertising agencies essentially controls the market.

Media outlets use both the services of advertising agencies and direct sales methods. Advertising is not well developed outside of the capital and major cities and is mostly concentrated in the capital. Local advertising is minimal, as the national ads/advertisers rarely reach regional outlets through ad agencies. The panelists noted that the recent establishment of a sales house could monopolize the ad market and leave the smaller outlets out of the game.

Media managers in Armenia feel pressed to use more and more ads as the only substantial source of revenue. However, they have at last come to “realize” (with the help of the advertisers) that long commercial breaks are not effective and that rather short and unexpected ad interventions can be more successful. This understanding is, of course, market driven and has never been a secret. Public media are also allowed to sell advertising, aside from being funded by the state budget. The panelists noted that news and information content are lost at the expense of entertainment programming, which generates more advertising revenue.

The government has provided subsidies for nongovernment print media since 1998. Around AMD 48 million (\$116,000) are divided among the approximately 80 print publications, including ethnic minority, regional, and children’s publications; literary journals and newspapers; and even reference books. The subsidies for regional newspapers are diminutive. For example, Pap Hayrapetyan, the editor-in-chief of *Sevan* newspaper, told the panelists that the newspaper receives around AMD 500,000 (\$1,240) annually as a subsidy. This amount is not significant enough to either subvert the editorial independence or distort the market. The average outlet receives AMD 300,000 to AMD 600,000 (\$750–1,500) per year.

In Armenia, media outlets do not use research consistently for the purpose of tailoring products to the needs and interest of the audience or to enhance advertising revenues. Moreover, research is seldom used as part of strategic business planning. High-quality market research requires substantial financial resources, and, even if accessed by the media outlets, rarely is thought to be of paramount importance. Thus financial resources are funneled elsewhere but market research. At most, the outlets conduct their own in-house research, which does not meet acceptable standards and very often is relegated to cold-call inquiries. Moreover, data are rarely analyzed, processed, or categorized according to more or less accepted professional standards. Professional third-party research is a rarity among

“In a normal country, the employer has to invest in its personnel [by paying for their training]; here they not only don’t make these investments but also don’t allow the journalists to take a leave of absence in order to attend the free trainings,” lamented Abrahamyan.

the outlets. And when conducted, it is often used by not-so-sophisticated advertisers.

In Armenia, there are no organizations that produce consistent data on circulation. Print runs have decreased dramatically, as seen with Saribekyan’s *Hraparak* newspaper in Yerevan. According to Saribekyan, the “3,000 daily copies” printed are barely sold.

The use of Internet statistics is also quite underdeveloped, as the data are rarely used to render meaningful analysis. Moreover, many online outlets, for example, monitor traffic but do not analyze audience demographics.

Armenia has two companies (AGB Nielsen and JFK) that produce television ratings data, but just for the capital city and the nation as a whole; they provide no ratings for individual regional towns. Martirosyan said that “every three months” ratings producers “give away gifts”—for an example, an iron to families “that agree to place People Meters in their homes.” Therefore, these data are inherently skewed toward working classes, according to Martirosyan, who said that “middle and upper classes” are largely left out, which incidentally are not of interest to the advertisers.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Armenia Objective Score: 2.37

In Armenia, there are no trade associations to represent the interests of media owners and managers or to provide member services. However, several professional associations work for the benefit of journalists: the Gyumri-based Asparez Journalists’ Club, the Yerevan Press Club, the Association of Investigative Journalists, and the Vanadzor and Goris press clubs. These professional associations try to promote journalism to the public through a positive lens. Their primary source of revenue is grants rather than dues/membership fees. The government imposes no legal restrictions to prevent the registration or functioning of these associations.

Among the active NGOs in Armenia that support freedom of speech and independent media are the Media Initiatives Center and the Eurasia Partnership Foundation–Armenia, which are jointly implementing a four-year Alternative Resources in Media project funded by USAID. The Committee to Protect Freedom of Expression is also active in Armenia. It works in cooperation with the media sector to promote freedom of speech and media independence. The Committee serves as a watchdog, closely monitoring violations of media freedoms. According to the panelists, some of these organizations provide legal support to journalists or media outlets.

The absence of quality journalism degree programs in Armenia continues to present challenges in professionalizing the media sector. Journalism degree programs do exist in many universities and colleges, private and public alike, but as rule these programs do not include sufficient practice-oriented training and are vastly theoretical. Therefore, young journalists who enter the profession often lack the requisite experience. According to Saribekyan, “The journalism program taught at Yerevan State University has nothing to do with today’s journalism.” He added that he is currently finishing a master’s degree program at the National Academy of Sciences and that his experience as a journalist has provided him with a better understanding of “modern journalism.” Gevorgyan went on to explain that “the professors there can’t answer simple questions pertaining to modern journalism, because they are not practicing journalists from the field.”

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Moreover, media outlets are not satisfied with the quality of graduates emerging from academic institutions in Armenia because they possess solid theoretical knowledge but lack general awareness of the current global/local/international issues. The editors also possess very little experience to professionally “process/absorb,” train, and educate young graduates.

Short-term training opportunities that would allow journalists to upgrade their skills or acquire new modern skills do exist in Armenia. But working journalists, particularly those located “in the field,” have trouble attending training courses. “In a normal country, the employer has to invest in its personnel [by paying for their training]; here they not only don’t make these investments but also don’t allow the journalists to take a leave of absence in order to attend the free trainings,” lamented Abrahamyan. However, she noted that her outlets, armenianow.com and eurasianet.org, encourage their staff to attend trainings. Babayan stated that she knew of a free week-long training but that the outlet did not have sufficient funding to pay for staff to attend, and she was not prepared to forego a week’s salary.

There are no undue restrictions on importing or purchasing newsprint, software, video equipment, etc. Printing firms are self-sufficient enough to support the media. Again, the Internet has come to replace much of this, too.

In terms of media distribution channels, the panelists recorded no major impediments during the reporting period. There are two major cable network providers in Armenia that provide “triple-play” services—UCOM and Rostelecom. According to the panelists, the situation should improve in the coming years. UCOM claimed a few years ago that its services would soon reach Gyumri, the second-largest city in Armenia. The services have, in fact, finally reached Gyumri, but they are offered only in limited locations.

Online media outlets that wish to stream live theoretically come up against problems once they receive mass traffic. Therefore, the panelists have suggested that these outlets

require their own servers, which understandably are expensive to maintain in Armenia. The Internet has seen progress, but major improvements are required to improve quality, speed, and price throughout Armenia. Reliable and fast cable connections are available mostly in cities (mainly the capital); the rural areas still vastly depend on wireless Internet, which the telecommunications companies provide.

List of Panel Participants

Gayane Saribekyan, reporter, hrparak.am and *Hraparak*, Yerevan

Nelli Babayan, reporter, *Aravot*, Yerevan

Armine Gevorgyan, journalist, haynews.am and Armenian Public Radio, Yerevan

Samvel Martirosyan, blogger, kornelij.livejournal.com; IT security expert, Yerevan

Vahe Sargsyan, expert, Armenian Center for National and International Studies, Yerevan

Pap Hayrapetyan, editor-in-chief, *Sevan*, Sevan

Ashot Gomtsyan, freelance journalist, Gyumri

Gayane Abrahamyan, reporter, armenianow.com and eurasianet.org, Yerevan

Edgar Vardanyan, expert, Armenian Center for National and International Studies, Yerevan

Margarita Minasyan, director, Tsayg TV, Gyumri

Melik Baghdasaryan, owner, Photolur photo news agency, Yerevan

Moderator and Author

Artashes Parsadanyan, independent media consultant, Yerevan

The panel discussion was convened on November 25, 2013.

Not coincidentally, street activity calmed down in the second half of 2013, coinciding with the authorities' arrest of seven members of the Nida (Exclamation) youth movement, along with a young blogger, Ilkin Rustamzade, who was organizing large-scale events on Facebook that tens of thousands of people attended.



AZERBAIJAN

In Azerbaijan, torrents of social discontent against authorities in the capital, Baku, and around the country punctuated 2013, also a presidential election year. The 2013 presidential elections were the first elections after a term limit for the presidency was lifted in 2009, allowing Ilham Aliyev to be elected for a third time. The year also marked 20 years of unbroken Aliyev family rule.

Social tension rose throughout the year, emerging in various forms of protest: civil unrest in Ismayilli, protests of traders at Sadarak Trade Center, and downtown protests linked to the non-combat deaths and suicides of soldiers. The Internet and social media proved vital tools in the organization of mass protests that took place in Baku at the start of the year. As the government has effectively monopolized control over television, radio, and print media, Internet and social media remain “the cat that walked by himself” (in the words of Ali Hasanov, chief of the Socio-Political Department of Aliyev’s administration). Not coincidentally, street activity calmed down in the second half of 2013, coinciding with the authorities’ arrest of seven members of the *Nida* (Exclamation) youth movement, along with a young blogger, Ilkin Rustamzade, who was organizing large-scale events on Facebook that tens of thousands of people attended.

In this increasingly restrictive environment, independent media continue to struggle. Previously the laws were generally fair and the problems existed mostly in practice, for example through lax enforcement, low-level pressure, and the occasional arrest of outspoken journalists. Now, the government is taking steps to change the laws to secure tighter control over media. A law on defamation is still pending in the parliament, accessing foreign donor funding has become problematic, and court decisions continue to disfavor journalists.

Journalism continues to be a dangerous profession in Azerbaijan. The non-governmental Media Rights Institute (MRI) counted nine journalists and two bloggers in jail by the close of 2013. In all, five journalists and bloggers were arrested in 2013: four await court rulings; one has already been sentenced for nine years in jail.

In this year’s MSI, all objective scores fell substantially. The most dramatic change was in Objective 3, Plurality of News. Last year this objective was the only one to score in the “near-sustainability” range. It lost almost an entire point as many once-critical (if often partisan) voices adopted self-censored approaches for the sake of self-preservation. Although panelists agreed that the media’s professionalism has been helped by short-term training and capacity-building programs implemented by local and international organizations, the deteriorating situation has hurt professionalism overall; Objective 2’s score fell by half a point as a result. Although NGOs exist to support and protect rights for local media, they proved unable to prevent journalists from being jailed; Objective 5’s score dropped off by nearly two-thirds of a point due to this situation.

AZERBAIJAN at a glance

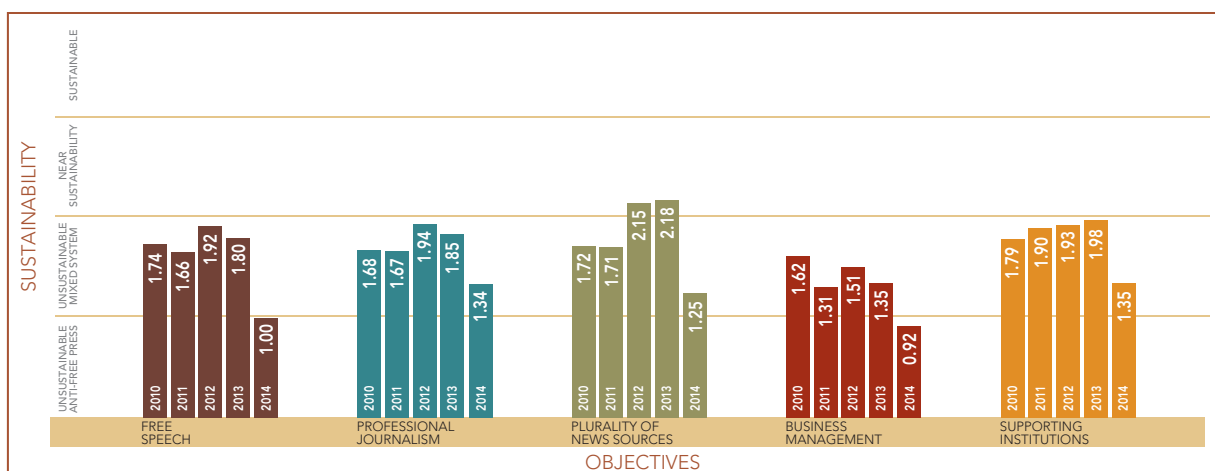
GENERAL

- > Population: 9,686,210 (July 2014 est. *CIA World Factbook*)
- > Capital city: Baku
- > Ethnic groups (% of population): Azerbaijani 91.6%, Lezgian 2%, Russian 1.3%, Armenian 1.3%, Talysh 1.3%, other 2.4%. *Note: almost all Armenians live in the separatist Nagorno-Karabakh region (2009 est. CIA World Factbook)*
- > Religions (% of population): Muslim 93.4%, Russian Orthodox 2.5%, Armenian Orthodox 2.3%, other 1.8%. *Note: religious affiliation is still nominal in Azerbaijan; percentages for actual practicing adherents are much lower (1995 est. CIA World Factbook)*
- > Languages (% of population): Azerbaijani (official) 92.5%, Russian 1.4%, Armenian 1.4%, other 4.7% (2009 est. *CIA World Factbook*)
- > GNI (2012-Atlas): \$57.86 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$9,310 (World Bank Development Indicators, 2013)
- > Literacy rate: 99.8%; male 99.9%, female 99.7% (2010 census)
- > President or top authority: President Ilham Aliyev (since October 31, 2003)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: 36 dailies, 100 weeklies, 85 monthlies; Radio Stations: 9 AM, 17 FM; Television Stations: 23 (9 broadcasting nationwide, 14 regional)
- > Newspaper circulation statistics: Most widely read publications are the opposition newspapers *Yeni Musavat* and *Azadliq*
- > Broadcast ratings: Top three television stations: ANS-TV, Azad TV, and Khazar TV (AGB/Nielsen)
- > News agencies: Turan, Trend, APA, Day.Az, and 1news.az (all private); Azertaj (state-owned)
- > Annual advertising revenue in media sector: Newspapers: about \$1 million; Television: approximately \$30-\$40 million (author estimates; figures are not publicly released)
- > Internet usage: 2.42 million users (2009 *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscores.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Azerbaijan Objective Score: 1.00

All indicators under Objective 1 experienced much poorer evaluations by panelists this year. The only indicators that scored anywhere near the “near-sustainability” level of 2.00 were indicators 8 (access to and use of sources of news) and 9 (entry into the journalism profession); even these indicators, which had previously scored solidly in the 2.00 to 3.00 range, fell off by about a point each.

The constitution protects the freedom of speech, with a provision stipulating that in freedom-of-speech cases, courts should refer to the European Court of Human Rights. There is also a separate law on access to information. And yet, the tendency to restrict media, even within the bounds of the law, continued in 2013.

According to Qulu Meherremli, the freedom of speech and access to information in Azerbaijan is fragile and sometimes depends on the will of authorities. Moreover, he added, violations of the freedom of speech do not spur outrage in society.

In terms of broadcast licensing, the National Television and Radio Council recently declined to renew the license of a local station in Zagata, Aygün TV. The station director claimed that the Council had asked to buy the station; it

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

refused and apparently lost its license as a result. Alasgar Mammadli said that the Council did not grant any new licenses to television stations in 2013; in addition, no FM radio stations were able to register in the regions of Azerbaijan. The law on cable television has not yet been adopted, and for now the National Television and Radio Council issues licenses for cable television.

Altay Goyushov of Baku State University, a blogger, said that precisely because television plays a major role in shaping public opinion, the authorities are not interested in making the licensing process fair and competitive. Government pressure is typically highest on media with the greatest audience impact. Therefore, placement of print advertisements, television licensing, and print media distribution networks all are used by the government as pressure points on the media.

The tax code exempts media, but not advertisements, from value-added tax (VAT). However, all technology and equipment is subject to 18 percent VAT at customs. The authorities, however, use taxes as a tool at their discretion to punish media. According to Shahveled Chobanoglu, of *Azadliq*, taxes are high enough that it can be difficult for media outlets to be profitable in Azerbaijan. But overall, there is no separate pressure on media in terms of taxes.

When it comes to market access, printing houses also face pressure from taxes. Qanun Printing House, for example, was audited and heavily fined. Qanun allegedly angered the authorities after printing election campaign materials (posters, flyers, etc.) of the main opposition's candidate, Jamil Hasanli.

As 2013 was an election year, many protests took place in Baku and certain regions, and some journalists were subjected to physical violence. On some occasions, in the regions of Saatli and Sabirabad, as well as in Baku, journalists faced police brutality, which went uninvestigated.

Khadija Ismayilova, an investigative journalist, emphasized the fact that Azerbaijan still has state media, despite prior commitments to abolish it after a public television service was established. She noted a new practice introduced in 2013: all private television channels and newspapers now have an assigned “censor,” a person sent by the president's office to exercise “quality control.” Recently, a journalist (Natig Javadli of *Bizim Yol*) and a “censor” were dismissed after an article that displeased the authorities made it into print.

After leadership changed at Ictimai TV (one of the public broadcasters) in 2013, more than 70 of its journalists were dismissed. Alasgar Mammadli said that AzTV (the state

Khadija Ismayilova, an investigative journalist, emphasized the fact that Azerbaijan still has state media, despite prior commitments to abolish it after a public television service was established. She noted a new practice introduced in 2013: all private television channels and newspapers now have an assigned “censor,” a person sent by the president’s office to exercise “quality control.”

television channel) functions basically without any base law regulating its programming.

Despite the commitment set by the National Action Plan on Protection of Human Rights to develop a legislative initiative to decriminalize defamation by 2012, a law on defamation was still not adopted in 2013. On February 22, 2013, the Supreme Court adopted a decision recommending that Milli Majlis (the parliament) amend the articles related to libel and insult. The parliament kept defamation as a criminal offense and also increased provisions for damages awarded almost tenfold.

Later, in June, the president signed a law that criminalized defamatory and offensive views posted on the Internet as well. The law made it possible to launch criminal charges against online activists who post such statements and to sentence them to as many as three years in prison.

Damages run very high in civil court cases. According to the law, in civil courts the burden of proof is on the journalist; in criminal cases claimants should have to prove that a crime occurred. In reality, according to Ismayilova, it is often the other way around when it comes to civil cases. When Ismayilova sued the pro-government newspapers *Yeni Azerbaijan* and *Iki Sahil* after they published insulting content about her, the court ruled that she must prove that the statements were untrue rather than the defendants proving the truth behind their statements. Thus, court decisions can be highly partisan.

According to 2012–2013 statistics by MRI, government representatives and civil servants accounted for more than 80 percent of people who sued for libel. The rest were primarily businesses or other individuals linked to the authorities in some way.

Regarding access to information, the panelists agreed that the situation has worsened dramatically. In fact, almost all information of public interest held by state agencies is closed. According to MRI statistics, out of 105 inquiries it made in 2013 to public agencies, they did not receive a single response in the manner prescribed by law.

Furthermore, ANS reporter Elnara Mammadova complained that a new system of inquiries designed by e-government initiatives has critically reduced journalists’ ability to report instantly. The new arrangement provides that everything is handled electronically, and within 48 hours the relevant public agency should respond to an inquiry. This gives an advantage to the print media, which tend to have longer turn-around time for publication.

The government is particularly protective of financial matters. “When the issue is money, they become particularly reactionary,” said Chobanoglu. He added that government bids are not transparent; the winners and losers of the bids are not announced or published, as required by law. According to Zahir Amanov, of *Cenub Xabarlari* (*Southern News*), the problems experienced in Baku plague the regions even more gravely. For instance, there is no information regarding financial allocations to local government budgets, and no one knows what kinds of decrees local government executives issue.

On a positive note, though, Ismayilova mentioned that in the past year, the Ministry of Finance has offered more information on its website. But changes to laws and other problems overshadowed the few positive developments in this realm.

Two NGOs—MRI and Multimedia Center—have been monitoring the transparency of information online since 2006. In terms of access to information, both pointed recently to a slight increase in terms of openness. The only exceptions are matters concerning budgets and government tenders, which continue to be more opaque. The panelists also commented on the limited access to the president; journalists were not able to interview him in 2013.

The panelists agreed that generally journalists are able to use the Internet freely, including to access foreign sources. Occasionally, though, websites are blocked, and there are some legal limitations to citizens’ access to media. Radio Liberty, VOA, and BBC have been banned in Azerbaijan. Additionally, satellite opposition channels are being jammed. There is also an informal ban on the re-translation of foreign television and radio in Azerbaijan. In Nakhchivan, the government banned cable television.

In terms of access into the journalism profession, new legislative changes stipulate that editors-in-chief should be

highly educated people. Furthermore, it is still the case that only state universities have journalism departments. The tendency is for the government to exert greater control over journalism through education and editorial staff.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.34

Like Objective 1 above, every indicator suffered a loss in score this year. Only indicator 7 (technical facilities and equipment) stood out for receiving a score that is noticeably higher than the objective average.

The panelists generally agreed that despite some positive strides, particularly with independent media, professional deficiencies still exist among many of Azerbaijan's journalists. They believe that persistent problems with professionalism emanate from general pressure on the media, advertising bans, and distribution impediments, as well as the poverty in the field. As a result, many journalists leave the industry and move on to businesses or to government public relations and press offices.

The state's reluctance to provide information, detailed in Objective 1, also hampers journalists' efforts. It sometimes prompts journalists to publish reports without verification by government sources, which leads to libel claims against journalists. Journalists representing opposition media or undertaking investigative projects have particular difficulty finding sources to verify information on the record.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

According to Mehman Aliyev, director of Turan News Agency, self-censorship has increased, not only for journalists but also for online social media activists.

According to Chobanoglu, the problem lies not with professionalism per se, but in the serious, inherent lack of freedom that confines journalists. To support his claim, Chobanoglu brought up a comparison of government and opposition media circulation figures. Approximately 40 to 50 people watch programs on APA TV, a professional pro-government online television channel, whereas the audience of the "primitive and humble" opposition *Azerbaijan Saati* program on a Turkish television station is 20,000 to 30,000 people, he said.

It seems that in part, at least, the authorities use the discourse of "unprofessional journalism" as an excuse to pressure journalists and also as a response when they are criticized for violating the freedom of expression. Furthermore, Gulu Meherremli, of Baku State University's Department of Journalism, estimated that 90 percent of media do not comply with professional norms, because journalists are ordered to write stories from a partisan perspective. Alasgar Mammadli, a media lawyer with IREX-Azerbaijan, stated that there are no media, neither opposition nor government, in Azerbaijan capable of covering all sides of a story objectively.

The Press Council, the largest media organization, has adopted ethical standards in the form of a Code of Conduct developed with assistance from the Organization for Security and Co-operation in Europe (OSCE). However, the Press Council has applied it selectively. The cases that Khadija Ismayilova and Rustam Ibragimbekov brought to the Press Council did not receive a response. At the same time, Avaz Zeynalli, editor-in-chief of the opposition *Khural* newspaper, was blacklisted after a complaint against him.

The panel emphasized the frequency of ethical lapses in stories on television and print media, particularly media's violation of the presumption of innocence (such as showing handcuffed accused persons), as well as disclosing the names and identities of victims of violence or trafficking. Ismayilova said that even media with reputations for professionalism display such problems. The lack of financial resources, which forces journalists to produce news and stories faster and less responsibly, is also a factor. Another practice that undermined ethical values in 2013 was the president's

Amanov commented, "Soon, we will be giving money on top of the newspaper to make people read it."

decision to give houses to some journalists—a practice seen as a sweetener to "constructive" journalists.

Self-censorship is a serious problem that is escalating significantly, as journalists constantly face the fear of harassment, physical abuse, and death. According to Mehman Aliyev, director of Turan News Agency, self-censorship has increased, not only for journalists but also for online social media activists. Goyushov emphasized that journalists resort to self-censorship when covering societal issues, not just the government. He claimed that there are issues and topics (related to history, religion, etc.) that he is reluctant to discuss openly in social media, due primarily to the public's possible reaction.

The panelists agreed that television and professional media do not feel free to cover all issues. Blogs and social media tend to stretch a bit further to cover controversial issues. Still, the fear of repercussions holds online journalists back as well; for instance, Facebook users tend to avoid "liking" some of the more critical content on the Web (e.g., anything about President Aliyev or his family), although they will venture to "like" milder criticism.

Salaries remain very low, both for opposition and government media. The panelists feel they are insufficient to keep journalists out of corruption. Furthermore, the panelists believe that government media representatives are paid unofficial (unaccounted) money on the top of the salaries.

Estimates suggest that entertainment programs have significantly replaced news and information programs for both radio and television. Radio Liberty stands out as an exception.

Turan Information Agency offers various specialized news content. However, it seems that there are few specialized journalists, and reporters mostly rely on the opinions of experts.

There are notable investigative journalists in Azerbaijan. In fact, the RFE/RL-Azerbaijani Service correspondents Khadija Ismayilova and Nushabe Fatullayeva, along with journalists Pavla Holcova and Jaromir Hason, won the 2013 Global Shining Light Award for their work in exposing questionable business deals involving the family of President Aliyev.

OBJECTIVE 3: PLURALITY OF NEWS

Azerbaijan Objective Score: 1.25

Objective 3 also saw every indicator lose ground this year. Only indicator 2 (citizen access to media) scored more than half a point higher than the objective score; it still fell short of breaking into the "near-sustainability" range by about a quarter point.

There is plurality of media, but generally more in terms of quantity than quality and diversity of news sources. The Internet offers the most in terms of plurality, followed by print media. Television and radio broadcasters are the least diverse sources of opinion or content. Amanov also mentioned that readers now appear more interested in scandalous, political news about official figures rather than news about culture or history.

The law does not restrict citizens' access to domestic or international media. The limitations tend to be more of an economic and administrative character; the Internet, for example, is expensive: 1 gigabyte costs AZN 3 (\$4). Internet illiteracy is also still a big problem for the majority of citizens in Azerbaijan.

Newspaper sales have been banned in the metro. In the rural areas, there are very few places to buy newspapers and many citizens cannot afford them. Amanov commented, "Soon, we will be giving money on top of the newspaper to make people read it." He added that newspaper kiosks now

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

operate as a “library,” where people borrow a newspaper for a small amount (10 qepik), read it, and return it the next day.

State and public media do not reflect the views of the entire political system, the panelists said. In fact, there is no difference in the approach between state and public television stations and radio stations. There is only one public television and radio (ITV), and state television (AzTV) was expected to have been closed down based on Council of Europe commitments. However, now it turns out that there are two state-funded channels: AzTV and ITV. Both of them favor the authorities and neglect opposition political forces. State and public media do not fill the gap by providing longer public-affairs programs and in-depth reporting.

There is only one independent information agency, Turan News Agency. Local news stations typically do not use foreign information agencies. An important development is that foreign news agencies’ offices have been closed in the country, and their stringers are linked to the government of Azerbaijan—because otherwise the government does not give information to them.

In terms of producing news, ANS TV, Khazar TV, *Azadliq* newspaper, and Radio Liberty all create their own content.

Media ownership used to be more transparent because previously information about owners was public. Under the current law, it has become much more difficult to find this information, leaving people for the most part to guess at an outlet’s owner. Ownership became a commercial secret according to the law. However, there are no major corporations that own media, and there is zero foreign capital investment in media.

Broad information and news can be found in the Russian language, although less in Talysh, Lezgi, and Kurdish. Usually, the media are tolerant of minorities. *Talyshi Sado*, a Talysh-language newspaper, is not printed now but does have a website. There are some other minority-language media outlets, which are pro-government with small readership.

The distinction between local and national news is not very clear in Azerbaijan. In fact, journalists in Baku always report on regional news. Amanov, from Masalli, said that coverage of news from the regions is extremely challenging. According to Khalid Agaliyev, of the Media Rights Institute, the government feels threatened by some of the news sources that exist in the regions of Azerbaijan. ANS closed down regional offices in 2013, which can probably be explained by the unrest in the regions. The panelists also underscored the fact that there is no live broadcasting from the regions.

According to Mehman Aliyev, “After the abolition of political censorship, economic censorship was quietly introduced in the country.”

OBJECTIVE 4: BUSINESS MANAGEMENT

Azerbaijan Objective Score: 0.92

Of all the objectives in this year’s MSI, Objective 4, which measures the media’s economic health, fared the worst. Most of the indicators suffered a significant drop in score, with only indicators 6 (market research) and 7 (audience measurement) remaining more or less static.

Agaliyev noted that it is rather difficult to calculate the income of media organizations because, for the most part, their business is not transparent. According to Mehman Aliyev, “After the abolition of political censorship, economic censorship was quietly introduced in the country.” This form of pressure included the destruction of the foundations of economic independence of the media, making them financially dependent on the state authorities. Its hallmarks include the authorities’ full control over the advertising market, a dismantling of the system of distribution of printed editions, and the increase in printing prices, Aliyev said.

Mammadli said that last year, the state allocated AZN 80 million (\$102,000,000) to the media. Of that sum, approximately AZN 8 million (\$10.2 million) went to private

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

companies (around AZN 800,000, or \$1 million, for each private television station). Additionally, AZN 15 million to AZN 20 million (\$19.1 to \$25.5 million) was spent on distributing apartments to journalists and AZN 5 million (\$6.4 million) on grants to media from the State Media Support Fund. Both opposition and government media received apartments and grants, but as noted earlier, the program was used as a way to reward journalists friendly with the government. International grants also infused some additional support into the field.

The estimated advertisement market volume in Azerbaijan is AZN 50 million (\$63.7 million), which is less than the amount the state provides.

Mehman Aliyev commented, "According to the international standard for the media advertising market, which estimates the degree of stability and the free development of the media, the amount of media advertising should not be less than 1 percent of a country's GDP. In Azerbaijan, this figure has remained at just over 0.1 percent over 10 years. It is noteworthy that media advertising in 2006 totaled \$25 million, with a GDP of \$20 billion; in 2012, it was about \$109 million, with a GDP of \$75 billion. Maintaining this relationship with more than a three-fold increase in GDP is one proof of external control over the market. It should also be noted that the ratio of print and online media to television and radio advertising in developed countries was at the level 50:50, with only minor deviations. Recently, the balance has naturally tilted in favor of the first group, especially the Internet. In Azerbaijan, the imbalance of this ratio is high—the television and radio advertising market is 13 times higher than the market of online advertising and print media (\$100 million to \$9 million.) In addition, it is necessary to take into account that advertising typically flows only to government and pro-government media. On average, one print and online edition takes in \$35,000 a year without deducting taxes, which usually eats about 40–50 percent of the total revenue, despite the fact that practically the vast majority of them are not profitable."

The advertisement market is miserable, especially in the regions. There is no market competition, so businessmen can take advantage of the media in the realm of advertising. However, some businessmen complain that after paying for advertising, this display of wealth can make them a target for local authorities, who then harass them to pay bribes.

The major source of revenue for newspapers is in sales, although some funds come from the State Media Support Fund. However, this fund does not support regional newspapers. Proceeds from sales of newspapers are also affected by the ban on sales inside metro stations, which happened in 2013.

SIAR and McCann Erikson companies have done ratings for local television stations, which the president's administration references. According to those ratings, only 12 to 15 percent of the population watches Azerbaijani television channels. Turkish channels come in first, followed by Russian television channels.

Statistics on use of other media is suspect. For example, the increase in Internet use is real, but not at the level and speed announced by the government. For instance, the government claims that around one million secondary school students are Internet users, as all schools have Internet connections. But in fact, the panelists said, Internet use in the schools is very limited.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Azerbaijan Objective Score: 1.35

Objective 5 received the highest score of the five objectives this year, but like the other objectives it fell dramatically compared with last year. And, despite its place as the leading objective, it still is in the bottom half of the "unsustainable, mixed system" score category. Only indicators 3 (supporting NGOs) and 5 (short-term and in-service training) did not experience a lower evaluation by the panelists this year: they remained about the same and achieved scores a little more than a full point higher than the objective did overall.

The Press Council works under the full control of the presidential administration, although it is supposed to be an independent journalists' association. There are no efficient,

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

functioning associations for journalists. The Press Council is dominated by pro-government newspapers and news agencies and defends the government's line. According to Ismayilova, the Press Council does not defend journalists; on the contrary, it assists the government in persecuting them. In the case of Avaz Zeynalli, editor-in-chief of *Khural*, the Press Council included him on a blacklist of journalists accused of racketeering. Additionally, the Press Council appealed to the Anti-Corruption Department to investigate Zeynalli's activity. Zeynalli was arrested in 2011 and charged with racketeering, intimidation, and forcefully demanding money. In 2013, he was sentenced to nine years in prison. Human-rights defenders agree that this was a fabricated case and that Zeynalli was persecuted due to his harsh criticism of the authorities.

NGOs that stand for media rights are doing a great job, according to the panelists. MRI and the Institute for Reporters' Freedom and Safety (IRFS) stand out as the most visible and active NGOs. MRI is providing legal aid and defense, as well as trainings for journalists in media law. IRFS does campaigning and advocacy work, as well as promotes new media.

However, they are able to operate only in the capital, Baku, as there are not enough resources to cover the entire country. Additionally, there is growing pressure from the authorities on NGOs that also operate in the regions.

There are no solid academic programs to train well-qualified journalists. Universities do not comply with current global standards, the panelists said. Furthermore, the government banned journalism departments at private universities, and now only a couple of state universities have either journalism departments (Baku State University) or journalism chairs (Baku Slavic University, the University of Languages). Panelists pointed to this as a sign of further tightening of government control over education, as quality journalism in the context of shrinking freedoms presents a bigger threat to the political establishment.

According to journalist Aynur Elgunesh, the university professors instructed journalism students not to attend trainings of the Dutch Journalism School in Baku, due to the fact that the students learn professional skills that are not taught at the university—thereby challenging the university's old and unqualified professors.

On the other hand, panelists gave good reviews of the availability of training for current journalists. These, however, are mostly supported with international donor funding and their sustainability is questionable should those donors be unable or unwilling to continue operating in Azerbaijan in the face of government restrictions on their activity.

Although the government's attitude toward licensing of print media seems to be liberal, there were cases when the authorities closed down newspapers and printing companies before 2013.

There are only 500 villages out of 4,000 that have access to broadband Internet. Fifty-three percent of the population is rural, and almost half of them cannot access good-quality Internet. Therefore, more than half of the country does not have access to alternative information online and on social media. Some may argue that the rural population in the villages can go online using mobile Internet platforms; however, the infrastructure for mobile Internet is not yet well developed. Even 3G is not available throughout the country for all the mobile Internet providers.

List of Panel Participants

Khadija Ismayilova, freelance investigative journalist, Baku

Shahveled Chobanoglu, reporter, *Azadliq*, Baku

Gulu Meherremli, professor, Department of Journalism, Baku State University, Baku

Khalid Kazimov, director, Regional Human Rights and Media Center, Baku

Elnara Mammadova, news anchor, ANS TV, Baku

Vusal Behbudov, democratization officer, Organization for Security and Cooperation in Europe, Baku

Alasgar Mammadli, media lawyer, IREX, Baku

Altay Goyushov, Facebook blogger; history professor, Baku State University, Baku

Tahmina Tagiyeva, Baku coordinator, Meydan TV, Baku

Gulnur Kazimova, reporter, Radio Liberty and Ganca.az, Ganja

Khalid Agaliyev, program director, Media Rights Institute, Baku

The following panelist submitted a questionnaire but was unable to attend the panel discussion:

Mehman Aliyev, director, Turan News Agency, Baku

The following panelist attended the panel discussion but did not submit a questionnaire:

Zahir Amanov, founder and senior editor, *Cenub Xabarlari* (*Southern News*), Masalli

Moderator and Author

Rashad Shirinov, independent political analyst, Baku

The panel discussion was convened on March 13, 2014.

The MSI panelists expressed the opinion that, overall, the media sector is less polarized and balance is more visible.



GEORGIA

Shortly before the October 2013 presidential elections, then-Georgia Prime Minister Bidzina Ivanishvili invited 16 journalists to his private residence in Tbilisi. During the lengthy meeting, he scolded the journalists for “dilettantism” and irresponsibility—sparking indignation from the media community.

Ivanishvili had long taken an interest in the media: his family owned the television station Channel 9. Yet in the run-up to the vote, just one year after the station launched, Ivanishvili closed it down, leaving hundreds of its employees in the lurch. Ivanishvili explained this move by arguing that politicians should avoid bias and not be linked closely to media outlets. However, after the elections that brought Ivanishvili’s handpicked successor, Giorgi Margvelashvili, to power, Ivanishvili retired from politics.

Back in 2012, parliamentary elections resulted in significant changes in media ownership and editorial policies, bringing a new, almost unheard-of competitiveness to the market. Throughout 2013, media members maintained the status quo while thinking about how to re-orient the media following the presidential election—a question that remains open-ended for 2014.

The media’s biggest regulatory news in 2013 related to the reform of the Georgian Public Broadcaster (GPB). Civil society groups helped advance a bill, which the parliament approved, to transform the composition of GPB and turn state-owned Adjara TV into a public broadcaster. Nestan Tsetskhladze, editor-in-chief of Netgazeti.ge, said that the new legislation is “major progress. Journalists are not state servants anymore. And the country does not have Adjara State TV, which is a big step forward.”

Compared to 2012, when audiences needed several media sources to gain a balanced picture, today the media present more diverse perspectives. “Must-carry, must-offer” regulations for cable networks under the Law on Broadcasting also improved access to diverse media. Another amendment to the law requires broadcasters to publicize their revenue sources and track the potential spending of “political” money on media. The MSI panelists expressed the opinion that, overall, the media sector is less polarized and balance is more visible.

Reflecting these improvements, the overall MSI score went from 2.15 to 2.63—Georgia’s highest score in years. The climb is substantial enough to take Georgia’s media over a major threshold, landing solidly in the “near-sustainability” category. Business management continues to be a weakness, but that category has been some improvement as well (2.29 compared to 1.61). The advertising market and distribution channels have been de-monopolized, state control over editorial policy has loosened, and media professionals are participating increasingly in the decision-making process—all of which are stimulating adoption of new regulations. The regulations have fostered a healthier business environment in the media sector and created an impetus for greater pluralism and freedom of expression.

GEORGIA at a glance

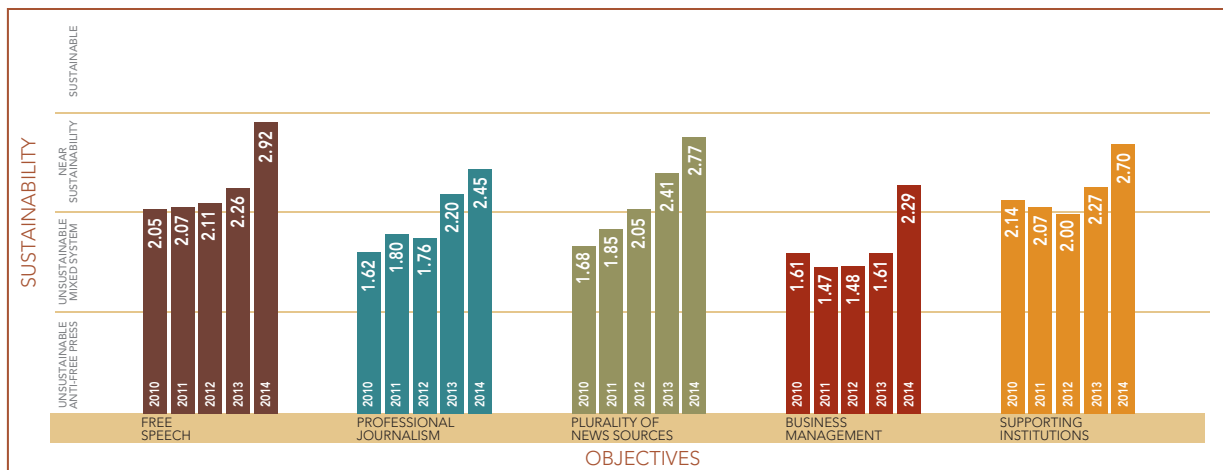
GENERAL

- > Population: 4,935,880 (July 2014 est., *CIA World Factbook*)
- > Capital city: Tbilisi
- > Ethnic groups (% of population): Georgian 83.8%, Azeri 6.5%, Armenian 5.7%, Russian 1.5%, other 2.5% (*CIA World Factbook*)
- > Religion (% of population): Orthodox Christian 83.9%, Muslim 9.9%, Armenian-Gregorian 3.9%, Catholic 0.8%, other 0.8%, none 0.7% (*CIA World Factbook*)
- > Languages (% of population): Georgian 71% (official), Russian 9%, Armenian 7%, Azeri 6%, other 7% (*CIA World Factbook*)
- > GNI (2012-Atlas): \$14.76 billion (*World Bank Development Indicators*, 2013)
- > GNI per capita (2012-PPP): \$ 5,770 (*World Bank Development Indicators*, 2013)
- > Literacy rate: 99.7% (male 99.8%, female 99.7 %) (2011 est., *CIA World Factbook*)
- > President or top authority: President Giorgi Margvelashvili (since October 27, 2013)

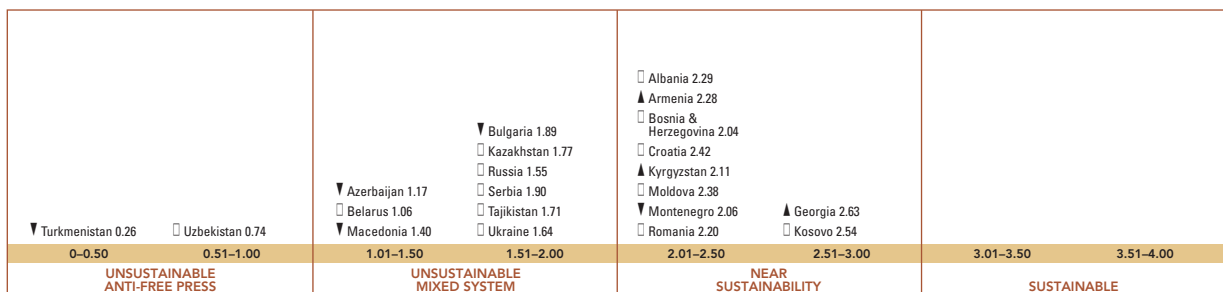
MEDIA-SPECIFIC

- > Number of print outlets, radio stations, television stations: Print: 48 newspapers, 18 magazines; Broadcast: 67 television (44 terrestrial, 23 satellite), 56 radio, 1 radio-television. (Media.ge)
- > Newspaper circulation statistics (total circulation and largest paper): *Rezonansi* (4,000–5,000 daily), *24 Saati* (4,500 daily), *Kviris Palitra* (55,000 weekly) (individual newspaper claims)
- > Broadcast ratings: Highest rated in Tbilisi six largest other cities are Rustavi2, 4.56%; Imedi, 3.51%; Maestro, 1.41% (TV MR GE, Licensee of AGB Nielsen Media Research)
- > Annual advertising revenue in the media sector: The estimated revenue of the television advertising market is approximately \$38 million (not including political and state ordered TV advertisements); unknown for print and radio (TV MR GE, Licensee of AGB Nielsen Media Research)
- > News agencies: info 9, Black Sea Press, Iveroni, NovostiGruzia, Sarke, Interpressnews, Iprinda, ItarTass, Kavkazpress, Media News, Prime News, Prime Time News, Pirveli, Georgian Business Consulting News, Georgian HotNews, GeoNews, Expressnews, World Sport, ambebi.ge, Business Press News, Droni.ge, epn.ge, Saqinform (www.yellowpages.ge)
- > Internet usage: 1,395,348 (Georgian National Communications Commission, November 2012)

MEDIA SUSTAINABILITY INDEX: GEORGIA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorers.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Georgia Objective Score: 2.92

Georgian media regulations are generally liberal, and the new government has taken steps to improve them further, panelists said. The score of 2.92 for this objective shows the momentum towards the more favorable media environment—free of state control—that seemed so distant in previous years.

As noted above, the groundbreaking changes to GPB mark great progress in this objective.¹ Zviad Koridze, a freelance journalist and board member of the Georgian Charter of Journalistic Ethics (GCJE), co-authored the GPB bill. He said that the most significant achievement of the law is the quota system for the selection of the candidates, intended “to protect the interests of different political parties. In previous years, board members were nominated by the president to the parliament, which was electing candidates they favored by majority vote.”

According to the existing rules for selecting board members, the president chooses three candidates for each of the 15 seats on the board, and parliament approves one of those three candidates. The draft amendments envisage reducing the number of board members from the current

¹ “Parliament confirms amendments to Law on Broadcasting.” Civil.ge, June 1, 2013. <http://www.civil.ge/eng/article.php?id=26136> (Accessed March 2014.)

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Most panelists said that one of GNCC’s most positive moves has been a series of round-table discussions held with media representatives, indicating the commission’s willingness to start the digitalization process.

15 to 9, allowing board members a six-year term, and excluding the president from the process of selecting board members. Three candidates will be selected through open competition, three by the parliamentary majority, and three by other members of the parliament. The amended bill went into effect on January 1, 2014, while the elections of the members of the board of trustees are ongoing.

An elections code amendment, improving media practices at voting sites, was another significant event of the year. The new law allows a journalist to stay on the voting site throughout the voting day, instead of being required to leave the site unless the journalist decides to stay inside the site for the entire day. The previous government had imposed this practice.

In 2013, Georgian National Communications Commission (GNCC) renewed the discussion of the country’s digitalization of terrestrial broadcasting. The switchover was long kept secret by the previous government, according to Kavkasia TV Director Nino Jangirashvili. “All the talks were taking place behind the closed doors in Irakli Chikovani’s office [ex-head of GNCC],” she said. The switchover, initiated in 2006, is supposed to take place by June 2015.

Most panelists said that one of GNCC’s most positive moves has been a series of round-table discussions held with media representatives, indicating the commission’s willingness to start the digitalization process. However, some panelists that also represent broadcasters expressed concern that GNCC still has no implementation strategies. Natia Kuprashvili, director of the Georgian Regional Broadcasters Association, said that very little time is left, and that this will affect fairness with market competition and with distribution of frequencies. Mako Gogoberidze, coordinator of the Media Support Program at Open Society Georgia Foundation, agreed that the commission lacks capacity. “GNCC, when freed from political influence, acquired more freedom than it should have according to the law; that’s why it is unable to make any tangible decisions,” he said.

The panelists reported on recent court cases concerning the media. Ia Mamaladze, director of Guria News Publishing House, mentioned a court case won by the company. It sued

Tsetskhlaze said that several freelancers were refused accreditation during the elections, on the basis that they were not affiliated with any of the registered media sources.

for amendments to the Law on Political Parties and Political Coalitions, and as a result, media entities no longer must submit financial documents to the State Auditing Agency 24 hours after advertisement space is ordered. This amendment “eased the media’s way of making commercial deals for political advertising,” Mamaladze said.

Ekaterine Tsimakuridze, coordinator of the Georgian Media Legal Defense Center, brought up a contentious case regarding a public broadcaster’s illegal financing. Apparently, the government allocated GEL 120,000 (\$69,200) from government reserve funds to broadcast the presidential inauguration. Tsimakuridze explained, “According to the Georgian Law on Broadcasting, an administrative body is not eligible to purchase the service from the public broadcaster. The only exception is social advertising and spreading information significant to public interest. The only condition under which the budget of an administrative body can be used is when such a purchase is planned in advance. This did not occur in this case.”

Most panelists agreed that attacks on the press were much less prominent in 2013 compared with 2012, when frequently journalists were caught up in clashes and injured. However, some members of the press were intimidated and there were a number of attempts to blackmail media members last year. Panelists said that law enforcement has not paid significant attention to these cases, and many of the investigations from 2012 have stalled.

The government does not always uphold existing laws, as seen in some cases in which journalists were mistreated and authorities failed to safeguard privacy rights. For example, during a series of police raids in August 2013, police searched journalists of Tabula TV and destroyed all the footage that they found. Dima Avaliani, a journalist from Tabula magazine, stated that on the second day of the raids, Ministry of Interior authorities told publication staff that its investigation showed no evidence that the raids violated the law.

Coverage of the presidential election day did not proceed without incident, either. For instance, Gela Mtvlishvili, director of the Kakheti Information Center, recalled that while covering the elections, he was forcefully ejected from

the voting site on charges of photographing electoral lists. During the panel, Mtvlishvili claimed that he was keeping distance, as is written in the law, and authorities did not provide a proper explanation for his removal, nor did law enforcement perform a follow-up investigation of the case.

Commenting on Mtvlishvili’s experience, Koridze said, “This is an important case that confirms once again that there was no investigation, and this case never reached the court. This has been a constant topic of discussion for years. So far, none of the cases that explicitly tampered with journalists’ work or crimes against journalists have reached the courts. Even with the supposed end of political control over the judiciary, despite the supposed greater freedom of the courts, court hearings of journalist cases have still not taken place.”

In all, the Georgian Young Lawyers’ Association submitted 39 cases to the Chief Prosecutor’s Office. The majority of the cases were left over from before the 2012 parliamentary elections, Tsimakuridze said. “And in none of these cases are the investigations complete,” he added. “Thirteen of them were misclassified under an article different from the one that addresses purposeful interference with journalists’ work. This is the problem; the Chief Prosecutor’s Office was unable to make judgments due to its inability to classify the cases under the right article.”

The year 2012 ended with the detention of Nika Gvaramia, who is the director of Rustavi 2 TV and was a Saakashvili government minister until the end of 2009. Gvaramia was charged with providing assistance in bribery, money laundering, and false entrepreneurship. He was released on bail shortly thereafter, and after almost a year of investigation, he was acquitted in 2013.

In September 2013, right before the October presidential elections, the acting director of GPB canceled two political television talk shows. The talk show hosts, Eka Kvesitadze and David Paichadze (a journalist with Georgian Public Broadcaster Radio and an MSI panelist), were perceived to have close ties with the United National Movement. Many observers saw this decision as politically motivated and inappropriate in the run-up of elections, according to the anti-corruption watchdog Transparency International (TI).² It is noteworthy also that Paichadze was offered a contract at Public Broadcasting Radio.

Georgian law guarantees the confidentiality of media sources, but Tsimakuridze said that legislators are currently revising the criminal code to obligate journalists to unveil

² “Media environment ahead of the October presidential elections.” Transparency International, October 25, 2013. Available at: <http://transparency.ge/en/node/3501> (Accessed March 2014).

their sources if the cases they are dealing with are related to underage people.

Another significant case of 2013 involved the Internet leaking of a secretly recorded sex video featuring a journalist from Obieqtivi media outlet. The leak has since mounted concerns over privacy rights in the country. The journalist called for a press conference and said that the video was fabricated, and blamed top government officials for attempting to discredit him after he started accusing these officials of some corrupt deals. Consequently, the first deputy Interior Minister, Gela Khvedelidze, was fired on charge of breaching privacy. He was initially arrested and later released on bail.

In November 2013, the Georgian Ministry of Interior proposed amendments to Georgia's civil code that would criminalize a number of acts surrounding religion, from the desecration of religious institutions and symbols to publicly offending the feelings of the faithful.³ The coverage of religious issues has long been a sensitive area that has challenged the freedom of expression in Georgia. In a joint statement, media and civil society organizations expressed their concern that "the bill is in direct conflict with the standards established by [The European Commission for Human Rights] and the Georgian Constitutional Court by placing restrictions of freedom of expression."⁴ Tsimakuridze noted further that discussion of the article is temporarily on hold, as the Orthodox Church and the Ministry of Interior have failed to agree on a formulation of the article to include in the civil code.

Government wiretapping continues to be a cause of concern in Georgia. According to an open letter to the Georgian government from TI, the Georgian Ministry of Interior installed "black boxes" several years ago in the server infrastructure of all major telecommunication companies, with the capacity to monitor 21,000 cell phone numbers at a time.⁵ Notably, in September 2013, the Ministry of Interior destroyed secret footage of the personal lives, including the sexual activity, of some people who were filmed secretly in hotel rooms and other locations between 2007 and July 2012. Allegedly, the footage was collected to possibly use

³ "Georgia considers blasphemy ban." Eurasinet.org: November 5, 2013. Available at: <http://www.eurasianet.org/node/67725> (Accessed March 2014.)

⁴ "Civil society organizations urge the parliament against adopting the law that imposes administrative liability for hurting religious sentiments." Georgian Young Lawyer's Association: Available at: <http://gyla.ge/eng/news?info=1807> (Accessed March 2014.)

⁵ "Open letter to the Government of Georgia on unchecked telephone tapping made by the Ministry of Internal Affairs via mobile operators." Transparency International, May 29, 2013. Available at: <http://transparency.ge/en/post/general-announcement/open-letter-government-georgia-unchecked-telephone-tapping-made-ministry-i> (Accessed March 2014.)

to blackmail these individuals. A commission composed of representatives of state bodies, human rights groups, and journalists observed the destruction of the recordings.

Panelists agreed that licensing policies for print and broadcast media have become much freer from political pressure. In previous years, state agencies such as GNCC, the State Auditing Service, and the courts made decisions and enforced regulations on media-related laws that failed to consider the needs and concerns of media representatives.

The panelists did recount one troubling case in 2013. In a contentious decision, GNCC granted a broadcasting frequency to the Energy Group company, which is owned partially by the president of the Chamber of Commerce and Industry, Kakha Baidurashvili. Radio Hereti, an independent media outlet, was another contestant in the bid, but was denied the license in favor of Energy Group. "For a public body to award media contracts to organizations linked to government representatives is a blatant conflict of interest and a clear violation of Georgia's law on broadcasting. It also damages the independent media market in Georgia and undermines press freedom," said Jim Boumelha, president of the International Federation of Journalists (IFJ), in an IFJ announcement.⁶

Speculating on the case, Tsimakuridze said, "... perhaps GNCC did not investigate the case, or turned a blind eye to the matter. However, it is a fact that the license was awarded to a [group that] did not meet the basic requirements." The case is still under investigation.

Despite the licensing and registration mandated for cable channels, the government does not impose other significant entry requirements for the media market. Print media enjoy certain tax benefits; for example, paper, printing, distribution, and ad revenue are all free from VAT. The benefits also apply to mobile distributors. They are not required to have cash registers, and a physical body registered as a small entrepreneur pays 5 percent VAT instead of the regular 20 percent.

Most panelists agreed that the political will exists to enable access to public information within the new government. Several key tools have improved access by decentralizing the control of information sources. According to some panelists, state and public media relations offices have historically been in charge of enabling access to public information. "It was the same with every ministry during the previous

⁶ "IFJ concerned about involvement of Georgian government officials in media contract awards." International Federation of Journalists: December 13, 2013. Available at: <http://www.ifj.org/en/articles/ifj-concerned-about-involvement-of-georgian-government-officials-in-media-contract-awards> (Accessed March 2014.)

Sensationalism is rampant in Georgian media, and online and print sources are more prone to careless attitudes. “There are many rumor-based reports in print and online media, including the frequent use of hate speech, but they are mostly left unchallenged,” Paichadze said.

government. Currently, the Ministry of Interior remains the least accessible,” said Jangirashvili.

But in 2011, Georgia joined the Open Government Partnership (OGP), a platform that seeks to make governments more transparent and responsive to their citizens. The rate and the quality of responses to public information requests improved after the 2012 parliamentary elections, according to www.opendata.ge, a project that monitors statistics of public information delivery. The project’s report states that initially, the state government and other municipal organizations responded to just over half of the requests they received. In the interim between the two elections, that number increased to 81 percent. Tsetskhladze and Tsimakuridze also noted that the government has enabled electronic requests for public information, which “saved time and money for the media.”

The government does not obstruct Internet access or use; in fact, state and public bodies and most politicians have embraced the use of the Internet and social media tools to share information. Kuprashvili said that even though online media outlets are required to obtain permission from GNCC, “nobody really controls them.” According to a Freedom House report,⁷ “There is no evidence of online content being blocked in Georgia in 2012–2013.” The report also noted that the Internet continues to grow rapidly, particularly because of the rising need and interest of Georgians in surfing social-networking sites.

The Georgian government places no barriers on choosing journalism as a profession. However, it is difficult for freelancers and bloggers to obtain accreditation. Tsetskhladze said that several freelancers were refused accreditation during the elections, on the basis that they were not affiliated with any of the registered media sources.

⁷ *Georgia: Freedom on the Net 2013*. Freedom House. Available at: <http://www.freedomhouse.org/report/freedom-net/2013/georgia> (Accessed March 2014.)

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Georgia Objective Score: 2.45

In the panelists’ opinion, professionalism improved in 2013, at least in terms of balanced political coverage. The objective score of 2.45 showed a quite promising increase from the previous MSI report.

Most panelists agreed that the Georgian media sphere has a balance, but some said that the balance is more on paper than in practice. “We could say that there is a propensity in the media to strive for a formal balance. Someone has something to hide, knowing it is important news for the day, but they conceal it. It is either not part of the media outlet’s agenda or falls outside the interest of certain constituency groups,” Koridze suggested. Nino Zhizhilashvili, an anchor from Maestro TV, added that politics remains the top theme covered in news reports and talk shows.

Jangirashvili commented that television media have fewer problems regarding journalistic standards, because television media outlets have internal regulations. “And this is especially true now, since political control—or at least state control—has decreased by a considerable amount.”

Some lapses in professionalism persist, however. It is common for reporters to forgo checking their facts. For example, Imedi TV journalists came under criticism after they misspelled the name of the Catholic Church and the name of the church bishop in their coverage of a joint conference between the Georgian Patriarchy and Georgian Catholic Church.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Reporters also neglect to check their sources and confirm their reliability, panelists stated. In September 2013 *Chronic* published two photos showing a person's amputated hand. The newspaper's editor-in-chief, Eliso Kiladze, initially said the hand belonged to an inmate, and that she received the photo from an unknown source. Following further investigation, law enforcers ruled out the links between the photo and a deceased inmate. In her reaction, published in *Liberali.ge*, Ia Antadze, director of Civic Development Institute, assessed the case as a harsh violation of media standards due to its use of unverified sources.

In another ethics case, Lasha Bakradze, chief of the Georgian Literature Museum, submitted a complaint to the Georgian Charter of Journalistic Ethics regarding the violation of his right to privacy. He charged *Primetimenews.ge*, *News.ge*, and *Ambebi.ge* with posting a photo of his wife and child without his permission.

Sensationalism is rampant in Georgian media, and online and print sources are more prone to careless attitudes. "There are many rumor-based reports in print and online media, including the frequent use of hate speech, but they are mostly left unchallenged," Paichadze said.

According to *www.top.ge*, a website that monitors the ratings of Georgian print and online sources, Georgia has about 1,400 registered online media platforms. Anyone can start up an online media outlet. The panelists said that the overwhelming majority of outlets available on the Web neglect generally accepted standards, thus compromising the effectiveness of those who aspire to produce high-quality material.

Television outlets abide by the GNCC code of ethics, which provides very detailed guidelines on how balance and quality should be achieved and maintained. Some media sources, such as *Netgzeti.ge* and its regional newspaper, *Batumelebi*, have an internal code of ethics that editors and journalists follow closely, according to Tsetskhladze. The Georgian Charter of Journalistic Ethics aims to fill in the gaps for entities without such regulatory practices. However, its scope and actions are limited to its signatories, as it does not have any punitive power other than to revoke the membership of violators.

The panelists agreed that despite the aforementioned issues, some media sources have stayed sustainable over the years and have demonstrated dedication to good journalism. For example, *Liberali*, an online magazine that reports on hard news and openly criticizes conservative values, has preserved its reputation as one of the country's best publications since its launch in 2009. *Tabula*, *Netgazeti.ge*, *Civil.ge*,

Ghoghoberidze expressed the belief that censorship is rooted in inertia and not usually imposed on journalists and editors. "Nobody censors [journalists] directly, but they are so used to it that it has become a part of their character," he said.

Radio Free Europe's Georgian Service, and the regional newspaper *Batumelebi* also reflect credibility and adherence to standards. In 2013, *Netgazeti.ge* won the award for being the most informative news agency or online newspaper from the European Union Prize for Journalism.

Reports based on the monitoring of Georgian media (*Mediamonitor.ge*, *Transparency.ge*) before the 2013 presidential elections confirmed that the coverage of political candidates, candidates' campaigns, and political debates showed significant improvements in terms of journalist professionalism, objectivity of coverage, and balance of sources.

Despite the positive changes, reporting still can lack depth, according to Mamaladze. "It depends on the audience. If one follows several media sources, ultimately, it will be possible to get the news. However, this news is rarely exhaustive or analytical, which deprives the audience of receiving a complete and objective picture," he said.

Panelists mentioned that 2013 has been transitional from the standpoint of censorship and self-censorship. Still, Koridze said that regardless of the topic, from minorities to fundamental human rights issues, someone will always ask, "What will the church have to say about this?"

Nino Narimanishvili, editor-in-chief of *Samkhretis Karibche*, which is published in the minority-populated Akhaltsikhe region, gave an example of how her paper often stands alone in objective coverage. She said that if *Samkhretis Karibche* had not raised its voice to report on the recent clashes over the removal of a Muslim minaret, the events would not have appeared in Georgian media—and if they had appeared, the stories would have drawn different conclusions, she added.

The panelists discussed how the Georgian media covered the events of May 17, when an uncontrolled crowd composed of Orthodox priests and religious people disrupted and dispersed a peaceful demonstration designed to commemorate International Day against Homophobia.

Protestors carried posters with the words “Homosexuality is the Worst Sin” throughout Tbilisi’s Freedom Square.⁸

“Both freedom of expression and social norms [were] compromised,” Tsetskhladze said. “In compliance with existing social norms, many journalists and priests believed that these people did not have the right of expression. We could hear [the protestors] saying that we don’t have anything against these people, but we don’t want to see them in the streets.”

Jangirashvili added that the events that unfolded almost helped Kavkasia TV journalists to air critical coverage. “The aggressive behavior of clerics left no room for the usually careful coverage of the church,” she said.

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Just as in previous years, product placement practices are still widespread on television. Panelists said that it is well known that major television stations have price lists for commercial content packaged as news. “One can easily identify promo stories in the news, for which, in most cases, television companies are paid officially,” Zhizhilashvili said.

Wages for pay-for-print journalists are very uneven generally. There is a gap in the pay rates of print and broadcast media journalists and the monthly pay of regional media journalists, as well as those employed in the city. Bloggers are not paid for their work unless they freelance for larger outlets. However, the panelists said that they do not view pay as a cause of corruption. They blamed poor professional and ethical standards, which sometimes are influenced by the owners’ personal and political predispositions, as the primary impetuses of corruption.

Panelists mentioned that 2013 saw a burgeoning of political talk shows and Turkish television novellas, but opinions diverged on the issue of having a proportionate distribution between hard news and entertainment. According to Kuprashvili, “Since control over authorship rights has toughened, regional broadcasters were compelled to put aside unlicensed airing of entertainment and gear themselves towards the production of talk-shows and information programs.”

In 2013, Rustavi2, Maestro, and the new channel TV3 launched talk shows to cover political and public issues.

⁸ “Georgia: Violent mob mars LGBT rally.” Eurasianet.org: May 17, 2013. Available at: <http://www.eurasianet.org/node/66983> (Accessed March 2014.)

Some panelists said that entertainment has higher ratings because Georgian viewership and large television companies (except Georgian Public Broadcaster) focus on profits and ratings in order to attract advertisements catered to their audiences’ programming interests. These programs include a substantial number of soap operas, sitcoms, and entertainment shows such as *Dancing with the Stars*, *Georgia’s Got Talent*, and *Night Show*.

Panelists noted that the quality of technical equipment in regional media outlets is very low. Kuprashvili and Narimanishvili mentioned that regional broadcasters and print outlets have difficulty updating their newsrooms because of poor financing.

Investigative journalism is almost imperceptible in Georgian media. Bearing in mind Georgian viewers’ tastes and preferences for infotainment, large media outlets choose to invest less money and resources into offerings that will not bring profits. A small investigative media outlet, Studio Monitor (<http://monitori.ge/>), periodically produces short investigative films that Maestro TV often airs. However, the films are not widely viewed by the public. Studio Monitor’s most recent film probed into the case of encroachment of the country’s protected areas by the “Industrialists” political party leader. Tsetskhladze and Paichadze said the impact of these films is difficult to measure, since they rarely translate into public discussion.

Niche journalism exists in print, online, and broadcasting media. Avaliani and Mtvilishvili said that despite the unfavorable effect that it can have on the quality of media products, media outlets are trying to reduce expenses by not employing individual journalists for each beat.

OBJECTIVE 3: PLURALITY OF NEWS

Georgia Objective Score: 2.77

The overall plurality of news sources has increased notably since 2012, rising from 2.41 to 2.77. Since political forces have realigned and political pressure on media outlets is lifting, editorial and economic competition among media outlets has increased, thereby improving the coverage of local, national, and international news.

A TI report stated that a few months before the October 27 presidential elections, private media provided largely pluralistic coverage of the presidential candidates. “Candidates received by and large fair treatment and balanced coverage from major media outlets. At least for the time being, the Georgian media seem to have overcome

the extreme political polarization they showed in previous years,” the report stated.⁹

Georgia has many types of media outlets, including private, public, and community radio. Problems with accessibility still exist, given the poor infrastructure for Internet and that the cable carriers that air all television channels are not widely available in Georgian regions. Mtivlishvili mentioned that of Kakheti municipality’s 70,000 residents, roughly 5,000 households are cable subscribers. Fiber optic Internet is not widely available to people outside the capital or major Georgian cities; most people rely on modems.

Mariam Gersamia, a professor at Tbilisi State University, said that consumption of social media for information purposes has been increasing over the past several years. According to GNCC data, the number of registered mobile network subscribers reached 4.91 million in 2013, compared to 4.48 million in 2012 (including multiple subscriptions). Internet penetration increased from 3 to 7 percent in the regions and from 40 to 48 percent in the capital city, Kuprashvili said.

No laws restrict access to media, either domestic or international.

The Georgian Law on Broadcasting sets requirements and standards for the public broadcaster with regard to creating programs for different audiences. Despite attempts to provide pluralistic coverage, GPB has gone through a crisis

⁹ Transparency International Georgia. “Media Environment Ahead of the October 27 Presidential Elections,” <http://transparency.ge/en/post/report/media-environment-ahead-october-27-presidential-elections> October 25, 2013.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

According to Tsetskhladze, journalists search social media, especially Facebook, to find interesting story ideas. In some cases, journalists have admitted to conducting interviews via Facebook.

for all of 2013, according to TI: “The GPB’s board members and executive directors, just as their predecessors, have failed to build a strong, professional, and independent broadcaster that would be able to free itself from political interference and pursue a mission of public service.”¹⁰

The panelists agreed unanimously that this year has been especially difficult for GPB. Since the end of 2012, the new government has been facilitating the process of reforming GPB, and the new Law on Broadcasting was adopted. However, in the restructuring process, the board illegally fired GPB director Giorgi Baratashvili, Kuprashvili said. In March, the board dismissed Baratashvili for the first time. He was dismissed a second time in September, reportedly following statements from Khatuna Berdzenishvili, the former head of the news department, who Baratashvili fired. She accused the director general of exerting pressure on editorial staff to favorably cover the Georgian Dream party. In December 2013, Baratashvili won his case and was reinstated as GPB Director General.

During 2013, the board of trustees became “dysfunctional,” with 9 out of 15 board members resigning, according to the panelists. “All these factors directly affected its operation,” Kuprashvili emphasized, which prompted Gersamia to comment, “Nothing new is produced, and all programming comes from an archive.” Her statement is further supported by TI’s report, which noted that the financial crisis on top of the management crises before the elections compelled GPB to state that “it did not have the funds to launch new programs and will not be able to do so until early 2014.”

Another situation related to GPB was acting director Tamaz Tkemaladze’s refusal to air pre-election political advertisements from the United National Movement political party. “Advertising must not be counter-advertising,” Tkemaladze said, as quoted by Transparency International. “Instead, advertisements should say how much of a man the candidate is and what his accomplishments are. We will not broadcast advertisements that are solely based on what [the Georgian] Dream has not done. We will broadcast details of

¹⁰ Ibid, “Media environment ahead of the October presidential elections.”

the party's plans, but advertisements about the fact that Shah Abbas [of Persia] invaded [Georgia] and that Erekle II was a bad king, will not be broadcasted." Nevertheless, GPB eventually aired the United National Movement advertisements.¹¹

Kuprashvili agreed that the public broadcaster continues to fall short. "The activities of GPB are not only stalled but regressing, especially when it comes to its mission of filling the gaps that private television companies do not cover," he said.

A number of news agencies provide audio, video, print, and Internet content to the Georgian media. The news is used as either a background source or is published directly. The 2012 increase in the number of news agencies did not change in 2013. International agencies AFP, Reuters, and AP provide quality material that is used widely by Georgian media entities to cover world news. Panelists said that the visibility and credibility of some of the newly established agencies has yet to be determined.

The panelists agreed that even though some media sources produce original coverage, there is a widespread tendency to plagiarize. Narimanishvili said that she often finds the news items from *Samkhretis Karibche* in the newsreels of other news agencies. Mtvlishvili mentioned that many agencies are inclined to summarize and recreate already broadcasted news items instead of producing original material. "News agencies that deliver fact based reports are very rare, and it is not a secret that television media air information without performing background checks," Tsetskhladze said.

Facebook is becoming increasingly popular as a news source. All national media outlets maintain a Facebook page, where they upload stories and interact with their audiences. According to Tsetskhladze, journalists search social media, especially Facebook, to find interesting story ideas. In some cases, journalists have admitted to conducting interviews via Facebook.

The mysteries surrounding the ownership of national broadcasters Rustavi 2 and Imedi TV are no longer present, with the 2011 amendments to the Law on Broadcasting that toughened measures for ensuring media transparency. For example, offshore ownership of broadcasting is now banned and publicizing information regarding business ownership has become mandatory. Tsetskhladze said, "Along with these changes, the owners of media businesses changed, and we only learned who the new owners are." The owners of most media outlets are known publicly, but the panelists still had questions about some companies—for example, the newly launched network TV3.

¹¹ Ibid, "Media environment ahead of the October presidential elections."

In 2013, changes to the new amendments to the Law on Broadcasting arguably toughened requirements for broadcasters. One change requires media outlets to submit very detailed reports concerning their revenue sources. Particularly, broadcasting license holders have to submit annual reports summarizing their activities, reports on their sources of funding, and an audit letter to GNCC. The reports are subsequently posted on the broadcasters' websites. GNCC has to make public all advertisers that bought more than GEL 7,000 (\$4,000) of airtime in a quarter. Similarly, broadcasters have to disclose all sources of income and donors who contributed more than GEL 7,000 within a three-month period.

Some panelists expressed concern that law has forced too much transparency. Jangirashvili explained that if everyone else learns about her television company Kavkasia TV's sources of revenue, it will make the company less competitive on the market. Some panelists mentioned that the law allows for diverse interpretations. Shortly after the changes to the law, a group of broadcasters (Rustavi 2, Kavkasia TV, Maestro TV and Tabula TV) filed a case against GNCC at the Tbilisi City Court.¹²

Georgian media have no strategic approach to provide content reflecting different social issues. Panelists said that some outlets report in the languages of ethnic minorities, with content focusing on general coverage, including culture, politics, and even mundane events. But only Channel 1 and a handful of print and digital outlets provide some coverage of daily news in minority languages. *Samkhretis Karibche* offers issues in both Georgian and Armenian. However, Narimanishvili said it is common to hear local populations complaining about the lack of information available in their native language.

National media mostly cover national news, and regional media generally focus on local issues, catering to the needs of the local community. Narimanishvili and Mtvlishvili noted that it is difficult for regional media to send their reporters to the capital to cover national news, to receive commentary from central government officials, and to keep local correspondents. The proportion of national and local news coverage is 75 percent to 25 percent, respectively, the panelists estimated. Kuprashvili added that regional broadcasters' coverage has become less dependent on national broadcasters. "If in previous years, regional media was widely utilizing footage and commentaries from national television to cover national news, now they are producing their own material."

¹² Ibid, "Media environment ahead of the October presidential elections."

OBJECTIVE 4: BUSINESS MANAGEMENT

Georgia Objective Score: 2.29

Business management remained the country's weakest area in 2013, but for the first time in a decade, the score for this objective went up to the "near sustainability" category, increasing from 1.61 to 2.29. Arguably, this is largely due to the de-monopolization of advertising—a shift that limited political and state money in the media—and the legislative amendments designed to improve the standards for establishing businesses. These tendencies emerged after the parliamentary elections of 2012 and strengthened in 2013, panelists said.

A Law on Broadcasting amendment, aimed at improving the financial transparency of broadcasters and in turn supporting the business environment, was one of the most important legislative acts of 2013. Still, Transparency International Georgia (TI Georgia) deemed that GNCC's first financial report, published for the third quarter of 2013, added "little to improve the transparency and accountability of broadcasters."¹³ TI Georgia stated that the data that broadcasters have provided lacks clarity—often financing companies cannot be identified; advertising agencies are listed instead of advertisers; and in some cases, offshore companies are named, thus obscuring the company's ownership.¹⁴

But panelists said that conditions are still far fairer compared to previous years, due to this amendment plus

¹³ Ibid, "The Georgian advertising market."

¹⁴ Ibid, "The Georgian advertising market."

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

"The previous legislation, which made it possible for broadcasters to hide information on ownership and financing sources, was more favorable to companies like TV3," said Koridze.

the restrictions set by the Law on Advertising regarding allocation of ad money. "The previous legislation, which made it possible for broadcasters to hide information on ownership and financing sources, was more favorable to companies like TV3," said Koridze. (TV3 is a company that the panel regards as suspicious in terms of its ownership and financing sources.) However, some panelists argued that the amendment might jeopardize their competitive edge by forcing them to reveal financial information.

Last year saw other steps toward improving the professional standards of media businesses. The Law on Advertising now requires broadcast media entities to conduct bookkeeping in line with international standards, though the new requirement does not apply to print and online media. Several panelists said that the regulation will encourage media outlets to rise to the next level of professional business conduct, but others disagreed, saying that the requirements will only burden their ways of doing business.

In 2013, an assessment of the Georgian television market stated that the disappearance of some players and the emergence of new ones (for example, Ivanishvili's TV 9 and its subsidiary Info 9) worked to increase competitiveness. TV9 was launched in 2012 before the parliamentary elections to provide opposition viewpoints in a market dominated by pro-government television stations. Later, in 2013, Ivanishvili claimed that the station was commercially unviable, saying that he could not find a buyer for the television and was forced to shut it down. The equipment that Channel 9 used previously is now used by GDS, an entertainment channel that belongs to Ivanishvili's son.

GDS was launched in 2012 as a satellite broadcaster and went terrestrial in 2013. In July 2013, the television company concluded its agreement with TV Mze on using its frequency. Today, GDS is the only media outlet that belongs to the family of the former Prime Minister, aside from its 10-percent stake in the Gori-based station Trialeti TV.¹⁵

TV3 (formerly Real TV) started broadcasting in mid-2013. The station is co-owned by Kakha Baindurashvili, a former minister of finance and current director of the Georgian Chamber of Commerce and Industry. TV3 uses the frequency

¹⁵ <http://transparency.ge/en/node/3501>

of PIK TV, a Russian-language channel financed by GPB that was shut down soon after the parliamentary elections in 2012. TV3 focuses on current affairs, and it runs political talk shows and investigative journalism programs.

Community broadcasting is developed poorly in Georgia. GNCC research conducted in 2013 showed that there is a demand for community broadcasting,¹⁶ and the commission made a decision to allocate community broadcast licenses in 2013. However, according to Tsimakuridze, the development of community broadcasters and their effective operation and sustainability “still remains an issue for the future.” Mtvilshvili agreed, adding, “It is impossible to become sustainable in two years or so.”

For the Georgian media in general, sustainability is not close to becoming a reality, due partly to the drastic changes in advertising practices. General Media, a de facto advertising monopoly, dominated two-thirds of advertising spending until it dissolved at the end of 2012. According to TI, this can be ascribed to a cascade of changes in media ownership following the parliamentary elections. Only Rustavi 2 remained willing to cooperate with some members of General Media after the elections. Now, several sales agencies work in the market.

Many panelists said that they regard these developments as positive steps in facilitating the creation of a competitive environment. However, Antadze pointed out some negative side effects. “Because of the monopolization of the advertising market, some television stations enjoyed favorable standing. Today, in the absence of a monopoly, it is still difficult [for them] to recover balance,” he said. For example, in previous years, the government gave financial amnesty to national television stations Rustavi 2 and Imedi TV. While other television stations were paying full taxes, those stations were free to invest the millions they saved in developing programming, upgrading technology, etc. which created a very unfair playing field, Antadze said.

How the advertising market will develop is also uncertain. General Media has been broken down into three companies, but as the founders of the three companies were the founders of General Media, Koridze said, “... let’s say that the assumed competition has begun.”

The panelists agreed that advertisers and companies now make decisions on their own. “If a business organization took ads to Maestro TV before, it would have been punished,” Koridze said. Today, as TI Georgia has reported, small opposition channels such as Maestro TV and Kavkasia TV are being supported. Immediately after the 2012

¹⁶ http://www.gncc.ge/index.php?lang_id=GEO&sec_id=110&info_id=114526

parliamentary elections, opposition channels saw an increase in revenue, while big, formerly pro-government channels saw a decrease in revenue. The opposition channels did have a sharp decline in advertising in the first quarter of 2013; but as the TI report stated, “such growth in ad revenues [in opposition stations] was at least partly an emotional response to political developments, rather than a decision based on marketing assessments, broadcasters’ content, and ratings.”¹⁷ This fluctuation in ad allocation may serve as an indicator of market driven decision-making, which had been absent for almost a decade in the Georgian media industry and advertising market.

The advertising market in 2012 totaled around \$54 million, meaning that it did not grow in comparison with the past. Predictions for 2013 remained uncertain at the time of the MSI panel. “I guess it will be less than in 2012,” Koridze said, adding that “...the budget of opposition channels will grow, but the total amount will shrink.”

The decrease in advertising-related spending in the first quarter of 2013 created the grounds for such predictions. “Numerous advertisers postponed their media purchases at the beginning of this year by several weeks, waiting for the dust in the broadcasting and advertising sector to settle after ownership, teams, strategies and price lists changed,” TI Georgia reported. “Only in 2014 might advertising spending grow—providing that local and foreign businesses regain their confidence and start investing.”¹⁸

The panelists noted that the market still struggles to break away from the “ugly habits” inherited from previous years. “Decisions on distributing ad money are not based on ratings or the reliability of the outlet,” said Mamaladze. “On one hand, the business sector prefers to take ads to the media loyal to the government—for instance, GDS and TV3. On the other hand, know-how of attracting diversified advertising does not exist, and if someone has such knowledge, nobody wants to learn of it. Making deals with governmental bodies or with political groups is easier and more familiar.”

The government distributes subsidies and advertising among media outlets in a more or less fair way. The panelists said that authorities still choose the medium by ratings and popularity, which affects regional and small media outlets.

Availability of reliable research data remains poor, which is a stubborn obstacle to attracting advertising for many media

¹⁷ “The Georgian advertising market.” Transparency International Georgia: June 2013. Available at: [http://transparency.ge/sites/default/files/post_attachments/TI%20Georgia%20%20Advertising%20Market%20Report%202013%20\(English\)_0.pdf](http://transparency.ge/sites/default/files/post_attachments/TI%20Georgia%20%20Advertising%20Market%20Report%202013%20(English)_0.pdf) (Accessed March 2014.)

¹⁸ Ibid, “Media environment ahead of the October presidential elections.”

outlets. Compared to 2012, audience measurement practice has not seen any significant changes in 2013. Nielsen's audience measurement data is available for national and Tbilisi-based television stations, but regional broadcasters are still left out. "We are simply not counted, reliably or unreliably," said Kuprashvili. While radio stations manage to arrange private research reports, they lack data collected by independent research companies. Absence of GRPs is an obstacle as for radio stations and regional broadcasters to attract advertising money, especially that of international companies. Classified ads remain the major source of income for regional television stations.

Websites still lack the professionalism to be effective tools for increasing data collection, data reliability, or, in turn, revenue. "There is no widely used and generally trusted framework to measure and compare user data of news and entertainment websites in Georgia," according to TI's Georgia 2013 report. Some panelists said that their companies use Google Analytics as a source for data collection on website traffic; other panelists could not name any measurement tool available in the market.

Adding to the problem, advertising agencies have limited understanding of new media sales. In 2012, online media remained in last place in terms of ad spending, with \$1.2 million in revenue and 2 percent of the total advertising market. According to Tsetskhladze, "Experts agree that quality online publications are mostly financed by grants, and consequently have very little advertising income. That is why they cannot be regarded as financially sustainable," she said. She noted also that the practice of launching media portals for political reasons diminished after the 2012 parliamentary elections. The panelists could not name any such case in the current year.

Panelists said that the print media sphere is viewed as the most vague in terms of data reliability. The practice of previous years remains unchanged—different circulation data are provided to tax authorities and sales houses. "No audit for calculating print media circulation exists, despite the fact that I have called for it for many years," Mamaladze said.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Georgia Objective Score: 2.70

Overall, Objective 5 improved in 2013, in terms of support from the local and international NGO sectors. Other institutions have also demonstrated strong support for media. Some have become more functional than they were in previous years, and others remain inefficient.

As they reported in past studies, panelists said that the journalists' trade union has almost no influence on the media sector. Georgia has several associations, including the Georgian Regional Broadcasters' Association, the Media Advocacy Coalition, GCJE, and the Regional Association of Print Media. As noted in previous years, these organizations are mostly engaged in advocating for better policies and standards, promoting ethical norms of journalistic coverage, and ensuring the development of professional media in Georgia.

Job security for journalists remained problematic in 2013, but panelists said that addressing the issue is not in the scope of competence for these associations. For example, Paichadze mentioned that he was unable to find support from professional organizations when he was facing a harsh decision by the GPB directorate. (His contract was terminated prior to the due date, thus violating provisions in the Georgian labor code.)

GCJE is a grassroots organization established by 139 journalists in 2009. Currently its membership is 241.¹⁹ Koridze, a GCJE board member, said that his organization is dealing with new territory related to website content. "In 2013, we have seen a growth in the number of complaints in the Ethics Charter [GCJE]. Most of these cases concern online media, and it is interesting in terms of establishing precedent."

According to information provided by the GCJE chair, nine complaints have been filed, citing violations of charter

¹⁹ http://qartia.org.ge/?page_id=6

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

principles during 2013. The GCJE council rejected four complaints and discussed five cases. The same year, the council approved a decree that allowed it to start publishing decisions on complaints filed against non-signee journalists. Koridze said that a high amount of public interest led GCJE to publicize four decisions in 2013. According to Tamar Rukhadze, the most striking case submitted to GCJE in 2013 was a complaint that the Ministry of Education and Science filed against GPB for revealing the details of the harassment of a disabled minor, thus violating the right of privacy.

One of the most active lobby groups for media interests is the Media Advocacy Coalition, a non-profit alliance of NGOs and associations. Its members including TI Georgia, Georgian Young Lawyers' Association, Civic Development Institute, Eurasia Partnership Foundation, NGO for Civil Society, Georgian Regional Media Association, Georgian Regional Broadcasters' Association, Regional Broadcasters' Network, GCJE, and Media Club. According to Tsimakuridze, the most momentous achievement of the coalition in 2013 was the landmark amendments to the Georgian Law on Broadcasting, as discussed throughout this MSI study.

Another media watchdog is the Media Legal Defense Center of the Georgian Young Lawyers' Association, which offers legal counsel to media members and supports journalists by providing training programs and legal aid whenever necessary.

Many of the panelists said that educational programs targeting journalism in Georgia are unequal in terms of practical value. The quality of the labs where students develop their skills is very low in most universities. "In many cases, students graduate journalism programs with only theoretical knowledge," Tabagari said.

Panelists said that state-funded universities are reluctant to invest in upgrading media schools. "Only a few universities use new technologies in their instruction," Paichadze said. Gersamia added that "foreign embassies and international organizations also provide more support for media schools than the public universities do. Investments from them are significant."

In November 2013, a multimedia journalism center opened at Ivane Javakhishvili Tbilisi State University, with the support of the U.S. Embassy in Tbilisi. "The embassy financed the center to support the professional development of students of the field," said Richard Norland at the opening of the media center. "This program aims to help journalism students learn modern media production standards using multiple platforms." The media center is the second established with the support of the embassy in recent

years. The Multimedia Education Centre, MEC, launched in early 2012 by IREX/GMEDIA through USAID. It now serves several university journalism programs, including that of Caucasus School of Journalism and Media Management, Caucasus School of Media, Ilia University, and Radio Liberty by providing up-to-date multimedia technologies to improve instruction.

Gersamia, a professor at TSU, said that students will have editorial freedom and will be able to make decisions independently. "They even want to model GPB's board of directors, i.e. to create their own board which will be elected to learn what it is like to manage media," she commented. A multimedia web portal operates as a part of student media in the USAID G-Media supported Caucasus School of Journalism and Media Management.

Specialized training programs for media practitioners are offered mostly by international organizations such as IREX and the Open Society Foundation, or the schools that are supported by various foundation grants. These training programs are usually free of charge for participants, and in most cases, are open to all interested or qualified people. In 2013 alone, Media.ge announced more than 70 classes for media sector members. Most of the classes were organized and funded by international organizations. Some local schools also offer training programs in the media field, but they are commercialized courses. They include journalism training offered by Radio Freedom, or camera-operation classes offered by CSJMM.

In general, short courses and training classes are diversified in terms of the topics offered, but effectiveness is dependent on how targeted the material is to the media practitioners. Tsetskhladze said that sometimes classes cover a field without considering or inquiring about the needs or interests of particular media outlets. According to panelists, social/new media, multimedia journalism, and media management are the most in-demand topics, but an insufficient number of courses are offered in these areas.

With regard to payment for commercial short programs, media entities enlist the practice of barter deals. Occasionally, employers cover the cost of programs for their employees.

The panelists agreed that print media distribution channels are no longer monopolized. "The assumption that press boxes were politicized existed, but after the parliamentary elections such an assumption has disappeared," said Paichadze. But according to Mamaladze, some private money was invested in the Print Media Association, posing a threat to the existing distribution network. "The money that

entered the market almost ruined the distribution system—fixed salaries for distributors, costs of transportation, and for press stands placed a challenge that we could not overcome,” she said. She added that officials should be more careful when introducing such initiatives.

Concerning whether the media infrastructure meets the needs of citizens, the panelists pointed to the 2013 “must carry and must offer” principle, which stipulates that all cable operators must carry the signal of all licensed television channels in Georgia. This practice was normalized into the Law on Advertising two months prior to the parliamentary elections in 2012, and access to media in the country improved significantly as a result, panelists said. After the elections, “must carry and must offer” became a matter of choice for individual cable operators, as enforcement became lax.

In January 2013, before “must carry and must offer” became law, Obieqtivi TV sued cable provider Super TV for not carrying its signal. Super TV (formerly Aieti TV) justified its decision from a commercial standpoint, saying that it saw an absence of viewer demand. However, Ilia Chachibaia, Producer of Obieqtivi TV, charged that cable carriers remain under the control of government personnel that use their influence to limit free media outlets.²⁰ Super TV resumed broadcast of Obieqtivi TV soon after the lawsuit. Tabula TV, a pro-UNM channel, also sued Super TV for not carrying its signal. Super TV officials explained that Tabula TV did not provide the relevant technical facilities required by the regulations of GNCC, while Tabula TV refuted the claim.²¹

Commenting on these cases, Kuprashvili said, “This is not related to political interests. [It is] merely that the companies do not want to carry some broadcasters. We have the same problem in Telavi. A cable carrier has its own channel in Telavi and does not want to broadcast a competitor.”

The panelists agreed that overall access to media is no more politicized in 2013 than it has been in the past. They said that some rare instances of limitations, such as the cases of restricted access to Netgazeti.ge and Radio Liberty in Adjara governmental offices, are hard to label as deliberate decisions.

²⁰ http://for.ge/view.php?for_id=20469&cat=3

²¹ <http://www.media.ge/en/portal/news/301967/>

List of Panel Participants

Zviad Koridze, freelance journalist, Tbilisi

Nino Jangirashvili, director, TV Kavkasia, Tbilisi

Natia Kuprashvili, executive director, Georgian Association of Regional Television Broadcasters, Tbilisi

Ia Mamaladze, chairperson, Georgian Regional Media Association; publisher, *Guria News*, Chokhatauri

Maia Tabagari, talk show producer, Imedi TV, Tbilisi

Nino Narimanishvili, editor, *Samkhretis Karibche*, Akhaltsikhe

Gela Mtvlishvili, director, Kakheti Information Center, Gurjaani

Ekaterine Tsimakuridze, coordinator, Georgian Media Legal Defense Center, Georgian Young Lawyers Association

Mako Gogoberidze, coordinator, Media Support Program, Open Society Georgia Foundation, Tbilisi

Mariam Gersamia, professor, Journalism and Mass Communications Department, Tbilisi State University, Tbilisi

David Paichadze, journalist, Georgian Public Broadcaster; professor, Department of Journalism, Ilia University, Tbilisi

Nestan Tsetskhladze, editor-in-chief, Netgazeti.ge, Tbilisi

Giorgi Meladze, board member, Georgian Public Broadcaster, Tbilisi

Nino Nakashidze, head of communication and external affairs, Rustavi 2 TV, Tbilisi

Ia Antadze, chair, Civic Development Institute, Tbilisi

Dimitri Avaliani, journalist, *Tabula* magazine, Tbilisi

Nino Zhizhilashvili, journalist, Maestro TV; dean, School of Media, Caucasus University, Tbilisi

Moderator and Author

Ekaterina Basilaia, project coordinator, Tbilisi State University, Tbilisi

The panel discussion was convened on November 30, 2013.



**RUSSIA AND
WESTERN
EURASIA**

Just as in other sectors, the government of hardline President Aleksandr Lukashenka has adopted a Soviet-style vision of journalism, where media should support the leadership rather than operate as a watchdog.



BELARUS

Belarus's overall score has remained largely unchanged over the past several years, reflecting the somewhat stagnant state of the Belarusian media sector. The indicators measured by the MSI study where the government's grip and interference are most apparent scored the lowest. Those traditionally include registration and licensing of media outlets, editorial independence of public and state media, access to public information, self-censorship, unbiased reporting by state media, state subsidies to media, and access to printing and distribution facilities.

Just as in other sectors, the government of hardline President Aleksandr Lukashenka has adopted a Soviet-style vision of journalism, where media should support the leadership rather than operate as a watchdog. The preponderance of Belarusian media, by measure of audience, is still state-owned. They toe the official line rather than offer any range of debate or viewpoints. Digital platforms, however, have grown more popular and offer more balanced coverage. Only online media, and several dozen private newspapers and expatriate broadcasters, provide reporting and commentary that is otherwise not tolerated in mainstream media.

The legal environment remains hostile, with strict registration and compliance requirements in place for traditional outlets. Libel is criminalized, and public officials enjoy enhanced protection. Critical media face hefty fines, or jeopardize their registrations or licenses. Many laws regulating the media are vaguely worded, with the lack of precise definitions opening up the potential for massive abuse. Meanwhile, the resources and impact of trade and professional associations, as well as NGOs, is very limited.

Most media are also trying to survive a tough economic climate. Although the advertising market grew by a healthy 30 percent in 2013, it was still only \$100 million. Around 2,000 of both "old" and online media find it very difficult to rely on their advertising revenue. As a result, the amount of direct funding is immense. The national government alone provides \$70 million in subsidies and offers tax breaks to the biggest state-owned broadcasters. Many private outlets are either funded by their owners or are looking for sponsors, both domestic and foreign. Printing presses, transmitters, newspaper kiosks, and telecommunications infrastructure are largely state-owned—thus, they are politicized and, in most cases, inefficient.

Insufficient revenue continues to erode editorial independence, making it difficult to retain key staff. Hence, the quality and depth of reporting suffers. The state of journalism is further exasperated by restricted access to information, as the Belarusian government tries to keep a lid on most public information. Meanwhile, officials also accused privately owned news outlets of bias and pro-opposition editorial lines, contributing to the polarization of the media sector.

Note: MSI panelists in Belarus agreed to participate only if they were not named publicly. Amendments to the Criminal Code were introduced in December 2005 to add an article, "Discrediting the Republic of Belarus," which provides for criminal liability for giving international organizations "false information" about the situation in the country. Human rights groups, both domestic and international, believe the article's vague wording makes it possible for the government to detain for up to six months anyone reporting negative information or to imprison them for up to two years.

BELARUS at a glance

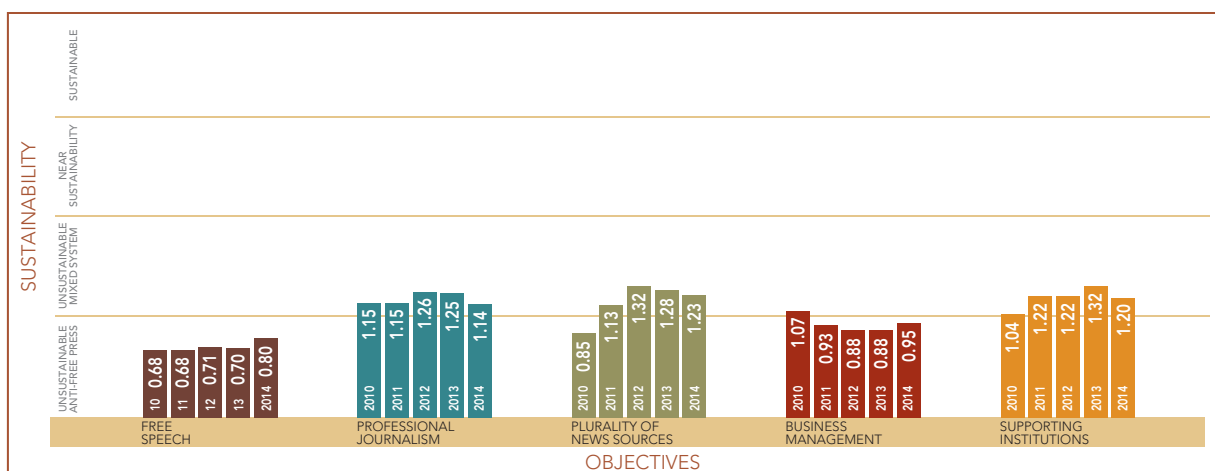
GENERAL

- > Population: 9,608,058 (July 2014 est., *CIA World Factbook*)
- > Capital city: Minsk
- > Ethnic groups (% of population): Belarusian 83.7%, Russian 8.3%, Polish 3.1%, Ukrainian 1.7%, other 3.2% (2009 census)
- > Religions (% of population): Eastern Orthodox 80%, other (including Roman Catholic, Protestant, Jewish, and Muslim) 20% (1997 est., *CIA World Factbook*)
- > Languages (% of population): Belarusian (official) 53.2%, Russian (official) 41.5% (2009 census)
- > GNI (2012-Atlas): \$61.76 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$14,960 (World Bank Development Indicators, 2013)
- > Literacy rate: 99.6 % (male: 99.8 %, female: 99.5%) (2009 est., *CIA World Factbook*)
- > President or top authority: President Alexander Lukashenka (since July 20, 1994)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: 1,746 (Newspapers: 692, journals and magazines: 739, radio stations: 166, TV stations: 89, bulletins: 40, catalogs: 9, information agencies: 9 and almanacs: 2 (December 2012, Ministry of Information); Internet News Portals: 25 (2012, Gemius)
- > Newspaper circulation statistics: Top three by circulation *SB. Belarus Segodnia* (circulation 2,000,000, state-owned), *Komsomolskaya Pravda v Belorussii* (circulation 522,000, private, Russia-owned), *Respublika*, (circulation 240,000, state-owned) (December 2012, Medusa advertising agency)
- > Broadcast ratings. Top three by share: ONT—26.71%, NTV-Belarus—17.89%, RTR-Belarus—14.1% (January–June 2012, NOVAK)
- > News agencies: BelTA (state-owned), BelaPAN (private), Interfax-Zapad (Russian-owned), Prime-TASS (Russian-owned), Ecopress (private), Agentstvo Grevtsova (private), Minsk-Novosti (state-owned), Registr Information and Legal Agency (private) (Belarus Ministry of Information, 2012)
- > Annual advertising revenue in media sector: \$76.2 million (\$41.9 million television, \$10.1 million press, \$7.9 million Internet, \$4.11 million radio) (ZenithOptimedia advertising group, December 2012)
- > Internet usage: 4.437 million (2010, www.internetworldstats.com)

MEDIA SUSTAINABILITY INDEX: BELARUS



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorres.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Belarus Objective Score: 0.80

Legal and social norms, which are intended to underpin the freedom of speech, remain weak and largely ineffective. Although the score for this objective saw slight improvement, up to 0.80 from 0.70 the previous year, it once again fell short of meeting the requirements of at least partial sustainability. The growth was attributed to similar business requirements for market entry (indicator 3) and the lack of crimes against journalists (indicator 4); otherwise, all indicators remained static.

The freedom of expression is, in the words of one of the panelists, allegedly guaranteed by the Belarusian constitution and other legislation, including the media law. "These laws and regulations are enforced, to a degree, so as to restrict the freedom of speech. And since there are hardly any protections, there is no need to set them aside in case of an emergency."

Another panelist lambasted the ambiguity of Belarusian laws: "All laws—whether they deal with social security or media—are full of legal traps." The media law, for example, contains a vague requirement that information reported by media should be "compliant with reality." The law on extremism was also very loosely drafted, making any critique of the government dangerous.

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

The panelists also doubted that courts could offer protection against unjust threats or legal action. "No one even tries [to seek that protection in court]," a panelist argued, recalling years of politicized court rulings that were used to punish the media and journalists critical of the government.

One of the panelists mentioned the withdrawal of the license from Lohvinau Publishers, an independent book publishing house in Minsk, in the past year. The Belarusian Ministry of Information, a regulator of both the media and publishing sectors, canceled the company's publishing license in September 2013, citing gross violation of licensing requirements. In its notice, the Ministry referred to a decision by the Ashmiany district court in the Hrodna region, in northwestern Belarus, that branded an album of news photos published by Lohvinau Publishers as extremist. This April 18, 2013 decision was upholding a request by the Belarusian KGB security service to classify the photo album as extremist and therefore degrading national pride.

The 160-page *Belarus Press Photos 2011* showcased the best news photos of 2010, selected by an international jury. All of the photos were sent to the photojournalism contest by Belarusian photographers working for state and private media, as well as international news agencies. "Extremism" was found in news photos, most notably pictures of police crackdowns on anti-government protests, and in photos in the nature and sporting categories.

Prosecution-retained experts said the album "contained only negative aspects of the life of Belarusians, presenting them as penurious and hard-drinking people, and the country itself as a militarized society. It also left the reader with a negative impression about both Belarusian people and the state as a whole, suggesting distribution of distorted information about Belarus that degraded the national honor and dignity of Belarusian people."

In November 2012, border guards seized 41 copies of the photo album from competition organizers as they returned to Belarus from Lithuania, where the book was printed, despite the fact that hundreds of copies had already been sold in Belarusian bookstores and donated to libraries in 2011 and 2012.

In June 2013, the regional court in Hrodna upheld the earlier decision by the district court to classify the book as extremist. It should be noted that Lohvinau Publishers was never a party to the two aforementioned "extremism" hearings. Its subsequent legal action against the Ministry of Information to reinstate the license was unsuccessful.

Violations of freedom of speech do not cause any public outcry, the panelists agreed. "People do not think that the government is accountable, so they prefer not to waste

Another panelist lambasted the ambiguity of Belarusian laws: “All laws—whether they deal with social security or media—are full of legal traps.” The media law, for example, contains a vague requirement that information reported by media should be “compliant with reality.”

efforts on things they feel they cannot change,” one panelist commented.

The law guarantees the confidentiality of news sources, but that right may be lifted by a court order or a request from an investigating authority as part of a court hearing or criminal investigation. The panelists mentioned several cases when journalists—in most cases, those who covered law enforcement and corruption issues—were summoned to the public prosecutor’s office and requested to reveal the identities of their sources. However, as far as the panelists know, no one was punished for failure to do so.

The law requires registration of print and broadcast media. Print media with a circulation of more than 299 copies and broadcast media reaching more than 10 people, as well as information agencies, must obtain registration from the Ministry of Information. Applicants are required to list numerous details about the outlet, including the proposed specialization (topics to be covered), frequency, area of distribution, sources of funding, and detailed information about the would-be editor-in-chief. The latter ought to have journalism diplomas and at least five years of editing experience.

From January through November 2013, 89 outlets obtained their registration from the Ministry of Information; of those, 81 were private. Applications for 56 magazines and journals (54 private), 21 newspapers (19 private), four television stations (two private), two radio stations (one private), and five catalogs and bulletins (all private) all won approval from the ministry. Meanwhile, five newspapers, three magazines and journals, and two catalogs lost their registration.

The 2008 Law on Media mentioned online media, yet so far they have avoided those cumbersome registration and compliance procedures. And yet, there are hardly any benefits or safeguards their registered status might offer them, the panelists agreed.

The government restricts access to public information. Under the 2011 Law on Requests by Individuals and Legal Entities,

requests for information from media outlets are treated in exactly the same way as those from other organizations or individuals. In general, the law allows an organization, a business, or a public authority 30 days to respond to an information request. Many government bodies and local authorities use an unregulated system of press accreditations to deny access to both information and access to events for critical media outlets, regardless of their registered status.

Several statements by government officials, most notably by a deputy information minister, suggested that the government would adopt a law requiring registration of the most popular online media, with unclear criteria to assess “popularity.” “Definitions, as usual, will be quite vague, thus making it possible [for the government] to use the law at its own discretion. The biggest websites would be registered; the others most likely will not be allowed and will be kept instead in limbo,” one panelist predicted.

In addition to the aforementioned registration procedure, television and radio stations also must prove their fitness for a broadcast license. Frequencies are allocated via a tender administered by the Republican Commission on TV and Radio Broadcasting—the nine-member body of government officials headed by the minister of information. Successful bidders then receive a license from the Ministry of Communications and Information to use the allocated frequency.

The government did not publish the list of available frequencies; it was up to the Ministry of Information to decide whether a certain region needed one more television or radio station. In 2013, the Ministry announced only one frequency tender—for an FM radio station in the northeastern city of Viciebsk. According to a panelist, he came to know about the tender quite accidentally. There were no announcements on the Ministry’s website or in state media. The tender was announced in November 2013, with the deadline less than a month away. As noted above, applicants should already have registered both a media outlet (registration takes up to 30 days to complete) and a company to act as a broadcaster. Just as with registering a media outlet, bidders should provide detailed information, including the so-called creative concept that details what kind of programming the station would be offering. As usual, the Ministry failed to report whether it received any applications.

Both registration and licensing procedures remained opaque and politicized. “Disloyal media are de facto banned from obtaining official status of registered broadcast outlets. There is no television channel or an FM station, with editorial lines running counter to governmental policies. Print media are rigidly licensed: there is an unwritten

rule that the decision on registration of a newly created media is made in the presidential administration, after personal dossiers of both the founder and the editor are scrutinized. On the other hand, online media are not yet licensed, and such websites are usually not blocked," a panelist commented.

Although digital terrestrial broadcasting would theoretically allow more room for numerous radio stations and television channels, there was only one television multiplex with eight channels (only one of them was private, and it offered only entertainment content). Two more multiplexes were to be launched soon, yet the inclusion procedure is not yet known. Digital radio adoption remains low (there is only one state-run radio station).

Market entry for media was essentially the same as in other sectors, except that unlike in other sectors, sole proprietors could not run a media business. Ownership-wise, the media law capped at 30 percent foreign ownership of outlets. Another exception is that activity of any registered media outlet could be suspended for up to three months without a court ruling, following a written warning from the Ministry of Information—for example, over allegedly incorrect reporting. Taxation of media outlets is the same as for other businesses, although the three biggest state-controlled television and radio networks have been enjoying value-added tax (VAT) and profit tax breaks for several years.

Crimes against journalists remain rare. At the same time, journalists do not feel secure, mostly because of crimes against journalists several years ago that were never properly investigated, according to one panelist. Some journalists covering law enforcement and corruption have come under pressure from the office of the public prosecutor, according to another panelist. Meanwhile, the police briefly arrested 45 journalists in 2013, according to the Belarusian Association of Journalists, a press-freedom watchdog. Four of these journalists had to spend three to 15 days in jail for allegedly disobeying lawful police orders. "Press cards are not affording any particular protections, or preferential access to information or certain venues," one panelist noted.

Belarus has no public media. As for state-owned outlets, they enjoy very little editorial independence from the government. The president himself appoints editors of key national media, while his administration or regional authorities approve candidates to serve as editors for smaller outlets.

Direct government funding, subsidized tariffs, and tax breaks for the biggest outlets further compromise the state media's prospects for editorial independence. At the same

time, rather than promoting a range of viewpoints, they have become tools of government propaganda. "State media are fully subordinate to the government. The public has no leverage over them," a panelist added. And although the media law does not discriminate against private outlets, their access to official information remains restricted, mostly via an unregulated system of accreditations.

Criminal libel provisions still reside in Belarusian statutes and carry a prison sentence of up to six months. Separately, individuals and businesses can also bring civil defamation charges in civil courts. Unlike with criminal libel charges, the burden of proof for civil suits falls on the defense.

Although dozens of journalists faced criminal libel charges in previous years, "such attacks against media remain very pointed and are still uncommon," a panelist said. There were no reports of criminal libel charges brought against media outlets in 2013. In the case of civil charges, paying the legal costs of defending such suits and even damages awarded to the claimant "is not likely to bankrupt an outlet," the same panelist added. The Criminal Code also has a chilling effect on reporting about public officials: the penalty for "insulting a representative of the authorities" is up to six months in prison. Most notably, "insult of the president" is punishable by up to two years in prison, and "calumny toward the president" by up to four years.

Online forums, chats, and blogs make it much easier to post potentially defamatory content. And since many users were paying little consideration to possible legal implications, more of them were becoming targets of both criminal and civil lawsuits, in most cases filed by public officials or law enforcement.

In July 2013, a district court in the capital, Minsk, handed down a \$700 fine over two critical comments about the police, posted on a forum of Belarus's biggest portal, TUT.by. The defendant, a playwright with a Minsk theater, said he also had to quit his job after his boss received a phone call from the ideology department of the Minsk City administration.

In August 2013, the office of the public prosecutor in the western town of Pruzhany started an inquiry into alleged defamation of judges by commentators at a local website.

In the same month, police in the southeastern town of Svetlahorsk confiscated the computer of a local blogger and civil society activist, as part of a libel investigation. The blogger made a rather controversial video and posted it on several social networking sites, alleging that the local government was spending public funds on building an expensive house for the mayor, rather than bolstering the town's poor infrastructure. The mayor's wife filed a libel complaint with the local police claiming that the video was

“obscene” and insulted her and her family. There were no reports about further developments, although the blogger said he received text messages with threats.

In November 2013, police confiscated the computer of an editor of a local website in the eastern town of Rahachou, as part of a criminal investigation into alleged insult of a public official. Also in November 2013, a journalist with one of the news agencies was fined \$2,000 for insulting a judge in a comment under a courtroom story.

The law, meanwhile, absolved Internet service providers (ISPs) and web hosts of liability for third-party content that they either transmit or store.

Both the Belarusian constitution and the 2009 Law on Information, Informatization, and Protection of Information guaranteed the right to “receive, store, and disseminate complete, truthful, and timely information on the activities of state bodies, public associations, political, economic, cultural and international affairs, and the environment.” Still, access to public information remains a sore point: “Access to sources of public information is restricted and dependent on a media outlet’s loyalty to the authorities. Laws on access to information are not enforced, by means of bureaucratic hurdles,” a panelist said.

On the other hand, the same laws allow government bodies to classify any information as “secret” or “of limited distribution” and thus restrict access. Furthermore, in many cases information could be obtained only via press services or ideology departments, most of which, especially regional ones, tend to be closemouthed. “Most officials grew accustomed to making public statements either via press conferences or to journalists who would agree to have their stories redacted before publication,” a panelist commented. “In addition, many government organizations think private outlets are biased or pro-opposition. As a result, even the most innocuous pieces of information are withheld—such as, for example, the number of foreign students at the local university, or when reconstruction of a local train station will begin, or whether any students of the local sporting school will attend a certain competition.”

Media, just like any other organizations or individuals, may request information under the 2011 law on requests by individuals and legal entities. The law set a maximum time for response of 15 days (30 days when additional inquiry is required). Although information requests are supposed to be handled free of cost, the 2004 Law on State Statistics said statistics departments “may offer paid services.” For instance, the statistics department of a local administration told one of the regional private newspapers that the department would either provide information that was readily available, or charge for the time and resources

involved in conducting requests, according to a panelist. Sometimes government bodies dismissed information requests on the grounds that such information had been already been given to state-owned media, regardless of whether the state media ever published, or intended to publish, the information.

Separately, many events required accreditations, which in most cases could be obtained only by officially registered outlets. State bodies and local governments also used accreditations to secure better access to information for noncritical (usually state-owned) media.

At the same time, very few media outlets attempted to fight the restricted access to information. The panelists mentioned only two private regional newspapers, *Intex-press* and *Brestskaya Gazeta*, both in the southwestern Brest region, that were trying to appeal dismissal of accreditations and information requests. Their claims, which were filed both with local and regional governments, were brushed off. “I do not recall a single case when an official was held responsible for the failure to provide information,” one panelist added.

Access to both domestic and international news sources has remained “relatively free,” as one of the panelists put it. Although there was a blacklist of some 80 websites, banned in state institutions, libraries, schools and universities, as well as by some ISPs, both newsrooms and the general public had no problem accessing them or reading their stories on other websites. Several popular pro-opposition news websites, a popular blog, and the website of a human-rights group were on this not-for-publication list, according to numerous reports. On several occasions in 2013, those same websites were also subjected to DDoS (distributed denial of service) or hacking attacks that took them offline for several hours, but those attacks were quite rare.

“At the same time, respect for copyrights is not up to par: there are many cases of pirated use of intellectual property,” a panelist said. The 2011 copyright law gives a somewhat ambiguous definition of the fair use of copyrighted work. In most cases, stories were usually copied in full (primarily by online media and bloggers).

Entry into the journalism profession is relatively free. Still, the government does use a definition of a journalist: one who works for an officially registered Belarusian media outlet or is accredited with the foreign affairs ministry as a foreign correspondent. Although press-card holders have very few benefits over freelancers, civil journalists, and bloggers, the latter are even less protected. One of the panelists mentioned brief arrests of reporters covering protests, as well as warnings handed out by the office of the public prosecutor to those who work for foreign media

without accreditations. The Belarusian Association of Journalists reported about 51 cases of violation of the rights of freelancers and bloggers throughout 2013. Two-thirds of those cases were related to incidents during newsgathering and mostly involved interference by police and other officials with access for media covering news events.

One of the panelists referred to the accreditation of foreign correspondents as a sort of lever the government might use to influence the employment policies of foreign media organizations. He mentioned four offshore broadcasters targeting Belarus. "There is a [satellite] television channel, Belsat television, and three radio stations, Radio Racyja, European Radio for Belarus, and Radio Liberty. Only the latter two were allowed to open offices in Belarus and accredit a certain number of reporters the foreign affairs ministry deemed sufficient for them. As a result, they were able to work more openly. As for non-accredited journalists working for Belsat and Radio Racyja, they oftentimes just cannot do their jobs properly, and on top of that are forced to withstand warnings and arrests. Freelancers and bloggers face similar hurdles. Citizen journalism is virtually non-existent, as there are no legal protection mechanisms and no financial support."

There is a special requirement for chief editors: they should have journalism diplomas and at least five years of editorial experience for their outlets to receive registration with the government. The government also controls entrance to journalism schools via admission interviews that although being "much of a formality, still have certain ideological criteria," as one of the panelists put it. On top of that, graduates who receive their education for free are required to work for two years wherever the government sends them or reimburse the cost of their tuition and stipends (around \$13,800, equivalent to two years of the country's median salary). For several years now, graduates of state-controlled journalism schools are sent to work at government-owned media only, mostly to regional newspapers.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Belarus Objective Score: 1.14

Professional standards are still hampered by political interference, self-censorship, and inadequate remuneration practices. This year's score showed a slight drop due mostly to a lower evaluation of indicator 4 (coverage of key events). Other indicators remained more or less unchanged.

Belarusian media remain polarized and divided along ideological lines. As a result, journalism standards suffer. One of the panelists described one particularly entrenched

attitude: "Read a government-owned newspaper, then an oppositional one, add both together, and divide it by two. People think that's the only way to get more or less unbiased information."

His colleague argued: "As journalism in Belarus often turns into propaganda, only certain irrelevant aspects of social life are covered objectively by state-owned media. Particularly aggressive propaganda is broadcast through the television. Hence, objective journalism is the lot of independent media, and yet not all of the independent outlets manage to maintain high standards of journalism." Information is oftentimes just borrowed from other sources and not verified. In many cases, media outlets recycle stories from news agencies. And while agencies, in general, offer balanced coverage, individual stories might be one-sided. "Media just borrow those individual stories and paint any picture they want," one panelist remarked.

There is also a preconceived opinion that state bodies will give no comments to independent media. State media, meanwhile, do not seek comments from people who they think might be related to the opposition or civil society, so they try to get comments from state officials only. Furthermore, most newsrooms feel they have neither time nor resources for background research. Technical experts are another traditional sore point. Mostly economists and political analysts are approached for comments. "Yet they are a small group, and the same experts give the same comments that end up in several outlets at the same time," one panelist explained.

Two organizations of journalists operate in Belarus: the government-controlled Belarusian Union of Journalists

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

One of the panelists described one particularly entrenched attitude: “Read a government-owned newspaper, then an oppositional one, add both together, and divide it by two. People think that’s the only way to get more or less unbiased information.”

and the independent Belarusian Association of Journalists. Both have ethical codes of conduct that are actually quite similar. Yet, the panelists argued, both organizations fail to fully employ their codes. “Yes, there are ethical codes, but they are only taken out when someone is to be punished or chided. Journalists are hardly keeping them in mind. When there is a need, they will sell out, both journalists and newsrooms,” one panelist said.

Hidden advertising is quite common as well: 42.7 percent of those polled in a national market survey said they have faced hidden ads in media. In many cases, they were used to sidestep legal requirements that restricted the amount of advertising to a certain percentage of content. Sometimes advertorials made it to the top news of the day, even “de-throning” stories about the Belarusian president, most notably on the website of the government news agency BelTA or during the flagship news program at a key state-controlled television channel. “If there is any way to avoid marking the story as sponsored content, most outlets will choose to do so,” a panelist said. Although there was no convention on plagiarism, there had been some improvements, such that more outlets were quoting original sources.

Self-censorship remains the rule of the day, especially with regard to political coverage. Government-owned outlets kept tight control on any negative information. Private media were susceptible to both political and commercial influence. Self-censorship is so commonplace, one of the panelists argued, that *SB. Belarus Segodnia*, the country’s most popular daily and the mouthpiece of the presidential administration, sometimes turns out to be more sharp-toothed than many private ones.

Not all topics are covered: “Personal life of the president; businesses connected to his family; the business interests of his allies...those are topics to be avoided. Corruption cases are something on the verge. Still, there are topics that are ‘permitted.’ For example, when an official falls out of favor, his or her [corruption] case can be reported. And on the other hand, let’s recall the case of the blogger who made a

video about the mayor’s house. You can be punished even for something like that,” a panelist said.

Covering law enforcement, especially the way major cases were handled, is yet another problem. Most notable was reporting about the bombing of Minsk’s busiest metro station in April 2011, which killed 15 and wounded more than 300 people. The alleged perpetrators were caught two days later, put to trial, convicted, and finally executed in 2012. Yet many believed they were forced to confess, while the actual bombers and masterminds are still at large. The government did not respond in a welcoming way to any scrutiny of this attack, Belarus’s biggest terror attack.

In April 2013, several days before the second anniversary of the attack, Aleh Hruzdilovich, a correspondent with the Belarusian service of the Prague-based Radio Liberty, decided to test the allegedly beefed-up security of Minsk metro system. He made three attempts to carry a large bag with a metal object past security officers at the same metro station that alleged bombers had used on the day of the attack. He was stopped only once, which he mentioned in his report for Radio Liberty. A month later Hruzdilovich, who has also written a book, *Who Bombed the Minsk Metro*, was summoned to Minsk’s office of the public prosecutor and asked to provide written explanations on how he was trying to smuggle the bag past security. After that he was handed a warning that mentioned both the Radio Liberty report and the book. Hruzdilovich was charged with “dissemination of biased and deliberately distorted information.” In particular, the prosecutor’s office believed that his book cast doubts on “the official results of the criminal investigation... as well as the fairness of Belarusian judicial system as a whole.” Hruzdilovich was also warned of criminal liability (up to two years in prison) over discrediting Belarus and its official bodies.

One of the panelists also mentioned a 2013 outbreak of African swine flu and the way it was handled by the government. At first, the Ministry of Agriculture denied that it detected the disease, “openly telling journalists it would file libel suits against anyone who reported about the alleged outbreak,” according to a panelist. Later the authorities had to acknowledge that there was indeed an outbreak and took unprecedented measures to contain it by killing livestock on large pig farms as well as in private households, causing widespread popular discontent.

Speaking of the topics the media tend to focus on, one of the panelists argued that there are very few stories about the lives of ordinary people, and “many stories covering the establishment, the authorities, the opposition, and things like that. There are very few stories about life in rural areas, or hyper-local topics. Hardly anyone writes about these.

There are very few ‘human stories.’ And all of that is not government-imposed; it’s just happened that way. There is just no tradition. And yet painfully, they write about political topics that readers have no interest in.”

Media professionals are better off than those who work in schools and hospitals, yet their salaries are hardly higher than the country’s average, the panelists agreed. “There are many journalists who would like to earn more and are looking for work in other outlets. Yet very few new media projects, and thus very few additional workplaces, emerge. At the same time, the supply of journalists’ labor is growing,” said a panelist. Many journalists, especially in the capital, Minsk, and regional centers, tend to work for several outlets. Bloggers and citizen journalists rely on other jobs. The turnover had been quite high for several years already, with many experienced reporters leaving their outlets either for other industries (primarily advertising and public relations) or other countries (mostly Russia).

Pay levels vary across the sector, with heavily subsidized state-controlled outlets, as a rule, offering higher salaries. Yet private outlets are somewhat catching up, according to the panel, mostly because of both salary cuts in state outlets and hikes in private ones. Entry-level reporters usually draw \$350 a month, experienced reporters around \$500, while editors and sub-editors might earn \$1,000–\$1,500, according to a panelist. Those figures might be higher for bigger outlets and in bigger cities. Meanwhile, the national monthly average reached \$620 in December 2013. One of the panelists mentioned that major online media, such as TUT.by and Onliner.by, are among highest-paying companies and thus have started to influence pay levels across the industry. Their competitors are finding it very difficult to retain key reporters and advertising managers.

Commercially popular entertainment content tends to eclipse news and information pretty much everywhere except in some newspapers and websites, according to the panelists. They also said audiences are opting for entertainment more and more, especially as so much of the news reporting provides little new information. Despite this, 72.3 percent of adults polled in a national survey said media’s main job is to provide news, while only 5.4 percent said that media’s main purpose is to entertain.

Basic equipment and technology for newsgathering and reporting is easily available. Yet more and more outlets are looking beyond that. However, only the larger media organizations can afford professional equipment for high-quality, multimedia reporting; they also cannot afford to build sophisticated websites with extra services that could help monetize their content. Widespread use of pirated software is another sore point. One of the panelists argued

that there is a lack of knowledge on how to efficiently use the technology and equipment that is already at journalists’ disposal. “For example, everyone has mobile phones. Every phone has a voice recorder. But people do not use it [during interviews] because they do not even know that is possible,” the panelist said.

Some niche reporting exists, yet its quality is somewhat below par, the panelists argued, saying that low salaries, political and ideological restrictions, and a lack of adequately trained staff are all to blame. “Investigative journalism and media think it is only about crime and corruption, which has almost gone extinct. There is some business journalism, yet it still leaves something to be desired. Local reporting is still alive, but not in all regions. Political journalism is simply of no interest either for readers or journalists. In general, all this analytical reporting is time-consuming, and since nobody wants to pay for that, it is often being passed over,” said one of the panelists. Also, another panelist added, there is no economic reporting and analysis that could explain—in layman’s terms—what is happening to the national currency. It devalued by 189 percent in 2011, and by 25 percent in 2009. And since the government is still pursuing the same populist economic policies, people are haunted by memories of those meltdowns. Yet they were not able to make well-informed decisions, and in most cases had to rely either on rumors or on everything-will-be-fine slogans.

OBJECTIVE 3: PLURALITY OF NEWS

Belarus Objective Score: 1.23

By and large, Belarus is well served by various types of media. Yet not all of them produce their own news or unique content, and thus a multitude of media outlets has not translated into a great variety of viewpoints that Belarusian audiences are exposed to. In addition, the quality and depth of reporting are compromised by commercial imperatives. Indicators dealing with biased editorial policies of state media (indicator 3), state monopolization of media ownership (indicator 6), and under-reported minority issues (indicator 7) received the lowest scores. The overall score of this objective remained almost unchanged, with the tiny decrease due to a lower evaluation of indicator 7.

In December 2013, Belarus’s information ministry had over 1,825 “traditional” media outlets on its registers; 1,235 of them were private. In particular, there were 709 newspapers (503 private), 791 magazines and journals (598 private), 168 radio stations (24 private), 93 television channels (59 private), 40 bulletins (29 private), nine information agencies (seven private) and two almanacs (all private). Apart from those, there are hundreds of online media.

Television remains the primary news source: 91.9 percent of those polled in a market research study in June 2013 cited television as their preferred source of news. The Internet came in second place; Belarusians said they turned to it the most for news (63 percent), followed by newspapers (60.9 percent) and radio (48.5 percent). Preferred news sources vary mostly by the audience age. Older generations put more emphasis on television and newspapers, and less so on the radio. The widest margins were recorded for digital platforms: 93.7 percent of those aged 18–29 said they get news from the Internet, compared with 79.1 percent for people aged 30–44, 43.7 percent for those aged 45–60, and only 14.3 percent for those aged 61 and older.

The government retains tight control over most of the traditional media, first of all broadcast outlets. “Print media, radio, and television are—with some exceptions—the mouthpieces of pro-regime propaganda, and their coverage of news and social processes is biased,” a panelist commented. “Information pluralism is observed only in online media and on social networks, and to some extent in print media.” Another panelist added, “State media unequivocally stick to the single point of view; ‘semi-state’ media cover social issues yet shun political ones. As for private media, it depends on how bold they are. But in many cases it is worthwhile for them to report on some sensitive issues and criticize the government, since that is the reason people buy them. That is why, in many cases, they do offer varying viewpoints.”

Meanwhile, according to the same survey, an average Belarusian generally watches six television channels,

uses four websites, reads three newspapers, and listens to three radio stations. Rural areas were in most cases served by fewer state-owned television and radio stations and government-owned newspapers. The panelists also mentioned that ZALA, an interactive television service from state telecommunications monopoly Beltelecom, is gaining in popularity, including in rural areas that are not reached by other cable networks.

Social networks are quite popular: 28.9 percent of those polled in another survey, also in June 2013, said they were using V Kontakte.ru, a popular Russian-owned service; 28.4 percent mentioned Odnoklassniki.ru, another Russian social network. Facebook and Twitter were cited by 14.8 percent and 7.9 percent, respectively.

The Belarusian government retains tight control over distribution channels, though, as a means to restrict access to critical media. Non-loyal domestic publications are either banned from state-owned distribution and postal networks, or they are allowed to sell only a certain number of copies. Strict registration and licensing rules made it impossible to start an independent broadcaster. Cable operators must first seek approval from local governments of television channels they plan to transmit via their networks. Foreign press and broadcasters need express permission from the Ministry of Information to be distributed in Belarus.

On the other hand, the Internet is still largely unregulated, and it is both widely available and affordable. Installing a satellite dish does require a permit from local housing authorities, yet that is just a formality that is often ignored, according to a panelist. Alternatively, the permit could be obtained via a company that sells satellite equipment, for a small extra charge. Affordability is an issue mostly in the case of foreign media. At the same time, domestic press sales are dwindling, less so in the case of regional newspapers.

Belarus has no public media, the panelists emphasized. State-owned media are, in the words of a panelist, “instruments of state propaganda and manipulation of public opinion... Groups and activists that embody a political alternative were either ignored or deliberately discredited. The lion’s share of state media content is propaganda that extolls the achievements of Belarus’s paternalistic government.”

Nine companies, seven of them privately owned, are registered as information agencies by the Ministry of Information. Yet only four of them offer newswire services to other outlets, the panelists said. Two, BelaPAN and BelTA, are domestic, and two are Russian-owned (Interfax-Zapad and Prime-TASS). Prime-TASS offers only economic news and analysis. Others cover all sectors and sell various products. They also ran websites that offered news for

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

personal use. Newswire subscription prices varied from \$300 a month for daily updates to \$600 for real-time updates. However, according to a panelist, even larger media mostly purchased daily updates and tended to rely on news syndicated for free from other sources. State-controlled media, in most cases, were using news and other products offered by BelTA, the official news agency of the Belarusian government. Private outlets tend to rely on BelaPAN and Interfax-Zapad. Very few media organizations buy news from the handful of domestic agencies. Apart from news and analytical reviews, BelTA and BelaPAN offer photos, infographics, and video. BelTA is also publishing two journals and a weekly newspaper, selling television listings to other media, and building and running websites for other organizations, including state-owned regional newspapers and governments. Newswire subscriptions, photos, and other services offered by international news agencies were affordable only for the biggest outlets, such as the national state-owned television networks, the presidential administration's daily *SB.Belarus Segodnya*, or Belarus's biggest web portal, TUT.by.

By and large, all 83 privately owned Belarusian broadcasters, registered by the Ministry of Information, focus heavily on entertainment offerings, with very little news content. Their news bulletins consist mostly of official information, some local news, sports, and weather. Radio stations are music-based, while local content on television stations is unlikely to make up the whole of their schedule, and they must rely on entertainment content provided by bigger television networks—in most cases Russian. Expatriate broadcasters that target Belarusian audiences generally conduct a lot more primary newsgathering and offer their own reports and analysis. Radio Liberty is largely audio-based. European Radio for Belarus and satellite television Belsat offer a mix of information and entertainment programming.

Privately owned newspapers and websites also produce their own news, yet to varying degrees. Reliance on news agencies and content syndicated from other media remains significant, especially among national outlets. One of the panelists argued that understaffed and cash-strapped newsrooms are finding it increasingly difficult to produce their own news, and the share of content curated from third parties is, in fact, increasing. Bloggers are no different, the panelists agreed, yet sometimes they do fund news coverage or even break stories themselves. In general, though, user-generated content and citizen journalism are not deemed reliable news sources.

The media law requires the disclosure of founding companies of "traditional" media, yet the actual owners of those outlets, as well as the people behind blogs or websites, might not be easily apparent. On the other hand, the panelists argued, the general public hardly cares about media ownership. "It is always obvious whether an outlet is state-controlled or private, and that is enough. And that will remain so until the media business becomes more lucrative," said a panelist.

Belarus has no history of media consolidation, other than by the government. Foreign investment remains fairly insignificant, in keeping with the media law that caps immediate foreign ownership of media outlets at 30 percent. An exception was made for those media organizations that were foreign-owned before that requirement was introduced in 2009. Russian companies own several popular newspapers, *Komsomolskaya, Pravda v Byelorussii* (daily), and *Argumenty i Fakty* (weekly), two news agencies, Interfax-Zapad and Prime-TASS, and VTV, an entertainment television channel.

Many social issues, such as gender, religion, sexual orientation, and subcultures, receive very limited coverage in mainstream media. Most of that coverage was just keeping tabs on daily happenings and failed to examine issues in depth, or from an unexpected angle. There was some debate on gender, though, one panelist said. Other issues were dealt with in specialist media, mostly online or in small newspapers. Some ethnic groups, most notably those in the Polish minority, also run their own small-circulation publications.

The news output of most media organizations includes stories covering local, national, and global issues. Although local media tend to focus on local affairs and information, there is an obvious lack of hyper-local news, and thus people have no opportunity to learn about what is going on in smaller communities, one panelist said. To some degree, the newsgathering capabilities of all outlets are restricted, and as a result they must rely on third-party content. International news, in many cases, is syndicated from foreign Russian-language media. Local and national outlets rely on each other for national and regional coverage, respectively. Online media offer localized content, in many cases syndicated from other sources. The biggest portals, such as TUT.by, dispatch networks of their own reporters in the regions. The state-owned television network Belarus 2 and Radio 1 offer opt-outs for regional news.

OBJECTIVE 4: BUSINESS MANAGEMENT

Belarus Objective Score: 0.95

The panelists agreed that most Belarusian media are not self-sufficient and the situation remains more or less the same compared with last year. Reflecting this, the score for Objective 4 remained essentially unchanged.

“Achieving self-sufficiency is hampered by the lack of a market environment in the media sector, politicized restrictions for independent media, and the media’s inability to monetize media content via modern digital technologies on the Internet. Dependence on external subsidies deprives the media of any motivation to improve their self-sustainability,” one panelist said. Media are making some basic short-term business plans, which are often a compulsory requirement even for those who rely on external funding. Yet creeping inflation (16.5 percent in 2013), rising production costs, and stagnant revenues made it difficult to both budget and adhere to those plans.

While all media hire dedicated professionals to deal with accounting and advertising sales, in-house lawyers and marketing specialists are less common. Furthermore, most media lack professional managers, one of the panelists argued.

There is also a broad spectrum of financial success across various media outlets. Some hover on the verge of bankruptcy, while others have watched their revenue grow steadily. Only those able to rely on classified ads or advertising from major brands are more or less stable, one of the panelists argued. Another panelist added that

many small businesses benefited from state-mandated salary hikes and were in turn buying more ads from regional newspapers. It is unclear how heavily a commercial imperative weighs on the shoulders of state media. For years, the government had been providing generous subsidies—usually comparable to national ad spend for the whole sector—claiming the ideological component was superior to self-sustainability. In 2013, though, the government was finalizing the merger of a dozen state-owned newspapers and magazines into two media holdings, in an attempt to cut running costs.

A majority of outlets draw revenues from several sources. State-owned outlets rely heavily on direct funding and subsidized fees. The National State Television and Radio Company, a media holding of five national television channels and five national radio stations, as well as five regional companies with their own television and radio stations, had been enjoying tax breaks since 1996. The national television channel ONT (which also runs a radio station) was similarly exempt from VAT and profit tax. State-controlled media also benefited from other unfair competition practices, such as state-imposed newspaper subscriptions, restricted access to distribution channels for private outlets, and unofficial bans for businesses to advertise in outlets critical of the government. Official notices (such as tender announcements or bankruptcy notices) are also to be placed in state-owned newspapers only.

Private media rely mostly on advertising, and sometimes on funding from their owners’ other businesses or grants from foreign donors. According to one panelist, major advertisers do influence editorial policies. “Very often advertisers, especially banks and mobile operators, ask that their ads should not be placed alongside negative information about the president. And sometimes newsrooms have to come up with some positive stories—not necessarily about the president—that they would never write otherwise.”

The advertising market grew 28 percent in 2013, according to the advertising group ZenithOptimedia. Yet per capita ad spend was only \$11 per year. Television’s hold on advertising budgets remains strong, at 53 percent of the total market. For the first time, the Internet became the second most popular medium, capturing a 15 percent share, after 55 percent growth against a year earlier. Elsewhere, television was up 30 percent, radio 20 percent, and print 10 percent.

The market is still dominated by major advertising agencies that managed accounts for the largest advertisers: domestic mobile operators and lotteries, and the likes of Unilever, Procter & Gamble, Nestle, and Coca-Cola. Budget-wise, those media buying and planning contracts accounted for around

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

90 percent of total ad spend, according to some estimates. In most cases, ad agencies prefer to buy ad slots from media with national reach: national broadcasters and press, as well as the biggest online portals. However, classified ads from small businesses in their communities formed the bedrock of local media. Local broadcasters also rely on congratulatory messages.

Most, yet not all, media managers are eager to increase advertising revenues. Several panelists said that many state-owned outlets, first of all newspapers, were reluctant to pursue higher ad sales and relied on state subsidies instead. Meanwhile, many private titles had seen dwindling copy sales and had to rely on advertising or external funding. Those who were successful in maintaining advertising revenues either registered additional newspapers to accommodate ads or published more advertorials, all to comply with legal requirements restricting the amount of advertising in media. The law capped advertising at 30 percent in the press (25 percent in state-owned outlets) and 20 percent for broadcast media (including 30 percent during prime-time).

Government subsidies are meant only for state-owned outlets. In 2013, the national budget provided for \$70 million in direct funding. In comparison, the national advertising market totaled \$104 million in 2013. Regional governments also subsidize their own media organizations. The subsidized status of state newspapers, for example, allowed them to undersell their privately owned competitors by offering lower copy prices and advertising tariffs. Both the government and state-owned companies were buying very little advertising, yet the government has pressured advertisers for many years to withdraw ads from critical media.

Use of market research is still very limited. Only the richest media companies, such as national television networks, can afford professional market research. The panelists recalled only one such survey commissioned by a media organization in 2013. It was made by TNS, a market research outfit, for Toloka, a publisher of numerous household magazines. There was also a state-of-the-media survey produced for one of the media development organizations, and dozens of private outlets did have access to its results, according to one panelist. In most cases, however, such surveys were commissioned by advertising agencies, and media outlets had no such access. There also were some in-house incentives by local media, mostly in the form of online or paper questionnaires.

Several private research companies offered broadcast ratings and Internet statistics. GEVS offered television ratings (obtained via People Meters), as well as measured radio

and press audiences via phone interviews. NOVAK has used self-completion diaries for television and radio ratings, and face-to-face interviews for press. The Internet research firm Gemius is the go-to place for Internet statistics. It uses a combination of website counters, online panels, and offline research and offers both usage statistics and demographic profiles. Unlike GEVS and NOVAK, Gemius shares a lot of information about Internet usage trends for free. Basic online ratings were also available from Akavita.

Results from reports on newspaper sales are still viewed suspiciously. Meanwhile, many small advertisers, as well as some media professionals (including ad sales personnel), still have difficulties in dealing with ratings terminology.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Belarus Objective Score: 1.20

Objective 5 experienced a small decrease of 0.12 in the overall objective score. Printing and distribution facilities remain politicized and inefficient, while professional associations, the work of supporting NGOs, and short-term training opportunities received relatively better evaluations from the panelists, although none of the indicators exceeded a 2.00 score.

Two trade associations operate in Belarus. United Mass Media brings together 13 regional newspaper publishers in central and western Belarus. The Telecommunications Industry Union represents almost 100 local television stations

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

and cable operators. Both organizations offer mostly networking and learning opportunities for their members. There were also attempts to bulk-sell advertising and purchase newsprint and programming rights through those organizations. The associations try to represent and support their members, but they have very little power, the panelists said. Lobbying, for example, is hardly ever possible.

Belarusian journalists, in their turn, have two professional associations working to protect their rights. The Belarusian Union of Journalists (BUJ) is a 2,000-strong organization of media workers from state-controlled outlets. There is also a private counterpart, the Belarusian Associations of Journalists (BAJ). It includes around 1,000 members, mostly working for private outlets, as well as freelance journalists. Both organizations offer legal assistance, networking opportunities, and training activities to their members. Both claim that they represent journalists, but they in fact work with newsrooms, one of the panelists argued, and in case of a conflict between an employer and a journalist, those organizations tend overwhelmingly to support the management. "Over the course of this year, BUJ has never acted in support of its members, never supported journalistic solidarity with regard to violations of journalists' rights. This organization is very much a phantom structure needed to demonstrate the presence of democratic institutions," one of the panelists claimed. BAJ, in its turn, tries to act as a press-freedom watchdog by monitoring and publicizing violations of the rights of the entire media community, much to the dislike of the Belarusian government. BAJ also much more actively cooperates with similar organizations and other development institutions in other countries. Again this year, the panelists emphasized that media professionals had no trade union of their own.

The role of NGOs in the promotion of freedom of expression in Belarus is insignificant, the panelists agreed. The authorities do not view them as intermediaries between the journalistic community and the state. There are several human-rights groups, most notably Viasna and the Belarusian Helsinki Committee, that also monitor violations of freedom of speech. They condemn violations, one of the panelists claimed, and sometimes provide legal defense. According to their mandates, both BAJ and Belarusian Helsinki Committee can protect only their own members. Viasna lost its registration with the government several years ago and has been working unofficially ever since. Cooperation of such groups with international organizations remains limited. The law restricts access to foreign funding, and in fact using unregistered foreign aid is a criminal offense in the country.

Journalism degree programs were available from both domestic and foreign universities. Most popular is the

Journalism Institute at the Belarusian State University in Minsk, with around 1,100 students. It offers several majors, in print, broadcast, online, and international journalism, editing, and media management. "The curriculum they use was designed back in the Soviet Union, and later on just slightly changed to incorporate new technologies," one of the panelists argued.

Training is mostly theoretical, the panelists agreed, and as a result graduates are far from job-ready, drawing complaints from editors. Still, more than half of graduates are choosing jobs in public relations and advertising, according to one panelist. The university offers a course in online journalism, but again with very little practical emphasis. "There are not enough strong online newsrooms," a panelist commented, adding that the university is wary of sending would-be journalists to intern for media that might be critical of the government. Similar programs are offered by regional state universities in Homiel, Hrodna, and Viciebsk, as well as several private institutes in the capital.

The European Humanities University (EHU) in Vilnius is the most popular foreign destination for would-be journalists. Once a private university in Minsk and a liberal stronghold, it was shut down by the Belarusian government in 2004, yet reopened a year later in the capital neighboring EU country, Lithuania. Several hundred students were divided among four majors: mass communication and journalism, visual culture (cinema, television, and Internet), design and visual media, and new media. Although curricula were based on Western standards, the purpose of the education EHU provides seemed to be more about broadening minds than equipping graduates with practical skills for the world of work. Moreover, very few of its graduates return to work for Belarusian media, the panelists said.

As academic programs are poorly regarded by the media industry, journalists have had to learn practical skills either on the job, or via various short-term training opportunities. Free courses are available from professional and trade associations, as well as from media-development NGOs, both domestic and foreign, in all kinds of formats: webinars, workshops, study visits, master classes, and internships. The panelists once again noted that those numerous training opportunities mostly target journalists, yet there is a lack of trainings in advertising sales, website promotion, finance, marketing, and leadership. Other challenges were mentioned: "Newsrooms are understaffed and feel they cannot afford to send any employees off on internships. Secondly, trainees find it hard to apply what they have learned ... and new approaches might require additional resources." As a result, media managers tend to favor formats that are less time-consuming and disruptive to newsroom workflows. In-house sessions by

highly experienced practitioners are often viewed as the most efficient.

Paid courses are available from several private companies (mostly in photography, computer graphics, and website promotion) and the Journalism Institute at the Belarusian State University. The latter offers a variety of training opportunities, ranging from one-day seminars to 21-month distance courses in online journalism as well as photojournalism.

As noted above, basic news-gathering and news production equipment is widely available; anything beyond that is affordable only for big media companies. Most notably, the software was almost 100 percent pirated, especially that for photo and video editing. The majority of printing houses are state-owned; others are still heavily controlled by the Ministry of Information—the regulator of both the media and publishing sectors. Only three private printing presses are licensed to print newspapers; several dozens more are allowed to print magazines. For several years, local newspapers that were critical of the government faced restricted access to printing facilities in their regions and had to be printed in the capital or other bigger cities.

The panelists failed to comment on the efficiency of printing presses from a business perspective. Many cash-strapped private outlets found it very difficult to pay several months in advance, and thus lost their discounts. State-owned newspapers were not paying at all, a panelist said, and had huge outstanding debts that drove the printers to court to try to recover. Meanwhile, printing in neighboring countries—for example, in Lithuania—is worthwhile financially, yet that tactic is popular only among non-political monthly magazines. “You just never know whether a [critical] newspaper will make it through the border at all, more so on time,” a panelist commented. Most newspapers use domestically produced newsprint, even despite its somewhat inferior quality. The quality of printing is often lacking.

Similarly, the government retains control over most of the distribution infrastructure. Most papers are sold via Belsajuzdruk, a network of 1,500 newspaper kiosks, and the postal service Belposhta (with around 3,800 post offices and kiosks). Some material, mostly magazines, is sold via supermarkets and smaller shops. Around a dozen private political newspapers face restrictions in accessing those state-owned distribution networks. Some have been banned from newspaper kiosks and subscription catalogs; others are allowed to sell only a very limited number of copies. As a result, many of those papers had to rely on sales via shops or start in-house distribution incentives. Elsewhere, the online service belkiosk.by has sold electronic copies (in PDF) of over 100 newspapers and magazines, both state-owned and private.

The terrestrial broadcasting infrastructure is also almost 100 percent state-owned. Many cable networks are private, but lists of channels they broadcast must be approved by local governments.

While digital platforms remain the least regulated sphere of all, the Belarusian telecommunications infrastructure falls short of what both customers and the media need. “Slow Internet connectivity, overloaded mobile networks: this pretty much sums it up,” a panelist commented. Internet penetration reached 60 percent in November 2013, according to Gemius. Almost 70 percent of Belarusian Internet users use broadband connections. At the same time, Belarus was the slowest in Europe in terms of its average Internet connection speed, according to the IT company Akamai Technologies. In the third quarter of 2013, Belarus relied on an average speed of 2.5 megabits per second (mbps), compared with the global average of 3.6 mbps.

Internet subscription prices are about the same: 2-mbps Internet subscriptions without a traffic cap are sold for around \$10 a month. Many households and businesses must rely on slow copper landlines for their Internet connection, and thus put up with buffering screens while trying to watch video on the Internet.

Mobile penetration exceeded 100 percent, and although phone companies have claimed that fast 3G Internet is available everywhere, users complain about coverage, speeds, and prices. Mobile operators are foreign-owned, yet the government retains a controlling stake in one of the companies. And although most ISPs were also private, connections were possible only via backbone infrastructure still owned by the authorities.

Hosting was another concern of media outlets. Under the 2010 Internet regulation edict, websites selling goods or services (even those running banner ads) must be hosted on servers in Belarus. The panelists criticized pricey tariffs and cited reliability issues as well.

List of Panel Participants

Note: MSI panelists in Belarus agreed to participate only if they were not named publicly. Amendments to the criminal code were introduced in December 2005 to add an article, “Discrediting the Republic of Belarus,” that provides for criminal liability for giving international organizations “false information” about the situation in the country. Human rights groups, both domestic and international, believe the article’s vague wording makes it possible for the government to detain for up to six months anyone reporting negative information or to imprison them for up to two years.

The panel discussion was convened in December 2013.

This year's panelists did point to some improvements, but many of the same doubts persist.



MOLDOVA

Early 2013 marked the beginning of a new political crisis in Moldova. On December 23, 2012, a number of high-level officials, including the general prosecutor and judges, and several managers of private and state companies—about 40 people overall—took part in a hunting expedition in the nature reserve Pădurea Domnească (Royal Forest). The hunt ended with the serious wounding of one of the participants, who later died. The death of the man was kept secret until January 6, 2013, when the leader of the Antimafie (Anti-mafia) political movement announced that the general prosecutor mortally wounded a man on an illegal hunt.

The parliamentary commission created to investigate the case pointed to a cover-up by law enforcement institutions. The revelation of the man's death in the company of high-level state officials set off a number of events that launched a political crisis in the Alliance for European Integration (AEI). AEI, which consists of three parties and had been governing the country since 2011, was on the brink of collapse when Vlad Filat, its leader and prime minister, dissolved the AEI. In February 2013, the Communist Party (CPRM) brought a motion of no confidence that the Democratic Party (DP), an AEI member, supported; it resulted in the government's resignation. A new government was formed only in May after lengthy political negotiations. Experts from the Chișinău press club declared that the way in which the Moldovan media covered the Pădurea Domnească case showed that political actors control the press, and they use it primarily to manipulate public opinion.

Also in 2013 Moldova signed the Association Agreement and the Free Trade Agreement with the European Union. The agreement provides the necessary support to implement some basic economic and governance reforms and will support the liberalization of trade with the EU. Another historic event soon followed: the Constitutional Court acknowledged the Romanian language as the state's official language, as stated in the Declaration of Independence—not Moldovan, as stated in the constitution. While Moldovan media outlets covered the signing of the Association Agreement in a similar fashion, the decision to designate Romanian as the state language divided the press, and the entire society, into two camps. Finally, as 2013 was a pre-election year, political forces reconsidered and renewed their alliances and commitments.

Meanwhile, in the media sector, despite civil society efforts to increase the transparency of media ownership, lack of progress on that issue continues to concern the media community. Last year's MSI underscored improvements in the way that civil society supports media freedom but noted that it remains to be seen whether the gains can be sustained and begin to carry over into other aspects of the media. This year's panelists did point to some improvements, but many of the same doubts persist. Overall, Moldova's MSI score remained largely unchanged, with individual objective scores showing negligible to small changes.

MOLDOVA at a glance

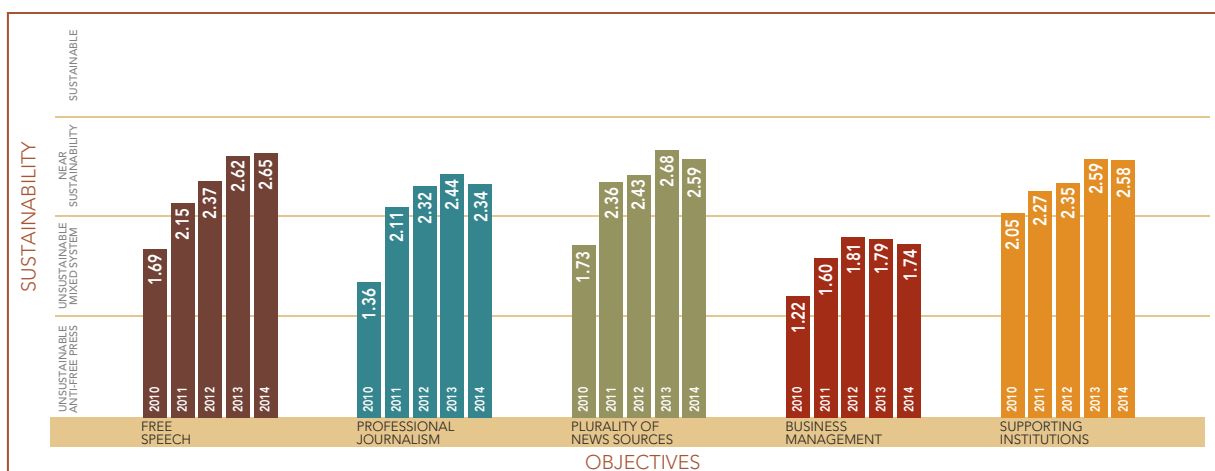
GENERAL

- > Population: 3,583,288 (July 2014 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)
- > Religions (% of population): Eastern Orthodox 98%, Jewish 1.5%, Baptist and Other 0.5% (2000 *CIA World Factbook*)
- > Languages: Moldovan, Russian, Gagauz
- > GNI (2012-Atlas): \$7.375 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$3,630 (World Bank Development Indicators, 2013)
- > Literacy rate: 99%; male 99.5%, female 98.5% (2011 est., *CIA World Factbook*)
- > President or top authority: President, Nicolae Timofti (since March 23, 2012)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, Internet news portals: Print: 184 newspapers, 227 magazines (National Bureau of Statistics, 2012); Radio Stations: 57 (Broadcasting Council, 2013); Television Stations: 64 (Broadcasting Council, 2013). Internet News Portals: top six: protv.md, unimedia.md, noi.md, inprofuzime.md, kp.md, kommersant.md (Gemius, 2013)
- > Newspaper circulation statistics: *Komsomolskaia Pravda* (48,108), *Makler* (19,584), *Argumenti I Facti* (16,439), *Antenna* (15,794), *Unghiul* (10,885), *Adevarul Moldova* (9,738), *Timpul de dimineată* (8,942), *Panorama* (8,010) (BATI, 2013)
- > Broadcast ratings: Competing surveys produce dissimilar results. According to IMAS-INC (2012): Top two television: Prime TV (private) and Moldova 1 (public); ProTV has highest rated newscast. Top three radio: Radio Noroc (private), Radio Moldova (public), Russkoe Radio (private). According to AGB Moldova (2012): Top three television: Prime TV, Moldova 1 and 2-Plus; top three radio: Hit FM, Russkoe Radio, and Radio Noroc.
- > News agencies: Info-Prim Neo, Moldpres (state-owned), Infotag, Info-Market, Monitor Media, Basa-press, Deca-press, Novosti-Moldova
- > Annual advertising revenue in media sector: Television: €15.1 million; Radio: €1.2 million; Internet: €1.25 million; Print: €3.57 million (AAPM, 2012)
- > Internet usage: 1.333 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: MOLDOVA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscores.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Moldova Objective Score: 2.65

Of all five MSI objectives, this year the panelists gave the highest scores to the legal infrastructure supporting the freedom of speech. Although the objective score improved just slightly from last year, it reflects some improvements that the panelists highlighted, including the parliament's adoption of legal provisions aimed at creating adequate conditions for journalists' work. In March 2013, the parliament complemented the Criminal Code with two articles that rendered censorship and the deliberate obstruction of media activity or intimidation for criticism illegal. So far, Moldovan journalists have not tested these new articles with law enforcement bodies.

From a regulatory point of view, freedom of expression is widely acknowledged and protected. The Law on the Freedom of Expression offers a rich glossary of specific terms and rules that a democratic society follows. Related laws, such as the Broadcasting Code, the Election Code, the Criminal Code, and the Law on the Access to Information, among others, stipulate the media's fundamental right to express themselves and to raise awareness.

And yet, on the other side of the coin are legal provisions that are used to restrict journalists' work, even though that is not their original intent. Even today, two years after the

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

adoption of the Law on the Freedom of Expression—the law applicable in all cases of defamation in the press—plaintiffs in national lawsuits oscillate between accusing the media of insult/calumny (stipulated in the Administrative Code), injury to honor, dignity, and professional reputation (stipulated in the Civil Code), or defamation under the Law on the Freedom of Expression. In this regard, the panelists noted the lack of awareness and erroneous enforcement of the legislation, both by participants in legal proceedings and judges, in addition to corruption and political or circumstantial dependence.

Olivia Pîrțac, a lawyer with the Ministry of Justice involved in coordinating and monitoring an EU project to support judicial reforms, confirmed that the awareness of this law's provisions is insufficient and that the existing deficiencies are caused first and foremost by problems in the judiciary, where the necessary reforms have not yet been implemented.

Petru Macovei, executive director of the Association of Independent Press (AIP), recalled the case of the Civic Initiative for a Clean Parliament. In 2009, a group of NGOs published a brochure with a black list of candidates from parties competing for the parliamentary elections, and the CPRM, one of the candidates of the Moldova Noastră Alliance, and the DP replied with a lawsuit. "The danger faced by the Civic Initiative for a Clean Parliament in the three-year trial concerning the freedom of expression stemmed from the refusal of the Moldovan courts to apply the Law on the Freedom of Expression. Although the eventual ruling issued by the Supreme Court of Justice was favorable, the fact that the court of first instance groundlessly prohibited the dissemination of the brochure restricted the rights of these NGOs to the freedom of expression and information; this meant that the brochure could not be disseminated at the right time—and therefore, it lost its topicality and relevance," he said. The panelists agreed that Moldovan courts cannot be considered independent in cases related to the freedom of expression.

The panelists listed a number of deficiencies in licensing media institutions. First of all, the authority that regulates broadcast media—the Coordinating Council of Audiovisual (CCA)—has not won civil society's trust. Pîrțac noted that although the current CCA members are no longer in the middle of scandals and complaints regarding preferential treatment, they have not managed to reverse the historic mistrust of this institution. Ion Bunduchi, chief of the Radio Moldova programming department, said that the results of contests for terrestrial frequencies are still unpredictable; however, the panelists feel that the influence of politics seems notably reduced. In the view of Angela Zaharov, a producer at Elita TV station in Rezina, this is not, however,

determined by the CCA's increased independence but rather because "the big battle has already taken place, because all the frequencies have been distributed and the political sector intends to buy the existing broadcast licenses, and, implicitly, because the audience will be able to enter the first digital multiplex after the transition to digital broadcasting in 2015."

The panelists' opinions of the CCA in terms of independence and professionalism were divided. Some noted that the CCA has become a less opaque authority, by reacting to cases of violations of journalists' rights and honoring the invitations of civil society to their events. On the other hand, some panelists think the CCA is still under political influence.

Entrance into Moldova's media market is not restricted; by law, almost anyone can establish a media institution. Regarding the entrance of naturalized foreigners living legally in Moldova, the legislation stipulates they are limited to holding no more than a 49 percent share of a periodical publication's capital. The Broadcast Code also forbids public authorities at any level, public institutions funded by the state budget, political parties and associations, telecommunications companies, and institutions from obtaining broadcast licenses. However, the panelists criticized the media taxation regime, which is identical to that in other economic areas. They also mentioned a lack of public policies to stimulate independent media's development.

In broad terms, it is safe to pursue the journalism profession in Moldova. The new provisions in the Criminal Code that outlaw restricting a journalist's activities and censorship were appreciated by panelists. There have been fewer instances of aggression against journalists, but investigative journalists, in particular, sometimes experience intimidation. Blogger Vlada Ciobanu added, "Bloggers writing on political subjects sometimes receive anonymous text messages with threats." In 2013, a number of high-level officials threatened journalists. For example, a member of the parliament (MP) from the Communist faction threatened a female journalist from Publika TV. In another instance, the chair of the Supreme Court of Justice, along with an MP of the Liberal Party (LP), threatened that they would "do everything to promote the re-criminalization of defamation." These cases were widely publicized; media NGOs, and occasionally the broadcast regulatory authority, expressed their positions on them.

The panelists criticized the appointments to the administrative authority of the national and regional public broadcaster. In 2013, six membership mandates on the Council of Observers (CO) of Teleradio-Moldova (TRM)

expired. In December, the CCA selected 12 candidates for the free seats, and a parliamentary commission had to choose the six new members. Bunduchi noted that the selection of candidates for the CCA and CO has always been, and is still, based on political criteria. The panelists also complained about the slow pace of reforms at TRM due to conflicting interests among the members of the administrative authority. The regional public broadcaster, Teleradio-Găgăuzia (TRG), suffers more from direct political influence, according to the panelists. For more than one year, the Popular Assembly did not select the nine members of the CO and dismissed the TRG chair, Ecaterina Jecova, two days after their selection. However, the courts ruled that their decision was illegal, as it is the CO's prerogative to decide on the appointment. In July 2013, the CO dismissed Jecova and appointed Ana Harlamenco, former chair of the government of Găgăuzia Autonomous Region, chair of the regional public broadcaster.

Moldova's treatment of libel drew a rather strong score. Libel has been decriminalized and is now on par with administrative violations, but no journalists were penalized in court for libel this year. The Law on the Freedom of Expression offers sufficient democratic guarantees for journalists accused of defamation, although there have been deficiencies regarding the independence of justice.

At the national level, access to information has improved considerably in recent years, but journalists still face serious problems locally. Veaceslav Perunov, journalist and manager of *SP*, a Bălți weekly, criticized local authorities for restricting journalists' access to information. Perunov said that *SP* has been wrestling in court for a year with several institutions that refused to release public information, hiding behind claims that the Law on the Access to Information does not apply. In some public institutions in Bălți, the administration has prohibited employees from making statements to the press. Zaharova described a similar situation in Rezina. The panelists also declared that employees of public authority press services have weak professional backgrounds and resist providing information to journalists.

The panelists gave the highest scores to the last two indicators of this objective, because Moldovan media's access to national and international sources of information is not limited by law and entrance into the journalism profession is free. However, journalists who want to cover the activities of local authorities in the Găgăuzia Autonomous Region are required to receive accreditation.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Moldova Objective Score: 2.34

In 2013, several events tested the Moldovan media's professionalism. On September 4, the government decided to grant the state company Aeroportul Internațional Chișinău (Chișinău International Airport) and the adjacent land to a company from the Russian Federation. Chișinău's mayor declared that Chișinău Airport would be run by a controversial businessman. In the end, the Constitutional Court suspended the government's decision until the case is resolved in court.

Another event involved Banca de Economii S.A., the only bank with a majority of state capital, which was the target of a "raider attack." As a result, the state started to lose control of the bank, to the detriment of minority shareholders. In addition, the press wrote about forceful takeovers of two other major banks in Moldova: Moldova-Agroindbank S.A. and Victoriabank S.A. The panelists agreed that the manner of reporting these issues varied from one media institution to another, subject to the editorial policy and influences. To the panelists, the results clearly indicated that control was exercised over the coverage of some issues. "For instance, some major media players did not publicize certain subjects as much as they should have, because they received very clear orders on how much, how, and to what extent they were allowed to discuss those issues. In some cases, the news was broadcast before the events even happened," one panelist said.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

The scores for fairness, objectivity, and good documentation of press subjects varied significantly, and the lowest scores came from panelists who are not journalists. "The fact that anyone anywhere can practice journalism has led to the emergence of numerous poorly documented and biased articles, along with more balanced and well-documented journalism," Pîrțac said. The panelists highlighted a number of poor practices, including, in the view of Raisa Lozinschi, editor-in-chief of *Ziarul Național*, a rush to file breaking or shocking news and pressure on journalists to sit on information. Ciobanu said that the situation is worse in the online world, because in this journalistic space printing the news first seems to be more important than getting a story right. In addition, she believes that bloggers are not true journalists, because they usually present only opinions that are often not documented. "The situation in television is also poor, in terms of broadcasting controversial subjects, while the print press and the radio are more objective," Macovei said.

Overall, journalists respect ethics, and competition in the media market has improved journalists' skills. Still, some significant gaps remain in this respect. The panelists confirmed that there are journalists, analysts, and even bloggers in the country who get paid by political stakeholders. Also, the Press Council—a self-regulatory body—has declared several times that journalists do not respect the rights of children, victims, or minorities and often show morbid images. In addition, the panelists said that journalists from Găgăuzia sometimes compromise their ethics in their coverage of the local authorities.

Plagiarism is widely practiced, the panelists agreed. Ciobanu added that journalists even take information from blogs without verifying it and quoting the source. "Most journalists in Moldova lack a fundamental commitment to avoid plagiarism. They plagiarize without indicating the source, pick up the same human-interest stories (that are sometimes repeated several times a year), and practice copy-and-pasting journalism," she added. In this context, the Press Council recently recommended that media agencies use extreme caution when taking information from blogs and check the sources.

In the panelists' view, self-censorship remains a sensitive subject. They noticed a "migration" of journalists from one media institution to another, driven mostly by the editorial policy imposed by the owners behind the scenes. Looking at this from another perspective, Bunduchi said that migration can also be a positive phenomenon, a sign of journalists' resistance to imposed conditions. In the context of the parliamentary elections to be held in 2014, the experts expect this phenomenon to intensify in public audiovisual institutions as well. The last Press Freedom Index published

by the Center for Independent Journalism (IJC), as part of the Monitoring the Freedom of the Press in the Eastern Partnership Countries Project, gave Moldova its minimum score for self-censorship, indicating that self-censorship exists in almost all of the country's media institutions.

The Moldovan press covers most events and conflicts, and intimidation of journalists seldom happens—though Pavel Păduraru, a journalist at *Timpul*, said that he had been intimidated by the subjects of a journalistic investigation he is working on. Documents and objects were taken from his house, and unknown people call his relatives day and night. Investigative journalists who cover socially significant topics seem to be especially targeted with these intimidation tactics. Media owners' interests seem to dictate whether their outlets cover controversial subjects; they also choose their audiences and type of media for certain pieces. The panelists also said that the general public remains in the dark regarding the owners of media institutions, and that as long as the legislation in this field is inadequate, media consumers will be unable to critically evaluate the information disseminated by the press.

The problem noted for one of the above indicators—the migration of journalists among media institutions—is largely related to their wages. The panelists confirmed that journalists' pay has generally improved in the past three years. Victor Gotișan, a media researcher at the International Journalism Center (IJC), believes this development can be traced mainly to the new entrants, including international, to Moldova's media market, but the experts were more reserved about the wages of beginning journalists. The salary issue is also more sensitive for journalists working outside the capital city. Both Zaharova and Perunov confirmed that the wages of journalists in the provinces are extremely low, because of the country's economic crisis, unfair competition, and deficient management. "From discussions with colleagues, I learned that especially in certain regions of the country, there are journalists working without an employment contract who do not receive official wages; they work overtime, including on Saturdays and Sundays," Zaharova added.

In terms of the balance of entertainment and news programs, the panelists said that this indicator remained unchanged for several years. They pointed out the differences between public and private media outlets. There is balance at TRM and TRG, they said, while the private media tend to allocate more time to entertainment programs, to the detriment of news programs. The panelists noted that entertainment sells better than the news, pointing to Jurnal TV as a case in point. After obtaining an audiovisual license for 100 percent news content in 2010, it recast itself two years later as a general television station.

The downside is that entertainment on private media is largely rebroadcast from foreign stations. In 2013, the CCA tried to compel national broadcasters to ensure that their own programming made up 30 percent of their overall volume, but their effort was blocked in court at the request of several broadcasters.

As for the quality and professionalism of the equipment journalists work with, the experts agreed that it is satisfactory, noting the assistance provided to media institutions via projects, grants, and donations.

The panelists confirmed that investigative journalism is practiced in Moldova, and that many investigations are carried out with the support of foreign donors—but they questioned the impact of these investigations. In addition to the fact that authorities rarely take action as a result of journalistic investigations, journalists are often forced to reveal their sources and to deliver their evidence before law enforcement bodies carry out their investigations. In August 2013, *Ziarul de Gardă* wrote that the National Anti-corruption Center had requested interviews with the journalists, including the photographer and cameraman, who investigated the forestry mafia in Moldova—and all the raw materials—before it could start the criminal prosecution proceedings. Zaharova shared her experience, which is rather common among journalists: "The last investigation I made stirred no reaction, although it concerned officials at the highest level." Lozinschi added, "There are no civil servants dismissed for corruption, no judges recognizing what money officials used to build their palaces." She noted, however, that press articles, including those about politicians, draw more reactions than in the past. Even if they limit themselves to publicly condemning the facts raised by the press, it is still better than nothing.

OBJECTIVE 3: PLURALITY OF NEWS

Moldova Objective Score: 2.59

According to Reporters sans Frontières, Moldova's mass media enjoy broad pluralism and a low level of state censorship, but they still face important challenges concerning independence. The panelists agreed with this general conclusion. Overall, the situation under this objective has not changed compared to last year, as the score demonstrates, but the biggest problems the panelists raised—transparency of media ownership and editorial independence—only grew in 2013 in the context of the transition to digital broadcasting.

Starting on June 17, 2015, analog terrestrial transmission must stop, according to the National Program of Transition

to Digital Terrestrial Television in the Republic of Moldova. The program proposes building three multiplexes with national coverage and up to 21 regional multiplexes. The first national multiplex will be built with funding from the state budget, while private broadcasters will construct the other two. According to media experts, the big “battle” will be for access to the first multiplex, which will comprise 15 channels, because national broadcasters do not have the financial capacity to build another multiplex. So far, there is no legislative framework on the transition; the procedure and conditions for broadcasters to access multiplexes remain unknown. The only criterion experts have announced is audience size. This is why the major media outlets are focusing their efforts on growing their audiences.

The panelists mentioned that Publika TV had achieved national coverage after buying the frequencies held by other broadcasters. Publika TV was launched in 2010 for satellite transmission but then received a license for terrestrial broadcasting. This television station’s ownership structure includes an offshore company. Zaharova noted that the managers of some regional television stations reportedly received offers to sell their frequencies in the past year.

Canal 3, which started broadcasting in August 2012 to a small audience, received the exclusive rights to broadcast the Champions League in Moldova for three years. Discussions that started at the civil society level, and in parliament, claimed afterward that there were shady schemes behind this deal, leading the public broadcaster TRM to lose this right. Canal 3 has 63 percent coverage of the country. The situation is more obscure with regard to the station’s

owners. Canal 3 is part of the Prime Trust, allegedly owned by the controversial politician and businessman Vladimir Plahotniuc (the vice leader of the Democrat Party), who controls the offshore company that owns the station. According to investigations carried out by the NGO Apollo, the same oligarch owns five other stations with national and quasi-national coverage: Prime TV, Maestro FM, Publika TV, Publika FM, and 2 Plus. Prime TV has the largest audience share, and, according to the Public Opinion Barometer of November 2013, is Moldovans’ top source of information. Its share of the television advertising market is proportionate.

The media market’s liberalization has led to growth in press pluralism and the number of information sources on multiple technological platforms in Moldova. The panelists believe that this expansion has helped citizens ultimately receive more information and hear more perspectives on conditions in Moldova and abroad.

The situation in the audiovisual market is transitional, since it will fundamentally change in 2015, and the terrestrial frequencies have already been distributed. Moldovan print press will probably go through a similar transition, but this reality is not only typical of the Moldovan press but also represents a global tendency. Instead, blogs are becoming more and more popular. According to the panelists, the impact of blogs has grown to about 15 percent, compared with 2 percent two years ago.

People’s access to international media is guaranteed in Moldova. Gotișan said that the degree of Internet penetration in rural areas has increased. Data for 2013 provided by the Ministry of Information Technology and Communication (MITC) show that about 53 percent of the country has Internet access. The Public Opinion Barometer shows that the Internet as a source of information has climbed on the list of preferences, second after television for “confidence.” On the other hand, the panelists said that rural residents have limited access to television stations in the capital, “because not everyone can afford to pay a monthly television subscription. For example, in some regions there is only one operator offering cable television services for a monthly fee of about \$20, which is burdensome for rural people,” Zaharova declared.

According to the monitoring reports published by the Electronic Press Association (APEL), the national public broadcaster TRM generally respects the principle of balanced and unbiased news broadcasts, providing a plurality of opinions to the general public. And yet, the panelists criticized the pace of reform at TRM, noting that the regional radio broadcaster TRG—though sometimes criticized for political bias—reflects a diverse range of opinions. “In Găgăuzia there is not a single power but

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

a number of them. Therefore, TRG shows the position of everyone,” Macovei declared. Although the Law on Privatization of Periodic Publications entered into force in 2011, about 44 periodic publications are still funded by the state budget and implicitly represent the state’s interests.

The situation of Moldovan press agencies has not changed, compared with the previous year, with some panelists disputing their independence. In general, they produce their own news, and as a result, the popularity of press agencies is declining. Macovei mentioned that this is a global tendency, given the online sector’s rapid development.

After reformatting Jurnal TV from a thematic station into a general one, there is only one news station left in the country—Publika TV—but most media with general content, including local outlets, produce their own news. Certainly, there is a difference in terms of the technical quality of the news produced by central private and public media outlets.

Transparency of ownership continues to be a major concern regarding the country’s media, tangled with persistent allegations of editorial influence. Moldova’s former prime minister once declared that the Moldovan economy is one of the few that hosts more offshore than resident companies—including some of the most important broadcasters. And yet, Moldova did not regulate these offshore companies until October 2012, when the government decided to assess offshore companies’ impact on the economy. In 2013, the parliament adopted legal provisions forbidding offshore companies to directly or indirectly hold shares in banking institutions in Moldova. They also discussed the possibility of forbidding offshore participation in the ownership structure of media companies, following Georgia’s example. In the end, based on a majority opinion, they decided to simply amend the legislation with a view to imposing some obligations for transparency. In 2013, IJC sent a draft law to the parliament aimed at identifying media owners; the draft law was to be presented to the parliamentary plenum in early 2014.

Concerning whether a broad spectrum of interests are reflected in the media, the news bulletins produced by the three national television stations also target Russian minorities: TRM, Publika TV, and Prime TV. TRM traditionally broadcasts news and other programs for ethnic minorities as well, but not for religious or sexual minorities. In the panelists’ view, the Russian ethnic group is well represented in the media space proportionate to its share of the population. Găgăuzia has audiovisual, print, and online press that exclusively address this segment of the population.

The panelists concluded that the media excessively cover subjects related to the domestic political situation and, in general, events in the capital. “Although the population of Chișinău constitutes only about 20 percent of the

country, there are many news items about what happens in Chișinău. The events from other regions of the country are underrepresented. In the provinces, the central press is interested only in news about scandals and sensations,” Perunov said.

OBJECTIVE 4: BUSINESS MANAGEMENT

Moldova Objective Score: 1.74

In keeping with the past four years, this objective again received the lowest score from the panelists. The same causes and problems keep the press in the category of an unprofitable business: unfavorable economic conditions, deficient management, lack of professionals with business knowledge on the team, lack of supporting policies, lack of investments, and political dependence, among others. Obviously, the score reflects this general tendency, especially regionally, but there are some media institutions that are profitable, support a sufficient number of employees, and turn out high-quality products.

Moldova contains examples of both efficiently administered media institutions that contribute to a higher degree of editorial independence and a press that does not necessarily have high-quality management but nevertheless persists in the market—perhaps due to additional funding provided by domestic or foreign foundations. In addition, there are media outlets directly funded by political parties that are used for political lobbying; their sustainability depends directly on election results.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

Considering whether media institutions are well-administered and self-sustainable companies, the panelists concluded that it varies for every type of press: print, online, television, and radio. Although in their opinion the print press is in the worst situation, the experts agreed that even in this category there are examples of successful management, such as *Ekonomiceskoe Obozrenie*, *Aquarelle*, and *Business Class*. “Yes, it is true that these magazines are profitable because their managers have found a way to make money—for example, from street advertising,” said Dumitru Ciorici, the editorial manager and cofounder of the news portal Unimedia.

In contrast to these examples of successful print media in the capital city, Perunov said that he finds it difficult to maintain a newspaper at a high level. Macovei quoted the example of the newspaper of Singerei, a region in the north of Moldova. “You can be the best manager, but in a dearth of advertising, you have few options for survival. This is why the media institutions that are permanently fighting for life do not necessarily lack professional management; instead, a lot depends on the economic infrastructure, and the environment they operate in.” Zaharova put it slightly differently. In her view, even if the regional media outlets had well-developed business plans, they could not be healthy businesses in Moldova. “For example, Elita TV has a staged development project for eight years with the participation of international experts that has been implemented only partially in terms of coverage extension, extension of programs, and staff because of the lack of funds and professionals at the local level,” she noted.

As for the online press, it has started living well—even too well, in Macovei’s view. Regarding the broadcast media, the panelists declared that some television stations persevere even though they have lost millions of euros. “There are television projects that accumulated over €20 million in financial losses in several years of operation but continue to exist with outside funding, plus the support of an owner who is not necessarily visible,” they commented.

Ciobanu classified bloggers in three categories: those who take money in envelopes to write on specific subjects, brazen bloggers who demand iPads, and bloggers who write for pleasure as a hobby, not a source of income. “It happens that there are postings whose authors indicate that they are paid, but they are rare at the moment,” she added.

The public broadcasters depend heavily on subsidies from the state budget, which represent their main source of funding. In 2013, the budget subsidy allocated to TRM constituted 80 percent of the total budget, which, in the panelists’ view, proves that the broadcaster is not self-sustainable and is vulnerable to state and government

influences. Further, the national broadcaster’s financial condition cannot improve because of the current wage system. According to APEL, this system is outdated, but “the implementation of the new model is dragging along due to management errors and deficiencies, as well as, in part, to employees who resist change.”

According to the panelists, the advertising agencies and affiliated companies that assess audience size generally do not support the economic development of the press, because they often operate on client-determined criteria and without a solid methodological basis. They criticized the nepotism that pervades this field. Ciorici said that Unimedia has problems with advertising from an important client, only because the latter has personal relations with representatives of another news portal.

According to Zaharova, advertising agencies are not present in the provinces. “We targeted Orange; with a lot of perseverance we managed to obtain advertising directly from this client without having personal relations with representatives of this company,” she said.

Again this year, the panelists criticized the advertising market and the monopoly of Casa Media, which holds 37.4 percent of the sales volume (Advertising Agents’ Agency 2012) and belongs to the same owner of Prime Trust. What is even worse, according to the panelists, is that advertising is distributed irrespective of the media audience share. The December 2012 issue of *Mass-Media in Moldova* raises the same problem: “The Moldovan market is very monopolized and subjected to rigorous control in terms of the distribution of programs and advertising. Out of €16 million, which is the market estimate, 50 percent goes to one television station.” According to the same source, only 15.5 percent of the advertising volume is sold via the sales departments of television stations.¹

Newspapers in Moldova cannot depend only on subscriptions; some of them, especially the investigative ones, are forced to access funds and grants to stay afloat. In addition, they cannot contain more than 30 percent advertising, or they would be required to pay the same taxes as commercial publications.

As for state subsidies, the two public broadcasters and about 44 publications that have not been liquidated or privatized in line with the Law on Privatization of Periodical Publications still receive such supplements. Although the state does not have policies that directly or indirectly support the media, these approaches are included in the government’s political agenda.

¹ *Mass Media in Moldova*. Independent Journalism Center, December 2012. Available at: <http://www.ijc.md/bulmm/2012%20decembrie/Mass%20Media%20December%202012.pdf> (Accessed March 2014)

Under this objective, the panelists' discussions focused primarily on the issue of market studies. They concluded that the market for audience studies is not regulated like the EU or Romanian model, and it will not be as long as the current parliamentary configuration exists. In this sense, Moldova lags about 15 years behind Romania and by much longer behind the European markets, according to the panelists. The Moldovan television market cannot afford a good audience study, which costs between €500,000 and €1 million per year. According to the experts, such a study should have about 500–600 People Meters. Currently, the only measurements with People Meters are those undertaken by AGB Moldova, allegedly connected to Casa Media agency and Prime Trust, and involve 300 devices, thus containing margins of error so high that rankings between the third and tenth places are not relevant. Moreover, the advertising agencies are not interested at all in the quality of measurements, only in selling advertising space and earning commissions.

There are no longer measurements for the radio sector, because the broadcasters have lost the will to work cooperatively and order a study they will have to pay for proportionately. As for the online market, the panelists believe that the situation is better, although Ciorici said that even for these measurements, not all subjects agree with the data. Many decline to participate in the study because they do not want to pay for the audience data every month. According to him, only 70 percent of the big sites participate in audience studies. The independence of the Audit Bureau of Circulations (ABC) has not been contested, but according to the panelists, the ABC studies do not influence the advertising market. "Advertising providers do not understand the data delivered by the ABC; we communicated them to our audience, but in the provinces they are totally illiterate," Perunov concluded.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Moldova Objective Score: 2.58

The score for this final objective changed negligibly. The weak link in this objective is still the fact that there are almost no media associations in Moldova. There are two associations of regional broadcasters: Rețeaua AICI TV, created with support from USAID, and Meridian, created with support from Soros Moldova. According to Zaharov, these two associations have taken competitive positions from the very beginning. When the USAID project that funded Rețeaua AICI TV finished, its operations froze. "Nationally, an association of employers was established, but it has always been a subordinate association," said Bunduchi.

In terms of the print media, the only organization serving them is the AIP, which Macovei characterized as a hybrid association. It advocates intensively in the interest of its members by fostering legislative and regulatory measures to exclude unfair competition, to provide adequate conditions for print media distribution, and to promote advantageous conditions for renting offices in public buildings, but it also carries out activities that are typical of an NGO. The AIP membership includes 17 print publications.

In terms of professional associations, the panelists mentioned the Journalists' Union, which exists only on paper; it no longer carries out any activities. They also mentioned the trade union active within TRM, which they said is stronger than ever. "For example, TRM created a commission to decide on the dismissal of an employee, but because the trade union disagreed, the journalist was later reinstated in the position by the court," said Lozinschi, a former member of the TRM CO.

Media NGOs and NGOs that protect the freedom of expression are quite active in defending the freedom of speech and journalists, and have managed to influence, to some extent, public policies in the field. They react publicly when journalists' rights are violated or when journalists violate journalistic ethics. Both the IJC and the IAP have lawyers who provide free legal assistance to journalists. In addition, the two organizations collaborate on reforming and promoting legislation on the media. In the view of Pîrțac, the future of these NGOs is less certain, especially given that foreign donors are losing interest in funding any more media projects.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

In Moldova, there are several faculties of journalism that are extremely popular. Moreover, there is the Chişinău School of Advanced Journalism (CSAJ), which offers a 10-month training course in journalism. Currently, the CSAJ offers the most efficient and sophisticated journalism training program, according to the panelists. “Graduates of the CSAJ and other faculties who go to work for *Ziarul Național* are quite well prepared professionally,” Lozinschi said. The panelists mentioned that in addition to the education provided by these institutions, self-education is important for journalists, as well as their overall intellectual background.

Media NGOs provide different short-term courses that help build journalists’ skills. In Zaharova’s experience, “Journalists coming to Elita TV for their internships from NGOs, training workshops, and those who have volunteer experience are better prepared than those who come after graduation from a journalism faculty.”

The market for printing agencies is diverse, and according to the panelists, it has liberalized. The panelists said that in terms of the quality of printing, the situation improved in 2012, with the establishment of the printing house EditTiparGroup, and in 2013, when technology for color printing newspapers and magazines was introduced at Universul. In the regions, however, the situation has worsened; printing houses have started to close down. “Paper will vanish anyway; it is normal that the printing houses close down,” Perunov said. Lozinschi noted that although there are several printing houses in Chişinău, they are technically outdated, compared with those of neighboring countries, and therefore “the press does not have many chances to look good no matter how much they improve their designs.” She added that the online distribution of the press is expensive because the payment for a domain constitutes MDL 510 (about \$40) per year—the highest cost in the region—while in Russia, for example, this fee is half that price.

In terms of press distribution, Poşta Moldovei, a state company, maintains an absolute monopoly in the market, despite AEI’s intent to liberalize this sector. The situation with Moldpresa has not changed either; it continues to maintain a monopoly over press distribution in Chişinău and in a few other large cities. The state company Radiocomunicații, which is the national operator in radio and television programming, maintains a monopoly on the broadcasting sector.

Discussions about the transition to digital broadcasting continue to step up. As mentioned above, Moldova will stop analog terrestrial transmission in June 2015, but there is no legislation on digitalization so far. While the new television

and radio stations have modern equipment and can handle digitalization, the situation at TRM is worrying. According to Lozinschi, “The digitalization process is not even halfway complete (50 percent at Radio Moldova and 35 percent at Moldova 1). The TRM administration cites the lack of funding as the main reason.”

Development in the mobile phones and devices sector has grown. MITC statistics show that the penetration of mobile telephones per 100 inhabitants was 119 percent in 2012, while the penetration of Internet per 100 households was 53 percent.

List of Panel Participants

Victor Gotișan, media researcher, Independent Journalism Center, Chişinău

Petru Macovei, executive director, Association of Independent Press, Chişinău

Dumitru Ciorici, editorial manager and co-founder, Unimedia, Chişinău

Angela Zaharov, producer, Elita TV, Rezina

Valentina Ursu, journalist, Radio Free Europe, Chişinău

Vlada Ciobanu, blogger, vladaciobanu.com, Chişinău

Olivia Pîrțac, lawyer, media expert, Ministry of Justice, Chişinău

Raisa Lozinschi, editor-in-chief, *Ziarul Național*, Chişinău

Veaceslav Perunov, journalist and manager, SP, Bălți

Maia Sadovici, journalist, Radio Gagauzia, Autonomous Unit Gagauz-Yeri

Georgeta Stepanov, dean, Faculty of Journalism, Moldova State University, Chişinău

Doru Petruți, director, Marketing and Polls Institute, Chişinău

The following panelist submitted a questionnaire but was unable to attend the panel discussion:

Ion Bunduchi, head of the program department, Radio Moldova, Chişinău

Moderator and Author

Doina Costin, freelance media lawyer, Chişinău

The Moldova study was coordinated by, and conducted in partnership with, the Independent Journalism Center, Chişinău. The panel discussion was convened on December 7, 2013

“The state took the largest and strongest media holding, where it has invested a lot of money, and turned it into a PR agency to promote a shiny image of Russia. This is a clear signal that our present authorities do not need journalism,” said one panelist.



RUSSIA

Slowing economic growth—just 1.4 percent instead of the expected 3.6 percent—and declining tax revenues presented serious challenges to Russian authorities trying to fulfill electoral promises that President Vladimir Putin made in 2012. The implementation of one promise, to raise salaries for state employees, led to massive layoffs in the public sector in the regions, in order to pay more to the people that retained their positions. Increased job insecurity, growing inflation, and decreasing quality of educational, medical, and social services all contributed to the growth of social discontent in 2013.

Open public protests, spurred by cases of fraud during parliamentary and presidential elections, continued throughout the year. In response, the Russian legislature passed a new series of restrictive laws, such as the civil code amendment passed in mid-2013 that bars the collection and dissemination of any information about an individual's private life without his or her consent. The amendment came in reaction to several cases in which media and bloggers exposed embarrassing information; for example, they ran stories on Russian state executives' posh houses and Russian parliamentarians sending their children to expensive boarding schools abroad.

At the end of 2013, the legislature passed a law allowing prosecutors to block access, without a court decision, to websites that call for participation in public meetings unapproved by the authorities. "This is a blatant attempt to block and control information about protests, and a logical continuation of legal developments that we saw in 2012 and 2013," said one panelist. Other restrictive provisions enacted in 2013 include prohibiting media to use obscene language and youth-oriented media to report information on homosexuality, substance abuse, or suicide.

Additionally, the authorities continued to consolidate control over media ownership. At the end of the year, Gazprom-Media reached an agreement to acquire ProfMedia, one of the largest private media holdings in Russia. Already the largest media holding in Russia, Gazprom-Media is controlled by Gazprom (a state company) and Bank Rossiya, which belongs to Yuri Kovalchuk, a Russian business owner close to Putin.

Near the year's end, the president passed a decree to transform the Russian Information Agency Novosti into the Russian Agency of International Information, or "Russia Today," to promote a positive image abroad of Russia. "The state took the largest and strongest media holding, where it has invested a lot of money, and turned it into a PR agency to promote a shiny image of Russia. This is a clear signal that our present authorities do not need journalism," said one panelist. The MSI study reflected this perception: At the objective level, MSI scores in 2014 were similar to 2013 scores and once again Russia failed to receive a score for any objective within the "near sustainability" range.

Due to laws restricting NGO activity and contacts with U.S.-based NGOs, the participants in the Russia study will remain anonymous. A Russian journalist developed this chapter in December 2013, after a series of structured interviews with colleagues in the media sector.

RUSSIA at a glance

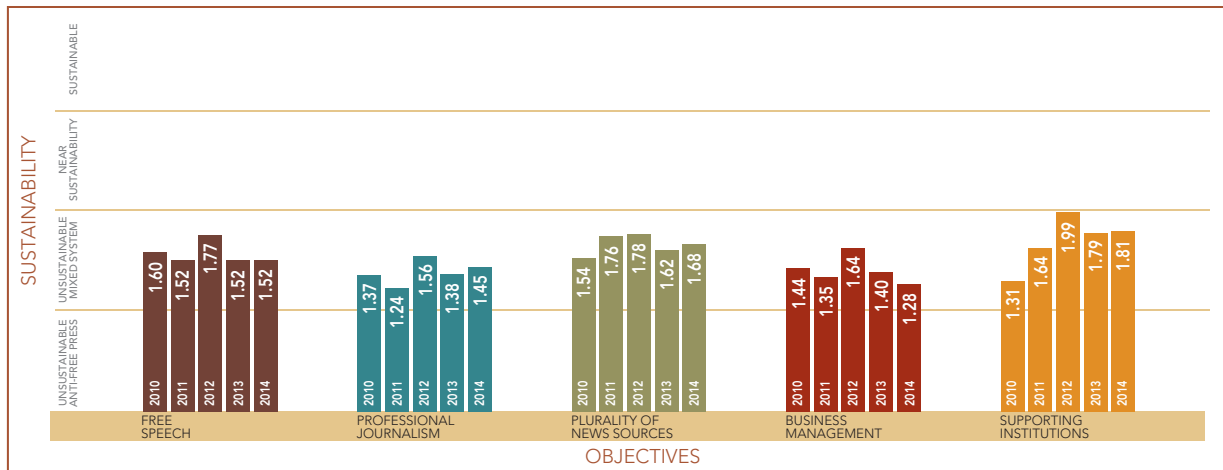
GENERAL

- > Population: 142,470,272 (July 2014 est. *CIA World Factbook*)
- > Capital city: Moscow
- > Ethnic groups (% of population): Russian 77.7%, Tatar 3.7%, Ukrainian 1.4%, Bashkir 1.1%, Chuvash 1%, Chechen 1%, other 10.2%, unspecified 3.9% (2010 est. *CIA World Factbook*)
- > Religions (% of population): Russian Orthodox 15-20%, Muslim 10-15%, other Christian 2% note: estimates are of practicing worshippers; Russia has large populations of non-practicing believers and non-believers, a legacy of over seven decades of Soviet rule (2006 est. *CIA World Factbook*)
- > Languages (% of population): Russian (official) 96.3%, Dolgans 5.3%, German 1.5%, Chechen 1%, Tatar 3%, other 10.3%. Note: shares sum to more than 100% because some respondents gave more than one answer on the census (2010 est. *CIA World Factbook*)
- > GNI (2012-Atlas): \$1.822 trillion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$22,720 (World Bank Development Indicators, 2013)
- > Literacy rate: 99.7% (male 99.7%, female 99.6%) (2010 est., *CIA World Factbook*)
- > President or top authority: President Vladimir Putin (since May 7, 2012)

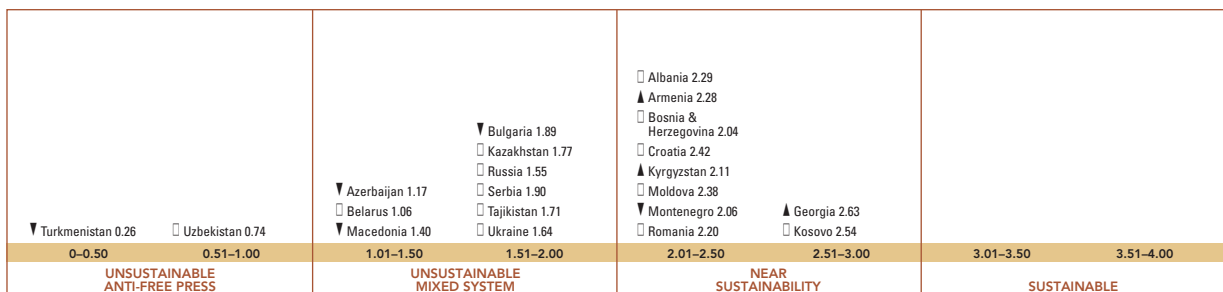
MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: more than 27,000 newspapers and 33,700 magazines (2,500 published on a regular basis); 2,669 active radio licenses and 3,366 television licenses (Federal Agency for Press and Mass Communication, 2012)
- > Newspaper circulation statistics: Top three general interest daily newspapers by audience *Metro* (1.8 million readers), *Moskovskii Komsomolets* (1.2 million readers), *Rossiyskaya Gazeta* (951,300 readers) (TNS Russia National Readership Survey, May-July 2013)
- > Broadcast ratings: Top three national TV channels by audience Channel One (15%), NTV (12%), Russia 1 (11.9%) (TNS Russia TV Index)
- > News agencies: ITAR-TASS (state), RIA Novosti (state, closed as of December 9, 2013), Interfax (private)
- > Annual advertising revenue in media sector: 2012: \$8.5 billion; January-September 2013: \$6.5 billion (Association of Communication Agencies of Russia)
- > Internet Users: 40.853 million users (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: RUSSIA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscores.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Russia Objective Score: 1.52

The Russian constitution and media law were adopted in the early 1990s, when Russia had just embarked upon its transition to democratic governance and a market economy. These laws include legal norms protecting free speech and the editorial independence of all media, regardless of ownership. But Russian authorities, society at large, and even most journalists ignore these norms. The majority of media outlets belong to authorities—federal, regional and municipal—that use them as instruments of state propaganda. State media, supported by budget funds, compete with private media for advertising revenue, undermining private media’s business viability. As a result, state media are able to offer journalists considerably higher salaries than private media outlets, which creates an economic incentive for journalists to engage in propaganda and promote the interests of authorities.

As the authorities control the content of the majority of media, they do not need to restrict the launch of new media outlets, limit entry to the journalism profession, or restrict access to international and national news. Russia meets the corresponding indicators, but placed in this greater context, these tacit liberties do not contribute to the proliferation of free speech.

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

“As for the society at large, an average Russian citizen feels that free speech is useless because it does not directly make [his or her] life any better,” commented one of the panelists. Sociological research also indicates that Russian citizens are more interested in their civil, economic, and social rights than in political rights such as free speech. According to a 2013 survey conducted by the All-Russian Center for Public Opinion Research, the constitutional rights and freedoms most important for people are the right to life (this option was selected by 56 percent of survey respondents), the right to liberty and personal security (51 percent), the right to health (49 percent) and the right to work (47 percent). Meanwhile, 32 percent of respondents said that freedom of speech is important to them. Though still relatively low, this number constitutes a considerable increase compared to 2003–2004, when only 17–19 percent of respondents said that they value free speech.

The notion of the media as a watchdog and “the fourth estate” is foreign to the Russian state governance model and to the Russian public, noted one of the panelists. A prominent Russian television anchor and journalist, Vladimir Pozner, expressed a similar opinion in his public lecture in May 2013. Media can perform the function of an independent overseer only when executive, legislative, and judicial branches of power are truly separate from each other. In Russia, the executive branch controls both the legislative and judicial branches. According to Pozner, this leads to a distortion of the journalist profession; some journalists promote the interests of authorities, while others join the ranks of opposition.

Still, Russia has a small group of independent media that adhere to values of free speech and journalism as a public service. The authorities tolerate these media because they are few and have a limited audience, commented one of the panelists.

Market entry, the registration of new print media, and the licensing of broadcast media are not restricted. “Formally, there is no regulation limiting the launch of new print media,” noted one of the panelists. “But an independent private publisher would hardly be able to launch a new media business, because potential investors and sources of loans are so scared that they do not have any intention of supporting new media outlets.” The same applies to new broadcast media.

As for the tax structure, in 2013 media still enjoyed some preferences compared to other industries, e.g. a reduced social tax levied on staff salaries and subsidized subscription delivery.

Monitoring data from the Glasnost Defense Foundation indicates a decline in the number of crimes against media

“To get information that our colleagues from media funded by city or regional authorities can obtain without any problem, we have to make endless calls and submit endless requests,” commented one panelist, a producer of a private television company from a provincial city.

professionals. Still, many panelists said that they do not believe that such crimes are rare, and the majority said that the authorities failed to vigorously investigate or prosecute such crimes. One panelist said that investigations of crimes against journalists are often superficial; police usually do not even try to identify who orders criminal attacks on journalists. Authorities do a better job investigating and prosecuting crimes against journalists that were unrelated to their professional activities.

Many landmark media cases remain unprosecuted for years. For example, a business owner that ordered the murder of Igor Domnikov, a reporter of the independent newspaper *Novay Gazeta* in 2000, was only convicted in December 2013, and he immediately appealed the court verdict. Domnikov was murdered after writing a series of critical articles about the situation in one of Russia’s regions. Members of an organized criminal group were found guilty of murdering him. The killers were arrested in 2003 after they kidnapped and murdered the general manager of a major business company and his assistant, and were eventually convicted in 2007. However, journalists from *Novay Gazeta* expressed the belief that the convicted business owner was just a middleman between the killers and highly ranking regional authorities upset with Domnikov’s reporting.

Russia’s media law protects the editorial independence of all media regardless of ownership, and the law has no special provisions on editorial independence of state or public media. But as the panelists noted, editorial independence is not valued in Russia. “Quite often, journalists are tasked to promote the interests of one of the parties, rather than to cover news objectively. This is especially typical for state media,” said one panelist.

Regional and local authorities regularly practice censorship, even though the media law expressly prohibits censorship, noted one of the panelists. Another panelist commented that journalists have stopped protesting and publicly disclosing incidents involving censorship.

Libel is still a criminal law issue. It was decriminalized in December 2011 but quickly returned to the criminal code in July 2012. The current version of the libel criminal clause does not provide for a prison sentence, as the previous version did, but the maximum fine that can be imposed on a libeler was increased from RUB 300,000 (less than \$10,000) to RUB 5,000,000 (about \$150,000).

In 2013, at least a dozen libel cases were launched against media and journalists. Public executives have started to use the libel clause to punish media that criticize them, noted one of the panelists. For example, in November 2013, the Saratov region police department officially launched a criminal case against the editor-in-chief of the online newspaper *Fourth Estate*, which called a vice-governor of the region a “complacent footboy of the governor” in an editorial piece. The editorial was published in 2012; the offended vice-governor lodged a libel complaint in summer 2013; and after reviewing his complaint, the police department launched a criminal investigation.

Russian courts tend to favor public officials instead of hold them to higher standards. But as one of the panelists noted, the main problem with the criminalization of libel is that police can seize editorial equipment during their investigations. For example, on November 28, 2013, police searched the office of SakhalinMedia in Sakhalin’s capital city of Yuzhno-Sakhalinsk, and seized all hard drives, notebooks, and other data equipment. The warrant was issued under a criminal libel case against an unidentified person. Investigators were looking for an original copy of a letter that citizens of one of the small towns in Sakhalin wrote to the Russian president, asking for protection against a business owned by a member of the Russian Federal Council (senate). SakhalinMedia covered the story, which led the senator to file a complaint with the Sakhalin police department.

In 2009, Russia adopted a law guaranteeing access to information on all levels of government—federal, regional and municipal—to all citizens. Authorities are required to inform citizens about their activities via media and by posting information on their own websites, as well as to respond to oral and written requests for information. The actual implementation of this law remains poor. One of the panelists noted that in 2013, “many regional media complained that they had limited access to information. The authorities don’t invite independent media to important press conferences. They don’t send them press releases—they restrict their access to information, and the situation only gets worse.”

In addition, state media journalists often enjoy preferential access to information. “To get information that our

colleagues from media funded by city or regional authorities can obtain without any problem, we have to make endless calls and submit endless requests,” commented one panelist, a producer of a private television company from a provincial city. Another panelist, an independent publisher from a small city, reported the same experience. “We face very tight restrictions. The law allows both for oral and written requests for information, but our authorities insist that we make all requests in writing. And all municipal agencies ask us to address requests to the city mayor, who has to approve the release of information.”

Access to and use of local and international news and news sources is not restricted. “The authorities do not care very much about the source of information. They care more about your interpretation of this information,” commented one of the panelists.

Entry to the journalism profession is open, and one can become a journalist even without a formal journalism education. “Actually, I would have restricted access to the profession, because a lot of people who call themselves journalists don’t have any professional skills,” noted one of the panelists.

In 2013, the Russian Ministry of Labor commissioned the development of professional standards for 800 various professional positions, including media specialists. The Russian Academy of Public Management drafted professional standards for media editors, television presenters, reporters, Internet journalists, and television camera operators and made the standards public in October 2013. The purpose of the standards is to guide the development of educational programs. Media outlets won’t be required to use the standards as the basis for making personnel decisions, so they are not expected to complicate entry to the journalism profession.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Russia Objective Score: 1.45

Journalism that meets professional standards of quality is rare in Russia. A large number of journalists are under-qualified, and often, reporting is not fair, objective, or well sourced. Many media outlets practice propaganda rather than journalism. Within Objective 2, only indicator 7 (technical facilities are modern and efficient) scored higher than 2.00.

Major media outlets that pay serious attention to the quality of reporting (the panelists cited *Kommersant* as an example) have established internal professional standards and guides

for reporters. They include specifying the number of sources that a reporter should use and what experts a reporter should consult. But in the regional media, especially in small cities, journalists often become subjective, either because they are unaware of professional standards or lack reporting skills, noted one of the panelists. Another problem is that some journalists invent fake news and sensationalize their reporting to attract a wider audience. The media community has no effective mechanisms to promote better reporting, because the community is not self-organized, and media consumers accept the poor quality of reporting.

The political polarization of the journalism community is another reason behind subjective reporting. “Journalists in state media engage in propaganda. Journalists with liberal views are also often not objective. In Russia at present, there are very few real journalists—that is, journalists who are impartial and objective,” commented one of the panelists.

In 1994, the Russian Journalism Congress adopted the Russian Journalists’ Professional Ethics Code. The code is publicly available on the Russian Journalism Union website. Still, most panelists expressed the belief that journalists adhere to their personal ethical standards rather than these professional criteria.

In December 2013, a group of print journalists and Internet writers from the Rostov region developed and signed the Don Charter of Journalists and Bloggers, based on the European Charter on Freedom of the Press. Authors of the charter hold the view that regional authorities are systematically persecuting local journalists and bloggers that publish critical materials. Those who sign the charter commit to “honestly perform a journalist’s duty, avoid libel, adhere

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

“Journalists in state media engage in propaganda. Journalists with liberal views are also often not objective. In Russia at present, there are very few real journalists—that is, journalists who are impartial and objective,” commented one of the panelists.

to the principle of impartiality in their reporting, base editorial decisions on public interest, and to critically review and check information provided by authorities.” According to the panelists, the journalists that have signed the charter hope that this commitment will improve the quality of journalism and make it difficult for authorities to find an excuse for prosecution.

Journalists and editors regularly practice self-censorship. Many panelists held the view that the extent of self-censorship increased in 2013. Other media professionals share this opinion. Editor-in-chief of the website Russian Planet, in his commentary to Znak.com on major media trends in 2013, identified growing self-censorship as the main trend of the year. “All of us have realized that we risk losing our jobs or our media outlets if we cross a certain line,” he said. “At present, self-censorship manifests itself by avoiding sensitive topics, rather than praising the ‘wise decisions made by authorities.’ For example, today the topic of the president’s private life is taboo.”

The level of self-censorship in regional press is higher than in national newspapers. As one panelist noted: “Journalists working in the federal press usually feel that they have more freedom than journalists working in a small district newspaper. The current level of self-censorship in the regions is very high—to the extent that the authorities hardly ever need to interfere in editorial decisions, because journalists effectively restrict the choice of topics themselves.” In some state media based in the regions, journalists are reduced to rewriting official press releases.

In general, journalists cover all key events and issues, but online media usually cover more news than federal television. “If we compare the content of any reasonable news website and a state Channel One newscast, they offer a completely different informational picture of the day,” commented one panelist. “A lot of issues covered by online media will never appear on television. The authorities closely control the editorial policy of television channels, because television reaches the largest audience.”

For example, all major media outlets covered Mikhail Khodorkovsky’s release from prison after Putin pardoned him in December 2013. Khodorkovsky, an oil tycoon who used to support opposition parties and civil society organizations, was convicted of tax evasion and embezzlement. He was probably one of the most famous Russian inmates and was internationally recognized as a victim of the selective administration of justice and political oppression. Putin broke the news about the pardon right after his traditional annual press conference.

Nobody expected Putin to release Khodorkovsky, so the news of his pardon was a true sensation. But the coverage of this news by state-controlled television channels and independent media was very different. State Channel One and Russia 1 covered this news in their end-of-the-week news programs nested inside the story about the president’s press conference, which aired in the very beginning of both programs. Both channels also ran a story about Khodorkovsky’s press conference in Berlin. However, on Channel One, this story aired as the secondary news story, and only Channel One said that Khodorkovsky did not admit guilt when applying for pardon. In contrast, the *Independent*, the magazine *New Times*, and even the somewhat oppositional television channels REN TV and Dozhd ran long interviews with Khodorkovsky.

There are considerable differences in journalist pay levels between Moscow and the rest of the country and between state and independent media outlets. In Moscow, a journalist can make RUB 60,000 to RUB 100,000 (about \$2,000–\$3,000). In a small provincial city, a reporter of an independent newspaper makes about RUB 15,000 (less than \$500). “Working for state media, a journalist can be paid up to two times more than in an independent media [outlet]. As a result, journalists tend to move to state media. And journalists working in the state media outlets face a tough choice: to keep a good salary, they have to forget about professional and ethical standards and serve the interests of the media owner; otherwise, they will have to forego a good salary and work for an independent media outlet for half the money,” said one of the panelists.

On the federal television channels that are available to almost all Russian citizens, the majority of airtime is devoted to entertainment. Stations broadcast analytical talk shows that discuss major political and social events, but they air late at night. Russia has a growing number of all-news television channels and radio stations, but they are available only to residents of big cities and to Internet users.

Most media outlets have sufficient technical facilities and equipment for gathering and producing news, but state media often have an edge over their independent

counterparts. Moscow-based media outlets can afford more advanced technology. Several Moscow-based media have already established very sophisticated multimedia newsrooms, and many produce digital versions of their print publications.

Quality niche reporting exists but is uncommon, especially outside of Moscow. According to one panelist, “There is hardly any demand for fair and objective local economic reporting, because local businesses are very closed and disinterested in media exposure. Investigative reporting is also rare. It has to do with economics rather than political pressure. Investigative reporting is time-consuming and takes a lot of effort, leading to just one publication or a series at best. At present, many media cut their staff (because of decreasing advertising revenues), try to optimize the number of editorial staff, and increase the workload per journalist. So they cannot afford to do investigative reporting.”

OBJECTIVE 3: PLURALITY OF NEWS

Russia Objective Score: 1.68

Plurality of news and viewpoints exists, due to a great number of online news sources, including blogs and social networks. Major broadcast television channels cannot ignore important events and issues, but are singular in their point of view.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

But the gap in Internet use is still significant: in Moscow, 80 percent of all adults regularly go online; in rural areas, only 51 percent of residents have Internet access.

About 70 percent of adult Russians have access to the Internet, which opens their access to a multitude of news sources. The sources include major television channels and radio stations that post their audio and video online. About 16 percent of adult Russians (26 percent of Internet users) report using the Internet to look for information about events inside the country and abroad.

Nevertheless, television remains the principal source of news for 60 percent of the adult population. Television is an important source of news even for regular Internet users—40 percent of people who go online almost every day still cite television as their main source of information about events in the country. Television also remains the most trusted source of news for 60 percent of people.

Russian citizens have unrestricted access to blog platforms and social media, which allows for the expression of a broad spectrum of opinions. Internet users have the opportunity to find multiple points of view and compare different sources of information. People who do not have Internet access rely on major television channels as their main source of information, and tend to get only the official perspective. As one of the panelists explained, “There is a plurality of news sources, and they represent all points of view. But the presentation is uneven—media channels that have a broad reach (television) allow only for a singular point of view. In the regions, where the number of non-state media is steadily shrinking, the information gap is growing.”

At the end of 2012, Russia enacted a new law: On Protection of Children from Information that can Harm Their Health and Development. According to this law, all media, including websites registered as mass media outlets, must bear age designations. The law stipulates that citizens below the age of 18 years should not have access to information that incites them to commit suicide or otherwise harm themselves; to use drugs, tobacco, or alcohol; or to engage in gambling, prostitution, vagabondism, violent behavior, or homosexual encounters. Definitions used in this law are very broad, so all media that cover news about traffic accidents and crime incidents have to bear an 18+ designation. While some panelists noted that the law is unlikely to limit

young people's access to media, it is widely viewed as an instrument to put pressure on independent media.

People in cities have better access to print media, radio, and television. The growing availability and affordability of the Internet, including mobile Internet, and of mobile devices facilitates citizens' access to news, regardless of their location. But the gap in Internet use is still significant: in Moscow, 80 percent of all adults regularly go online; in rural areas, only 51 percent of residents have Internet access. Age and income also affect citizens' ability to access media. For example, 92 percent of Russian students and 91 percent of working professionals and managers use the Internet, but only 15 percent of retired people—one of the most economically vulnerable groups of the population—have access.

Access to international media is not officially restricted, but requires the knowledge of a foreign language.

The Russian public television channel was launched in May 2013 but was still not widely available by the end of the year. Panelists expressed skepticism that it can serve the public interest, as the channel is directly funded by the state and the Russian president appointed its general director. At the press conference devoted to its first 100 hours on air, the director said that the channel would avoid official news and would focus on stories about real people from Russian regions and their achievements. The channel also shows Russian movies and documentaries. Several panelists noted that state television channel Russia K (Culture) was providing educational and cultural programming not available on other television channels, and essentially performs the function of the public TV station.

Two major news agencies—ITAR-TASS and RIA Novosti—are state companies. In 2013, ITAR-TASS strengthened its editorial team and re-launched its news website. Still, RIA Novosti is more popular, and many media professionals regard it as editorially independent. At the end of 2013, the Russian President passed a decree to transform RIA Novosti into Russia Today, the Russian Agency of International Information, to promote a positive image of Russia. The third major news agency, Interfax, is private, but it has numerous contracts with Russian authorities for the provision of "information services"—which usually include publication of news provided by the client on an agency website, and organization of press conferences.

A number of smaller private regional news agencies collect news stories and make them available for free through their websites. These agencies also generate revenue through information service contracts with state agencies and private businesses. These contracts seriously undermine the

editorial independence of the news agencies, noted one of the panelists.

As another of the panelists explained, the content offered by the smaller agencies is not comprehensive. "They collect and disseminate news, but they do not cover the full spectrum of public interests. They do cover public protests when people take to the streets with slogans, because it is difficult to ignore them. But they do not give a voice to people with alternative opinions," he said.

In October 2013, one of new agencies, Rosbalt, lost its official status as a media outlet for violating a March 2013 law that prohibits media from using obscene language. The Russian media oversight agency, Roscomnadzor, lodged a court complaint against Rosbalt after the news agency made available on its website two YouTube videos with obscene language, one with a new Pussy Riot song. The court satisfied the complaint and canceled Rosbalt's media registration, even though the news agency censored obscene words before putting videos on its website and promptly removed both videos upon Roscomnadzor request. The head of Roscomnadzor welcomed the court decision, and said that it established an important precedent by maintaining that online media are legally responsible for all materials on their websites.

Private media produce their own news and information programming. Journalists of national media outlets often use local media outlet websites, as well as blogs and social networks, as news sources. In small cities, private media outlets are usually the only sources of independent local news and the only resort for local citizens trying to protect their rights.

Media ownership is relatively transparent. The Russian Federal Agency for Press and Mass Communication and Roscomnadzor maintain searchable online databases of Russian print and broadcast media. It is not very difficult to find information about media ownership, but most media consumers do not pay attention to this sort of information, noted several panelists.

The concentration of media assets is high and increased considerably in 2013. "The majority of media belong to the state, which is the largest media owner. And major non-state media belong to several large holding companies," noted one panelist. In March, SUP Media and Afisha-Rambler merged to form a new media holding that includes two major Russian news sites, Gazeta.ru and Lenta.ru, the publishing house Afisha, and the blog service LiveJournal.com. In November, ProfMedia, one of the five largest media holdings in Russia, was sold to Gazprom-Media. Even prior to this acquisition, Gazprom-Media was the largest media holding company in Russia. Its media assets include the

television channels NTV and TNT, satellite television channel NTV Plus, talk radio stations Echo of Moscow and City-FM, video hosting portal Rutube, and the publishing house 7 Days. Gazprom-Media is owned by Gazprombank and Bank Rossiya, which also owns the television channels REN TV and Channel Five, *Izvestia* daily newspaper, and a 25 percent of share of the state television Channel One and STS-Media.

Major media outlets are more and more conservative in their coverage of social issues, but social and niche media still present a broad spectrum of social interests. For example, the Russian Society of Deaf People publishes a monthly national magazine that is available online, as well as local newspapers in Moscow, St. Petersburg, and Chelyabinsk. Russian is a multi-ethnic country, and the state supports media in the languages of various ethnic groups.

Russia has a geographically oriented media system: national media focus on international and national news, regional media focus on regional news, and local media focus on local news. As result, people usually do not have much information about situations in regions other than their own. State television channels Channel One and Russia 1 are available to the majority of the population and broadcast the official point of view of the central Russian authorities. Another problem is the biased selection of news by state media, according to one of the panelists. "They cover local, national, and international news that fit the world view approved by authorities. The authorities get much better media service than other media consumers," the panelist said.

OBJECTIVE 4: BUSINESS MANAGEMENT

Russia Objective Score: 1.28

The Russian media market is heavily distorted by unfair competition between state and private media, and skewed toward the state media for advertising and circulation sales revenue. Generous budget funding for state media crushes their editorial independence as well as the quality of journalism. As noted by one panelist, an editor of a Moscow-based newspaper: "A majority of media outlets are not true business enterprises; they do not need advertising, as they have enough funding. State funding destroys media. First, the content is censored. Second, state media managers are not interested in making their media more attractive to advertisers and audience."

The business operations of most media outlets are not efficient. "We don't have business models that would support the editorial independence of news media," commented one of the panelists, a media business specialist.

"We don't have business models that would support the editorial independence of news media," commented one of the panelists, a media business specialist. "There are several media businesses that are efficiently managed, but they are not news-centered. And if we look at news media, none of them aim to have editorial independence. It is not really valued."

"There are several media businesses that are efficiently managed, but they are not news-centered. And if we look at news media, none of them aim to have editorial independence. It is not really valued."

Russia has a small group of independent media that manage to be self-sustaining, but they are forced to minimize costs by reducing their staff and paying uncompetitive salaries.

Media outlets prepare and follow business plans, but their plans rarely reach beyond a year and do not include long-term planning or investment. The majority of media do not have personnel policies, and it is quite common for top managers and owners to hire relatives and friends to fill managerial positions. Media outlets rarely invest in professional development of their management staff.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

During the first nine months of 2013, the Russian economy grew only by 1.3 percent. The ongoing economic crisis, changes in patterns of media consumption, and the shrinking press distribution system all put heavy pressure on media managers and owners. According to one panelist, “A trend of 2013 is that top-level managers and media owners are heavily frustrated. People break down emotionally and often try to leave the media business. Many of these people entered the media business long ago, and because of their age, they long for stability and have a hard time adapting to rapid changes. In addition, the Russian business mentality tends to presume quick profits, so nobody is ready for long-term investment—e.g. in the distribution and circulation control systems—that are necessary today.”

State media are inefficient as businesses, but often offer salaries well above the average level. All Russian state corporations are often criticized for low efficiency and excessive salaries incommensurate with their revenues. “Efficient use of taxpayer money? This has nothing to do with our reality!” exclaimed one of the panelists.

In 2013, the media sector lost several sources of revenue. Media were prohibited from carrying alcohol and tobacco advertising, which was an important source of revenue for lifestyle magazines. Meanwhile, the distribution of print media was seriously hit by a decline in the number of press kiosk all over the country; in the past five years, the number of press kiosks decreased from 42,000 to 31,000. Also in 2013, the partwork market (including collectible books, music, and video series sold by media outlets) reached saturation, and its profitability fell sharply.

Over the first nine months of 2013, the Russian advertising market grew by 11.4 percent. But not all types of media benefitted equally from this growth. While television and radio advertising revenue increased by 11 percent and 16 percent, respectively, newspapers lost 6 percent of advertising revenue. The Internet advertising segment increased by 29 percent.

The Russian advertising market is a buyer’s market, allowing advertisers to negotiate considerable discounts. According to one panelist, “Advertisers and advertising agencies have smaller budgets. And even though most print media maintained their rates, many sell advertising space at a 70–80 percent discount, because advertisers are unable to pay more. Damping prices in the advertising market is a reality, and the practice has increased in 2013.” To minimize the costs of managing client accounts, advertising agencies prefer to work with major print media and television. Smaller media outlets are losing their advertising revenue as a result.

The Russian Law on Advertising limits the amount of advertising to 15 minutes per hour on television, 20 percent of airtime per day on the radio, and 40 percent of space in non-advertising print publications. Independent print media draw 30 to 40 percent of their revenue from advertisements placed in their paper editions, 30 to 40 percent from newsstand sales, and 20 percent from subscriptions. Despite a few success stories for online media projects (such as *Vedomosti*, which pulls 25 percent of its revenue from subscriptions to its online versions), their revenue remains very low.

During the first 10 months of 2013, Russia spent about RUB 94 billion (\$2.6 billion) from the federal budget. That included nearly RUB 57 billion (\$1.6 billion) to support federal television and radio channels, and about RUB 5.3 billion (\$147.9 million) billion to support print media outlets. Over the same period, media expenditures of regional budgets were about RUB 32 billion (\$893.5 million). For comparison, television, radio and print advertising revenue in the first nine months of 2013 totaled about RUB 138 billion (\$3.9 billion).

Media expenditures make up about 1 to 2 percent of regional budgets. The money supports the production of public interest publications and programming and the operation of municipal media, and covers expenses related to the publication of regulatory acts passed by regional authorities. For example, Sakhalin region authorities provide support for more than 20 unprofitable municipal newspapers and television companies, as well as the minority-language media and the regional television company.

The distribution of government subsidies and advertising is not fair, according to the panelists, and state funding distorts the market. The distribution of municipal subsidies is not transparent. A media outlet might have several information service contracts with different municipal departments, so it is difficult to know the total amount of money authorities channel to media, noted one panelist.

However, according to another panelist, state contracts and grants are available to all media outlets, including independent media. “All media can get this money—not only the most loyal outlets. Distribution of grant and service contracts is apolitical. And this year, media have considerably improved their capacity to write grant applications and participate in state tenders,” the panelist said.

Federal and regional authorities both offer grant programs to support public interest media projects. For example, in 2013, the Rostov region budget allocated RUB 5.5 million

(about \$153,600) for this purpose. Half of the money was earmarked for grants to print media and the other for broadcast media. Money was distributed on a competitive basis. Print media received 18 grants, including three to private media outlets, while the rest went to state and municipal newspapers. Broadcast media received 11 grants, three of which were awarded to a regional branch of the federal Russian TV and Radio Company to support the production of programs broadcast in regional time slots.

Most private media do not use market research because they cannot afford research services. Many print media outlets that used to order marketing research have had to drop the services because of decreasing revenues. Some media outlets try to conduct some audience research themselves.

TNS Russia measures broadcast ratings for both television and radio. National television ratings are based on measurements in 29 large cities and conducted using peplemeter technology. Members of the advertising market recognize rating numbers and use them to guide advertisement placement decisions. Radio measurement is conducted in 65 cities of at least 100,000 people. The National Readership Survey, also conducted by TNS Russia, covers 68 cities with populations of 100,000 people and more. Russia has 166 cities with a population of at least 100,000 people, and 931 smaller cities. The existing measurement system makes media outlets in many smaller cities invisible to the national advertising market and undermines their ability to generate revenue.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Russia Objective Score: 1.81

Russia has a broad spectrum of institutions that support the media. Some of these institutions are ineffective, while others have a limited capacity and too little resources to make a considerable impact.

A number of trade associations represent the interests of media owners and managers. The associations include the National Association of TV and Radio Broadcasters, the Media Union, the Guild of Public Press Publishers, the Alliance of Managers of Russian Regional Media, and the Alliance of Independent Regional Publishers. "These organizations are quite young; they've been around for just six to nine years, and they are still not strong enough to effectively lobby in the media's interest," said one of the panelists. "But they are protecting their members and trying to create favorable conditions for the media industry."

In 2013, the Russian Union of Journalists (RUJ) celebrated its 95th anniversary. RUJ has more than 100,000 members, and a Big Jury that oversees journalists' adherence to professional ethical norms. RUJ conducts a number of journalism competitions and regular events, e.g. Journalism Congresses and an annual memorial day for journalists that died in service.

Still, the majority of panelists said that they feel that RUJ could do more to protect journalists' rights and promote quality journalism. The deputy minister of Communications and Mass Media expressed a similar opinion in a public letter to the Russian prime minister. The letter recommended that the prime minister decline the invitation to attend the 10th RUJ Congress, because "...at present the Russian Union of Journalists does not represent the consolidated position of the media industry on principal matters. Journalists don't see the need to join the union, and in the eyes of media professionals the union has lost the status of a professional association that protects their interests. Chief editors and staff of leading federal and regional media shun membership in the union."

NGOs that support free speech and independent media are "active and efficient, but very rare," as one of the panelists put it. The Russian authorities are now more effectively limiting access of Russian NGOs to international funding. Independent media already feel the results—for example, NGOs that once offered free training to media professionals now must charge participants. The Russian government expanded its own grant programs, but grant recipients are often forced to pay kickbacks to grant managing agencies.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

As one panelist said, “Media practitioners, faculty, and students are unanimous that university programs are too theoretical and don’t provide sufficient practical experience. Students are sent to do internships at partner media outlets, but their staff is too busy to coach them. And there are hardly any opportunities for practical experience inside universities.”

Media NGOs have managed to adapt to abrupt changes in the NGO policy. A good example is the Institute for Press Development–Siberia, an NGO that provides training for journalists, media managers, and citizen reporters. At the end of 2012, Russia enacted a law requiring NGOs engaging in political activities funded by foreign grants to register as “foreign agents.” During the spring of 2013, the Russian Prosecution Services conducted a series of reviews of NGOs that had received international grants. Based on the results of the review, prosecutors issued a warning to the Institute for Press Development–Siberia. Prosecutors found that institute did not engage in either extremist or political activities, but they also ruled that the institute’s bylaws allowed for political activity. As the institute had a previous history of receiving foreign grants, prosecutors warned that before the institute actually engaged in political activities, it must register as a foreign agent. In September 2013, the Russian president ordered a state grant program for human rights projects of Russian NGOs to be implemented in 2014. The Institute for Press Development–Siberia participated in the competition and was among the winners.

NGOs that support free speech and independent media collaborate regularly and work with other media support institutions. For example, the Center for Protection of the Rights of Media, the Glasnost Defense Foundation, and RUJ coordinate their work providing legal support and education to journalists and media outlets. The Center for Protection of the Rights of Media has started to work with the Journalism Department of Moscow State University, providing training on media law issues to faculty members.

Panelists had split views on the quality of university journalism programs. Some said that the existing programs do not prepare young people properly to enter the profession. As one panelist said, “Media practitioners, faculty, and students are unanimous that university

programs are too theoretical and don’t provide sufficient practical experience. Students are sent to do internships at partner media outlets, but their staff is too busy to coach them. And there are hardly any opportunities for practical experience inside universities.” Another panelist, who teaches part-time in one of the regional universities, commented that “university programs are heavily regulated by state authorities. The faculty workload is constantly increasing. Universities are required to increase the number of students in classes and are prohibited from having the small groups necessary for practice-oriented education.”

A faculty member of the Journalism Department of the Moscow State University expressed a different opinion: “Academic programs are very varied. The leading universities provide a high-quality journalism education, and this quality has considerably increased over the past several years. Media outlets readily hire our graduates to replace retiring journalists. At the same time, there are many small journalism schools that do a poor job. Major schools prepare solid professionals. Unfortunately, because of the small size of the national media market and its degradation, many graduates cannot find media jobs and have to work in the contiguous areas such as communications, strategic communications, advertising, and creative industries.”

The Journalism Department of the Moscow State University conducted a small study on employment of its graduates. The results showed about 25 percent of graduates took public relations jobs. About a quarter went to work in television, as screenwriters, designers, and in other similar positions, while 15 percent took jobs completely unrelated to journalism. Only 35 percent took jobs in newspapers, magazines, and news agencies, with only 10–15 percent in news media.

Free short-term training opportunities almost disappeared after the government began restricting international grant opportunities. Some organizations and independent consultants offer seminars and coaching for editorial, sales, and management staff of media outlets on a paid basis, but not many media use their services. One of the panelists attributed that to the lack of sound personnel policies in most media; they prefer to hire specialists from the outside, rather than invest in the professional development of the staff they already have.

Sources of media equipment and printing facilities are apolitical, not monopolized, and unrestricted. Decreasing circulation numbers has led to greater competition in the printing market. Independent local newspapers always can find a printing facility in neighboring regions that are not controlled by the authorities of their home region.

The newsprint market is quite monopolized; there are only four enterprises that manufacture newsprint. But the monopoly does not affect media outlets, as newsprint production considerably exceeds the needs of the domestic market. For example, in 2012 Russia produced 2 million tons of newsprint, but only 25 percent of this paper was consumed inside the country.

Press distribution is the most problematic segment of the Russian media market. The number of press kiosks is decreasing rapidly, as high rent costs and the lack of tax breaks makes kiosks only marginally profitable, and drives them out of business. For example, in the cities of Belgorod and Cheboksary, the authorities sharply raised the rent for sales kiosks, forcing about half to close. In St. Petersburg, the municipal authorities developed new rules for the placement of sales kiosks, which led to the closure of one-third of existing kiosks. In Saratov, as a result of similar changes in municipal regulation, only 150 press kiosks out of 400 remained, while in Barnaul 57 out of 158 remained.

The subscription delivery system is also very inefficient. Russian Mail, the main subscription service provider, is expensive and very slow, and a majority of alternative subscription distributors went bankrupt in 2013. The head of the National Circulation Service said to *Kommersant* that Russian Mail was “killing” press subscription, adding, “who needs a daily newspaper that is delivered one—or sometimes even two to three—days after it goes on sale on the newsstands? What’s the point of subscribing to a magazine if you can read it online two weeks before it is delivered to your mailbox?”

Over the past three years, subscriptions dropped from 30 to 27.2 million copies. The only factor slowing this decline are so-called social subscriptions, in which local authorities pay for subscriptions to municipal newspapers and then give them to local citizens as a benefit.

The panelists also expressed concern that the Russian authorities have found an effective way to control the Internet: ordering Internet providers to block access to certain websites. For example, in April 2013, the Prosecutor’s Office of the Ulianovsk region reviewed the content of online news sites, and identified 15 sites that offered information “about methods of giving bribes, about circumstances when bribes are required, [and] about ways of avoiding punishment for corruption crimes.” Prosecutors lodged a court complaint on the grounds that these websites were engaging in propaganda of corruption, and the court ordered a local Internet provider, a subsidiary of national Rostelecom, to block access to these websites. They included national news website *Gazeta.ru* and national tabloid *Komsomolskaya Pravda’s* Internet outlet.

The use of ICT technologies in the media sector is growing rapidly. Major media outlets can afford more sophisticated technologies, but even some small local media use Internet streaming and podcasting. Internet access in general, including mobile Internet access, is also growing. According to TNS Russia, about 30 percent of people use mobile Internet, and more than 9 percent access the Internet from tablet computers.

Still, ICT capacity differs significantly between cities and rural areas. According to one of the panelists, “The situation in megalopolises is very good. But the further you go from major cities, the worse it gets. In smaller cities there is only one Internet provider—Domolink, a subsidiary of Rostelecom.”

List of Panel Participants

Due to laws restricting NGO activity and contacts with U.S.-based NGOs, the participants in the Russia study will remain anonymous. This chapter was developed by a Russian journalist in December 2013 after a series of structured interviews with colleagues in the media sector.

The Ukrainian government's surprise decision to suspend signing the agreement—blamed on economic hardship—sparked mass peaceful protests called EuroMaydan. Online media and social networks played a tremendous role coordinating this initiative, and many journalists joined the ranks of the activists from the very beginning.



UKRAINE

Ukraine's MSI panelists convened on December 2, 2013, shortly after Ukraine plunged into a political crisis that would lead to a dramatic change of government in early 2014. At that time, peaceful protests had turned bloody, and journalists had become the targeted—rather than just accidental—victims of police violence. Amid this dangerous and chaotic backdrop, the MSI panelists had to meet via online streaming rather than in person.

In 2013, Ukrainians watched as their country slid further back toward dictatorship. The rule of law crumbled, corruption skyrocketed, and Ukraine fell into economic crisis. President Viktor Yanukovich, along with his top associates, tightened control over the country. Still, until November 21, the government strongly supported the signing of the Association Agreement with the EU, including the Deep and Comprehensive Free Trade Area Agreement, planned at the Vilnius Summit at the end of November 2013. While the immediate economic benefits were disputable, many Ukrainians treated this perspective as a window of opportunity to gain EU support in handling corrupt Ukrainian authorities. Moreover, Ukraine would have to fulfill certain prerequisites to join the agreements, such as the release of political prisoner Yulia Tymoshenko, the ex-prime minister, and the adoption of a number of progressive laws.

The Ukrainian government's surprise decision to suspend signing the agreement—blamed on economic hardship—sparked mass peaceful protests called EuroMaydan. Online media and social networks played a tremendous role coordinating this initiative, and many journalists joined the ranks of the activists from the very beginning. Militia and *titushki* (para-military groups in civilian clothes), supporters of the ruling party, attacked several journalists. The protests seemed to abate when suddenly, on the night of November 30, Berkut, a special police division, violently dispersed a camp of protesting students at the main square. They injured dozens of young people, including journalists, under the formal pretense that the New Year tree needed to be installed and decorated there.

This was the first act of bloodshed by the government in the history of independent Ukraine and caused public outrage. The attacks drew 350,000 to 1.6 million protesters (according to different sources) to join a popular assembly the next day. Some of the more radical protesters attempted to storm the president's administration building. Berkut attacked an estimated 40 journalists, and some were arrested for participating in the unrest. Other cities, primarily in western Ukraine, held support protests, and people came to frosty Kyiv from all over Ukraine.

Amid Ukraine's toxic political climate in 2013, most of the objective scores, and the overall score, fell. The change was small overall, as the situation had been worsening for the past several years. Whether the new government can reverse the recent downward trend, and do so in a way that leads to sustainable improvement, will no doubt be the subject of lively discussion next year.

Note: The panel discussion was convened on December 2, 2013, prior to the events that resulted in the Yanukovich government's abdication. The comments from panelists and their scores represent the situation facing Ukraine over the year 2013. However, the author added information about developments that occurred after the panel discussion was held.

UKRAINE at a glance

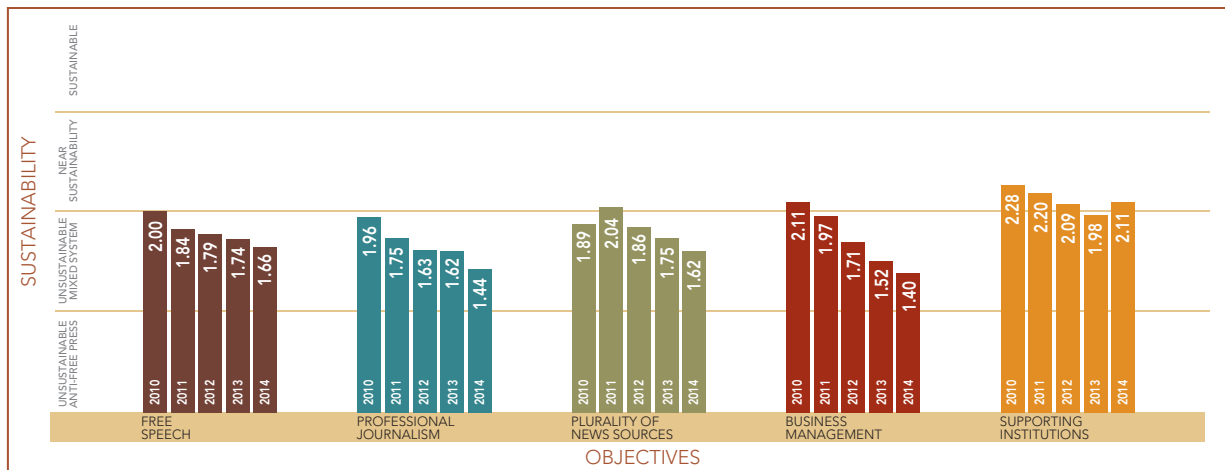
GENERAL

- > Population: 44,291,413 (July 2014 est. *CIA World Factbook*)
- > Capital city: Kyiv
- > Ethnic groups (% of population): Ukrainian 77.8%, Russian 17.3%, Belarusian 0.6%, Moldovan 0.5%, Crimean Tatar 0.5%, Bulgarians 0.4%, Hungarians 0.3%, Romanian 0.3%, Polish 0.3%, Jewish 0.2%, other 1.8% (2001 census)
- > Religions (% of population): Ukrainian Orthodox–Kyiv Patriarchate 50.4%, Ukrainian Orthodox–Moscow Patriarchate 26.1%, Ukrainian Greek Catholic 8%, Ukrainian Autocephalous Orthodox 7.2%, Roman Catholic 2.2%, Protestant 2.2%, Jewish 0.6%, other 3.2% (2006 est. *CIA World Factbook*)
- > Languages: Ukrainian (official) 67%, Russian (regional language) 24%, other (includes small Romanian-, Polish-, and Hungarian-speaking minorities) 9% (*CIA World Factbook*)
- > GNI (2012-Atlas): \$159.7 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$7,180 (World Bank Development Indicators, 2013)
- > Literacy rate: 99.7%; male 99.8%, female 99.7% (2011 est., *CIA World Factbook*)
- > President or top authority: Acting President Oleksandr Turchynov (since February 23, 2014)

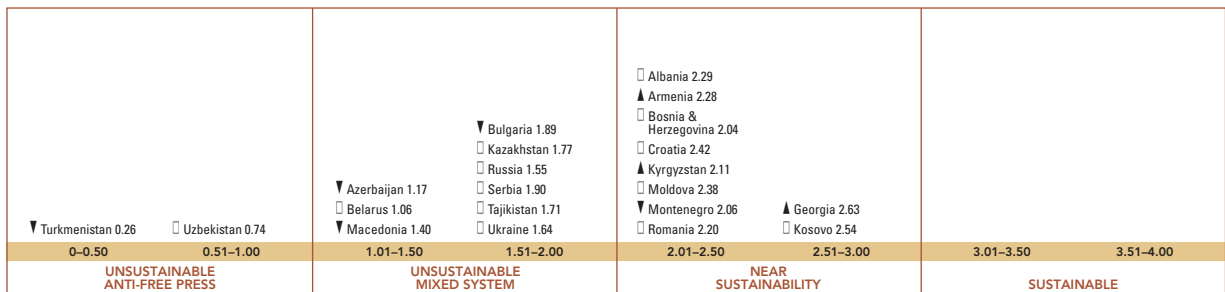
MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: Print: more than 42,500 registered publications (Institute of Media Law report, 2012); out of these about 3,100 actually publish (estimate of UAPP, 2012); Television: 30 national channels, 76 regional channels, and 185 local channels. Radio: 15 national, 57 regional, and 217 local stations (National Council for Television and Radio Broadcasting Report for 2013)
- > Newspaper circulation statistics: Top three dailies: (all private) *Fakty i Kommentarii* (6.52%), *Segodnya* (5.54%), *Komsomolskaya Pravda v Ukraine* (4.16%) (2013 est., TNS audience research MMI Ukraine)
- > Broadcast ratings: Top television: Studio 1+1, Inter, STB, Ukraina, ICTV, Novyi kanal (all private, GfK Ukraine, commercial audience 18-54 y.o.); Top network radio: Russkoe radio (1.22%), Hit FM (1.21%), Radio Shanson (1.09%), Retro FM (0.74%), (all private, GfK Ukraine, Cov.Max.%, cities 50+, October 2013)
- > News agencies: Interfax (private), UNIAN (private), Ukrainski Novyny (private), LigaBiznesInform (private), RBC-Ukraine (private), UNIA Ukrinform (state-owned)
- > Annual advertising revenue in media sector: Television: \$545 million, print: \$314 million, radio: \$42 million, Internet: \$130 million (2013 est., All-Ukrainian Advertising Coalition)
- > Internet usage: 7.77 million users (2009 *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: UKRAINE



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press

advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

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

to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

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

conventions.

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscscores.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Ukraine Objective Score: 1.66

Again this year, the panelists confirmed that Ukraine's legislative provisions for free speech and media freedom are relatively strong but are implemented poorly. Oleksiy Pogorelov, general director of the Ukrainian Association of Press Publishers, confirmed the existence of laws and public declarations protecting the freedom of speech, promoting media and publishing businesses, and ensuring equal access to information. Despite the relevant laws, attacks on journalists have become more and more frequent, with little effort to punish violations and those who prevent journalists from doing their jobs, Pogorelov said.

Natalia Gumenyuk, a freelance journalist and lecturer on International Media at the Journalism School of Kyiv Mohyla Academy, agreed that enforcement is a major obstacle. "Although Ukraine has relatively good mechanisms to protect free speech, the issue is not in the laws, but rather the traditional lack of compliance with them. For instance, every year on the International Day against Impunity [for crimes against journalists], we can ascertain that cases on violations of journalists' rights are being blocked. Traditionally, cases involving beatings of journalists are filed under articles on hooliganism or abuse of power. Furthermore, the law could be used to protect editorial

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

According to Dmytro Dobrodomov, general director of ZIK television channel from Lviv, the situation with television licensing is very problematic. "It's impossible for a channel that is beyond the influence of pro-governmental forces to obtain a license," he said.

independence, but it does not work. As for the law on access to public information, it is indeed important that it exists, but as always, the problem is in its implementation," she said.

Kostyantyn Kvurt, chair of the board for Internews-Ukraine, mentioned that in 2013, representatives of the ruling Party of Regions submitted at least three draft laws on cyber-security, revealing a strategic offensive against the freedom of speech in Internet. Meanwhile, the parliamentary committee on freedom of information has been excluded from the discussion.

During the full swing of EuroMaydan protests, on January 16, 2014, parliament violated procedures and adopted a package of laws that opponents termed "dictatorship" or "anti-protest" laws and that would significantly restrict the freedoms of speech, press, meetings, and associations. These laws and amendments addressed the media, as well: they criminalized libel, with punishment ranging from fines up to UAH 183,000 (\$18,270) and imprisonment up to two years; and enabled prosecution for vaguely defined extremism and for disseminating insulting information about judges, with punishments ranging from fines to two-year prison sentences.

The laws also covered the licensing of Internet providers, allowed for the state authority to block websites for publishing content they deemed illegal—without any involvement from the courts. Further, they mandated the registration of news websites as information agencies, and established data tapping equipment at the main telecommunication providers. These laws also limited protest rallies and their participants, and forced NGOs financed by foreign sources and participating in political activities to register as agents of foreign influence, to report frequently to state media, and to give up their non-profit statuses.

For its part, the government claimed that these provisions exist in developed Western democracies. Opponents renounced these measures as undemocratic and repressive,

Olena Garaguts, director and editor-in-chief of *Litsa* in Dnepropetrovsk, said that for a year and a half she tried unsuccessfully to gain the lists of deputies voting on certain issues in the city council, as two courts classified the information as confidential.

in violation of the constitutional rights of Ukrainians, and running counter to Ukraine's obligations under the European Convention on Human Rights and as a member of the Council of Europe.

The laws, combined with the overwhelming number of attacks, drove many journalists to take part in the protests, across nearly all regions. According to the Institute of Mass Information, journalists participated in picketing, issued 22 statements signed by about 3,000 journalists, and announced strikes and boycotts of covering local officials in five cities. Some published empty pages or anti-dictatorship banners.

The "dictatorship" laws were eventually cancelled at the end of January 2014, but the MPs from the ruling Party of Regions submitted new draft laws similar in nature: labeling NGOs financed from abroad as "foreign agents of influence," limiting news gathering, and restricting coverage of judges and justice in general.

In terms of broadcast licensing, the panelists criticized the National Council on Television and Radio Broadcasting (NATSRADA) and its total loyalty to the government. Gumenyuk stressed her opinion that broadcast licensing is a tool of political pressure.

According to Dmytro Dobrodomov, general director of ZIK television channel from Lviv, the situation with television licensing is very problematic. "It's impossible for a channel that is beyond the influence of pro-governmental forces to obtain a license," he said. "The unfair distribution of frequencies by NATSRADA to newly set up companies, which lack even staff and equipment, led to a situation where digital licenses were denied to regional television channels and radio stations with 10 to 20 years of history. In 2015, when the country transfers to digital television, they will lose access to their viewers. In 2012, obtaining a satellite license was not difficult, but in 2013, problems appeared. Its inspections and punishments are also selective."

In November 2013, NATSRADA allowed five companies licensed in 2011 in the regional Multiplex MX-5 to become one national channel, 112 Ukraina. The owner of 112 Ukraina bought these five firms, whose licenses cover almost all regions of Ukraine. According to media reports, 112 Ukraina is connected to former Vice Prime Minister Sergiy Arbuzov, and financed by those who financially support such channels as Tonis, Business, and BTB, and the publications *Kapital* and *Vzglyad*. The owner of 112 Ukraina has denied this. The channel entered easily into television's digital broadcast package, main cable networks, and satellite and Internet providers—a feat that would take other channels years to achieve, panelists said.

Tetyana Lebedeva, chair of the Independent Broadcasters Association (IAB), agreed that these conditions worsened the prospects for regional and local television stations during 2013. In her written comments for the MSI panel, she said, "More than 150 broadcasters, out of 298 regional television companies, have not obtained licenses for digital broadcasting in the multiplexes. Meanwhile, NATSRADA gave one of four places in the fifth multiplex designated for regional and local broadcasting to the newly established national channel 112, a newcomer to the broadcast field. In my mind, this is a violation of the law, as in fact the designation of the channels engaged in the 112 network had been changed. Moreover, it is a violation of the international standards guiding the transfer to digital broadcasting. Ukraine, as a member of the UN and OSCE, and as a signatory of the Declaration on Protection of Free Expression and Diversity in Transfer to Digital Broadcasting, must comply with these standards."

Lebedeva added that for companies that have managed to obtain licenses, the conditions of transfer to digital broadcasting are complicated, because the operator, Zeonbud, selected by NATSRADA holds a monopoly, and its prices are too high and unsubstantiated. "As a result, instead of technological reform and greater quality, the population will get less information, especially at the regional and local level," she said. "None of the court cases over licenses denied to existing broadcasters have been found in favor of a broadcaster."

IAB has developed Ukraine's digital broadcasting conversion roadmap, which provides for the creation of small and cheap multiplexes for local television and oblast-size multiplexes for larger companies. Since 2010, IAB has noted repeatedly that conditions for digitalization do not correspond to the possibilities and needs of regional and local broadcasting, and they must be more technically and financially accessible for regional broadcasters.

Lyudmyla Pankratova, a media lawyer for the Regional Press Development Institute, added that the channels that did not get licenses failed to take their cases to court, because they hoped to resolve the issue peacefully. “Licensing is becoming more and more politicized, and the last hope for improvement has disappeared,” she said.

It is worth noting that on February 28, 2014, as the MSI study was being prepared for publication, the parliament expressed distrust in the current NATSRADA; as of publication, the makeup of its members is uncertain and it sometimes fails to have a necessary quorum to conduct business.

In contrast to the difficulties with broadcast licensing, the panelists agreed, registration of print and online media is easy and apolitical. But they noted that media outlets face essentially the same business conditions as other business sectors. Print media enjoy VAT (value-added tax) exemption on print-run sales or subscriptions, and VAT exemption extends to the export of printing equipment. The old law on state support for the media restricts outlets from increasing distribution prices above a certain percentage of printing costs. Only a few large-circulation newspapers tap this privilege.

In terms of crimes against journalists, as the political crisis escalated during the course of 2013, journalists in Ukraine faced ever-growing danger. Vlad Lavrov, regional coordinator of the Organized Crime and Corruption Reporting Project and a *Kyiv Post* journalist, said, “The year 2013 became especially alarming due to an increasing number of crimes against journalists, which the authorities ignored. Oleksiy Matsuka, editor-in-chief of *Novosti Donbassa*, received death threats in September 2013, but the police only pretended to investigate, and they procrastinated in providing state guards for him.” Lavrov also pointed out the unprecedented cybercrimes of hacking or stealing email accounts, and the practice of creating fake publications and websites, which publish distorted data hacked from journalists’ computers.

In December 2013, protesters gradually expanded their camps and barricades, and captured a number of public buildings in the downtown district. The government and ruling party ignored their demands, which were rather modest in the beginning—such as punishment of those guilty in the bloodshed. With tensions building, the “March of Millions” took place in Kyiv and other cities on December 8. Activists ruined the monument to Lenin in Kyiv; many other Lenin statues all over the country were destroyed or dismantled later. On December 11, the police made a failed attempt to storm EuroMaydan at night, as arriving Kyivans increased the number of defenders to 10,000. The

police also failed to recapture the municipal building, which had been occupied by protestors, in the morning. With the aid of international mediators, the government finally entered into formal negotiations with the opposition, but it seemed to be only a simulation of real dialogue. Separate cases of violence, such as a violent attack on the journalist and activist Tetyana Chornovol, only inspired new waves of anger.

In January 2014, television coverage of the protests became distorted and pro-governmental, often stigmatizing the protesters as radicals, nationalists, and extremists. In mid-January, the government adopted the aforementioned “dictatorship laws,” which substantially limited human rights and freedoms and installed a police state—causing another wave of angry clashes and protests. The violence culminated in late February 2014, and ultimately 80 died—including two journalists. An extraordinary parliamentary session ensued, adopting a cease fire that stipulated a withdrawal of police forces, and a return to the 2004 Constitution limiting of Yanukovich’s powers. The day after parliament voted in favor of these resolutions, Yanukovich fled Kyiv. Telekritika.ua reported that as of February 25, 2014, more than 170 journalists were injured during the unrest period, and Institute of Mass Information (IMI) is currently investigating more than 200 such cases.

Since then, Ukraine has had a chance to build a more democratic state, and some changes in the media sector took place right away. Yanukovich soon appeared in the Russian Federation, however, prompting Russia to annex Crimea under the pretense of a popular referendum, and support marginal separatist movements. Ukraine’s mainstream media consolidated its efforts to fight pro-Russian propaganda, but journalists continued to be attacked at hot spots to the east and south of the country.

Even before the attacks linked to the protest, journalists were subjected to growing threats and pressure. IMI named 2013 as the worst time for media members in the last 11 years, documenting a total of 496 violations of free speech (up 1.5 times compared to 2012, and 11 times compared to 2005). Those violations included 129 instances of preventing journalists from conducting professional activities, 101 physical attacks (mostly during coverage of protests, rallies, etc.), 63 cases of censorship, 49 distributed denial-of-service (DDoS) attacks and cyber-crimes, 35 threats to journalists or surveillance, 33 instances of political pressure, 30 lawsuits, and 13 cases of economic pressure. Eight journalists were searched, and police detained seven journalists that were in the course of professional reporting duties.

And yet, only five court cases were opened in 2013 under article 171 of the Criminal Code of Ukraine. The strongest

punishments that have ever been handed down under this law were suspended prison sentences and fines of several thousand UAH for the attackers of 5 kanal journalist Olga Snitsarchuk and *Kommersant* photo reporter Vlad Sodel in May 2013. One of the perpetrators was Vadym Titushko, whose name inspired the term *titushki*. Oleg Khomenok, a senior media adviser for Internews Network, added that these paramilitary civilians were said to be specially trained, often along with militia divisions and at law-enforcement facilities, to obstruct media and journalists that cover important events. Kvurt expressed pessimism that there could ever be hope for a dialogue and re-education of law enforcement in this area; aggression against journalists just continues to escalate, he said.

Pankratova said that Ukraine has become quite dangerous for journalists, as authorities do not properly investigate crimes, the highest officials go unpunished, and law enforcement bodies lack understanding of journalists' rights. She gave the example of a presidential interagency working group whose mission was to address compliance with free-speech laws and protection of journalist rights, but they only succeeded in publicizing information about crimes. The rest of their work was a mockery, she said, as no one was punished.

Pankratova also described another attempt to educate state authorities on the plight of journalists. "In fall 2013, [the Organization for Security and Cooperation in Europe] conducted a series of training workshops for law enforcement representatives. We as trainers noticed that they are extremely far from understanding journalists' rights. And the beginning of EuroMaydan proved this. The only reactions to such crimes were rare apologies by the press officers."

On November 23, 2013, on the Day against Impunity, participants of a journalism safety conference of the International and European Federation of Journalists organized protests. They held a silent march on the main street of Kyiv, and issued a letter to President Yanukovich about unpunished and uninvestigated crimes against journalists, attempts by the local governments to close or control television channels (in particular in Kharkiv, Kremenchuk, Chernivtsi, and Kerch), and persecution of journalists who voiced against censorship.

Commenting on the clashes between protesters and the police on December 1, Dobrodomov said that journalists seemed to be targets of special police divisions, despite showing press cards, photo, and video cameras. Later, media organizations handed out well-marked vests and hard hats, but this only increased their identification as targets. A shift in the ethics surrounding the treatment of journalists was

evident to many observers; law-enforcement representatives seemed to treat journalists as members of the opposition, he said.

The parliamentary committee on free speech, Ukraine's numerous NGOs, and media groups that traditionally have spoken out over violations against journalists were totally helpless to stop aggression against journalists and force the proper investigation of attacks on journalists.

Beginning in September, a number of well-known journalists and civic activists began receiving phishing emails about criminal cases brought against them by the Ministry of Interior, and the emails hyperlinked to spy software containing a virus. As a result, the files and correspondence were stolen from the computer of Oksana Romanyuk, director of IMI, and uploaded on the Internet. A specially launched website, with authors using pseudonyms, copied the style of reputable *Ukrainska Pravda*, and discredited Romanyuk by mixing her documents with truth and false data.

A number of independent media websites (5 kanal, *Ukrainska Pravda*, Hromadske.TV, tsn.ua, Telekritika.ua) experienced noticeable DDoS attacks, especially coinciding with the period of protests, November 2013 through February 2014. The servers of Censor.net were broken and all information was deleted. From time to time, 5 kanal's signal was deliberately jammed. *Ukrainska Pravda* editor and investigative journalist Sergiy Leshchenko, in an interview with mediafreedomwatch.org on December 23, 2013, highlighted this worrying trend to manipulate online media, noting that Yanukovich and his law enforcement authorities began to recognize that they could use the Internet as a tool to influence public conscience.

On November 18, 2013, a clone website of *Ukrainska Pravda* at ukrpravda.com was launched, showing the registration certificate of the information agency *Ukrainska Pravda* Ltd., dated April 24, 2013. The state register also contains registration data dated April 29 for the newspaper *Ukrainska Pravda* founded by that company. This imposter newspaper circulated in various regions of Ukraine.

Panelists pointed to evidence that law enforcement authorities attempted to identify protesters and their supporters by their activities on the Internet, or through interference with their cell phones. For example, activists at Grushevskogo Street received SMS messages that they had been identified as perpetrators of crimes. Since the beginning of the protests, the Security Service of Ukraine tried to gather information from Internet providers on users that viewed certain content and commented on protests using Internet forums. The militia also collected data on telephone calls and SMS in certain protest locations, and in

response, Internet associations issued an open letter to the Security Service of Ukraine that such practices are illegal. In March 2014, journalists from the YanukovychLeaks website discovered among documents found at Yanukovych's Mezhygirrya estate the daily reports from the president's security staff on the social network activities of EuroMaydan supporters, including identification of account holders.

On November 21, 2013, parliament prepared but again failed to adopt the law on public television and radio broadcasting, along with a number of other media laws addressing NATSRADA and the de-centralization of print media. The law envisaged basing public television on the existing state-owned national television company, with all of its disadvantages and dependence on the government. The action was designed to mimic the fulfillment of prerequisites for signing the EU Association Agreement. At that moment, after the change of course towards the EU, hopes faded of having true public broadcasting in 2014, on the eve of the 2015 presidential elections.

There is no political will to privatize any of Ukraine's state and municipal media, as the government seeks to keep its mouthpieces. The media market is distorted by the heavy presence of state-owned and municipal outlets that receive funding from the state, but still compete with independent media for advertising revenue. Khomenok added that in absence of proper legislation, the editorial independence of state-owned and municipal media has worsened substantially. As an example he pointed out that subscriptions by local newspapers to the investigative journalism news service Svidomo had fallen by half. Off the record, editors at these newspapers explained that they just cannot publish Svidomo's hard-hitting investigative stories, or they would be fired. The panelists also mentioned a few examples of political loyalists that authorities appointed as chief editors of municipal media.

Oleg Nalyvayko, head of the National Union of Journalists of Ukraine, said in an October interview that some local administrations have withdrawn their investments in municipal media, reclaiming assets and property as a way of hamstringing operations. In some instances, state and municipal newspapers are forced to approve their stories before printing.

Ukrainian law has classified libel as a civil law issue since 2001, and recent attempts to criminalize it have failed. Pankratova commented that the law provides for the presumption of a good reputation of a person, and the burden of proof is on the publisher of the information. The progressive scale of court fees, which had previously curbed excessive sums of damage claims, was restored in September 2013. It had been equal to three minimal salaries—about

UAH 3,000 (\$300). Pankratova mentioned several examples of the media winning defamation cases in the regions, or where substantial damage claims were at least diminished. However, she said, court decisions are still unpredictable. Some cases have exhausted all national remedies, and their only remaining options have been to petition the European Court of Human Rights.

In practice, the courts often fail to reflect the facts of a case in their judgments. "In a number of cases, facts were proven...but the courts ruled to refute the [plaintiff's] recommendations. We had to appeal these national decisions in the [European Court of Human Rights]," Pankratova said.

According to Ukrainian law and court practice, website owners are responsible for any insulting or brutal comments of their users, unless the author can be identified. The recent decision of the European Court of Human Rights on the *Delfi v. Estonia* case supports this norm, which one panelist commented is unfortunate.

Dobrodomov noted that anonymous comments are widespread in Ukrainian online media, but recently the website ZIK decided to introduce the authorization of commentators. It will not fully protect the outlet, as a user might supply fake credentials, but could add some measure of control. Volodymyr Torbich, editor-in-chief of the Rivne Agency of Investigative Reporting, added that requiring commentators to identify themselves might restrain average users, but not those with malice.

A new Law on Access to Public Information, along with amendments to the Law on Information, passed in January 2011 and came into force in May 2011. Pankratova said that the government has adopted numerous instructions to implement this law, but all their efforts have been directed toward finding reasons not to provide sensitive public information. And recent amendments to the law on protecting personal data serve to suppress access to public information. Furthermore, officials designate information as classified without bothering to use the three-step test prescribed by the law. This test is meant to determine: 1) if a document is exclusively related to national security, territorial integrity, public order, crime prevention, public health, personal matters, whistleblowing, or ensuring justice; 2) disclosing such information could lead to substantial damages to these interests; and 3) damage from releasing such information is greater than the public's interest in obtaining this information.

The Highest Administrative Court adopted a resolution that opened the way to the release of public officials' salary information, budget spending, and state or municipal property. However, time is needed to fully implement

Gumenyuk stressed that in terms of professional standards, the quality of journalism is slipping substantially. "If previously political influence and censorship were the most important reasons for declining standards, today they are accented by the commercialization and tabloidization of news," she said.

this law and bring it into practice. Lavrov added that access to information laws do not embrace state-owned companies, providing a very convenient excuse for them to hide information.

Khomenok noted that about 70 online databases and state registers of public information have appeared during the last 1.5 years. "Sometimes it is really difficult to find them. But many journalists have no idea about these resources and lack knowledge about [the] many opportunities to access public information," he said.

Olena Garaguts, director and editor-in-chief of *Litsa* in Dnipropetrovsk, said that for a year and a half she tried unsuccessfully to gain the lists of deputies voting on certain issues in the city council, as two courts classified the information as confidential. Torbich confirmed that officials use the court system to obstruct information access. "Relatively well-written legislation is contradicted by non-compliance and subject to interpretation by judges and lawyers. That makes it very difficult to access the names of people who obtained state or municipal property. Often, it is possible to gain access to information, not due to legislation but thanks to civic pressure on authorities. And, often, it is impossible to obtain information that officials are determined to hide, even through the prosecutor's office and the courts."

Gumenyuk agreed that despite advanced legislation, citizens might never gain access to very sensitive information, and some journalists from media outlets that are not loyal to the government might never have a chance to access the highest state officials.

The law does not restrict accessing or using local and international news sources. In practice, though, economic and language barriers do limit access. Lavrov mentioned that economic hurdles have increased for the media; this year, *Kyiv Post* could not afford to pay for all the subscriptions it had previously, and reduced their number. Gumenyuk, on

the other hand, said that costs are decreasing and many resources are becoming more available. She did note that in some instances, biased Ukrainian media will distort, inaccurately translate, or improperly report stories from quality foreign sources.

Generally, entry to the journalism profession is free. As in previous years, the panelists stressed that the unrestricted influx of non-professional journalists sometimes undermines the trust in and responsibility of media. Pseudo-journalists can easily obtain press cards from marginal media outlets and obtain special rights in elections processes, monitoring, and other civic events.

Journalists of unregistered online media are not always acknowledged as journalists, and sometimes have greater difficulty gaining access to information or attending public gatherings that require accreditation. The government has also tried to use accreditation measures to filter the access of independent journalists, and to allow only loyal journalists to access senior officials.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ukraine Objective Score: 1.44

Although Kvurt pointed to many examples of solid journalism with the help of foreign or grant money, he said, "In this environment of overall degradation, the overall trends are: entertainment programs eclipse news, socially important topics are suppressed, ethical standards are ignored, and professional and educational levels are declining."

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Gumenyuk stressed that in terms of professional standards, the quality of journalism is slipping substantially. “If previously political influence and censorship were the most important reasons for declining standards, today they are accentuated by the commercialization and tabloidization of news,” she said. “Quality content about socially significant issues have either completely disappeared from the central media or they are marginalized. Work with sources has become less qualitative; it is now standard *not* to verify a quotation... At the same time, it’s worth noting the qualitative growth of a small cohort of investigative journalists who can finally serve as an example to follow.”

Gumenyuk added that about five publications now practice fact-checking, but even they sometimes publish minor factual mistakes. “There is a widespread practice of converting Facebook comments into the basis for publications, and journalists are too lazy to simply call the accessible source and verify information,” she said. Dobrodomov agreed that there are numerous examples of news outlets that dare to publish fake news, unverified information, and use social networks’ statements as proven facts. Often, when one media outlet will publish mistaken or false information, and others reprint it without verification, he added. Torbich added the practice locally known as *jeansa* (placing paid content) is still widespread.

Lavrov pointed to a decline in the quality of journalism over the year, especially following the acquisition of the United Media Holding, which owns *Forbes Ukraine* and *Korrespondent* magazines and websites that had been noted for their quality journalism, including their economic coverage. He said, “These publications moved away from professional standards at a disturbing pace; now these previously unbiased publications have turned into tools of manipulation.”

Lavrov also noted that he could not recall any hard-hitting interview with any senior official. In practice, if someone powerful agrees to an interview, the journalist throws softball questions that were shared ahead of the interview. Moreover, officials often show a sense of loyalty to certain journalists to whom they give exclusive access. Journalists also often agree to have their stories verified by interviewees ahead of publication.

Svitlana Yeremenko, a monitor of the Ukrainian Centre for Market Reforms, told Telekritika that Ukrainian media have enough professional journalists followed by thousands of people in social networks, but their stories do not lead to governmental officials resigning.

According to Pankratova, the level of ethical standards among the journalists is descending right alongside professional standards, and journalists have made no

attempts to organize or tackle the issue collaboratively. Plagiarism is widespread. Tetyana Rikhtun, the director of Media Center IPC Sebastopol and an investigative journalist, added that copy-paste journalism is so widespread that despite Ukraine’s numerous news sources, the media sector has no real plurality of content. Law enforcement representatives also have stated that they dislike the media because they strive for sensational news, and often neglect professional and ethical standards by publishing unverified data or exaggerating the facts.

The Commission on Journalism Ethics renewed its membership recently, and together with the National Union of Journalists of Ukraine, adopted a new code of journalism ethics based on a combination of two earlier attempts. Their efforts have not proven effective, however.

According to IMI, based on its monitoring of six national print publications and four websites the volume of *jeansa* increased in 2013, and the trend has spread to more media outlets. Chiefs of local administrations and mayors; regional partisan leaders; Viktor Medvedchuk and the pro-Russian movement, *Ukrainskiy Vybir*; the Party of Regions; the Communist Party; some oppositional representatives; ministries; and state enterprises have all placed *jeansa* to tout their achievements. In particular, IMI named Viktor Medvedchuk and Mykola Katerynychuk as leaders of *jeansa*, and noticed how their “news” from press offices or blogs became reports on a few websites (primarily UNIAN and *Obozrevatel*) and were replicated later at numerous other websites. In the course of 2013, the ratio between political and commercial *jeansa* was kept at 70–30 percent respectively, and in November, the percentage of political *jeansa* decreased slightly.

EuroMaydan coverage became a litmus test for media outlets and their journalism standards. In the beginning of December, a few smaller television channels, independent publications, and Internet sources covered the EuroMaydan protests more or less objectively. A few mainstream television channels did as well, but that soon changed. For example, television channel Inter had covered EuroMaydan more or less objectively in November and early December. One of Inter’s minority owners is Sergiy Levochkin, at the time President Yanukovich’s head of administration and seen as having specific influence over Inter’s news team. At the end of December 2013, Inter replaced its news program team—and the channel started to censor news about EuroMaydan. Soon, other channels owned by oligarchs followed Inter’s lead.

Yulia Mostova, editor-in-chief of *Zerkalo Nedeli* (zn.ua), wrote in her column that then-President Yanukovich accused media-owner oligarchs of treachery, and placed

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all mainstream channels under the strict control of the presidential information team, which forms editorial policy and messages. She said that the only remaining free information medium, the Internet, is used by some 35 percent of the population, while 93 percent still receive their news from television. "In addition, the government massively used such unacceptable methods as hacking email accounts, illegal wiretapping and recording, publishing fake news, and attacks on websites," she wrote.

Natalya Ligachova, editor-in-chief of Telekritka.ua, confirmed that Inter became the main pro-governmental channel, with the largest reach of the basic electorate of the Party of Regions. According to her, the newly launched channel 112 Ukraina was aimed at manipulating more advanced viewers, but did not have a skilled enough team to pull this off.

Media owners, managers, and staff are afraid to insult some political or economically powerful forces or figures, for fear of being fired, shut down, or persecuted, according to several panelists. Pankratova said that economic fears are the source of self-censorship in many independent private media, leading media owners to pressure their editorial staff. For instance, in one regional city a media owner suppressed publication of a court resolution about a search by authorities of a civic activist's home, despite this being fully legal to publish.

Gumenyuk agreed, saying, "Self-censorship is a routine corporate phenomenon, when the owner has the right to call the tune." She explained that in the minds of many journalists, corporate policy is mixed with editorial policy—if someone wants to work for a certain channel, she or he should be a priori loyal and obedient and comply with the interests of the owner.

Dobrodomov added that with the massive buyout of reputable and quality media (*Forbes Ukraine*, *Korrespondent*) in 2013, core teams of editors and journalists

had to simply quit these media. A few journalists left television channels Ukraina, Pershyi Nacionalnyi, 112 Ukraina, and Inter as well, due to changes in editorial policy. According to Ligachova, editor-in-chief of Telekritka.ua, people working on main television channels, especially Inter, were less prepared to resist censorship.

Lavrov expressed concern that some oligarchs who own mainstream media finance various journalism programs. For instance, the foundation of Rinat Akhmetov finances the Digital Future Journalism program and Impact Media for economic journalists, and Dmytro Firtash's foundation funds the Ukrainian Catholic University, which offers high-quality journalism programs. "The issue is that this might create a certain loyalty of their graduates towards these oligarchs, and whether they could distance from the sources of charity in these cases," he said. He added that oligarchs sometimes pursue efforts to boost their reputations in conjunction with funding such initiatives, "...but perhaps they should have started with standards of their own mainstream media, which are more tools of propaganda." The panelists expressed their expectation that in 2014, both pro-governmental and oppositional politicians would be buying positive coverage at an increasingly larger scale.

Garaguts said that in Dnipropetrovsk, for instance, the city council allocated about UAH 5 million and the oblast council about UAH 6 million to finance both municipal and private media. "Judging by what these media cover, and what issues they ignore, I believe that this funding is provided to encourage the media to cover the government's accomplishments in improving stability," she said. "These media covered EuroMaydan only superficially. In Dnipropetrovsk, local media do not cover any opposition activities—national, regional, or local."

As they expressed in prior MSI studies, the panelists maintained that pay level is ineffectual against *jeansa* and violations of ethical and professional standards. Lavrov mentioned that the current trend is that biased reporting is becoming better paid. Gumenyuk agreed that opportunism is widespread in the media. "Kyiv's mainstream media, especially national television stations, are lucrative places to earn good salaries, even compared with other professions. Many skillful journalists make their decisions based on financial considerations, rather than professional standards of journalism," she said. "When the salary of an average Kyiv journalist, who is expected to copy-paste and re-write, is relatively low, [national stations] are still an attractive place to work."

Dobrodomov added that across the country, industry salaries are generally low, but his media outlet (ZIK) managed to increase salaries by 1.6 times recently. He feels that salary

does affect journalism quality. Torbich pointed to the low monthly salaries of regional journalists, at the level of some UAH 2000 (\$200), as impacting the quality of reporting. “Unable to pay for specialized professionals, newsrooms rely more on generalists. The low level of education seen in so many graduates with journalism diplomas also promotes inferior, cheap journalism,” he said. Mykhailo Kumok, publisher and editor-in-chief of MV holding in Melitopol, added that to be sustainable, independent media must limit salaries; meanwhile, politically funded media in the same city can afford to pay higher salaries.

Panelists were unanimous that entertainment eclipses news, social, economic, educational, cultural, and children’s programs, especially at national television channels. Pogorelov said that mainstream media, especially television, are focused on entertainment content. Kvurt mentioned Novyi kanal as one of the most glaring examples. Its newscast reporter has almost vanished, and it has launched the Abzats program, which contains some news elements, but the viewers are not warned that it is not true news.

The panelists agreed generally that the level of technical equipment does not hinder the quality of news products. Technologies are updated at a healthy pace and have become more affordable. However, Garaguts said that independent media outlets in the regions do not have funds to rent premises downtown, and her newsroom, located on the outskirts of a city, suffered from a weak Internet connection for five weeks recently. “We do lack resources for relevant technical equipment,” she said. Torbich agreed that regional newsrooms do not have sufficient basic equipment to supply to all of their journalists.

Torbich noticed the trend of tabloidization of media among old websites and new websites that appeared recently. As the head of the Rivne Agency of Investigative Reporting, he actively monitors the situation in Rivne, Volyn, and Zhytomyr regions, and he reported that there is not enough investigative journalism in these regions. He added that business journalism in the regions is more about *jeansa*—company news and press releases rather than any economic analysis.

Panelists agreed that business and economic journalism is developing as a specialization. However, Pogorelov noted that while strong professional journalists and editors exist, including competent economic journalists, the complex economic situation makes it almost impossible to gain in-depth data from companies and on economic industries. Companies are simply afraid to share information.

Lavrov noticed a problem in health care coverage. He said that journalists have a very hard time gaining interviews and

documents in this area—in particular information connected with procurement of medicines.

Gumenyuk added that during the last 10 years, international journalism has been devastated. “The general educational level has become so degraded that even editors...do not understand what is important. Even slightly complex issues are not covered properly,” she said. “Despite the fact that national channels spend a lot of money for their foreign bureaus, they would rather cover curious stories like the birth of a panda or the birthday of a queen instead of elections. There is also a belief that anyone who has traveled abroad or knows a foreign language qualifies to be a foreign desk journalist. It is not a shame, for example, if a journalist does not know the name of the president of a neighboring country.”

At the same time, Gumenyuk noted, a cohort of investigative reporters at the national level are publishing international-level quality investigations, which could not be found in Ukrainian media some 5 to 10 years ago. The Eighth Global Investigative Journalism Conference in Brazil, which a group of Ukrainian reporters attended, recognized this development. Now, Gumenyuk noted, Ukrainian journalists have models to follow.

OBJECTIVE 3: PLURALITY OF NEWS

Ukraine Objective Score: 1.62

Ukraine still offers a wide variety and plurality of media, including those that depend on modern technologies. There is a big gap between Internet usage in large cities and rural areas, and television remains the main source of news in small towns and villages.

Ukraine has no public television; instead, there are state-owned television companies at the national level and in each region, and numerous state-owned and municipal newspapers. Pro-government media prevail in the south and east of the country.

Television companies owned by oligarchs cover up to 85 percent of the television audience. Most channels are tools of political influence, public relations, and protection of business assets in other fields. By 2013, only two of four major political talk shows remained: *Svoboda Slova*, with Andriy Kulykov at ICTV; and *Shuster LIVE*, at Inter. *Shuster LIVE*, produced by Savik Shuster Studio and broadcast by Inter since February 2013, terminated its contract with the channel at the end of 2013.

The termination followed two cases of censorship in November. During the broadcast of a speech by then-prime

Many people turned to news websites in record numbers during the protests. People also tended to trust reports from their friends or contacts on social networks more than the statements of politicians flooding other channels.

minister Mykola Azarov, an indicator displayed to gauge the audience's level of trust disappeared. Also, when opposition politicians came to the show on November 29, Inter suddenly interrupted broadcasting of the live show and replaced it with films. Owner Savik Shuster commented that he forms the agenda independently himself, but for a long time could not choose which politicians came on the show—political parties' headquarters made those decisions.

With the beginning of EuroMaydan protests, almost all main television channels, except state-run Pershyi Nacionalnyi, covered events rather neutrally. But as the protests continued, the oligarchs' channels altered their editorial policies. The turmoil became a heyday for news channels such as 5 kanal, 24 kanal, TVi, online streaming of Hromadske.TV, Spilnobachennya (spilno.tv), Espresso.TV, Ukrstream.tv and Grom.TV. Video content and online streaming was also available at Radio Liberty, Lb.ua, Aronets live, INTV, and others. NATSRADA had not given Espresso.TV, recently founded by Mykola Knyzhytskiy, a satellite license, but despite this the channel started satellite and

online broadcasting in November 2013. On December 1, the multimedia service provider Divan.tv started to broadcast 5 kanal, TVi, CT.FM, Hromadske.tv, Espresso.TV and Russian Dozhd' channel, and made them available all over the world at its website, on television, and on tablets.

According to an Academy of Ukrainian Press survey, the Internet turned to be the most objective source of news about EuroMaydan. However, the audience reach of Internet was estimated at 46 percent, while television, displaying examples of clear censorship at play, reached 71 percent.

Still, digital communications played a great role in inspiring and coordinating protest actions of EuroMaydan. Many people turned to news websites in record numbers during the protests. People also tended to trust reports from their friends or contacts on social networks more than the statements of politicians flooding other channels. According to liveinternet, out of 46 million webpage reviews on December 1, 2013, *Ukrainska Pravda* drew 10 million. Its visitors amounted to 897,000 people, with a depth of review averaging 10 to 12 pages per user. At the end of 2013, *Ukrainska Pravda* hit a record of 100,000 Facebook followers. Meanwhile, other reliable and leading news websites increased readership three-fold. Facebook, VKontakte, and Twitter were leaders in generating traffic to news sites.

Watcher.com.ua reported that three million Ukrainians have Facebook accounts—an increase of 47 times since March 2009. The top ten most-followed Facebook users are two journalists (Mustafa Nayem and Vitaliy Portnikov) and seven politicians. Facebook takes seventh place in ratings of the most popular websites, lagging behind Google, VKontakte, Yandex, and YouTube. Approximately 200,000 Facebook users liked EuroMaydan pages in the first two months after the protests launched.

According to an Ipsos MediaCT survey ordered by Google, 76 percent of Ukrainian users use YouTube, and 77 percent of those do so at least once a week.

Lavrov added that the most positive event of 2013 was the launch of online television Hromadske.TV, taking into account its traffic and the effect of its coverage of EuroMaydan. A group of well qualified journalists, most whom worked previously at TVi and 5 kanal television, initiated this online channel in summer 2013 as an independent public television project. Due to its online streaming of the EuroMaydan protests and live interviews with key newsmakers, from the end of November 2013, Hromadske.TV gained tremendous popularity, marked by approximately 21 million views on YouTube and 72,000 Facebook users—exceeding its 6-month targets in the space of a month.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Initially, the project was supported with grants from the International Renaissance Foundation and the embassies of the Netherlands and the United States, but later a crowd-funding campaign brought them more than UAH 1 million (close to \$100,000) from some 3,300 donors in 46 days.

Hromadske.TV's has a staff of 30 people, with many more volunteers that assist the core team. Founder Roman Skrypyn said in an interview to *Ukraina Moloda* that the project aimed to change and influence the media landscape, as traditional channels lost the confidence of viewers, their newscasts turned into tabloids, and journalists capable and brave enough to pose uncomfortable questions to politicians were driven away from mainstream television. Later on, in February 2014, the parliamentary committee on press freedom suggested broadcasting of online television Hromadske.TV at the state-owned Pershyi Nacionalnyi, which has the largest reach all over the country.

In August, an online public radio project, Hromadske Radio, was launched by a group of reputable journalists, including Andriy Kulykov, Natalya Sokolenko, Iryna Slavinska, and Vahtang Kipiani. Available online, some of Hromadske Radio's programs are aired live on Europa Plus radio—leading to threats that Europa Plus would be shut down in late January 2014, and to it being forced to undergo an extraordinary NATSRADA inspection. The station has managed to raise about UAH 280,000 (\$28,000), with the European Endowment for Democracy supplying 60 percent of the funding and the public supplying the rest.

A November 2013 InMind survey, commissioned by the Internet Association of Ukraine, provided statistical evidence on access to online media. The share of regular (once a month) Internet users is slightly more than half of the population over 15 years old, while access to Internet is available for 60 percent of people. About 75 percent of users are people between 15 and 44 years old. The daily Twitter audience in Ukraine amounts to 4 percent (500,000 users), with monthly users amounting to 21 percent (2.5 million people).

More print publications have started to produce applications for smartphones and tablets. In October 2013, YouTube opened an official representative office in Ukraine, and the leading television groups have become its partners. According to Yandex metrika statistics, 19 percent of Ukrainian Internet users visit websites from cell phones and tablets, and 25 percent of them live in Kyiv and the surrounding region. The software platforms they prefer are: Android (39 percent), iOS (25 percent), and Java ME (18 percent).

“Television is the most censored media, and print media is influenced by *jeansa*. And there are topics that are covered only by Internet media. At the same time, a lot of trash in the Internet undermines trust in online sources,” Torbich said.

According to Gemius research as of December 2013, the Ukrainian Internet audience amounts to 17.5 million people (up by 1.5 million people in 2013), and 87 percent of them use it every day. Female users increased to 52.2 percent, 57 percent of users are aged 14-34 years old, and 37 percent of users live in large cities with over 500,000 inhabitants. Gemius forecasted an increase of Ukraine's Internet audience by 15 to 17 percent in 2014.

Rikhtun noted that the number of news sources has grown rapidly, especially on the Internet, but this does not translate to an increase in their quality or quantity—many just reprint news lifted from elsewhere. Torbich added that often Internet media are created by politicians and most are set up as tools of influence and public relations, rather than media businesses. “The number of media in Ukraine is excessive, while their quality is low,” he said. He also noticed that in the Kyiv hotels, a few Ukrainian channels, mostly entertainment, are available, while 5 kanal is absent. “Television is the most censored media, and print media is influenced by *jeansa*. And there are topics that are covered only by Internet media. At the same time, a lot of trash in the Internet undermines trust in online sources,” Torbich said.

In summer 2013, the four largest television groups (StarLightMedia, Inter, 1+1, and Ukraina) initiated a partnership called Pure Sky to promote legal video content on the Internet and fight the illegal distribution of their products. They suggested that websites offer their videos for free, but showing advertising placed by relevant television channels. By the end of year, about 50 websites, accounting for over 60 percent of the Internet audience, joined the initiative.

The Russian Federation media, especially the main television channels (NTV, 1 kanal, TVC, etc.), are widely available in Ukraine on cable networks and via satellite, IPTV, and the Internet, and they remain popular among many Ukrainians. Russian media have always promoted a primarily Kremlin agenda in interpreting Ukrainian politics and events. NATSRADA willingly accepts adaptations of

Russian channels, while other foreign channels experience problems. As a result, Russian Federation media prevail and are embraced by some Ukrainian government officials. In the cheapest cable television packages, Russian channels are positioned favorably, and home-grown independent media are absent.

According to the panelists, manipulative talk shows and mendacious reports of Ukraine on Russian television channels became especially offensive, aggressive, cynical, and hysteric during the EuroMaydan protests. Media reports originating from Russia, and the statements of various politicians and public figures, further stirred up civil conflict.

In November, the old publishing group Blits-Info (business weekly *Biznes*, *Natali* magazine, *Bukhgalteria* newspaper and printing house) announced its bankruptcy. The print version of *Expert* business weekly ended in September, and was sold to Russian owners who declared their intent to restart it in 2014. 1+1 Media stopped publishing the Russian-licensed *Izvestiya v Ukraine* weekly newspaper.

The government does not block new media or foreign sources of information, but the majority of the population cannot access many sources due to economic and language barriers.

Dobrodomov spoke of a rarity among state and municipal media: in Lviv, the state-owned television station provides rather balanced coverage of events, and the newspaper financed by the city council is the most critical of the same council.

Major Ukrainian news agencies include the private UNIAN, Interfax, Ukrainski Novyny, LigaBiznesInform, RBC-Ukraine (Ukrainian agency of the Russian RosBiznesKonsulting Group), and the state-owned Ukrinform. In 2013, a censorship scandal took place at UNIAN: a few website editors, who accused management of censorship and placing fake comments of oppositional MPs, were relocated from the downtown location to a newly established division on the outskirts of Kyiv.

Panelists representing Ukraine's regional media noted that news agencies are rather expensive for them; they admitted that, as local news sources, they often prefer to copy-paste national news from open sources. Dobrodomov added that given the harsh economic conditions, news agencies agree to certain discounts, and he managed to get an acceptable subscription price for his outlet.

Dobrodomov added that most regional television stations produce their own news and other programs. High-quality regional programs, especially investigations, are more popular than even national television programs in prime

time. Every regional channel has more or less strong news programs.

Khomenok shared his assumption that when the transfer to digital television is complete in 2015, the general public will lose access to many private channels, while the state-owned channels that generate "virtual reality" became more accessible. Dobrodomov expressed the belief that the transfer to digital television so far has not been as successful as expected; many people are dissatisfied with so-called social packages of 32 channels available via set-top boxes. Many cities of 50,000+ inhabitants are more than 50 percent covered by cable networks, with some covered up to 70-80 percent. "Average people used to watch Discovery or many Russian channels, which are not available via set-top boxes," he said.

Although the law on the transparency of media ownership was adopted in July 2013, in response to a request of the Parliamentary Assembly of the Council of Europe, it ultimately allows for the true owners to remain hidden. Data on related entities do not have to be verified, and holders of current licenses are not required to submit newly required data. The law forbids provision of licenses to media owned by off-shore companies, but does not explain how or even if off-shore companies that have already secured licenses should comply. In addition, Cyprus is not considered off-shore legally, though in essence it is. Media experts expressed disappointment that this law brings additional, but ineffective, paperwork and was adopted pro-forma. In print media, it forbids monopolization of 5 percent, but there is no mechanism how to define that percentage, when Ukraine has 30,000 officially registered print publications—most of which are not operating. On the Internet, it is much harder to identify website owners, and it is hard to expect an average reader to discern which news sources are reliable, and which are not. Ukraine has no sufficient legal provisions to protect copyrights online, as the register of domain names does not disclose owners or their data, even by request of an attorney.

Lavrov stressed that the pattern continues of extreme concentration of Ukrainian media in the hands of powerful business groups, who play key influential roles in the quality of journalism. Television has long been assumed monopolized, although channel ownership is unclear due to usage of offshore jurisdictions for registering media assets. Ukraine's 60 percent offshore registration is unprecedented even for Eastern Europe. Lavrov gave examples: "The structure of the United Media Holding is so complicated that we could not prove the links with the new owner, and had to write 'according to his statement in media.' We also wrote a story about TVi ownership; it was also very complicated to figure out."

RosBiznesConsulting's rating of TOP 25 CIS media companies in April 2013 includes five Ukrainian companies: StarLightMedia (\$224 million revenue, ranked 11th), UMH group (\$138 million revenue, ranked 15th), Inter Media Group (\$89 million revenue, ranked 17th), 1+1 Media (\$43 million revenue, ranked 21st), and Media Group Ukraina (\$51 million, ranked 22nd). According to these figures, UMH group, with primarily press and Internet outlets, has the same rate of informational influence as television leader StarLightMedia. The panelists explained that Ukraine has too many free-of-charge television channels, and that most media owners do not see media outlets as businesses but as means of political and informational influence.

The son-in-law of ex-president Leonid Kuchma, the oligarch Viktor Pinchuk, owns the largest media group, StarLightMedia, with more than 30 percent of the market share. It unites six television channels, including STB, ICTV, Novyi Kanal, *Fakty*, and *InvestGazeta*; Tavr media group, which manages six national radio stations; three sales houses; and two production studios.

Inter Media Group belongs to the oligarch Dmytro Firtash and the ex-chief of the President's Administration, Sergiy Levochkin, with 20 percent of the market share. They bought the company from Valeriy Khoroshkovskiy in February 2013 for \$2.5 billion, while the media holding's estimated worth is \$800 million.

Ihor Kolomoyskiy's 1+1 media group consists of television channels 1+1, 2+2, TET, PlusPlus, and Bigudi; websites TSN.ua, Glavred, and Telekritika.ua; and UNIAN news information agency.

Rinat Akhmetov's SCM group owns Media Group Ukraina, which unites Ukraina and NLO TV television channels; two soccer channels; regional television channels Donbass, Sigma, Sfera, 34 kanal, sales house Mediapartnerstvo, and Digital Screens (Oll.tv); the production company Tele Pro; and the holding Segodnya Multimedia.

The 28-year-old oligarch Sergiy Kurchenko, who took seventh place among the top 10 richest Ukrainians with a fortune of \$2.4 billion, owns VETEK Company (Eastern European Fuel and Energy Company) and is supposedly a friend of Oleksandr Yanukovych, the president's son. He bought UMH holding from the media tycoon Borys Lozhkin in November 2013, and included UMH's share in the Internet holding United Online Ventures (UOV). Then VETEK-media also bought the share of Media Group Ukraina in UOV, which owns web portals and an advertising sales house. Then it became a part of UMH group and was renamed UMH Digital.

As a result, Kurchenko's holding controls such publications as *Korrespondent*, *Forbes*, *Telenedelya*, *Komsomolskaya Pravda v Ukraine*, *Argumenty I Fakty v Ukraine*; a couple of sporting publications; five national radio networks; several regional radio stations; and web portals Bigmir.net, Tochka.net, and I.ua. The change in ownership was followed by respective changes in top management and editorial policy. It was especially noticeable for two flagship independent publications, *Korrespondent* and *Forbes*, as teams of prominent editors and well-qualified journalists left these newsrooms soon after.

In June 2013, UMH sold the weekly magazine *Focus* and the related website focus.ua to Vertex United, which declared its commitment to independent journalism standards.

In December 2013, business executive Vitaliy Gayduk reportedly sold to an unknown company registered in Cyprus his Evolution Media holding, which publishes the weekly *Komentari* and the English language *Kyiv Weekly*, websites Comments.ua, UGMK.info, and the photo agency PHL. Judging by the changes in their respective editorial policies, the panelists said that they suspect that the new owners are connected closely to the current government.

Founded in 2013, Multimedia Invest Group launched several outlets: a free national daily newspaper, *Vesti*, with an estimated print run of 150,000 copies; television, online, and radio holdings in Kyiv and Lviv; and *Vesti.Reporter* magazine (by license from Russian Reporter), with plans for wider expansion in digital frequencies. The manager and owner of the holding is Ihor Guzhva, the former editor-in-chief of *Segodnya*. Natalia Ligachova, founder and editor-in-chief of Telekritika.ua, described *Vesti.Reporter* coverage as delicate brainwashing to promote Russian interests in Ukraine.

Regarding news sources and information in minority languages, Gumenyuk expressed the belief that coverage of any topics related solely to the minorities will work against their interests, and tend to isolate and dissociate them from the rest of society in an extremely dangerous way for a multicultural society. "Ukrainian media very often use ethnic stereotypes, xenophobia, and hate speech, and neither the government nor the general public express their negative reaction on such statements or reports," she said. Kumok added that long ago, he would periodically publish pieces about nationality issues, and they were not popular among readers.

Kvurt noted that coverage of the world, country, and Ukraine's regions is neither adequate nor sufficient in relevant media outlets, due to journalists' poor professionalism; they fail to consult multiple sources, travel, or talk to people to learn the real story. The country offers just a few examples of media outlets with high quality coverage,

Kvurt said. Gumenyuk added that Kyiv residents do not receive relevant information about the regions, while an old Cold War mentality blocks full coverage of the West. Dobrodomov agreed that national media do not notice or cover regional issues.

Khomenok added that online media diversity and quality vary from region to region. Some oblasts have leading quality online news sources, while in other regions, people have to rely on the national online media.

Gumenyuk added that the mainstream media marginalize coverage of sensitive but critical social problems. As an example, Rikhtun mentioned that AIDS/HIV issues are not covered. Once in a year, there might be a press conference with relevant officials and experts, but media seem to attend only with reluctance.

OBJECTIVE 4: BUSINESS MANAGEMENT

Ukraine Objective Score: 1.40

Pogorelov noted Ukraine has both effective and ineffective media companies, and the market leaders are usually managed effectively. State subsidies are used for financing municipal media, and this distorts the market. In fact, private media companies find it almost impossible to compete with subsidized media outlets in small-town markets.

“An economic crisis is developing in the country, and this is reflected in media revenues as well as the level of independence and compliance with classic standards,” said

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

Kumok, a regional publisher. “For instance, I cannot afford to employ a copywriter or marketing manager. There is no hope that situation will change soon. Newspaper sales are decreasing, advertising is in stagnation, and websites are the only growing platforms,” Kumok concluded.

Dobrodomov noted that the situation is not hopeless as long as some media can still produce high-quality content. “In our case [ZIK], the quality of our content ensured higher ratings, and that directly influenced our advertising revenues positively, despite the general decline of the market. We even have exceeded the business plan figures, and managed to afford two marketing analysts,” he said.

Others have had a harder time transcending the harsh market realities. Garaguts said, “We do not have any business plan, as I cannot imagine how to plan in such circumstances.” According to Rikhtun, rampant copyright violations hinder media business efficiency. “Once you produce quality online product, it is stolen immediately,” she said.

Lavrov echoed that Ukrainian media continue to serve as tools of influence rather than business, and even in the cases of a profitable media outlet, an advertising director might have a major say in editorial policy. He explained that in many media companies, their contracts with large advertisers indirectly influence editorial decisions to publish—or refrain from publishing—critical stories related to them, for fear of losing contracts.

Gumenyuk expressed the belief that national mainstream media have money, but their management is efficient and affected by the widespread system of kickbacks. “There is no meritocracy in hiring professionals,” she said. “Moreover, for several years, the best qualified cadres have been squeezed out from the most popular channels, as it was harder to manipulate them.” She underscored that Ukrainian media are very dependent on their owners, and other revenue sources are secondary.

Quite a number of business owners that might be ready to sponsor media cautiously prefer to invest into less risky businesses. According to *Forbes Ukraine*, the four largest media groups admitted that the television business is a losing enterprise financially. They spend \$500 million per year, while the market is less than \$450 million—and their losses amount to \$300 million a year, as the advertising market is undervalued by one-third. Every year, the owners have to supply an extra \$50 to \$120 million each per year.

Pankratova agreed that the conditions for doing business—from the political interests of owners, the harsh economic situation, the distorted advertising market, and the lack of

reliable ratings—collectively do not provide for editorial independence, and thus most media are not sustainable.

Torbich commented that regional media lack honest advertising money. “They publish a large share of *jeansa*. Meanwhile, most online media are not self-sustainable; they are financed by non-transparent owners, primarily with political interests. Media that lack entertaining content also face greater challenges to sell advertising, too.”

Kumok added that for printing facilities, fulfilling orders from the municipal or state-owned media or enterprises is no longer lucrative, as governments do not pay in time, given the state treasury deficit. “Advertisers in Sebastopol started to ask for deals, and state and municipal enterprises that used to order informational materials now complain about their lack of budgets for media,” Rikhtun said. Dobrodomov confirmed that indebtedness to ZIK for such services as broadcasting of the city council sessions and re-broadcasting of the municipal television signal has increased to more than UAH 1 million (\$100,000), a rather noticeable sum for the regional station. These services have become an unstable source of revenue.

According to the NGO All-Ukrainian Advertising Coalition, the 2013 media advertising market (television, radio, print, and the Internet) totaled UAH 8.9 billion (\$888.6 million), an increase from 2012. Projections indicate that it may increase by another 10 percent in 2014.

In 2013, almost half of the advertising market went to television, with the television advertising market reaching 4.44 billion UAH (about \$445 million). Sponsorship of television programs is estimated separately at 500 million UAH (close to \$50 million). The coalition does not distinguish between regional and national television advertising. It states that regional television advertising includes budgets of television channels that are not covered by audience research and therefore do not have ratings, and their budgets are formed by small local advertisers—and even combined, they are within the margin of error of the total spending on television advertising.

Print outlets decreased their advertising revenues just slightly in 2013; newspapers lost about 10 percent of their advertising revenues, while magazines, non-standard placements (such as sponsorship, inserts, special supplements, and projects) and classifieds lost about 1 percent each.

In 2013, radio advertising increased by about 10 percent, and is projected to increase by 15 percent in 2014. Retailers increased their 2013 radio budgets by 30 percent, and more than 35 percent of banks advertised on radio (up 20 percent). Coalition experts said that a lack of crowding,

adequate pricing, and availability of quality research are the factors for growth in the radio segment, and that radio might have better potential if stations improve program content and diversity.

According to the All-Ukrainian Advertising Coalition, Internet advertising in 2013 grew by 35 percent to UAH 1.060 billion (\$105.8 million). Ads include banners, videos, and digital (SMM, context in social networks, etc.) advertising. Kommunikacynyi Alliance also monitors the advertising industry. It tracks advertising at 16 radio stations and 250 print publications.

The panelists agreed that disparities remain in the advertising market between television and other media as well as between the capital and the regions. Dobrodomov explained that advertising agencies tend to be unprofessional and deal in kickbacks; they prefer to use easy placement schemes when advertising does not necessarily reach its promised effect. The rare exceptions are a few large companies that come to the regional market, make transparent tenders, and maintain professional relations under the contracts. “One example is Akhmetov’s energy company, DTEK, which placed an approximately UAH 5 million (\$500,000) campaign in the region,” Dobrodomov said.

At the end of 2012, the three largest media groups (SLM, Inter, and Ukraina), with a combined 70 percent of the television audience, merged their efforts in advertising sales. The alliance introduced a 25- to 40-percent price increase in 2013, and as a result, SLM’s occupancy rate of advertising spots decreased from 92 to 68 percent. Its main television competitor, 1+1 Media, with about 13 percent of the television audience, managed to increase its occupancy rate instead.

Khomenok agreed that the television advertising market is under an oligopoly; a small number of media buyers divide the major share of advertising money between a few main television channels that belong to the Industrial Television committee. The other national and regional television companies are thankful for whatever small leftovers they can grab, according to Khomenok.

Pogorelov added that large advertising agencies have increased pressure on print media this year and used discriminatory discounts, in which the discount for placing ads on television and in print is lower than ads placed only on television.

Kumok said that the share of advertising in his media holding revenues has already declined to 45 percent. If subscriptions fall, as expected now, the decline may deepen.

The approved state budget for 2014 allocates UAH 686 million (\$68.6 million) for financing of the state-owned television companies, state-owned agency UkrInform, and the Ukrainian version of EuroNews channel, which is 67 million lower than in 2013. In addition, the government plans to grant UAH 4.3 million (\$430,000) to fund media employee training at Ukrteleteleradiopresinstitute.

The government funds the media in two ways: it either gives direct subsidies to state-owned/municipal media outlets or executes agreements to cover its activities through state and private media. Garaguts gave an example: In 2013, Dnipropetrovsk city authorities allocated UAH 5 million (\$500,000) to support the media, with most of the sum directed to the municipal newspaper *Nashe Misto* owned by the local city council and channel 34 kanal. The oblast budget allocated about UAH 6 million (\$600,000) for regional media, e.g., for advertising the local authorities in private television channels 9 kanal, 11 kanal, 24 kanal, 34 kanal, and oblast state television. Garaguts added that employees of Dnipropetrovsk city and enterprises funded by oblast budgets are forced to subscribe to municipal newspapers.

According to Dobrodomov, Lviv is an exception. Due to the Lviv media's authoritative standing and position, both the city council and the oblast council distribute funds allocated for coverage of the local government rather fairly, because they do not want to quarrel with any media. He added that the private channel ZIK managed to insist on providing time for various deputies of the council proportionate to their representation, and marked those spots as advertising.

Having labeled such allocations for coverage of local government as "state *jeansa*," Torbich also confirmed that the local government in Rivne provides such allocations to a wide range of media, with the main private outlets included but certain municipal media prevailing. In Rivne, the local government also does not want to quarrel with media and tries to maintain their loyalty. He stressed that this indeed strengthens loyalty to the government among media, and contributes to self-censorship.

Television audience research is ordered by the Industrial Television Committee (ITC), which unites four main television groups (Inter, 1+1, Ukraina, and StarLight Media), 5 kanal, four main media groups (Publicis Groupe Media, Omnicom Media Group, ADV Group, Group M), and Media Arts Group Ukraine agency.

GfK Ukraine is contracted to continue conducting television audience research until the end of 2014. However, ITC is in the process of suing GfK Ukraine to terminate the contract, and ITC has contracted Nielsen to conduct audience research in 2014. The research panel will include 55 channels, will be based on national sample of 3,740 households (50 percent

more than current sample), and will allow for analysis of narrower target groups.

The majority of regional media cannot afford to purchase professional market research. Dobrodomov said that ZIK is the only regional television company that uses professional market research. "In summer 2013, we entered the monthly GfK panel for a substantial UAH 75,000 (\$7,500) per month; in three months, we repaid these costs and tripled our advertising revenues. We hired marketing analysts who interpret survey results and we clearly know our audience [and] its needs, and plan programming schedule accordingly," he said. "Although the quality of research is questionable, there are no other alternatives at the market, and all market players accept it. If you want to get a serious advertiser with substantial budget, you have to use such methods."

In absence of reliable data on audience and ratings, regional and local companies do not base their sales on GRP (gross rating point) for selling advertising, but sell it per minute. This hinders the development of the advertising market. The Independent Association of Broadcasters (IAB) commented that Nielsen research is too expensive for regional companies, and it plans to combine its members in an effort to order research based on DAR-CATI (day-after-recall computer-assisted telephone interview method) for regional and local television companies. Participation should cost no more than UAH 25,000 (\$2,500), and the sample would be about 800 in a certain city. In a city of 70,000, a GfK panel would have only a few peplemeters. At the end of 2013, IAB called for potential participants to join the so-called TV-Local research in 26 cities in Ukraine.

The Industrial Radio Committee has been ordering radio audience research based on the DAR-CATI method since 2012. This survey covers cities with a population of 50,000 or more. The market players have become acclimated to the survey, and a number of new radio networks and regional stations have joined. The key radio groups—UMH and TAVR Media—became members of EGTA, the Brussels-based trade association of television and radio sales houses that markets public and private broadcast advertising space across Europe and beyond.

TNS Ukraine has measured the Internet advertising market within its media market research since 1998. In 2013, TNS launched a new audience research called Content Meter that presents weekly ratings of the most popular stories and topics in Ukrainian on the Internet. GfK conducts 1,000 personal interviews per month. The Kyiv International Institute of Sociology also measures the Internet audience from time to time, as do Gemius and InMind Factum Group Ukraine, which involve 50,000 respondents and 200 large

websites. Often the results of different companies vary, due to different samples and interpretations.

TNS Ukraine conducts print media audience research using the surveys MMI Ukraine (Marketing and Media Index Ukraine, national publications) in all cities with more than 50,000 inhabitants, PMI Regions (specialized and national publications), and NRS regions (local and national publications) in eight cities of Ukraine. Internet, radio, and television audiences are researched within MMI Ukraine.

But panelists said that honest figures on the advertising market are not available, and there were no attempts to change the situation in 2013. Pankratova said that advertising market funds are not being distributed fairly because of kickbacks, lack of market surveys, or ignoring available research. "There is no legal responsibility for lying about circulations, ratings, etc.," she said. "It's not possible to get data on circulations from the printing houses, as it is considered a commercial secret. Therefore, there are no mechanisms to influence dishonest market players."

Gumenyuk said that market surveys could be useful, but in many instances, they are superficial products of no use. If earlier the media learned how to lie about circulation, now they have learned to boost traffic numbers, she said.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ukraine Objective Score: 2.11

Ukraine has a developed network of trade associations, media trade unions, and media-supporting NGOs. The print trade associations are the Industrial Television Committee (ITC), the IAB, the Radio Broadcasting Committee, the Ukrainian Press Publishers Association (UAPP), and the Association of the Independent Regional Publishers of Ukraine, and Internet associations include the Ukrainian Internet Association and Ukrainian Association of Advertising in Internet. The All-Ukrainian Advertising Coalition measures the media and non-media advertising market.

Gumenyuk commented that "professional associations exist, and the journalism community is mighty compared with other professional communities. Yet there is a division among journalists on the methods, and associations work rather nominally and lack real tools of influence."

As an IAB board member, Dobrodomov stressed that he appreciates the association's efforts to boost regional television audience research, but is unsatisfied with the results of its interaction with NATSRADA on unfair licensing issues. "Its actions have become more and more authoritative by nature, and the dialogue with NATSRADA

has had no effect. Being independent, IAB unites many dependent television channels that fear to fight," he said.

In the case of IAB, Kvurt commented that Internews Ukraine surveyed television channels asking how much they were ready to fight over licensing issues, and most of them said that they definitely do not plan to quarrel with NATSRADA. Kvurt also said that in an oligarchic economy, some associations (ITC, for instance) promote oligarchic interests.

Khomenok noted that United Media Holding previously exerted major influence on UAPP, but now that Kurchenko bought the holding, he cannot speak to how UMH influences UAPP. Gumenyuk expressed doubt that associations and NGOs have effective tools for influence in Ukraine, and Kumok agreed that in an authoritarian society, democratic institutions cannot be effective.

Having new top management for the second year, the National Union of Journalists of Ukraine (NUJU) has made certain progress. NUJU has 20,000 members, mostly in the regions, while the Independent Media-Trade Union, which moved to NUJU premises, is more influential in Kyiv. Both organizations became members of the European Federation of Journalists. They have made numerous joint statements against violations of journalism rights. NUJU lobbied to remove state influences from the media, and assisted journalists during coverage of the EuroMaydan protests, distributing jackets labeled "press."

Khomenok stressed that NUJU chapters in the regions are rather independent from its central management—and in many cases lag behind. Many governmental officials and people who are no longer journalists retain their

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

NUJU membership. On December 27, 2013, however, NUJU expelled Minister of Interior Vitaliy Zakharchenko, who was its member since 2004, for violation of journalists' rights.

Pankratova agreed that NUJU fails to be the body for self-regulation of journalists and effective protection of journalists' rights. The union has been unable to make any progress on certain issues, such as creating a single press card for journalists.

Torbich said that media-supporting NGOs funded by foreign and international donors help the media with training programs, webinars, and legal support in a more effective way than trade and professional associations. "This help allows media to remain independent," he said. "In contrast, the activities of industrial associations and trade unions are imperceptible."

Khomenok mentioned a positive development: With rapidly declining media circulations and revenues, quite a number of media groups rely on non-profit-style organization, running online media resources and performing certain social functions, which can be fulfilled neither by governmental bodies nor private media. Examples include investigative reporting bureaus and anti-corruption initiatives.

Gumenyuk agreed that only NGOs truly support freedom of speech, but very often suggest their own agenda to target groups, rather than listening to needs. She added that this problem extends across civil society.

Kvurt stressed that a big issue is the absence of state and local governmental support for NGOs. He said that funding could be distributed on competitive basis but instead is absent. Khomenok noted that both state and regional budgets provide for certain support of NGOs, but it is primarily channeled to war veterans, handicapped people, youth, and sports. In many instances, those are pocket organizations closely connected to local administrations. The panelists did not discuss whether such support could skew editorial independence.

According to Rikhtun, although ruling politicians demand accountability from NGOs that receive foreign funding, she has noticed many instances in Crimea in which Russian patriotic organizations funded by the Russian Federation never report to the public or the state. She gave the example of a Crimean man that is simultaneously the head of a Russian patriotic organization and an owner of a media outlet in the region.

Kumok expressed the view that academic journalism education in Ukraine is a disaster; and that upgrading staff is easier than expecting graduates to arrive on the job with the skills they need. Torbich confirmed that some schools are not well utilized, saying, "We welcome journalism students

for internships in our investigative reporting agency, but just few, some 0.5 percent of all local students, are interested. The low quality of academic education persists; some students look for workshops conducted by NGOs."

Gumenyuk noted that there are a number of academic journalism programs that provide for practical exposure and incredible education, such as Digital Future Journalism, and graduate programs at Kyiv Mohyla Academy and Lviv-based Ukrainian Catholic University. "I met interns and graduates from these programs, and I am very satisfied with their skill level," she said. But she added that "this year, the master's program of Kyiv-Mohyla Academy was not been funded from the state budget, and the competition for paid-for courses declined. Therefore, it was obvious that the general quality of the enrolled students decreased as well."

About 20 people per year graduate from each of these programs. Dobrodomov, having expanded ZIK staff from some 30 to 250 employees, is interested in hiring graduates of these programs, but he too could find just a few.

Gumenyuk noted that short-term training workshops have gained popularity, but questioned whether participants are able to use their acquired knowledge if the media system itself is unhealthy. Rikhtun said that NGOs conduct various workshops, but their prestige is in decline as journalists do not have as much opportunity to use the skills gained.

The panelists also expressed doubt as to whether numerous journalism courses and schools based on the largest television channels provide adequate quality of training, when the channels themselves lack professional and ethical standards and practice censorship.

Kvurt noted that in some instances, Ukrainian journalists are offered master classes by Russian journalism stars serving the interests, he said, of Putin's regime. Kvurt expects a negative influence on the Ukrainian media community from this.

Ukraine's printing facilities are fully de-monopolized. Kumok confirmed that print outlets have no problems with newsprint and equipment, although he added that sometimes, printing presses might be pressured mildly not to print something.

Kumok, who runs a net of kiosks in Melitopol, said, "Every year some new requirements to kiosks may appear, but I have not experienced serious problems. Once the land rent was not renewed, but my kiosks remained untouched."

However, Garaguts said that one of the largest distribution companies in Dnipropetrovsk keeps a monopoly in the city's central districts and obtained land for its kiosks under privileged terms. It has introduced economic censorship for media critical to the government. "It allows state, municipal,

and pro-governmental media to enter its kiosks network for free, while other media are charged UAH 54,000 (\$5,400) just for entering the network," she said.

The Ukrainian post office, Ukrposhta, announced an increase of its tariffs for subscription and delivery of periodic publications by 45 percent, in effect since January 2014. Experts estimated that this would lead to increasing subscription prices by 10 to 15 percent. NUJU called upon Ukrposhta to keep its price increase at the level of no more than 25 percent, and criticized it for the timing of its announcement on the eve of a subscription campaign.

According to international agreements, Ukraine has to fully transfer to digital television in June 2015. So far, Zeonbud, which has a monopoly as a digital provider and expected annual turnover of UAH 1 billion (\$100,000,000), announced an unprecedented discount of 75 percent from its initial price. For instance, the largest television group, StarLightMedia, would pay \$1 million per year—but it still has criticized Zeonbud's pricing policy. According to media reports, the national television channel's cost is UAH 2.9 million (\$290,000) per month. Kvurt added that Zeonbud has expensive tariffs, and its ownership is non-transparent, while the quality of its services is low due to lack of investment.

Ukraine has more than 700 cable operators, and most of them were against the NATSRADA decision to increase the number of channels obligatory for the so-called social package (the cheapest) from 15 to 32. According to media reports, 3.63 million families in Ukraine use cable television. Cable operators made a number of attempts to switch off independent television channels. For instance, in December 2013, cable operator Triolan switched off TVi channel in the largest cities of Ukraine: Kyiv, Donetsk, Kharkiv, Odesa, Dnipropetrovsk, Simferopol, Poltava, Zaporizhzhya, Luhansk, and others.

Satellite platforms are represented by Vision TV (Viasat), NTV-Plus Ukraina, Extra TV, and newcomer Lybid of the Russian satellite leader Tricolor. A new provider often induces existing operators to decrease prices. According to official statistics, about 300,000 households in Ukraine use satellite television.

In 2013, the operators of Internet television IPTV and OTT started to legalize their activities. By the end of the year, about 100 providers had obtained licenses, while a few hundred still operate illegally.

Kvurt complained that with regard to smartphone communications, "quality Internet in villages is a serious problem." Khomenok noted that Ukrtelekom, which belongs to Rinat Akhmetov, has a substantial market share in ADSL, services of wired and wireless broadband Internet.

According to IKS Consulting, broadband Internet penetration of households reached 35 percent in 2012 and might increase to 43 percent in 2015, with as much as 65 to 70 percent in large cities.

GfK Ukraine's Internet usage intensity index (July 2013) indicated that Ukraine has sufficient infrastructure for businesses' access to the Internet. The index showed an overall score of 25 points (out of 100) and 32 points in Kyiv, that 79 percent of Ukrainian companies have broadband Internet access, 62 percent have their own website, and 34 percent advertised online.

List of Panel Participants

Dmytro Dobrodomov, general director, ZIK TV, Lviv

Olena Garaguts, director and chief editor, *Litsa*, Dnipropetrovsk

Natalia Gumenyuk, freelance journalist; lecturer on international media, Journalism School of Kyiv Mohyla Academy, Kyiv

Oleg Khomenok, independent journalism trainer, senior media advisor, Internews Network U-Media project, Kyiv

Mykhailo Kumok, publisher and chief editor, MV holding, Melitopol

Kostyantyn Kvurt, chairman of the board, Internews-Ukraine, Kyiv

Vladyslav Lavrov, regional coordinator, Organized Crime and Corruption Reporting Project; journalist, *Kyiv Post*, Kyiv

Lyudmyla Pankratova, media-lawyer, Regional Press Development Institute, Kyiv

Oleksiy Pogorelov, general director, Ukrainian Association of Press Publishers, Kyiv

Tetyana Rikhtun, director, Media Center IPC Sebastopol; freelance investigative journalist, Sebastopol

Volodymyr Torbich, chief editor, Rivne Agency for Investigative Reporting, Rivne

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

Tetyana Lebedeva, honorable chairman, Independent Broadcasters Association, Kyiv

Moderator and Author

Kateryna Laba, executive director, Regional Press Development Institute, Kyiv

The panel discussion was convened on December 2, 2013.



CENTRAL ASIA

However, failed government initiatives related to pension reform, tax strategies, and lower-than-expected international ratings in the areas of human and civil rights dampened some of the country's impressive economic achievements.



KAZAKHSTAN

On several occasions in 2013, Kazakhstan President Nursultan Nazarbayev announced his goal that by the year 2050, Kazakhstan would rank among the top 30 most developed nations in the world. Encouraged by various surveys indicating that Kazakhstan is one of the world's fastest growing economies, Nazarbayev began to define more ambitious strategic goals for Kazakhstan's development.

Accordingly, Kazakhstan launched a number of economically, politically, and culturally significant projects to advance its development agenda, including the launch of the KazSat satellite—the country's first—to help advance Kazakhstan's space program. Kazakhstan synched its advancement goals with active efforts to reform the government administration, internal affairs bodies, government service personnel policy, and the Bolashak overseas training program.

However, failed government initiatives related to pension reform, tax strategies, and lower-than-expected international ratings in the areas of human and civil rights dampened some of the country's impressive economic achievements. At the same time, discussions are stirring of a post-Nazarbayev Kazakhstan, including conservative predictions from the uneasy political and cultural elite in regard to the country's uncertain future without Nazarbayev.

Human Rights Watch's Kazakhstan report for 2013 described the country's worsening human-rights situation, with growing pressure on the freedom of speech from the authorities and the lack of appropriate legislation. The report also detailed the persecution of critics of the regime, including journalists, and also called attention to the fact that human-rights complaints remain uninvestigated and unpunished.

KAZAKHSTAN at a glance

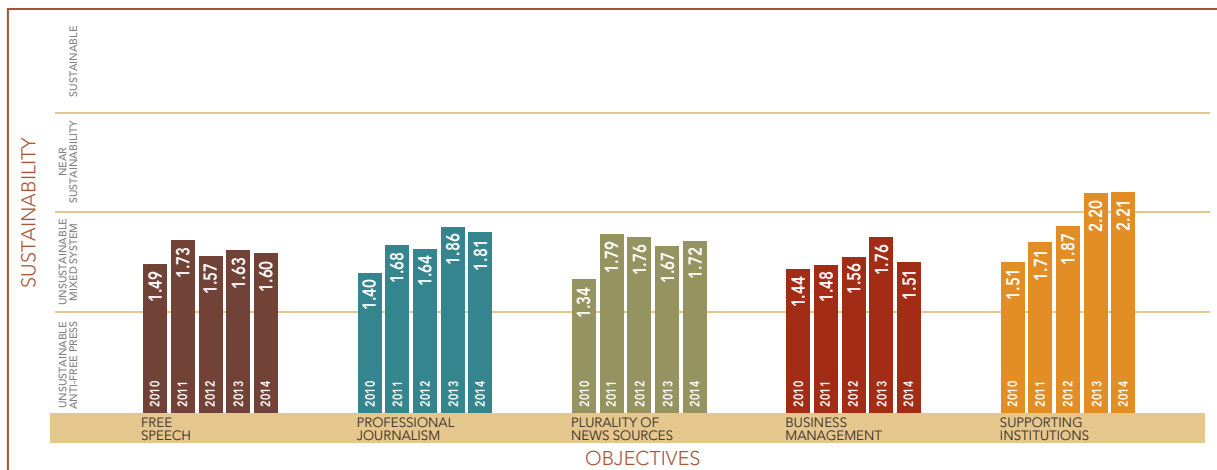
GENERAL

- > Population: 17,948,816 (July 2014 est., *CIA World Factbook*)
- > Capital city: Astana
- > Ethnic groups (% of population): Kazakh 63.1%, Russian 23.7%, Uzbek 2.8%, Ukrainian 2.1%, Uighur 1.4%, Tatar 1.3%, German 1.1%, other 4.5% (2009 census)
- > Religions (% of population): Muslim 70.2%, Christian 26.2% (Russian Orthodox 23.9%, other Christian 2.3%), Buddhist 0.1%, other 0.2%, atheist 2.8%, unspecified 0.5% (2009 Census)
- > Languages: Kazakh (state language) 64.4%, Russian (official, used in everyday business) 95% (2001 est., *CIA World Factbook*)
- > GNI (2012-Atlas): \$164.3 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$11,780 (World Bank Development Indicators, 2013)
- > Literacy rate: 99.7%; male 99.8%, female 99.7% (2009 est., *CIA World Factbook*)
- > President or top authority: President Nursultan Abishuly Nazarbayev (since December 1, 1991)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: The state reports there are 2,740 outlets, including 439 state and 2,301 private (2,494 print media, 233 broadcast companies, 13 news agencies)
- > Newspaper statistics: top 4, by circulation, are *Karavan* and *Karavan-Class* (private, weekly) circulation 570,000 combined; *Yegemen Qazaqstan* (state), in Kazakh, 5 times weekly, 171,216; *Kazakhstanskaya Pravda* (state), in Russian, 5 times weekly, 100,000; *Vremya* (private, weekly) in Russian, more than 100,000; *Ekspress-K* (private), in Russian, 5 times weekly, 100,000
- > Broadcast ratings: top 10 television: First Channel Eurasia (80% state ownership and 20% Russian government), in Kazakh and Russian; Channel Commercial TV (KTK) (private), in Kazakh and Russian; Channel 31 (private); Channel 7 (private); Kazakh TV (state), satellite, in Kazakh and Russian; Astana TV (state), Khabar TV (state) cable/satellite news channel; Tan TV (private), Russian and Kazakh, Rahat TV (CTV) (private), Russian and Kazakh. Top 2 radio: Retro FM Kazakhstan, Russian Radio Asia
- > News agencies: 13; top 4: Kazakhstan Today, Interfax Kazakhstan, KazakhstanNews.com, Kazakh Information Agency (Kazinform, state-owned)
- > Annual advertising revenue in media sector: According to TNS Gallup Media Asia and Video International, whole advertising market is \$235 million (62% TV, 16% audio, 5% print, 4% Internet)
- > Internet usage: 5.299 million users (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: KAZAKHSTAN



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorers.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Kazakhstan Objective Score: 1.60

Without protective laws, journalists in Kazakhstan continue to face great risks. Kazakhstan's failure to make significant changes to the Law on Mass Media Information and to pass a draft of the Law on Access to Information are particular sore spots for the media community. Frustrated journalists and civil-rights activists called for passage of the information law, as well as softened penalties for libel and slander, and organized a coalition with the aim of passing and implementing the legislation. At the Media Kurultaye conference in 2013, a coalition from the NGO 20-Shy Bap, working in the area of defense of freedom of speech, and journalists gathered more than 100 signatures in favor of abolishing criminal penalties for slander.

However, attempts by journalists and society at large in this regard have yielded no significant results to date. The members of the government listen and nod their heads, but nothing changes, said Diana Medvednikova, director of the North Kazakhstan Legal Media Center in Astana. In fact, laws related to the freedom of speech in Kazakhstan's constitution, and in additional legislation passed in Kazakhstan each year, further restrict journalists, said Olga Groznaya Kaplina, a project manager of Internews Network Kazakhstan.

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

For example, a new law passed in November 2013, the Law on Identity Protection, requires written permission from an individual to publicly disclose his or her personal data. It is difficult to imagine what kind of permission would be granted during a journalistic investigation related to a corruption scandal, Kaplina pointed out. As before, journalists and publishers still struggle to obtain information from government bureaucrats, who demand written requests.

At Media Kurultaye in 2013, Sholpan Zhaksybayeva, executive director of the National Association of Broadcasters of Kazakhstan, described key disadvantages for consumers within the new Law on Television and Radio Broadcasting. He concluded that it violates constitutional guarantees on free access to information and offers a limited selection as a result of monopolies. Summing up the government's recent policies in the sphere of electronic media regulation as first and foremost a form of "aggressive ideology," Zhaksybayeva said, "They force television companies out by limiting frequencies and attacking private businesses in the television field, instituting the encoding of free broadcast signals, mandating sky-high prices for small digital attachments, and requiring registration of foreign television channels. Moreover, the legislation to protect children from harmful information imposes strict guidelines on broadcasting content and punishes broadcasters and operators for any proven violations. It seems as if all of these policies have been specifically thought up in order to discourage the population from traditional television viewing and, as a result, encourage them to turn to the Internet for information."¹

Authors of the Open Society Foundations' Mapping Digital Media project concluded: "The media environment in Kazakhstan is distinguished by a lack of pluralism and dominance of state media, particularly in the area of television and radio broadcasting. By and large, television channels either are owned by the government or bureaucrats, or affiliated with state business authorities. Critically oriented news media receive pressure from the authorities. Kazakhstan is home to several opposition weeklies that often times are accused of violating legislation. Fines effectively act as a pressure on the media and also lead to closures by court decision."²

Kazakhstan requires a two-step registration process to receive a broadcast license. A television and/or radio broadcaster must apply to a state licensing agency and

¹ Media Kurultaye website, 2013: <http://mediakuryltai.kz/2013/11/30/prezentacii-cifrovoe-tv-kak-moment-istiny/#more-2940>

² "Mapping Digital Media, Kazakhstan," Open Society Foundations, May 2013: Available at <http://www.opensocietyfoundations.org/reports/mapping-digital-media-kazakhstan> (Accessed March 2014)

“Unfortunately, the law does not protect the editorial independence of the media. Pro-government media have become a mouthpiece for the authorities, while independent media struggle for their very survival,” said Medvednikova.

prove that it meets a list of criteria related to content (such as prohibitions on the broadcast of pornographic material), broadcast language (ensuring adequate content in the official government language), the amount of broadcasting of locally oriented programming, and the amount of rebroadcasted material and advertisements. Noncompliance with the requirements invites punishments that may include administrative fines, temporary blocks, or prohibition to broadcast a program.

After obtaining a license, electronic media must gain permission to broadcast through a competitive selection process, in compliance with article 42 of the Kazakh law “On Television and Radio Broadcasting.” In 2013, the Kazakh Ministry of Culture and Information rejected 10 applications for failing to meet rules of the distribution of radio frequencies. However, in 18 regions, there were winners tied to the Elorda Tynysy media company that many in the media community had never heard of before. A journalistic investigation by *Respublika* tied these media to the holding company Alash Media Group—rumored to be owned by Karim Masimov, a well-known politician and director of the Kazakh Presidential Administration.³

As usual, the panelists said, the voting on the competitors for the radio frequency channels was predetermined by pro-government forces, and they do not believe that regional radio and television channels face a fair playing field for licensure. Zhaksybayeva noted also that the state media’s privileged position in the free-of-charge OTAU television package strengthens the system of state dominance in Kazakh media.

The political influences over the licensing process, and other political regulations in the media market, create unequal conditions for entry into the market for media companies, compared with other services. Kazakhstan has no separate laws, or legal norms or mechanisms, to regulate the media’s economic development. Therefore, there are

³ See coverage on the *Respublika* website: <http://www.respublika-kz.info/news/politics/33917/> and <http://www.respublika-kz.info/news/politics/33882/>

no tax incentives to encourage their development, and the taxation of the media is indistinguishable from tax laws for businesses in other areas of the economy. In fact, tax audits are often used as a tool to penalize the independent media, with the aim of paralyzing their activity during a tax inspection.

On the other hand, pro-government media benefit from an array of economic advantages. One instrument to ensure the economic stability of pro-government media is the state contract procurement procedure. On a number of occasions last year, the state issued contracts for the press to share government-sponsored content. The number of such contracts grows each year, according to Medvednikova. In 2013, the total government budget for media was KZT 36 billion (approximately \$195 million). By 2014, that number is expected to increase to KZT 40 billion. The government is funneling money into media with one goal in mind: to create loyalty to it and its policies and to hide behind the guise of independent information.

In February 2013, the newly reappointed Minister of Culture and Information, Mukhtar Kul-Mukhammed, recommended reviewing the criteria and procedures used in state contract procurements for media information. “In order to attract a large number of nongovernmental media, rates (for news programs) must be increased, said Kul-Mukhammed. At the present time, the government spends KZT 120,000 (approximately \$765) for one hour of television programming, which, according to Kul-Mukhammed, does not completely cover the production expenses related to the content of the national television channels.

Attacks on journalists over the past several years have grown more common. Furthermore, investigations rarely make it to the courts, and when they do violators are rarely punished. Monitoring reports by the free-speech organization Adil Soz describe a number of incidents. For example, in June 2013, *El Birligi* journalist Dauren Mustafin was attacked near the Al Farabiysky Court in Shymkent amid a conflict between deputies of the Ordabasinsky Maslikhata District and village residents. When Mustafin attempted to interview the deputy, several people attacked him, damaged his video camera, stole his flash drive, and violently shoved him into a car and kidnapped him. In the car, unidentified men threatened Mustafin and inflicted minor bodily injuries. A criminal lawsuit was filed against Abdraman Turmagambetov, an Ordabasinsky Maslikhat District deputy, and his aides in regard to the incident. In September, Adil Soz reported that the court decided to throw out the lawsuit. However, a senior district attorney later admitted that the criminal lawsuit was legal and should have been heard in court.⁴

⁴ Mapping Digital Media, p. 106.

In December 2013, one year after an attack on journalist Lukpan Akhmedyarov, the editor-in-chief of *Uralskaya (Ural Week)* and a MSI panelist, the accused were found guilty in a criminal lawsuit. However, Akhmedyarov said that the mastermind of the crime was never found, despite a great effort by the police, which was in great part due to protests by journalists and international organizations.⁵

In another case, out of a five-man group that attacked *Svoboda Slova* journalist Igor Larra with a crowbar, causing head injuries, only one, Mirbolat Sultanov, was convicted and found guilty. Larra had written material criticizing the governor of the Aktobe region,⁶ and the attack prompted calls for investigations by Human Rights Watch and the Organization for Security and Co-operation in Europe (OSCE). The OSCE representative on issues related to media freedom, Dunja Mijatović, oversaw the lawsuit related to the attack on Larra and called on the local police to investigate. Mijatović said, "I am upset by the fact that another attack has occurred on a representative of the media. Continued violence against journalists is a direct threat on the freedom of expression of opinions, and it must be stopped."⁷

Two months after the beating, Larra died. However, the court failed to acknowledge that the beating was the cause of his death or to address the possible involvement of local authorities in the attack on Larra. Sultanov was sentenced to five years and three months in a prison colony and was ordered to pay KZT 544,000 (\$3,100) to Larra's family as compensation.⁸

Crimes without convictions against journalists have become the status quo in such cases and exemplify why investigative reporting is so rare in Kazakhstan. In 2012, there were more than nine incidents of attacks on journalists in Kazakhstan, but only one case was successfully filed as a criminal lawsuit. Of more than 40 incidents of interference in the professional work of journalists in 2012, not one case was successfully filed as a criminal lawsuit in accordance with the Kazakh Criminal Code.⁹

⁵ Udovychenko, Zlata. "Lukpan Akhmedyarov, Journalist." *Time-Kazakhstan*, July 12, 2013. Available at <http://www.time.kz/articles/territory/2013/07/12/lukpan-ahmedjarov-zhurnalyst-mne-zhal-moih-obidchikov> (Accessed March 2014)

⁶ Sadykov, Murat. "Kazakhstan: Watchdog Urges Astana to Investigate Another Journalist Attack." *Eurasianet*, August 25, 2013. Available at <http://www.eurasianet.org/node/67430> (Accessed March 2014)

⁷ "OSCE representative on media freedom condemns beating of journalist in Kazakhstan." *Internews-Kazakhstan*, August 22, 2013. Available at <http://www.internews.kz/newspage/22-08-2013/2970>

⁸ "Monitoring violations of freedom of speech in Kazakhstan in December 2013 (Digest)." *Adil Soz*, December 2013. Available at <http://www.adilsoz.kz/wp-content/uploads/2014/02/monitoring-12.13-digest.pdf> (Accessed March 2014)

⁹ Mapping Digital Media

State media cannot be described as independent, according to the panelists. Political Party Media has actively strengthened itself and developed over the past several years in the Kazakh media landscape, in large part due to an editorial hand aimed at enhancing party members' public images.

The Nur Media group, tied to the president's Nur Otan political party, is a strong player on the market. Nur Media includes *Dala men Kala*, *Country and World*, the television channel Astana, radio stations RDV and NS, *Turkestan*, *News-Kazakhstan*, and *Nur Astana*, as well as *Liter* and *Ayikyn* (with their publishing house). It benefits from healthy distribution, thanks to subscriptions (government entities prefer to subscribe to official publishers) and state contract procurement. Nur Media aims to become profitable and popular while reflecting and defending the party's interests, but the panelists agreed that Nur Media's outlets, particularly its primary assets—*Dala men Kala* and *Country and World*—are not very popular among the people.

Meanwhile, the media climate for opposition publishers is one of repression and obstacles. There are a small number of non-parliamentary opposition parties; some are on the verge of extinction. A former presidential advisor, Ermukhamet Ertysbayev, acknowledged that the Nur Otan Party had a competitive advantage during the most recent parliamentary elections. "I would not negate the fact that the party of the president had a significant advantage on the information playing field. At the start of the election campaign, Nur Otan already had a distinct lead over other political party contenders. Moreover, Nur Otan is the only political party in Kazakhstan that has its own media holding company that includes television stations, newspapers, magazines, and Internet sites. From the point of view of equal opportunities, I cannot imagine how it would be possible to create a situation where all party contenders would have a level playing field."¹⁰

In 2013, a number of journalists associated with opposition media outlets were in essence denied the opportunity to work. In a case regarding the opposition's *Respublika*, prosecutors went after employees of the media outlet; the authorities confiscated property from the publisher and warned the employees against working together or publishing.¹¹

Ashyk Alan was temporarily shut down for three months and fined KZT 173,000 (\$960) by a Special Interdistrict Administrative Court decision. The official reason for the

¹⁰ Mapping Digital Media

¹¹ "Embattled *Respublika* journalists targeted in Kazakhstan." Committee to Protect Journalists, February 6, 2013. <https://cpj.org/2013/02/embattled-respublika-journalists-targeted-in-kazak.php>

closure and fine was the newspaper's decision to close for a one-month holiday without providing proper notice to the appropriate government agencies. In yet another example, twice in 2013 court orders blocked *Pravdivaya Gazeta* (*True Newspaper*) from publishing, allegedly for violating circulation announcement obligations. Kazakhstan's Communist Party newspaper, *Pravda* (*Truth*), was punished for noncompliance and ordered to withdraw issues for a similar offense.

In this hostile climate, it is impossible for opposition media to pursue their editorial policies. "Unfortunately, the law does not protect the editorial independence of the media. Pro-government media have become a mouthpiece for the authorities, while independent media struggle for their very survival," said Medvednikova.

Zhumabike Zhunusov, an opposition website journalist, was even more critical, commenting, "It's funny that a number of media are being cited for their independence. From whom and from what are they free? The most honest answer to this question is decided at election time. Government channels live off taxpayers' money, and as a result spend money more freely, but the so-called independent media draw from lists of pro-government and opposition sources and depend on the media czars to allow or prohibit critical material to be published... To take one's work to heart means to live the rest of life being 'blacklisted.'"¹²

Furthermore, the media community's efforts to decriminalize libel have been unsuccessful. The number of lawsuits filed against journalists on behalf of Kazakh bureaucrats has grown with each passing year. Courts frequently hand down decisions in favor of bureaucrats and level fines against journalists. Adil Soz noted that in 2013 alone, 14 guilty verdicts were reported in cases related to libel and slander, and 79 complaints with lawsuits were filed to protect a defendant's honor, dignity, or business reputation, demanding a total of KZT 2,471,515,102 (\$14,492,266) in damages collectively. Officials seemingly lodge libel lawsuits on the slightest pretexts, regardless of the fact that the journalists in question were using officially disclosed documents to cover court cases or were writing exposés on corruption with documentation in hand. For example, information on the website *Insiderman.kz* related to the rape of a young girl led to a search of the apartment of the website's director, Valeriya Surganova; his colleagues were also investigated, and their computer equipment was confiscated. As Surganova refused to disclose his sources or the authors of the stories, a lawsuit was filed against

"unknown parties," leading to convictions of up to four-year prison terms under the Kazakh Criminal Code.¹³

"Journalists continue to work in a climate of fear—that their media outlet may be closed, that they could be sent to jail, or fined significant sums following lawsuits served by offended bureaucrats. During the year, more than 60 lawsuits related to libel were filed, and in the majority of the cases the plaintiffs were bureaucrats," Medvednikova said.

Journalists also struggle to obtain access to official information. At a conference in Astana related to this subject, Rozlana Taukina, the director of *Journalists in Danger*, said, "It is very difficult to find valuable information related to ecological consequences for Kazakhstan from the launches of proton-rockets. There is no valuable information related to labor conflicts and protest movements at the Arselor Mittal and Kazkhmys companies. Information related to money transfers from the exploitation and export of various natural resources is concealed. The incomes of top officials of Kazakhstan are undisclosed. And there are a number of other such examples."¹⁴

Strict accreditation requirements to print or broadcast information are also used to block requests for information. Access to information by journalists is restricted, and as a result is also restricted from their audiences—based not only on the subject matter, but also on whether it is "sanctioned" by authorities. In the past year, all media covered the disgraced politician and former member of Nazarbayev's family, Rakhat Aliyev, in the sanctioned murder of Altynbek Sarsenbayev, a public figure and politician. However, it was possible to cover only the material from the official government position. Any investigations or any interpretations of the murder were sharply restricted. For example, on the website *Zakon.kz*, the website host ordered information about Sarsenbayev's murder to be removed; only official information related to Aliyev's implication in the murder was allowed. Kaplina noted that she saw a growing trend in 2013 of removing material from media outlets after it had been published.

Journalists attempting to fulfill their professional duties face obstacles, ranging from groundless refusals to violations of terms for provision of publically significant information. Bureaucrats, whether unaware of their legal obligations or fearful of reprimands from their superiors, frequently refuse to grant interviews. For example, in December, officials of

¹² "Paradox of a 'free' press." *Insiderman*, May 5, 2013. Available at <http://insiderman.kz/?p=891> (Accessed March 2014)

¹³ "Apartment of Astana journalist Valeriya Surganova searched." Adil Soz, December 19, 2013. Available at <http://www.adilsoz.kz/news/proizveden-obysk-v-kvartire-astaninskogo-zhurnalista-valeriya-surganova/> (Accessed March 2014)

¹⁴ Glushkova, Svetlana. "Activists call for adoption of Law on Access to Information." *Radio Azattyk*, February 27, 2013. Available at <http://rus.azattyq.mobi/a/24914438.html> (Accessed March 2014)

the Department of Internal Affairs (DVD) for Sayramsky District of the Southern Kazakhstan region refused to allow journalist Marina Nizovkina and cameraman Yevgeny Sergiyenko, from KTK television station, to shoot video of an accident in Karasu involving a passenger bus. The journalists explained to the police that they were not required to await permission from a police director to shoot video and continued their work.

On a positive note, digitalization provides journalists and media outlets with more opportunities to receive information from various sources, including foreign ones. In fact, even the occasional blockage of individual websites in Kazakhstan cannot cut off journalists, media outlets, or consumers from the wide range of foreign information. Most Kazakh media companies do not post their own correspondents abroad and therefore depend heavily on the Internet.

Conditions have changed regarding foreign television channels, and there are now new procedures and requirements. Previously, it was adequate for local cable operators to submit lists of foreign media rebroadcasts to the local mayor's office. However, starting last year, the local cable operators had to complete lengthy registrations at the Ministry of Culture and Information.

At the beginning of 2014, just over 200 foreign television and radio broadcasters were registered in Kazakhstan, slightly fewer than the registry indicated before the new rules. However, in terms of quality, there is a difference. Previously popular foreign television channels, such as Disney, TB3, Foxlife, AXN, RTR-Cultura, and others, have become less accessible; new Kazakh channels that offer far-lower-quality programming have emerged in their stead. A number of Russian channels offer higher-quality programming than the new Kazakh channels. However, they still differ markedly in content from the popular foreign channels that were previously accessible, such as the Chechen government television and radio channel Grozny, the religious (Orthodox) channel Spas (Savior), the Chelyabinsk regional channel Bulat, and Dagestan satellite television.

In Kazakhstan, there are no strict requirements to become a professional journalist. Seemingly anyone, regardless of knowledge or ability, can become a journalist. However, there is a certain inequality between legacy media journalists and bloggers. Accreditation and requirements that journalists be affiliated with an organization make it very difficult for bloggers to access publicly significant information from government sources.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.81

According to the panelists, not all journalists in Kazakhstan observe professional standards. For example, Kaplina said the media often fail to represent both sides of a story, for example. In Mapping Digital Media, Kamilla Zhusupova said that journalists take less care to verify their facts, as well. "Previously we needed to verify one or two, or at a maximum three sources, but today there are significantly more sources of information," she said.¹⁵

Ayzhan Tugelbayeva argued in Mapping Digital Media that requirements of operational information and a journalist's daily workload make it difficult to observe professional standards. The workload for journalists, especially those in new media, has increased dramatically. He further explained that he feels that the speed at which journalists are required to work increases the likelihood of mistakes.¹⁶

The panelists said that the Ethics Code, passed in 2012, has not significantly narrowed the gap between ethical standards and current practice in journalism. Deceptive material paid for by undisclosed sources, plagiarism, and biased material are all fixtures of contemporary media in Kazakhstan.

"Since last year, a new Ethics Code for journalists has been in effect in Kazakhstan. However, in practice, this code is not being observed. In fact, many journalists do not even

¹⁵ Mapping Digital Media, p. 63

¹⁶ Mapping Digital Media, p. 62

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

For Askarov, “Self-censorship is prevalent because owners, top managers, and a number of journalists are trying to avoid not only negative reactions from the authorities, but also the negative reactions of businesses and individuals, since Kazakh legislation makes it easy to create claims of moral and material damage from media.”

know it exists,” said Esengul Kapkyzy, director of Minber, a media NGO.

Tulegen Askarov, an instructor with KIMEP and a freelance journalist, expressed an even more critical stance, commenting, “In Kazakhstan, up until now, there have been no standards of ethics for journalists that have been approved and recognized by Kazakhstan’s community of journalists. As a result, media have clearly been inundated with subjective, poor-quality journalism. As before, media continue to publish paid, hidden public-relations material as news, and corruption among journalists is rife. The commercialization of news has significantly changed the media landscape in Kazakhstan, particularly in television, radio, and on the Internet.”

Gulmira Birzhanova, a lawyer for the North Kazakhstan Legal Media Center, shared her view that Kazakh national media and media products are created in an environment far removed from ethical standards. “Several channels, in order to increase their audiences or for other unknown reasons, broadcast content with a significant amount of violence and as a result violate the principles of journalistic ethics and the right to violence-free content for children,” she said.

The growing number of libel lawsuits, and the exorbitant amounts of the associated fines, has resulted in both self-censorship and censorship by editors. When the attention of high-level public officials increases, self-censorship worsens. For Askarov, “Self-censorship is prevalent because owners, top managers, and a number of journalists are trying to avoid not only negative reactions from the authorities, but also the negative reactions of businesses and individuals, since Kazakh legislation makes it easy to create claims of moral and material damage from media.”

Birzhanova added, “The media sector is becoming more dependent on state contract procurements for material, and approximately 90 percent of media publishers receive

government financing to some degree. This situation eliminates competition and encourages the practice of self-censorship, and makes it difficult to distinguish between the content of commercial media and that of government media.”

Tamara Kaleyeva, the director of Adil Soz, said that the practice of self-censorship by journalists and editors has become so pervasive that it has become an institution in its own right. At an OSCE conference in Bishkek in June 2013, she said, “On April 23 of this year, the first issue of *Pravdivaya Gazeta* was released; however, it never reached its readership. The editors failed to indicate how often the newspaper was issued, as required by Kazakh legislation, and as a result, on the morning of April 24, the entire circulation of the newspaper had been confiscated. In the withdrawal procedure that was signed by the head of the Department of Internal Politics of the mayor’s office, the official reason for the confiscation of the circulation was a violation of the rules for publication related to disclosure of newspaper issuance data. From where did the orders for such an operation come? No one had ever seen the newspaper, besides typography employees. It must be the result of censorship or, as is delicately phrased in the Ministry of Culture and Information, ‘monitoring’ by new and uncertain employees, driven by politics, and that begins in the typographies. In the epoch of the predominant Soviet censorship, this function was completed by what was called a *Lito*; now it is performed by officials in the local mayor’s office that report to and receive their instructions from the Ministry of Culture and Information.”

She added that for the period of 2013 to 2017, the government announced a plan to increase the amount of monitoring of print and Internet content—all justified by the government as necessary under the aegis of the fight against extremism and terrorism.

A secret list of taboo topics in media coverage continues to exist, according to the panelists. Corruption, ethnic conflicts, and any negative events involving the higher echelon of government officials in Astana are thought to be included on the list. Only recently did it become possible to even discuss publically the possibility of a post-Nazarbayev future, but in 2013, that topic did emerge in the news—albeit limited, for the most part, to speculation over Nazarbayev’s likely successor. At the beginning of the year, Nurlan Nigmatulin, a parliamentary speaker, even attempted to set limits on media chatter regarding potential successors.

Birzhanova noted that there is a difference in coverage between the print media and television. Television practically does not cover, or offers only one-sided coverage, of political topics with significant consequences. Television

journalists generally avoid a number of topics, such as sexual orientation and religion.

A number of topics that are considered taboo in mainstream media may be found only in opposition media outlets, which are officially prohibited from distributing their information in Kazakhstan. These topics include compensation for the use of the Baikonur Cosmodrome space station, as well as where Russian money is laundered, etc.

Journalists' pay, as indicated in previous MSI studies, depends on the region and on the type of media. Furthermore, government journalists are generally in a much more advantageous position than the private media. Overall, journalism incomes are not high and are considered average, compared with other professions. Regional journalists, however, are considered some of the lowest-paid professionals.

Another issue is that private media outlets often record payments to journalists as lower than they actually are, as a form of tax deception. Journalists incur great risks in this regard, because editors and owners can then review the amount of money paid to journalists and withhold the real payment amount if journalists leave the position.

News and entertainment programming differs depending on the type of media. Radio media in Kazakhstan tend to be dominated by musical entertainment programming, punctuated by very short news items. Television programming is very different, though. According to the authors of *Mapping Digital Media*, some television media prioritize production of news content over entertainment. For example, the television channel KTK, rated second in Kazakhstan, produces a relatively high-quality news program. In addition, television channels Astana and Channel 7 have positioned themselves as producers of quality information programming. Meanwhile, government television channels Khabar and El Arna have invested significantly in purchasing licenses for the production of comedies and entertainment shows in order to increase their audiences. In style and manner, these channels are becoming more like commercial television stations.¹⁷

In terms of the media's access to proper facilities and equipment, Kaplina noted that electronic media are undergoing technical development that includes the purchase of new equipment to improve the quality of programming. "Government television channels have purchased new equipment to improve the quality of informational graphics in programming, a number of regional television channels have updated video and editing equipment, and Internet sites are purchasing additional equipment to broadcast on the Internet," she said.

¹⁷ *Mapping Digital Media*, p.31

Birzhanova believes that Kazakh legislation is the main obstacle to the development of investigative journalism, because the law mandates penalties of up to five years in prison for "illegal intervention in the private lives of citizens and officials."

A number of media events were held throughout the year to showcase technological advancements in television, such as Kazmedia Ortalygy in Astana. Media Expo 2013 was another. At these events, participants could listen to theoretical discussions and also take part in hands-on journalistic exercises.

In terms of niche journalism, few journalists are able to successfully pursue investigative reporting, as illustrated by the Larra case, which was discussed earlier. In another case, the special investigative journalism format used on Channel 31 for the program *Benditsky Hour* was canceled by the station management, officially due to low ratings received from TNS Gallup Media.

Birzhanova believes that Kazakh legislation is the main obstacle to the development of investigative journalism, because the law mandates penalties of up to five years in prison for "illegal intervention in the private lives of citizens and officials." Furthermore, international principles related to protecting a journalist while working on behalf of the public good do not hold up as a valid defense in Kazakh courts. The KZT 5 million (\$31,900) fine levied against Akhmedyarov, the *Uralskaya Nedeli* editor, is a case in point.

The danger involved, combined with interference by the authorities, has made investigative journalism extremely rare in Kazakhstan. A new website, Ratel.kz, shows some promise to be an exception. Well-known Kazakh journalists Gennady Benditsky, Marat Asipov, and Sapa Mekebaev, who previously worked for the newspaper *Time* and Channel 31, launched the news site in December 2013.

Other forms of niche journalism are developing. Business journalism continues to show strong growth in Kazakhstan, compared with other types of journalism, due in large part to Kazakhstan's fast-growing economy. Court reporting is another form of journalism that is growing in Kazakhstan. Erzhan Suleymenov, an established Kazakh journalist, created a website called Sotreport to help develop court reporting. Suleymenov's mission is to help journalists understand their role to inform society of the truth.

OBJECTIVE 3: PLURALITY OF NEWS

Kazakhstan Objective Score: 1.72

According to official statistics, Kazakhstan has about 2,150 registered media outlets. Over half are newspapers, and almost 80 percent are private media companies. There are 233 operational electronic media outlets, including 50 television stations that broadcast on private channels, 43 radio stations, 134 cable television stations, and six satellite broadcast operators. Out of 50 television companies, only eight are state-owned; 42 are private. All television stations broadcast in the Kazakh and Russian languages. Of 43 radio stations, only six are state-owned; 37 are private. All radio stations also broadcast in the Kazakh and Russian languages. All 134 cable television stations are privately owned. Of the six satellite broadcasters, one is state-owned, and five are privately owned.

Kazakh print and electronic media are not only distributed in different languages, but they also address different problems and reflect different ideologies. Kazakh- and Russian-language media exist in “parallel universes,” according to the international journalist center MediaNet, with the exception of cases where specific print media are published in both Kazakh and Russian.

There is no lack of diversity or choice among Kazakh electronic media today, although there have been reports that people are sometimes coerced into subscribing to government newspapers. There have also been

broadcasting interruptions and other problems related to the digitalization of television in Kazakhstan. In fact, for three days in September, one Almaty television station abruptly stopped broadcasting digital programs, including news programming, due to poor weather conditions, and lost millions of tenge in advertising revenue as a result, Zhaksybayeva said in Mapping Digital Media.

Furthermore, in 2013, the government continued to block several websites and blog outlets, including WordPress and Lifejournal, for undisclosed reasons. Akhmedyarov explained, “These instances are clearly related to political content. The current political regime in Kazakhstan is extremely authoritative and aspires to total control over information. Furthermore, a majority of media outlets, including television, radio, and print media, are owned by people with a direct relationship to the president. Therefore, it is impossible to say that traditional media provide the citizens of Kazakhstan with objective information. Furthermore, more independently minded media outlets, including television stations, are most often found in the regions and are more of an exception, because they do not influence the Kazakh media market.”

Kazakh legislation does not officially limit citizens’ access to information. However, as a result of new registration requirements in 2012, foreign television and radio broadcasters, including relatively popular television stations, such as TV-3, Okean (Ocean) TV, NHK, and Ariran, became inaccessible. Overall, though, there does not appear to be a significant reduction in access to foreign television channels, although the government and domestic television industry leaders are interested in limiting growing access to foreign media and foreign media products and in continuing to develop growing Kazakh media products and channels. The Ministry of Culture and Information announced in 2013 plans to halt purchases of foreign television media products, beginning with Korean and Turkish television programs.

That decision came after Nazarbayev criticized the work of several government channels for being too similar and lacking content and material. Officials reacted with a number of policy changes in addition to discontinuing the purchase of Korean and Turkish television programs later in the year. According to Kaplina, who attended a briefing held by the Minister of Culture, Kulmukammed, the changes also included plans to merge the television stations Bilim and Medeniet, greater support to Kazakh TV and 24kz, and significant increases to the value of a state contract. The cost of one hour of airtime increased to KZT 120,000 (\$650).

The panelists underscored some positive changes as well. For example, the Russian television channel Dozhd (Rain) has become accessible in Kazakhstan. Previously, its Russian

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

opposition-driven political agenda and programming had scared away many cable television operators.

Traditionally, foreign investors have looked at the Kazakh media conservatively; that continues. Askarov argues that this conservative view does not correspond to the spirit of the times in Kazakhstan, and particularly the globalization of the country economically and politically. However, there may be legislative reasons for the conservative view of foreign investors: “The Kazakh law on national security restricts foreign ownership of media to 20 percent, in spite of the fact that the country is planning to join the World Trade Organization in the near future,” noted Askarov.

In the absence of media that offer true public broadcasting or content in the interests of citizens, consumers are moving to media sources where there is more free and diverse content—especially the Internet. Birzhanova said, “In Kazakhstan, if you want objective information, then you can only receive it through the Internet or from some regional media outlets. In regards to print media and television, they broadcast almost nothing on significant political topics. On the Internet, you can find diverse points of view. Also, there are various groups on Internet social networks—for example, human-rights groups, media experts, lawyers, and groups devoted to specific topics, such as Zhanaozen. Moreover, there are Internet channel outlets—for example, the 16/12 channel K+ broadcaster that had been closed by a court decision. There is a lot of information that cannot be distributed in traditional media but can be found on YouTube.”

Kaplina also commented, “Audiences in Kazakhstan are turning more often to social media when they need to receive alternative information. It is almost impossible to find alternative points of view in government-sponsored media, which is overloaded with statements without analysis or commentaries by government officials.”

In 2013, a new, less formal style of media emerged as well. This media includes the new Radiotochka (Radio Point) online radio station, which broadcasts a humorous, relatively open talk show.

There are 10 information agencies and news portals, as well as several aggregate agencies that provide news feeds to the media. In spite of the fact that large media have their own news services, practically all media outlets also use information agencies. Despite repeated requests by the government to directors of information agencies to observe copyright laws and indicate the authors of materials in news feeds, copyright violations are commonplace.

Almost all agencies are attempting to transform themselves into convergent editorial offices, and information agencies

However, there may be legislative reasons for the conservative view of foreign investors: “The Kazakh law on national security restricts foreign ownership of media to 20 percent, in spite of the fact that the country is planning to join the World Trade Organization in the near future,” noted Askarov.

in Kazakhstan are actively developing. Some agencies, such as Tengri news, offer packages of direct television and radio broadcasting, site photography, and multiple services, including information graphics and mobile apps, and engage in a competitive struggle with Russian and other foreign agencies for market share.

Sergey Vlasenko, a lawyer for the National Association of Broadcasters of Kazakhstan, confirmed, “Private media produce their own news, and in many instances this news surpasses the national channels in terms of professional news content—even though there is limited journalistic potential and limited technical and financial opportunities.”

According to Kaplina, no local programming was blocked in 2013 on local channels. In fact, television channels that rarely, if ever, produced their own news before began to air news regularly. For example, Novoye Televideniye in Karaganda began airing a Kazakh-language news program. Perviy Severniy in Petropavlovsk, Orken-media in Balkhash, and Ridder-inform all began to broadcast daily news.

As before, media owners primarily remain concealed. In 2012, Gulnar Asanbayeva, an instructor in the Department of Mass Communications, KIMEP, researched a number of websites of popular national Kazakh newspapers (*Vremya*, *Zhas Alash*, *Novoye Pokoleniye*) and newspapers published in the regions in an attempt to obtain information related to the ownership of the media companies in question. However, she concluded that while the websites she studied had “formal” owners, the actual owners were not clear.¹⁸

Concealed information related to media ownership has become grounds for pressure by the authorities. For example, Taukina, commenting on the judicial decision to halt production of the *Pravdivaya Gazeta* program on Radio Azattyk, said, “In this case, they are being prosecuted not

¹⁸ “In search of development of journalistic standards.” *Toward a Free Press*; UNESCO, p. 264 <http://www.unesco.kz/ci/2013/a+20/Towards-Free-Press-A+20-Russian.pdf>

Kaplina also commented, "Audiences in Kazakhstan are turning more often to social media when they need to receive alternative information. It is almost impossible to find alternative points of view in government-sponsored media, which is overloaded with statements without analysis or commentaries by government officials."

for the inaccuracies in the circulation data, but rather for political reasons, although the media outlet covers primarily social topics." According to Taukina, this stems from rumors that the newspaper is financed in part by a disgraced politician and oligarch, Mukhtar Ablyazov, and therefore the newspaper is seen as fulfilling his agenda; Taukina denied the charges.

Birzhanova believes that although there is no law that obligates media outlets to provide citizens with information related to the ownership of media outlets, by and large the overwhelming majority of the people believe that media outlets are predominantly owned directly or indirectly by the government. However, with the growth of the Internet, the population is gaining access to alternative sources of information, making this less of an issue.

Up until recently, the Russian language has continued to be the primary language for news content. However, in the past year, the Kazakh government has invested a significant amount in the development of Kazakh-language news content, including the development of Internet resources (Wikipedia, YouTube, etc.).

The media community is divided on whether the government should invest in Kazakh-language news programming. One camp, lamenting the dearth of strong Kazakh-language media, supports the idea of government subsidies for Kazakh-language media. Others see a need for financial support on a priority basis to ethnic minorities, to help fulfill political promises in a diverse country that espouses equality among ethnic groups. In Kazakhstan, the media continue to work in the national languages; ethnic minorities own about 32 print media outlets. These outlets publish in 13 languages of the ethnic groups of Kazakhstan, and the larger government newspapers of ethnic groups operate with financial support. The media outlets include *Deutsche Allgemeine Zeitung* in the Russian and German languages, *Ukrainski Noviny (Ukrainian News)* in the Ukrainian

language, *Koryoilbo* in the Korean and Russian languages, *Vatan* in the Azeri, Russian, and Kazakh languages, *Akhyska* in the Turkish, Kazakh, and Russian languages, *Uyghur Abazi* in the Uyghur language, and *Aziya Bugun* in the Uyghur, Russian, Kazakh, and Arabic languages.

Mapping Digital Media confirmed, however, that broadcasting in the languages of ethnic minorities has significantly decreased in recent years. For example, in 1998 the Kazakh government television channels broadcast in the Uyghur language three hours per week, but in 2010 that number dropped to 15 minutes. And while Russian Orthodox and local Arabic television channels freely broadcast on cable networks, other religious minorities do not have airtime. According to Prashkevich, the public's mood determines the discussion on the issue of ethnic minority groups in Kazakhstan.¹⁹

Topics related to ethnic minority groups appear relatively frequently in the press and on television. However, issues surrounding social minorities are not well covered. After the prohibition of homosexual "propaganda" in Russian, a similar process began in Kazakhstan, for example.

As mentioned earlier, national media frequently cover international topics using news feeds from foreign news and information agencies and online platforms, while local news in such media outlets is rarely covered. However, regional media outlets have increased the amount of local news coverage that they broadcast, including news emanating from nearby cities. Beginning on September 1, with the support of USAID, regional media began broadcasting "Novosti Regionov" (News of the Region) in both the Russian and Kazakh languages. The news includes original material that cannot be found on Kazakh national news, but is interesting for residents of other cities. At present, the project unites 15 television channels of Kazakhstan that receive material from abroad. Otyrar, in Shymkent, even has a freelance journalist based in Turkey. However, a number of national channels in Kazakhstan have turned down local news due to budgetary constraints, and therefore more often than not, news programs cover events from Astana and Almaty.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.51

In 2013, some young media professionals completed government-supported training programs abroad, designed to help them develop important skills, including media

¹⁹ Mapping Digital Media, p. 71.

management. One graduate of the program was appointed manager of Kazmedia Ortalygy, one of the larger media centers in Kazakhstan. In this way, media professionals are beginning to understand that effective media management is one of the key factors needed to increase the reliability, and as a result the profitability, of media companies.

Private media are actively searching for ways to increase profits and salaries—by offering more services and maximizing the use of multimedia technologies. Over the past few years, for example, *Lada* in Aktau, *Nasha Gazeta* in Kostanay, and the Otyrar television station in Shymkent all created strong Internet presences, merged their editorial offices, and actively developed their work using multimedia technology. According to Kaplina, in 2013 the website portal Zakon.kz, which previously hosted only news, appointed a team of journalists to develop an information strategy, indicating that the owners of zakon.kz see potential in developing online media. On the government side, Channel 1 Yevraziya has become a successful model of a government media enterprise. It is able to live off the income from advertising sales and is taking steps to broadcast its documentaries and television productions in other countries.

And yet, Vlasenko is not especially optimistic regarding media's economic independence. "Many media outlets have become economically self-sustaining companies, but the tendency remains to depend on the government to purchase content through a system of state procurement contracts," he said. Akhmedyarov added, "According to the Northern Kazakhstan Law Media Center, an NGO, more than 90 percent of all media outlets in Kazakhstan receive financing from the government, and this includes direct government financing of private media outlets as well as

indirect government financing of the press through the state contract procurement system. In 2013, government financing of the press totaled KZT 40 billion (\$255,200). However, the trend to increase government financing of the press has negative consequences."

The state contract procurement system has significantly changed the media environment in Kazakhstan, and as a result of agreeing to these contracts, media outlet structures have completely changed. The negative side of the government contract procurement system is that recipients of such subsidies are often disinterested in ratings or circulation figures to demonstrate their effectiveness. Kaplina said that given the level of government orders, media companies have begun to primarily rely on government financing just as they would rely on an advertiser.

This year, the dependence of media outlets on state contracts and their negative effects on the media outlet structures provoked criticism from high-ranking government officials, including Nazarbayev, his daughter, Dariga Nazarbayeva, and a government secretary. They criticized media outlets for their ineffective investments, a lack of criteria in granting social contracts for information, and insufficient monitoring to verify that news has been broadcast.

However, media outlets are starting to become less dependent on the government for revenue as the advertising market continues to return to its pre-crisis size. However, some advertising revenue is being siphoned off by "new" media. Furthermore, advertisers are making it a priority to require stations to broadcast some advertisements for free or at reduced rates in order to secure their commitment to purchase more ads at a higher rate. Since the number of experienced advertisers and public-relations consultants declined after the economic crisis, leading journalistic NGOs and press clubs have begun to take their place.

The level of organization of work with advertisers in media is relatively low, due to a lack of revenue to maintain well-equipped advertising agencies.

The advertising market in Kazakhstan, according to the JWT Kazakhstan advertising agency, is valued at approximately \$350 million, and it is expected to grow to \$400 million by the end of the year. Television continues to be the most sought-after market by advertisers for a number of reasons, including large audiences; it garners 60 percent of the advertising market. Correspondingly, the advertising budgets of Kazakh television are the largest (\$190 million in 2013). Print and external advertising maintain 15–16 percent of the market, radio pulls in less than 10 percent,

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

and Internet advertisements account for just 3–5 percent of the market. However, the Internet is the fastest-growing information medium in Kazakhstan; according to analysis by Oksana Rizanenko, managing director of JWT Kazakhstan, the Internet’s share of the advertising market will soon grow to 10 percent. The first advertising agency in Kazakhstan to sell advertisements on the Internet in the Kazakh language was formed in 2013.

Major advertisers in Kazakhstan during 2013 included KaR-Tel, (TM Beeline), Kcell, Mars, Tele2, and also international companies such as Coca-Cola, Procter & Gamble, Kraft Foods, Henkel/Schwarzkopf, Samsung, and Unilever. Companies based in the Almaty region account for 83.5 percent of the marketing budgets; their share accounted for KZT 93 billion (\$505 million). Astana is next with KZT 4.6 billion (\$25 million), followed by the Karaganda region with KZT 3.7 billion (\$20 million) and the East Kazakhstan region with KZT 1.6 billion (\$9 million).

Far smaller advertising budgets are found in the Kyzylordinsky, Akmolinskaya, and Atyraskaya regions. Akhmedyarov added that in the regions, it is impossible to speak of diversity in advertisements or advertising agencies themselves, but nevertheless advertisers are beginning to demand higher-quality advertisements on the air and in newspapers.

State contracts with media outlets had become the dominating source of financing for the majority of media and as a result had curbed their desire to attract commercial advertising. The government’s information system prioritizes state media. Medvednikova said, “Unfortunately in Kazakhstan, there is almost no media market, except for the state procurement contract system, which accounts for 95 percent of all media revenue. Media outlets that want to survive on government financing compete for it. Government media outlets that have state procurement contracts and subscriptions are not motivated to better develop management or increase their audiences or readerships. And yet, all media outlets participate in the advertising market, independent of whether they are completely publicly financed or not.”

Many nongovernment media outlets compete for government subsidies, but there are a number of nongovernment media outlets that have different sources for their revenue and receive less government financing.

There is also little financing for the study of public opinion, market research, television viewership, or print media readership. There are approximately 15 to 20 companies actively involved with market research in Kazakhstan. Although the market is not large, the quality of services provided is developing; the market for advertising and social

research is growing. All the major international market research organizations operate in Kazakhstan, including TNS, AC Nielsen, GFK, and Ipsos.

Research and monitoring in all areas of the media, the effectiveness of advertising, and readership or audience sizes is conducted in Kazakhstan by Gallup Media Asia, Komkon-2 Yevrazia, BISAM Central Asia, and the Prognoz information analysis center. The market leader is Gallup Media Asia, which uses People Meter technology to conduct its research.

Kaplina noted that representatives of Internet media criticize the system of market research measurements of site visits. It is suspected that many websites purchase traffic from other Internet resources to increase the appearance of their effectiveness for the site owners and advertisers. Up until now, to determine the number of Internet users in Kazakhstan, one had to rely on contradictory data of market research companies, such as ICT-Marketing and Profit Online. Experts are hopeful that Gemius, a market research company that measures Internet usage and entered Kazakhstan’s market in 2013, will provide more consistent information.

Print media circulation figures are unregulated, with the exception of opposition print media, which have on a number of occasions violated Kazakh legislation by not providing accurate and complete information related to circulations—a situation that twice led to the closure of *Pravdivaya Gazeta*. Government media and private media that do not falsify their circulation information run no risks in this regard. However, the Kazakhstan Association of Newspaper Publishers reports that nine out of 10 publishers heavily cushion their circulation data.²⁰

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kazakhstan Objective Score: 2.21

Kazakhstan’s media community includes trade associations that represent the interests of media owners and managers and provide member services. One such association is the National Association of Television and Radio Broadcasters of Kazakhstan (NAT)—a professional and social union of television and radio broadcasters of Kazakhstan that lobbies for the creation of prosperous and equal conditions for all participants in the market of television and radio broadcasting in Kazakhstan. The Kazakhstan Association of Television and Radio Broadcasters, not to be confused with NAT, unites television and radio broadcasting companies of

²⁰ I.K. Mambetova. “Condition and development of print media market of independent Kazakhstan (1991-2013).” VGU register. Series: Philology. Journalism. 2013. No. 2.

Kazakhstan and represents the interests of the industry in its interrelationships with legislation, elected officials, and Kazakh society at large.

The National Telecommunications Association, a voluntary union of companies that are leaders in the telecommunications market, focuses on the development of the telecommunications market by reducing administrative barriers and influencing legislation related to the media. The Kazakhstan Association of IT Companies aims to protect and lobby for the interests of members of the association in government agencies, structures of authority, and in international and social organizations. Other IT-related groups include the Association of Kazakhstan Legal Entities on the Internet, the Center for Exchange of Internet Traffic, and KazRENA. KazRENA focuses on the development and use of one unified national scientific and educational computer network in Kazakhstan, to boost the development of education, science, and the principles of an information society.

There are a couple of print media associations as well. According to its new charter, the Kazakhstan Association of Printers and Suppliers (ALE) aims to serve as a legal advisor to members, represent the interests of branches in the Ministry of Culture and Information and other government bodies, and organize training seminars. Unfortunately, the panelists said, the Publishers Association has recently ceased to operate actively. The Kazakhstan Association of Publishers and Distributors of Print Media Products is a noncommercial, voluntary union of national publishers and distributors of periodical print media. It aims to preserve and balance

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

interests among and between the publishing houses of Kazakhstan—ML Publishing Company, K-Press Company, and ML Press Company.

Other trade associations related to the media world include the Kazakhstan Association of Professional Market Researchers (KAPIOR), which unites agencies from the leading marketing and social research organizations of Kazakhstan, as well as organizations that are interested in conducting professional research and effectively using the results of such research. The National Media Association focuses on conducting and promoting understanding of media measurements. There is also an Association of Advertising Agencies of Kazakhstan, which works to create favorable conditions for development of the advertising industry.

In evaluating the trade associations, many media experts have been very critical. They claim that most of the associations listed above do not have relationships with media associations or are no longer functioning. Kaplina said that among business associations that support the media, only NAT Kazakhstan effectively protects the rights of regional television companies and cable operators.

The development of professional associations of journalists and media employees in Kazakhstan has proved problematic. Despite trying for more than five years, journalist and organizer Ludmilla Ekzarkhova has been unable to unite journalists and employees of various media outlets into one professional union. On the Radiotochka website, she underscored that many journalists work in extremely depressing conditions. She described the results of an online survey conducted by a Kazakh journalist, revealing that approximately half of surveyed journalists indicated that they worked without an employment agreement, and many had not even heard of the idea of a collective bargaining agreement. Three-quarters said that they do not feel protected by society, and over 80 percent are uninsured and lack medical insurance. Furthermore, 80 percent of journalists and media employees agreed that the journalism profession is "a dangerous occupation."²¹

Without labor agreements, journalists who lose their jobs have no recourse. This trend is happening across the field—in television, radio, and print. Many journalists believe that the only solution is to create a professional union of journalists and media employees. Although most journalists are in favor of having their own union, at the same time they are afraid that advocating too vocally for a union will cost them their employment. Ekzarkhova also emphasized

²¹ "Trade unions for journalists in Kazakhstan: Myth or Reality?" Radiotochka, December 26, 2013. Available at <http://www.radiotochka.kz/news/full/1406.html> (Accessed March 2014)

that Kazakhstan does not have the same mentality toward unions that exists in Europe; the idea of unions still conjures up thoughts of the professional trade unions of the Soviet Union. But the panelists noted that journalists must overcome this mentality and work together to have any hope of reaching their goals, including employment agreements, observing structured work times, and receiving adequate compensation. If journalists leave, others simply come and take their places, so employers have not been forced to make changes.

The panelists were very critical of two main professional associations that exist for Kazakh media: the Union of Journalists of Kazakhstan and the Kazakhstan Club of Media Publishers and Editors. According to the panelists, the Union of Journalists of Kazakhstan is politically dependent on political elites and the regime. Although the Kazakhstan Club of Media Publishers and Editors is not politically dependent on the authorities, the panelists feel it is ineffective because it does not operate on a full-time and systematic basis. The panelists also mentioned that in 2013, two new media associations were created with government support and began working actively: the Club of Head Editors and the Kazakhstan Association of Television and Radio Broadcasters. It remains to be seen whether they will be effective.

In 2013, the issue of professional trade unions became more relevant as the Ministry of Employment and Social Wellbeing drafted a Law on Professional Trade Unions. Employees who belong to the old and new professional trade unions agree that the law is reactionary and violates a number of normative pieces of legislation, including international documents related to international trade organizations (MOT) and ratified by Kazakhstan. The purpose of the new law is not to create a partnership and working relationship between the government and professional trade unions, but to make trade unions absolutely subordinate to government authorities. However, the media seem to have missed opportunities to cover the draft law as a story. Only one media outlet, Radiotochka, informed the public on development of events related to this law.

Among NGOs working to support media and journalists, the International Fund for Protection of the Freedom of Speech (Adil Soz) has conducted monitoring of violations of the freedom of speech since 1999. The Open Society Foundations (London) traditionally funded this work, but the monitoring project has not received any funding since January 2013.

Media law centers operate in practically all the regions of Kazakhstan. These centers were originally branches of Adil Soz but later acquired autonomy from it. Each center

provides legal expertise and support in courts and also conducts analytical work related to legislation and practice. It also trains journalists and other media employees.

Akhmedyarov noted that there are organizations that engage in professional education for practicing journalists, including the application of new technologies. For example, Internews Network–Kazakhstan and MediaNet both offer paid and no-charge, short-term seminars and trainings for journalists and media. Kaplina added that in 2013, the Center for Media Service in Shymket, which was created in 2011, entered the field of NGOs and conducted several trainings.

Overall, though, the quality of higher education for journalists has not improved; journalism programs are widely criticized for turning out inadequately prepared individuals who lack technical skills and professionalism. The Ministry of Culture and Information has decided to help institutions of higher education by helping to secure positions for journalism students in media outlets. The government also specifically promoted legislation to secure internships in media outlets (private agencies as well as government organizations) for students of higher-education institutions.

Akhmedyarov summarized the shortcomings of academic professional education in Kazakhstan, noting that it is partly an issue of geography. As much as the country is vast with a low-density population, there are only three educational institutions nationwide that prepare journalists, and the graduates of these institutions cannot satisfy the needs of professional personnel in all the regions of the country. Therefore, many regional media outlets employ people without a professional education. Another problem is the relevance of the education offered. Almost all of the educational institutions preparing journalists in Kazakhstan teach primarily with outdated moral and ethical codes that do not provide knowledge or work skills for a career in Internet media, or for developing Internet technology skills.

Various media organizations periodically conduct topical training for journalists, such as the NGO MediaNet. By decree of the Ministry of Culture and Information of Kazakhstan in October 2012, with management support from Kasmedia Ortalygy, a center of professional development was created in February 2013 and later reorganized into a media school. The media school provides supplemental education, which aims to develop specialists in the area of mass media.

Media access to quality printing services and raw materials is generally neither politicized nor monopolized; editors have choices regarding printing facilities and equipment. However, there were a number of troubling incidents in 2013, including the pressure on *Respublika* and *Pravdivaya*

Gazeta (detailed earlier) and another case involving the journal *Gulzhan Ergaliyevoy*. Beginning with their 13th issue, all printers in Almaty and the regions refused to print the journal. The magazine shared the official responses of a number of printers, which hinted at political reasons for breaking off contract relations; verbally, printing directors were pressured by unspecified officials.

Gulzhan Yergaliyeva, the editor-in-chief of *Gulzhan Ergaliyevoy*, noted that for two days, access to the Internet site nuradam.kz was blocked without warning, as confirmed by Adil Soz. She believes the website was blocked due to its content, perhaps reporting on corruption in Western Kazakhstan and Southern Kazakhstan.²² According to a May 2013 report from Adil Soz, “The Ministry of Transportation and Communications and Kazkhtelekom denied any involvement in the illegal blocking.”

In an increasingly repressive Internet environment, the panelists also expressed dismay over the acquisition of the cable company Digital by Kazakhtelkom. The official version of the acquisition is that the cable operator did not have the means to purchase digital equipment, and therefore the cable operator was “for sale.” However, Zhaksybayeva believes that the acquisition is an example of the government’s unprecedented bid to strengthen its position and exert influence in the cable industry.

According to Zhaksybayeva, Kazteleradio—100 percent owned by the government—is continuing the process of broadcast digitalization. This is occurring through a transfer of the signals under the guidance of one technical operator. Television channels of independent operators that have their own frequency and receiving equipment are upgrading to digital (i.e., the digitalization of dependent content of producers). Zhaksybayeva elaborated on this: “We have criticized this state of affairs a very great deal, appeared before senators and members of the Madjlis, and have proposed the alternatives of including television channels by taking frequencies from the shareholders of Kazteleradio, or including television channels in the multiplexes on a perpetual basis. Or for the state to pay compensation for the value of the frequencies being taken from television channels. No one paid any heed to our proposals, and the bureaucrats got off with the minimum. ‘We’ll let you into the multiplex for nothing, but you’ll have to pay to stay there.’ But the problem has not gone away, and come 2015 it

²² “In Kazakhstan, for two days has been blocked access to the Internet project nuradam.kz.” *Zona-KZ*, April 23, 2013. Available at <http://www.zonakz.net/articles/67063> (Accessed March 2014)

will have gotten more acute, because there is an increasing understanding of what has happened.”

Fifteen years ago in Kazakhstan, the first call was made using the GSM cellphone standard. As of May 2013, according to the Kazakh Agency for Statistics, there are now 178 cellphone subscribers for every 100 residents. Meanwhile, the number of Internet users in Kazakhstan for the first quarter of 2013 was 65.6 users per 100 residents. Kazakhstan’s Internet penetration amounts to approximately 10 million people. Also, the number of websites and domain suffixes KZ and KAZ for the period from 2010 to 2013 doubled, to include 95,000 domain names.

List of Panel Participants

Sholpan Zhaksibayeva, executive director, National Association of Broadcasters of Kazakhstan, Almaty

Diana Medvednikova (Okremova), director, North Kazakhstan Legal Media Center, Astana

Olga Groznaya (Kaplina), project manager, Internews Network-Kazakhstan, Almaty

Gulmira Birzhanova, lawyer, North Kazakhstan Legal Media Center, Astana

Aynash Esalieva, journalist, *Egemen*, Almaty

Lukpan Ahmediyarov, reporter, *Uralskaya Nedelya (Uralsk Week)*, Uralsk

Galiya Ibraeva, media expert, Al Farabi Kazakh National University, Almaty

Dina Baidildaeva, social network editor, *Azattyk.kz*, Almaty

Tulegen Askarov, instructor, Kazakhstan Institute of Management, Economics and Strategic Research; freelance journalist, Almaty

Sergey Vlasenko, lawyer, National Association of Broadcasters of Kazakhstan, Almaty

The following panelist submitted a questionnaire but was unable to attend the panel discussion:

Esengul Kapkyzy, director, Minber Foundation, Almaty

Moderator and Author

Gulnara Ibraeva, media analyst, Bishkek, Kyrgyzstan

The panel discussion was convened on December 20, 2013.

Media freedom advocates saw some success in preserving the still-fragile gains the country has achieved recently.



KYRGYZSTAN

Even though 2013 was not an election year in Kyrgyzstan, it turned out to be packed with political events and parliamentary struggles given the contradictions between the coalition members' individual party interests. February and March saw high-profile trials and convictions. First, the ex-president, Kurmanbek Bakiyev, and his close relatives were found guilty in absentia by a military court in Bishkek. Then three opposition party leaders, Tashiyev, Zhaparov, and Mamytov, members of the Jogorku Kenesh (parliament), were found guilty by the Bishkek District Court of attempting to overthrow the government during an October rally in Bishkek. A number of officials, including members of parliament, were arrested, sentenced to pay fines for corruption, or forced to resign.

Another significant event was the Jogorku Kenesh's February 21 decision to review the agreement with the Centerra Gold Inc. joint-stock company (Kumtor) and tasking the government with obtaining more favorable conditions for the country. This ruling was the beginning of a conflict that raged for a whole year. The debates in the Jogorku Kenesh on the issue of Kumtor were much less heated than the pickets and rallies that developed into riots with roads closed, administrative buildings besieged, and people taken hostage over the issue. The small village of Saruu, on the shores of Lake Issyk-Kul, became the epicenter of anti-Kumtor activity.

In January, a conflict arose between the inhabitants of the Uzbek Sokh enclave and the Kyrgyz village of Charbak. During the conflict power poles were destroyed in the Kyrgyz village and 30 Kyrgyz citizens were taken hostage.

Despite this upheaval, Kyrgyzstan's economy grew in 2013. Some attribute this growth to the fact that for the time being, Kyrgyzstan did not sign the "road map" for entry into the Customs Union that was the subject of the meeting of the Supreme Eurasian Economic Council in Moscow on December 24, 2013. At the same time, without any special discussion in the Jogorku Kenesh, the following decisions were adopted: the approval of the sale of KyrgyzGas to Russia's Gazprom for a symbolic \$1, along with the sale of several other state holdings. These political decisions in the economic sphere demonstrated the increasing trend toward a return to the zone of the Russian Federation's far-reaching influence in Kyrgyzstan's contemporary politics.

Media freedom advocates saw some success in preserving the still-fragile gains the country has achieved recently. Three attempts to amend laws in a way that would have eroded media freedom—one modeled after recent Russian legislation on treason and foreign agents—all failed to be passed. Of particular note, the Jogorku Kenesh rejected the law modeled on Russian legislation, which would have hamstrung media advocates who receive foreign donor funds, after negative public outcry.

KYRGYZSTAN at a glance

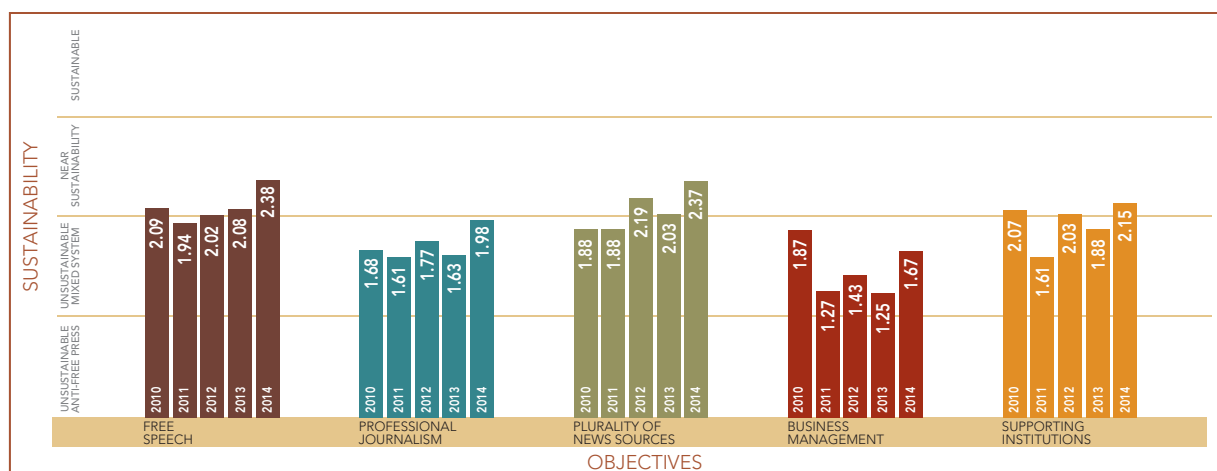
GENERAL

- > Population: 5,604,212 (July 2014 est. *CIA World Factbook*)
- > Capital city: Bishkek
- > Ethnic groups (% of population): Kyrgyz 64.9%, Uzbek 13.8%, Russian 12.5%, Dungan 1.1%, Ukrainian 1%, Uighur 1%, other 5.7% (1999 census)
- > Religions (% of population): Muslim 75%, Russian Orthodox 20%, other 5% (*CIA World Factbook*)
- > Languages: Kyrgyz (official) 64.7%, Uzbek 13.6%, Russian (official) 12.5%, Dungan 1%, other 8.2% (1999 census)
- > GNI (2012-Atlas): \$5.543 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$2,230 (World Bank Development Indicators, 2013)
- > Literacy rate: 99.2%; male 99.5%, female 99% (2009 est., *CIA World Factbook*)
- > President or top authority: President Almazbek Atambaev (Since December 1, 2011)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: According to the Ministry of Justice database there are more than 1,500 registered media. Media research conducted in 2013 found the following number are active: Print: 159 including 3 main dailies and 4 other major papers; Radio Stations: 26; Television Stations: 25 terrestrial, 3 local cable networks, 3 IPTV
- > Newspaper circulation statistics: Top three by circulation: *Super Info* (private Kyrgyz-language daily with 120,000 circulation), *Vechnij Bishkek* (private Russian-language daily with 150,000 circulation), *Delo No.* (private Russian-language weekly with 16,000 circulation)
- > Broadcast ratings: Top three television: OTRK (state-owned), EITR (state-owned), 7th Channel (private)
- > News agencies: Kabar (state-owned), AKIpress (private), 24.kg (private), www.tushtuk.kg (private), Kyrgyz, K-News (private), www.kyrtag.kg (private)
- > Annual advertising revenue in media sector: Television: \$7.9 million, Internet: \$500,000, Radio: \$1.8 million (Jan.-Sept. 2013 est., Expert Consulting Agency)
- > Internet usage: 2.195 million users (2009 *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: KYRGYZSTAN



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorers.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Kyrgyzstan Objective Score: 2.38

Kyrgyzstan's National Strategy for the Sustainable Development of the Republic maps out information policy goals for the period 2013–2017, in accordance with international principles of freedom of speech. They include ensuring openness by public authorities and upholding the public's right of access to information, as well as cooperation with the media—and public and independent professional associations—to ensure the freedom of speech. The plan also supports further development of Kyrgyzstan's public broadcasting and the Internet—with the goal of providing full Internet access in all populated areas by 2017.

The past year brought no significant changes to the regulations related to freedom-of-speech guarantees. The country's constitution guarantees the right to freedom of expression and access to information. Defamation has been decriminalized, and no problems with media registration have arisen. Unlike in previous years, no issues surfaced surrounding Internet governance, either. Internet resources and all other media are legally permitted to freely express their opinions and disseminate information, although licenses are required for print media.

Still, there were three unsuccessful attempts to introduce bills that would have severely restricted freedom of speech in Kyrgyzstan: the draft Law on the Protection of Children from Harmful Information; a bill on false

accusations in the media (advanced by Galina Skripkina's ruling group) that would add an article to the Criminal Code, and a bill on treason and foreign agents, borrowed from a Russian law, which drew special concern from media NGOs and independent media that survive mainly on foreign donations. The first bill was tabled, the second was withdrawn, and the Jogorku Kenesh rejected the third following negative publicity—drawing international praise.

Almaz Ismanov, a Radio Azattyk (RFE-RL) journalist, added, "If the bill on foreign agents had been enacted, the existence of media companies such as the BBC and Radio Liberty in Kyrgyzstan would have become extremely problematic, as they have the status of free and independent media in the country's information space—against a background of the dominant role of state television and radio. Regional newspapers and radio and television companies, and international and local representative offices of foreign organizations surviving on donations, could find themselves in the same situation."

Commenting on the initiative to criminalize new offenses under the rubric of "false accusations," Igor Shestakov, editor-in-chief of region.kg, noted, "The main reason for this legislation being put forward is that the Office of the Prosecutor-General recently instituted proceedings in high-profile criminal cases involving members of the Jogorku Kenesh, so they decided to be proactive and try to immunize themselves against criticism from journalists and the public."

However, the initiatives to introduce laws and restrictive regulations increasing the scope of criminal liability could be taken as foreshadowing of the upcoming parliamentary and presidential election campaigns.

There were also some intense efforts to change the regulatory structure of Kyrgyzstan's transition to digital broadcasting, which began in the autumn. Public proposals on developing a state-funded social package were developed, but not disclosed, and a draft law on the organization of broadcast programs (to replace the current law on television and radio) was drafted, along with other materials of a technical nature, by a state-appointed working group.

A package of new regulations, including the Law on the Licensing System in the Kyrgyz Republic, was adopted; this automatically abrogated the Law on Licensing, although licenses issued under the old law remain valid until the expiration date stated in the license. The new licensing law will now include three types of licenses—for telecommunications, data transmission, and broadcasting, including the creation and transmission of programs. Nadezhda Alisheva, a lawyer at the Media Policy Institute, commented, "On the one hand, we are following the same

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.

path as our neighboring countries Kazakhstan and Tajikistan, in an effort to have high-quality content on television... but on the other hand, our television companies are not ready to create their own products, especially higher-quality products. Producing high-quality products is a costly activity, and in view of the lack of qualified professional staff, it is not yet feasible for most private companies.”

Frequency allocation is regulated by an assortment of about nine laws passed as far back as 2009, including a few 2013 revisions and additions. Recognizing the challenges in the licensing process for electronic media in the capital city of Bishkek, the panelists emphasized the technical nature of the constraints rather than the political. In the regions, where electronic media sources are very limited, especially in the northern areas, obtaining a free frequency is fairly simple. As Zharkyn Ibraeva, chief of the naryn.kg public association and Radio Almaz Naryn, said, “In our country, everyone has the right and the opportunity to start up a media company. Right now, I want to open up a radio station in Naryn, and everything at the State Communications Agency (SCA) is transparent and open. At the regional Justice Department, it is like a one-stop shop: you can get all the registration documents within a month.”

Also, the new Law on the Licensing System in the Kyrgyz Republic seems to have eliminated the lack of licensing transparency noted in previous MSI studies. The new law placed limits on terms for licensing suspensions, and licenses may be revoked only through the courts.

Media experts are already discussing the prospects for change in the licensing situation with the frequencies to be allocated in 2015, in connection with the introduction of digital broadcasting. The panelists pointed to remarks by Ernis Mamyrganov, from the president’s Information Policy Department, indicating there is no shortage of frequencies to use to broadcast multiplexes in Kyrgyzstan. Thus, the panelists assumed that there will be at least three operators in the digital broadcasting market: the public operator, Kyrgyztelekom; a single private broadcaster, Digital Technologies Ltd.; and a commercial multiplex operator. Multiplex frequencies are to be allocated on a non-competitive basis for the first two operators, and the frequencies for commercial multiplexes will be allocated on a competitive basis.¹

A committee for the competitive allocation of the radio spectrum has already been formed, made up entirely of state representatives. Some panelists expressed significant concern over a lack of transparency about whether the draft

ordinance developed to regulate the criteria relating to the radio spectrum allocation has been approved. They fear the future television market could be parceled out between the state media and Kyrgyztelecom, and almost the entire transition process to digital broadcasting in Kyrgyzstan is to be carried out under the control of Kyrgyztelecom, which is also making active use of its monopoly over the Internet to lobby for Internet television.

Despite the complexity of the changes involved in preparing for the transition to digital broadcasting, the panelists did not express any concern about the nature of the regulatory changes. At the same time, external experts, such as Alexander Mikh, the head of a media holding in the Russian Federation, have pointed to the highly risky nature of the developing digital broadcasting legislation in Kyrgyzstan. Mikh pointed to elements of corruption in the process, commenting that four multiplexes in the hands of Kyrgyztelecom, a signal with conditional access, and a single type of receiver to be imposed on the public actually reflects the lobbying carried out by certain groups to destroy their competition.²

Legally and practically, the conditions for market entry and the tax structure and procedures for Kyrgyzstan media do not differ greatly from those imposed on other commercial entities. However, the government has introduced certain tax incentives for specific industries and economic entities (for example, the High-Tech Park) that it has not extended to the media. Print media owners have long decried value-added tax (VAT) on imported goods and for the costs involved in newspaper production (for example, newsprint) for amounting to double VAT payment. Although newspapers that bring in under KGS 3 million (\$58,000) are VAT-exempt, publishing houses still must pay VAT when buying computer equipment, newsprint, etc. Nevertheless, the media have not lobbied to abolish this double VAT or to introduce tax exemptions for the media.

Some panelists believe that the existing universal system of taxation makes media business uncompetitive. Alina Saginbaeva, director of the Central Asian News Service AKIPress, said, “The tax burden is a factor hindering the media’s development. The main tax problem for the media is still the tax on labor (to the Social Security Fund, income tax), which does not promote growth in wages, and therefore discourages highly skilled journalists from working in media.”

In 2013, crimes against journalists were rare. There were cases of journalists being beaten up; law enforcement agencies claimed the incidents were not related to their

¹ “Ernis Mamyrganov on TV Digitization Forecasts in Kyrgyzstan.” Internews-Kazakhstan. Available at: www.internews.kz/newspage/06-11-2013/3771 (Accessed March 2014)

² “Elements of corruption in the state program of transition to digital broadcasting in Kyrgyzstan.” Digit-All-KG website, June 15, 2011. Available at: <http://digital.media.kg/?p=302;%20www.youtube.com/watch?v=ipYXGBNYfy0&feature=youtu.be> (Accessed March 2014)

professional activities. In 2013, the victims of such attacks on journalists included the editor-in-chief of *Alibi* and two NTS Television journalists, among others.

The panelists added that previous high-profile crimes against journalists (Syrgak Abdyldaev, Kayrat Birimkulov, and others) have still not been fully investigated. Another problem is that while law enforcement agencies find the perpetrators of crimes against journalists, they do not necessarily find those who hired them.

And yet, there are positive signals. The Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, Dunja Mijatovic, commented on Kyrgyzstan's progress in this sphere during her June 2013 meeting with Prime Minister Jantoro Satybaldiev. She said, "In Kyrgyzstan, over the past three years the number of attacks on journalists in connection with their professional activities has decreased. Thanks to the country's leadership, favorable conditions for the development of freedom of speech have been created. The OSCE appreciates its cooperation with the republic in relation to freedom of speech."³

An interesting precedent of public pressure on violators of journalists' rights was established in January 2013 at Kyrgyz Public Radio and Television (OTRK), when two journalists reporting on a story about unpaid electricity bills were attacked by a resident of one of the luxury homes being investigated.⁴ The channel continued coverage of the ensuing investigation for weeks, possibly in a bid to stop the pervasive sense of impunity that typically accompanies attacks on media professionals. Soon, however, the public was disappointed: the criminal investigation into the attack on the journalists was dismissed due to "reconciliation between the parties"—a phrase that left the impression that the journalists were somehow complicit.

According to the panelists, regional media, including the ethnic minority media, incur greater risk of being attacked both by individuals and by mobs during various political events—and law enforcement agencies, even if they witnessed the acts, never took action. Muzaffar Tursunov, editor-in-chief of *Danek*, said that journalists in the country's south have been held back in their work out of fears for their personal safety.

In 2013, there were several cases that very clearly demonstrated the political bias and dependence of not only

the media, but also of social structures designed to provide a system of checks and balances to guarantee the media's compliance with the public interest in their output.

For example, the Supervisory Board, which selects the OTRK director-general, is composed of five members selected by the president—five from the public and five from the Jogorku Kenesh—and the panelists said it is neither balanced nor independent. As in past years, a significant proportion of Supervisory Board members are former OTRK employees or party appointees. Although the decision-making process of the OTRK Supervisory Board is more or less open, a number of viewers and readers questioned its members' impartiality.

The panelists also noted that the government appoints the top management of every state media company, except OTRK. The process of appointing editors is also not transparent. According to Daniyar Sadiev, director-general of the Yntymak Public Regional Radio and Television Company, "The leadership of the major state-owned media is parceled out among the parliamentary political parties." No matter how democratic the structures and processes may appear, media management's high degree of dependence on political parties is undeniable.

Furthermore, the procedure for EITR and OTRK to defend their budgets in the Jogorku Kenesh every year adversely affects their editorial independence. Currently, financial information is non-transparent, but the draft National Budget Act would unveil the amounts of state funding these companies receive. However, data on special funds (i.e., on income from advertising and other sources) are not accessible to ordinary citizens or even to media experts.

Zharkyn Ibraeva added, "The law protects editorial independence, but the reality is different. Every political party wants to see its own candidates win and lobbies for them among the heads of the national media...as seen with the directors of Radio Azattyk, OTRK, and EITR."

In the private media as well, executives may be hired and fired at the will of the media owner, and the editorial office's agenda depends on the owner's political interests. This points to the difficulty of implementing editorial policy based on international standards of freedom of speech and explains the lack of editorial independence in Kyrgyz media.

Criminal penalties for libel and defamation were removed from the Criminal Code several years ago. The constitution of 2010 prohibits criminal punishment for the dissemination of information defaming a person's honor and dignity, and disagreements should be heard in civil courts. According to some panelists, though, reality has not kept pace with the law, and journalists still run the risk of being

³ Media Law Central Asia. June 26, 2013. Available at: medialawca.org/posts/26-06-2013/72856.html (Accessed March 2014)

⁴ "Timeline: Attacks on journalists in Kyrgyzstan. *New Reporter*, October 1, 2013. Available at: newreporter.org/2013/01/10/napadeniya-na-zhurnalystov-kyrgyzstan-2010-2012/ (Accessed March 2014)

criminally charged with libel—especially in their coverage of corruption cases and violations surrounding the presumption of innocence.

In the run-up to the 2015 parliamentary elections, Skripkina’s ruling party has tried to revive the idea of criminalizing defamation, as noted above. Thanks to a united response from media specialists and advocacy organizations, this latest attempt to take a step backward in media legislation has not succeeded. And despite the panelists’ pessimistic assessment of the courts’ application of the law, there were no serious criminal defamation cases in 2013. As a significant marker of change, the panelists pointed to a conflict between the media and the wife of former speaker Keldibekov. After Keldibekov’s arrest on corruption charges, his wife verbally threatened journalists covering the event. However, the next day she was forced to apologize publicly, through the media outlets that family owned, to all the journalists she had insulted.

Asker Sakybaeva, editor-in-chief of *Jany Agym*, said that in most cases, the courts try to be independent—a result of both judicial reforms and the influence of public opinion, especially in high-profile political trials. Still, even in a period of relative freedom of speech, civil lawsuits in cases of libel and defamation can be an effective tool to rein in or destroy the media. Alisheva noted, “Over 10 months of 2013, the number of lawsuits totaled 20. In all the statements of claim, the plaintiffs were petitioning for matters of public information to be dismissed as inaccurate, as infringing upon their rights or degrading their honor, dignity, and business reputation, and for compensation to be paid by editors and journalists for moral damages.”

There are no legal restrictions regarding access to government information. In practice, however, the private media, and especially the regional media, face a variety of barriers. Official websites of some important government departments are not updated in a timely manner. Private journalists are barred from covering government activities and are not invited, for example, on trips with the prime minister or abroad with the president. In contrast, the central state media receive privileged access to information.

Freelance journalists often have a particularly difficult time obtaining information. Tursunov said, “Government officials tend to approach reporters selectively...Personally, in many cases officials flatly refused to meet me and give me an interview...For example, last year while I was preparing my article about food security for *Bishkek Business Interlocutor*, the person in charge of the regional administration refused to answer my questions, arguing that I represented a ‘private editorial office.’ The lists of ‘sacred cows’ that are not subject to disclosure and dissemination of information

are not limited to political themes. For example, journalists are not likely to gain access to complete information on the situation at the Kumtor gold extraction plant or at other mining companies, and at foreign companies involved in implementing major investment projects in Kyrgyzstan... sometimes the subject may be something traditionally ‘non-strategic,’ such as education or health.” He pointed to a case of the plague in the Issyk-Kul region. The spokesperson for the Ministry of Health, Elena Bayalinova, who has developed a positive reputation for sharing information with the media, was on vacation, and in her absence most journalists were unable to get details. Once Bayalinova returned early from her vacation, she took steps to disseminate information—until her higher-ups prohibited her from informing the public about the plague cases. Bayalinova proceeded anyway, and she was forced under duress to resign, charged with using information to undermine national security.

For the sake of fairness, a number of panelists noted that journalists themselves often lack strong information-gathering skills. They also fail to file suits in court for refusals to provide information; in practice, they do not use the available legal mechanisms to invoke officials’ liability for withholding information.

Access to and use of local and foreign sources is generally unrestricted, per the Television and Radio Act. The media have unlimited rights to reprint and rebroadcast foreign programs with the permission of the manufacturer, and they make use of that right. However, rebroadcasted programs must be adapted to meet the requirements of the Kyrgyz Republic’s legislation relating to the national language requirements and nature of the content.

Some regard the lack of restrictions or controls as a controversial factor: on the one hand, it is positive, because it gives people an opportunity to receive information from various sources, including foreign sources; on the other hand, the availability of rebroadcasts makes their own production of media content economically uncompetitive and does not stimulate the development of the field. In strategic terms, such openness and permissiveness leads to information security risks, according to some of the panelists.

Sakybaeva commented, “We still see the world through television channels from other countries—that is, with someone else’s eyes.” Another cost of the unlimited right to use foreign materials, according to Ismanov, is plagiarism: “In Kyrgyzstan, we can say that theft of intellectual property is highly developed. Many media companies do not even bother to indicate the authorship of images and materials; even media as respectable as *Vechernyy Bishkek* (*Evening*

Bishkek) and Knyus news agency allow themselves to commit such violations. Oftentimes, people ‘borrow’ information, simply by writing ‘from the Internet,’ as if the Internet is a no man’s land or a kind of warehouse where anyone can just take what he or she wants.”

However, financial, political, and ideological considerations may limit the regional media in their rebroadcasting of content from neighboring countries such as Uzbekistan; also, the Russian edition of the Ferghana.ru website has been completely blocked in Kyrgyzstan for years. Changes in the Law on Countering Extremist Activities in Telecommunications and Postal Services, which the president signed into law in May 2013, gave Kyrgyz security forces the right to close websites on charges of distributing extremist materials over the Internet. In 2013, however, the new law did not lead to any recorded cases of websites being closed down or blocked.⁵

It is notable that when the Osh City Court blocked the Uzbek opposition website Harakat.net in July for “incitement to hostility between Kyrgyz and Uzbeks,” the judgment was based on an article of the Criminal Code, on incitement of national, racial, religious, or inter-regional strife.⁶

Any citizen (male or female) can work as a journalist; special vocational training is not required. Licenses are not required, either; however, independent journalists may, in some cases, be restricted in their access to information due to a lack of accreditation from the relevant government agency. Each government agency may establish its own procedure for accreditation.

Neither the state, nor any political group or party, controls enrollment in journalism faculties at educational institutions, whether the instruction is paid for or subsidized.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kyrgyzstan Objective Score: 1.98

Journalists in Kyrgyzstan do not always adhere to professional standards. The main shortcomings include a failure to validate published information, basing reporting on a single, inconsistent source and biased, one-sided coverage of events.

⁵ “Kyrgyzstan’s legislative right to close Internet sites.” Journalist Public Association; September 10, 2013. Available at: journalist.kg/freedom-of-speech/u-siloviyih-struktur-kyrgyzystana-poyavilos-zakonodatelnoe-pravo-zakryivat-internet-sayty/ (Accessed March 2014)

⁶ “In Kyrgyzstan, the Uzbek opposition blocked the site for ‘incitement to hostility between Kyrgyz and Uzbeks.’” Pr.kg, July 18, 2013. Available at: <http://www.pr.kg/news/kg/2013/07/18/23626/> (Accessed March 2014)

According to Shestakov, “At a number of media companies, methods of manipulation are used: spreading defamatory rumors and information, and publication of information containing incriminating information. The mass media impose value judgments upon our society, attach labels, and generate negative public opinion about individual politicians, public figures, and business representatives. Accuracy, authenticity of information, neutrality, and balance in the pages of a number of key newspapers are poorly maintained. Violations of journalistic standards of quality have become the norm, rather than an exception.”

“Journalists’ subjective judgments, their habit of writing about opinions rather than facts, are key reasons for the low level of public trust in journalists. Often, the reason for that is the poor quality of journalists’ educations, their lack of knowledge of ethical standards, and their inability to work under an ethical and legal banner and do so while meeting deadlines,” Tursunov added.

Marat Tokoev, chair of Journalist (a public professional association), noted an interesting correlation between the economic status of media companies and the level of professionalism and integrity. “The question of objective reporting is quite critical at many media outlets, especially those that are considered economically weak. Journalists at those publications are very busy and sometimes neglect to check the facts...At economically successful, major media companies, bias and neglect of professional standards often occur due to their greater dependence on the political affiliations of their owners.”

According to the panelists, the degree of objectivity and of compliance with professional standards also depends on the type of media. Some believe that news agencies are

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).

more balanced and that presenting balanced information in the newspaper format requires more professionalism and respect for standards. However, even among the panelists themselves, this point was tested by a number of examples. Zharkyn Ibraeva pointed out, for instance, that the staff of the Barakelde website do not edit or check the authenticity of the information they receive from the regions.

Ismanov shared his view that in emergencies, companies with more liberal editorial policies run more professionally and efficiently, because they are unconstrained by requirements to obtain official confirmation. For example, in the case of tracking the events surrounding the Kumtor affair, or the political protests in the south of the country in support of the Jogorku Kenesh members in the Ata-Jurt party while the party's leader was a defendant in a court case, Kloop media covered the event in a more meaningful way than all the other more traditional media companies, by always referring to multiple sources of information and eyewitnesses.

In terms of unethical and unprofessional journalism among Kyrgyz-speaking journalists, Ismanov noted that the authorities accused the Kyrgyz-language media of "deliberate publication" of unverified facts and pure speculation. A series of meetings in early 2013 within the government and the presidential administration were devoted to the subject, and Kyrgyz-language media were accused of escalating tensions in society and of violating ethical norms. Analyzing the possible reasons for this divergence of journalistic approaches, Ismanov said, "In my opinion, (Kyrgyz-language) newspapers just take the news dumps in light of their connections in high places and later become hostages to such information. It is no accident that the powers that be recently got the idea of demonizing a certain section of the media with a view to introducing restrictions later. Not in relation to all the media, though, so that they are not accused of going after freedom of speech."

While lamenting the low level of involvement of expert opinions and analysis cited in the media, the panelists noted the challenges involved for the media, given a shortage of experts on a variety of topics and in a variety of areas. Most often, people recognized as experts in certain areas failed to discriminate between facts and their own opinions. They often concealed political affiliations.

Responding to the challenge of the lack of expertise and analytical journalism, a group of journalists, experts, and academics in various disciplines in the Central Eurasian Scholars and Media Initiative started working in a number of Central European and Asian countries, including Kyrgyzstan. The group aims to promote cooperation between journalists and scientists and to assist journalists in mastering scientific

skills and writing analytical content based on academic research and argument.

The panelists feel that the regime's liberalization and the disappearance of total control in the media, to some extent, contributed to ethical lapses. The longstanding trend toward tabloid journalism persists, and breaches of ethical standards in the coverage of conflicts, especially ethnic conflicts, are particularly typical.

As one example of the media's failure to uphold ethical standards, the panelists pointed to the coverage of a father who raped his three-year-old daughter. The Vyechernyy Bishkek Internet portal published a photograph of the victim taken in the hospital, just as all the channels showed the man accused of rape, the presumption of innocence notwithstanding.

According to Zharkyn Ibraeva, something published in the regional state newspaper *Tenir-Too* was just as strikingly unethical: the editors published an article about adoption, describing in detail where and how the children lived before and after they were adopted, their names, etc.

Ethical standards themselves are not universal in the Kyrgyzstan media and do not apply to all the players in the news and information field; the code of ethics, as developed through the efforts of civil society and media activists, is not supported by even a simple majority among the media community. Moreover, among the key leaders of the country's media, the code was mainly supported only by the regional media, which cannot actively influence public opinion due to their limited circulations and broadcasting coverage.

The self-regulatory bodies founded five years ago, mainly the Commission for Complaints against the Media, are in a deep state of ideological and financial crisis. Ismanov said, "The leading media companies have an acutely negative attitude in regard to the activities of media organizations, in particular the Commission. Facebook has a special group that includes only journalists, media owners, and editors—in fact, everybody except employees and members of media organizations; the organizers stress that they will not be included. They actively discuss internal questions and cast the activities of media organizations in a negative light."

According to Sadiev, the established self-regulatory body works, but the proposed penalties, such as public censure of an authority, do not affect the media or journalists. Sadiev added that national, regional, and local media have all been guilty of violating ethical standards, and he underscored the regional media's widespread practice of favorable reporting in exchange for some benefit—a practice both public and private media are guilty of. In recent years, the practice of

giving “gifts” and other forms of bribery to journalists has become commonplace.

In March 2013, Kyrgyzstan developed a standard public review of public media records involving propaganda and incitement to racial, ethnic, and religious hatred, as reported by Internews.⁷ One of the standard’s developers, Tatiana Vygovskaya, director of the Egalité public association, reported a marked increase in the number of criminal cases brought under article 299 (incitement of national, racial, religious, or inter-regional strife) of the Criminal Code. In the court cases under this article, the prosecution was often based on victims’ subjective feelings and experiences; courts accepted opinions as evidence and rendered guilty verdicts.

Self-censorship in the modern media in Kyrgyzstan is a paradox. On the one hand, during a period of relative liberalization of freedom of speech, resorting to self-censorship for self-preservation seems irrational. The panelists noted that there are virtually no closed topics for the media—from corruption in the highest echelons to the peculiarities of family relations, from the problems of the borders and border guards to clandestine sweat shops, from stories about projects to finance the High-Tech Park to international relations and publications on religious extremism, etc. On the other hand, self-censorship is comprehensible in the context of politically owned or aligned media.

According to Ismanov, self-censorship became more widespread after the events of June 2010, particularly with regard to material related to inter-ethnic relations and the problems of sexual minorities, regional issues, and the endless protests in the regions.

Sadiev noted that local and state media prefer to avoid covering certain issues, such as the quality of the housing built by the State Housing Management Board, the reconstruction of Osh and Zhalabad, or the practices employed in allocating such housing.

While the time of universal taboo subjects seems to be over, now every media company, depending on its editorial policy, has its own list of forbidden topics. Ismanov said, “In some cases, the editor or the media owners cannot directly promote or prohibit coverage of certain topics. For example, the topic may appear to be a matter of national and international security, of bilateral relations with key partners of Kyrgyzstan, of national issues about the possible involvement of Kyrgyz citizens on the side of the Syrian

rebels and fighters, or of the activities of international Islamic organizations, such as the Tablighi Jamaat.”

Furthermore, in Kyrgyzstan’s media stream, absolute dominance is given to political events and information, as well as coverage of state representatives. Economic, cultural, and social issues pass virtually unnoticed.

No reliable information is accessible in the public domain about the incomes of journalists and editors in media of different types and levels. This is due partly to the arbitrariness of the established wage scales, but the factor of gray, or double, bookkeeping at virtually all media institutions is also important. Due to the extremely high tax rates, employees often decide that declaring high salaries is disadvantageous, as they must pay 10 percent contributions to the Social Security Fund; journalists, in turn, will have a further 27.25 percent deducted. Accordingly, the panelists said it is very common for journalists to receive an “on the books” salary that is quite different from what they actually receive.

The panelists were unanimous, though, that journalism salaries, with a few exceptions, are low. Saginbaeva said that at most media outlets, the monthly salary range is KGS 7,000 to KGS 10,000 (\$135–\$195) per month, although some successful media professionals might bring in average salaries of \$700–\$800.

Sakybaeva clarified that average wages are far lower in the regions than in the capital, and Ismanov said that the differences between journalists’ incomes at the various media outlets are larger with the newspapers; in television, salaries are almost the same. In the state media, journalists are more protected socially than they are at the private media companies, which comply with the standards of the Labor Code only very conditionally and arbitrarily.

According to the various estimates, the average official salaries are around the \$400–\$500 mark. No matter what the size of the official salary, it does not reflect the real picture of journalists’ incomes. An organizational audit held at OTRK showed that salary and allowances accounted for just over 56.6 percent of journalists’ monthly incomes, while 15.6 percent was in the form of fees and 27.9 percent was in the form of bonuses issued regularly and to almost all employees.⁸

Official salaries at OTRK, which were established by the government, have not been revised for a long time. Today, the average salary of an OTRK employee is KGS 7,908 (\$153) for creative and production personnel; KGS 3,458 (\$66.90)

⁷ “Standard public review of public media presented in Kyrgyzstan.” Internews-Kazakhstan; February 4, 2013. Available at: <http://www.internews.kz/newspage/02-04-2013/1455?page=1> (Accessed March 2014)

⁸ From the final report, *Analysis of OTRK Strategic Functioning*. Kappa group, 2013.

for production technical personnel; KGS 6,960 (\$134.64) for administrative personnel; and KGS 2,720 (\$52.62) for junior service personnel. Based on the matrix of OTRK employees' salaries that took place during the organizational review, researchers found that OTRK salaries fall beneath average monthly wages in Bishkek, which in 2012 was KGS 10,566 (\$204), and are uncompetitive in the labor market.

Young journalists are unmotivated at the current pay levels, so the panelists find it unsurprising that there is a high level of turnover in the media sphere. Frequently, people engage in journalism for a short period of time to acquire a name for themselves.

Freelance journalists' incomes cannot be calculated, and there is no reliable information in this area. During the past year, there was a recorded case of litigation between journalist Elena Meshkova and editors of *Finansist*, which had not paid her the promised salary and had dismissed her. The journalist sued and won the case. This is the only time in the past three years that a freelance journalist has won such a case in court, according to the panelists.

The ratio of entertainment to news content varies between regional and national, and amateur and professional media. At most regional nongovernment broadcasting studios, where there are practically no creative workers and a minimum of technical staff, the only strategy that works is to rebroadcast free foreign content with a minor inclusion of material produced by the station itself. For the most part, their own productions typically resemble amateur video of traditional music competitions, pop concerts, or theater. In the national media, the reverse is true: content is highly politicized, and news material dominates. Saginbaeva explained, "In Kyrgyzstan, politics is the largest business and the greatest entertainment."

Over the past year, a number of media companies succeeded in improving their technical platforms, led by OTRK and EITR, which invested national budget resources into retooling themselves. Even though the government did not actually allocate the planned amount of funding for technical re-equipment, it seems that the first national channel succeeded in significantly improving its capabilities for producing modern high-quality content, apparently thanks in part to a technical grant from the Japanese government.

For many compact, small editorial offices, modernization does not pose such a challenge. This is especially so for websites and e-publications. However, if the modernization and technical situation in the media area in general is considered, the situation is worse than deplorable. Publishing houses sometimes struggle to obtain updated equipment and also to secure a reasonably priced Internet

connection. Managers and owners demand maximum work with minimum technical investment.

In fact, journalists often supply their own equipment; all young journalists have a smartphone or an iPhone, allowing them to take photos and record short videos with good technical resolution, and most have laptops or iPads. Editorial offices, as a rule, do not provide any equipment for journalists to carry out their activities. The limited financial and technical capacities explain why there are so few technologically converged editorial offices in the country.

There is still no specialized journalism in Kyrgyzstan. Parliamentary journalism has not taken off yet, economic journalism has no roots in the form of transparent national, business, and development projects, and there is no investigative journalism. Sometimes in the media, most of all on the Kloop platform, freelancers carry out small investigations. Among professional journalists, there is no local, international, entertainment, or economic journalism.

Some semblance of thematic specialization is still to be found in the old traditional media (including *Vechernyy Bishkek*, *Kyrghyz Tuusy*, and *Slovo Kyrgyzstana*), but due to limited human resources, journalists are forced to be generalists.

In the past year, local bloggers (mostly young nonprofessionals) have become more important to the work of professional journalists and the traditional media because they manage to get photos and video from the scene, interview eyewitnesses, etc. The traditional media are slowly beginning to change their attitude of snobbery in relation to Kyrgyz correspondents and are increasingly likely to use their media products. For example, thanks to such local bloggers, the mainstream media succeeded in obtaining photos of the protest by Keldibekov supporters.

In the development of specialized journalism, AKIpress has made a great contribution. For a number of years now, it has been promoting a whole family of specialized sites—business, analytical, sports and show-business journalism, and so on. Saginbaeva, speaking as the director of AKIpress, informed the panel that her news agency faced great difficulties due to a lack of personnel capable of working in specialized niches in a competent and "fun" way.

OBJECTIVE 3: PLURALITY OF NEWS

Kyrgyzstan Objective Score: 2.37

At the beginning of 2013, there were 1,331 mass media companies registered in Kyrgyzstan, at least two of which have the formal status of public television companies (OTRK

and Yntymak). In the Kyrgyz.kg Internet zone, there are over 1,000 operational websites. Among them is Kloop.kg, which became the first Internet project set up as a blog platform for users. Consumers now have a choice among the existing range of media outlets.

Shestakov was optimistic in his assessment of pluralism in the media: "In Kyrgyzstan, unlike other Central Asian countries, there is broad access to information from local and international sources. There are no restrictions here other than in relation to the elections. Kyrgyzstan has a wide new market; new media resources are appearing in the country every year ... and new Internet resources crop up almost every month. Accordingly, the country has a broadly representative spectrum of opposition media that can exist there freely."

In practice, though, the choice is significantly reduced: in a parliamentary system with a tendency toward party control over the media, nearly three-quarters of Kyrgyzstan's media belong to political parties that use the media as tools of political combat and public influence. Politicians, public figures, and organizations affiliated with the parliamentary parties in one way or another own about a third of media outlets. Thus, despite the variety, the news stream reflects only the limited positions and interests of certain groups and individuals.

Information choices also depend on where news consumers live. While urban residents have a wide range of electronic and print media accessible to them, as well as broadband Internet, for villagers, especially in remote areas, "There

can be only one source—an 'old' newspaper, or OTRK, which covers almost the entire territory of the Republic," Shestakov said.

In Bishkek in 2013, a wide variety of cable television stations broadcasting in digital format offered packages of over 100 domestic and international channels. Cable television connections are inexpensive, and the cost of Internet access has also dropped significantly.

Most consumers have access to Russian-language channels from Russia via cable. Almost all tuners are set to pick up Yamal, where the Russian television channels are mainly located. The popularity of the Russian language in Kyrgyzstan and an increase in the influx of Russian-speaking migrant workers conditioned this choice. Consequently, the events in Georgia and the Ukraine, and generally all world events, are seen by Kyrgyz media consumers through the prism of the Russian media, mainly the trio of Channel One, RTR, and NTV.

Emphasizing the limited choices available to regional audiences, Zharkyn Ibraeva said: "In Naryn, there are villages that can pick up nothing but two Russian channels. Buying a satellite dish is cheaper than an Internet connection. In addition, the Internet speed is very slow." Furthermore, power outages are frequent. In rural areas, power outages are often planned in order to save electricity, sometimes leaving people with only a few hours of electricity a day.

The panelists agreed that the largest flow of information is posted on social networks, and access to high-speed and low-cost Internet remains Kyrgyzstan's principal problem, especially in remote regions. That said, the next challenge is the questionable accuracy of news and information on the Internet. Ismanov linked the advantages of social networks with the public's right to choose, to assess situations themselves and come to their own decisions: "Often, what is published on social networks becomes a source of important news and information, as was the case with the attack on the prominent lawyer Ikramidin Aytkulov. His brother posted information and photos about this attack on Facebook. Later, he also posted important information about his brother's health."

Citizens' access to domestic and foreign media through traditional channels is not restricted either by law (except for certain periods, such as restrictions on rebroadcasting foreign media during elections) or cost. State registration is not required for the Internet or satellite television. The panelists did express concern, however, over whether these guarantees would hold in the future. The introduction of conditional access signals with the transition to digital broadcasting in 2015 gives an effective monopoly to Kyrgyztelekom, for example.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Answering the question of how well state or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest, Alisheva commented on the national television Channel 1: “The content of the state media depends on political and party views, depending on who is in charge of the media outlet. OTRK is trying to diversify its programs and create its own products, but it is financed from the state budget, and the Supervisory Board, which is appointed by the president, elects its director-general. As a result, on this channel we are not going to hear, for example, any criticism of the president’s activities, or other leaders in the ruling party, even though the corporation has the word ‘public’ in its name. However, a substantial number, proportionally, of OTRK’s own programs and broadcasts have become more diverse.”

The opening of a children’s and cultural channel on OTRK was an important step in developing educational programming. However, so far all the new projects with the highest ratings are entertainment and in formats borrowed from foreign channels (“Two Stars,” “Battle of the Sorcerers”), with a substantial share of dubbed programs and films that were made to order for international distribution.

Sadiev expressed the belief that pluralism can and should be presented in the public media: “By law, OTRK has all necessary conditions and fulfills all the requirements to ensure pluralism of opinion in their programs, but unfortunately does not take full advantage of them. As for our own public broadcaster, Yntymak, we try to provide a platform for all members of the public to express themselves. The main thing is that it must be in the public interest. Ethnic minorities have their airtime both on television and on radio, and also on our television and radio channels’ website, www.yntymak.kg. The Supervisory Board strictly enforces compliance with all the rules concerning OTRK–Yntymak. In our broadcasting schedule, there are more social programs, including programs covering local events.”

News agencies in Kyrgyzstan release their news and disseminate it free of charge to both the general public and the media. At the moment, not all the news agencies offer video, photographic materials, and infographics. In 2013, the national news agency Kabar launched its first video news program, Tyyanak. The launch of a new, Russian-language news analysis videoportal, www.vzglyad.kg, in 2013 is another promising project for the parent news agency.

The young Knyus agency also offers textual information, photos and video materials, and infographics support. The news service www.kloop.kg is developing as well, and it has an unlimited “staff” of reporters—fans with a variety of interests—presenting video and photo reports in a format unusual for traditional news agencies. The new tushtuk.kg

news agency became operational in 2013 and announced itself as an agency with a specific focus on the southern regions. However, its task is feasible only up to a point, since the main newsmakers are the government and the president, who are in the capital.

Even though most major media outlets have their own news departments and produce their own news, news agencies provide a significant share of content. However, media do not always credit the source, often presenting news agency material as their own.

Private television and radio stations also produce their own news. The main sources for both public and private news are the news agencies, press conferences, and press releases from various organizations carrying out various activities. Information obtained by journalists themselves directly is rare. Furthermore, Alisheva added, “Most private news media companies rely on rumors. Their output is one-sided and based on journalists’ subjective opinions. This is more so the case in Kyrgyz-language publications and also some online publications.”

Normal consumers find it rather difficult to obtain information about the ownership of any particular media company, with a couple of exceptions, such as NTS, where the owners are public figures. As for other media companies, even media experts find it difficult to answer any question about their ownership. Information about the editors and managers of Internet websites is often concealed; rather than providing information about the company, a “feedback” option is offered, such as a template for a letter to the editor. However, it is often possible to speculate on who owns a certain media company, given which figures and companies are portrayed in positive and negative lights.

In the Kyrgyz-language media, there are rumors about the existence of certain monopolies and conglomerates, but none of the panelists had any data to confirm or deny the allegations. The percentage of foreign capital involved in media ownership is also clouded.

Media output in minority languages is limited and primarily driven by economics; minority languages are not restricted by law (except for the requirement that half of television airtime be in the national language). At the same time, the panelists mentioned the politicization of the Uzbek language in the media space as a problem. Over the past year, the opportunities for Kyrgyz citizens to obtain news and information in the Uzbek language have improved markedly, with an Uzbek-language version of the Kyrgyz-language *Aalam* broadcast on OTRK’s Yntymak channel, along with news releases and programs in Uzbek.

Nevertheless, Uzbek-language programs broadcast on television and radio draw hostile responses from certain

political interest groups, given the history of ethnic-fueled conflicts in the south, and they can bring trouble for the editors and owners of the media that carry them. Accordingly, Ferghana.ru correspondent Yekaterina Ivashchenko, in an article specifically about the Uzbek-language media in Kyrgyzstan today, pointed to the pressure placed on the management of the private Channel 7 when in the channel announced, in winter 2013, its plans to launch news content in Uzbek, supported by USAID. In February, about 50 people gathered to protest the introduction of broadcasting in Uzbek, calling themselves patriots of their country. One of the protesters claimed that in the Jalalabad region, 8,000 signatures had been collected against broadcasting of Uzbek-language programs. Whether a result of pressure or for some other reason, the project ended, and Channel 7 did not become an Uzbek-language news source.

Currently, the Uzbek-language media in Kyrgyzstan are represented by the following public and private media companies: *Aalam*, *Osh Sadosi*, *Dustlik* in Aravan district, and the Jalalabad *Jalol-obod Tongi*. On the air there is OTRK's Yntymak television and radio. In autumn 2013, a new radio station, Dostuk, came on the air as part of OTRK's development strategy to "promote the development and strengthening of friendly relations between ethnic groups living in Kyrgyzstan."

There are a number of publications in the languages of other ethnic minorities, mainly produced by diaspora associations. Ismanov concluded, "Ethnic media are not prohibited by law, and they can be freely published and disseminated," but "...the ethnic theme is considered uninteresting to consumers and advertisers. The geographical distribution is limited in scope to their national and cultural centers. Another problem is the lack of the native language among ethnic minority youth, who prefer to speak Russian; thus the newspapers are not popular among young people."

There are no legal restrictions on the coverage of local, national, or international news, but local news is not well developed in the Kyrgyz media, even for the coverage of major events. Zharkyn Ibraeva gave the following example: "At a rally in Naryn this year, with the slogan 'Ketsin!' ('Go away!'), the 'April revolutionaries' attacked the state administration, speaking against the appointment of the police chief; not one local media company showed this event as basic news. They casually showed it just once."

International news is not highly developed, either. On the major channels and in economically sound print publications, there is some presence of international news (OTRK, Pyramid, and Channel 5 radio/television, and *Delo N°*. and *Vechernyy Bishkek* newspapers), with material "borrowed"

from international news agencies. Due to limited resources, none of the television or radio companies subscribe to foreign news agencies.

In the low-circulation newspapers, news from abroad is rare. Tursunov added, "Local news is provided selectively, without 'sharp edges.' The technical quality of local television broadcasting companies is poor. International news, as a rule, copies material from the Russian media and news agencies in Bishkek and broadcasts it after a long lag time."

OBJECTIVE 4: BUSINESS MANAGEMENT

Kyrgyzstan Objective Score: 1.67

Journalism in Kyrgyzstan, having been a political tool in the hands of the authorities for decades, has still not succeeded in becoming an effective business. Ismanov said that media companies in Kyrgyzstan are still inefficient and unprofitable; they are cutting their staff, and management is poor.

Some media experts suggest that to break even, print media would need circulations of at least 10,000, with the entire print run sold. However, few print media in Kyrgyzstan match this standard. Out of the 112 print media using the services of the independent Media Publishing Support Center in Bishkek, only 14 have as many as 6,000 copies printed, and these include not only news media but also Scanword puzzle magazines and advertising circulars. According to AKIpress Agency, the total annual circulation of Kyrgyz-language social and political newspapers is no more than 300,000 copies, unless *Superinfo*, the record-holder in this segment, is included. *Superinfo's* circulation fluctuates between 90,000 and 100,000 copies.

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 not too many income sources for media: it is very rare now for media outlets, even regional ones, to receive grants from international organizations. The advertising market for regional media is very small, and inefficient delivery has rendered subscriptions nearly irrelevant. Accordingly, publications with small circulations can barely make ends meet and try to get under a sponsor's wing in order to give at least an impression of stability.

Prospects are brighter for larger print publications, especially those with their own printing shops, where they provide outside printing services to earn additional revenue. The higher the circulation and the better the image of these publications, the greater their chances of winning long-term and profitable advertising contracts—especially with cellular telephone operators. State-run media gain support in the form of confidential mandatory subscriptions, free office space, and even donated buildings, which they can even rent out as media owners. They also gain support from government advertising (e.g., public contract tenders), which must be published in state media.

Antonina Blindina, editor-in-chief of *Chuiskie Izvestiya*, said, "Most print media have three sources of income: subscriptions, retail sales, and advertising. Because of the weak economy, the advertising market is underdeveloped. Media companies set their own rates for advertising services, and the Advertising Act limits time and space for advertising. Because of the lack of advertising, these limits are not breached. Advertising agencies work only for themselves, pursuing their own promotions." Hidden advertising is a frequent phenomenon in the media.

Shestakov commented, "The media business in Kyrgyzstan is still weak, due to the weak economy and the lack of our own industrial base. The major advertisers are in the area of mobile telephone services and operators. However, their spending is concentrated on the Bishkek media, and the regional media are just trying to survive. Their situation is complicated by a significant reduction in the volume of grants from international organizations over the past eight years. Besides, there are practically no effective media managers in the region to attract advertising. The main source of income for regional media is pre-election advertising campaigns."

Sadiev, on the other hand, sees patronage from sponsors as a big opportunity for improvement: "Over the past three years, parties interested in their own progress supplied the main source of income for all the media companies. Today, parties are also the major media owners, but in this case, the media outlets become political propaganda vehicles rather than independent, socially relevant media."

Some very dynamic changes are taking place in Kyrgyzstan's advertising market, including standardization of promotional prices and criteria; diversification among the players in the market, especially in the online advertising segment; and consolidation of the advertising efforts of players interacting with the media to increase efficiency and enhance advertising planning.

A Joint Media Committee (JMC) was registered in 2013, initiated in the wake of the first and second large-scale media rating exercises in Kyrgyzstan, which were carried out with the support of USAID, experts from international organizations, OTRK staff, and several advertising agencies. Since then, JMC launched a new, fourth wave of rating exercises and public debates in the media environment in order to establish new rules in the media advertising market. Some television channels, such as Channel 5 Broadcasting Company and Pyramid, expressed dissatisfaction with the results of the fourth media research exercise, as they appeared to lose ground in the year's rankings.

Regardless, thanks to the research and efforts of JMC and its foreign advisers, a figure has been derived describing the size of the advertising market in the Kyrgyz Republic. It turns out that two years ago its size, calculated on prices, was about \$7 million, but the actual amounts did not exceed \$5 million. With the help of consultants, the regulatory figure for the advertising market was set at \$25 million.

The results of the exercises supported by the international organizations were stunning: by 2013, according to the actual advertisers, the advertising market amounted to about \$20 million, and an increase of 80 percent, almost double, was seen in online advertising. The leaders in terms of television advertising budgets were OTRK, NBT, and NTS, and the top three advertisers were mobile telephony operators, medical and pharmaceuticals, and mass entertainment.

The panelists believe that OTRK and *Vechernyy Bishkek* pull in the largest advertising revenues, especially as they have their own in-house advertising agencies. Some media outlets derive more than half of their total income from advertising (including media with a non-promotional mission and mandate, such as *Vechernyy Bishkek*), but others do not reach even 10 percent. Zharkyn Ibraeva noted pessimistically that there is virtually no advertising market in the Naryn region.

Advertising continues to play a major role only in television; it does not predominate at newspapers, except for *Vechernyy Bishkek*. In the analog broadcasting sphere, every television station has its geographical coverage area, and technical barriers restrain advertising ambitions. In light of the upcoming transition to digital broadcasting, however, each channel will obtain a number of opportunities, but small channels may not be able to compete and attract advertisers.

Ultimately, the reduction in the number of media companies that survive, and the strengthening commercial capitalist trend in the media advertising industry, may cause public access to pluralistic information to deteriorate. Therefore, the public generally perceived the introduction of these special conditions for public-service advertising as a positive change. Under newly adopted amendments to the Advertising Act, the media will now carry out some public-service advertising free of charge.

Several government media companies still receive money from national and/or local budgets. Among such media companies, the most substantial shares of the media budget are split between OTRK and EITR. Kyrgyz Television and Radio receives nearly KGS 400 million (\$8,165,000)⁹ per year. Another KGS half billion (\$10.2 million) in spending is planned for 2014 on technical re-equipment for the transition to digital broadcasting—on top of about KGS 100 million (\$2 million) already invested out of the state's 2013 budget for the transition.

Even though the state does not allocate direct subsidies, it uses other support tools, such as government advertising. There is an established legal order that prescribes that advertisements must be posted in the national *Slovo Kyrgystana* (*Word of Kyrgyzstan*) and *Kyrgyz Tuusu*, and in regional newspapers, according to the regulations of the respective local government bodies. Proximity to power, especially at the national level, is what helps to obtain grant assistance from international organizations. That was how OTRK received significant technical advice and assistance from a number of donors, such as the Soros Foundation–Kyrgyzstan and the Japanese International Cooperation Agency, before EITR became the focus of donor attention.

It is evident, the panelists concurred, that the different instruments of state support used to benefit a restricted group of media companies increase inequality among media companies and undermine conditions for fair and honest competition.

The year 2013 proved a turning point in strengthening the role of market research in the Kyrgyz Republic. Work based around the fourth study commissioned by USAID and JMC continues, mostly among media executives. Market research could lead to systemic changes in planning and in regulating advertising streams. With support from donors for the third year, the work on compiling the broadcasting schedule continued, preparations were made in the form of organizational and financial audits, and training of management and other employees was

⁹ Abdyraeva, Ayganysh. "OTRK criticized in parliament." K-News; June 12, 2013. Available at: www.knews.kg/society/33227_v_parlamente_kritikuyut_otrk/ (Accessed March 2014)

conducted to introduce them to various aspects of the broadcasting program.

Therefore, the panelists are confident that as of now, the foundation has been laid for systematic market research into media consumption, with all surveys using the same methodology, and that broadcasting schedules will be based on the results of that research. However, those advances are happening on only one channel. All the other channels—and print media, in particular—are unable to commission market research and are still not very adept at using ratings.

The panelists did share some doubts in the areas of methodology and data collection. Ismanov said, "Market research in our country is not conducted professionally; alternatively, the real situation is not taken into account. It often happens that whereas one media company may be leading in the polls, in practice you know that a competitor has greater readership among the public. Or on television, they do not take into account the monopoly position of OTRK, which is always the leader by any indicator. It is because of errors like that that it is difficult to have confidence in such market research. It is also expensive, and hardly any of the local media on their own can both request it and then make use of it. There is an increasingly common bias on the part of media outlets themselves toward telephone straw polls."

However, the situation with ratings for the electronic media, unlike the situation with printed press circulation figures, is beginning to improve. In any case, the ability already exists to determine the weightings both of media companies in a competitive environment and the ratings of individual programs and product designs. Thus, according to the Kyrgyz-language establishment, the most popular and influential outlets include Barakelde.kg and ktrk.kg, the ORTK web portal, and the Western-funded Azattyk.org news and the Kyrgyz BBC.

For online media, in most cases, only authoritative counters like Google Analytics are trusted, although the various online media use a number of different devices.

As for the print publications, there have been no changes: the circulation figures are known only for those media companies printed by the Media Support Center in Bishkek. No other print publication is obliged to show its actual circulation figures in its published imprint.

Tursunov said that media executives' passivity and lack of interest in clarifying the situation with circulation figures is not accidental: "Local media companies do not conduct market research, they do not carry out strategic planning, and they are disinterested in studying circulation figures; it does not make sense to them, given the lack of major advertisers."

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kyrgyzstan Objective Score: 2.15

The year 2013 was fruitful in terms of the creation of new trade associations, such as JMC, and the resuscitation of some that had become inactive in the past several years. However, the developments are not well known, even in the media community; the re-registration and fresh startup of two electronic media associations was a surprise for some very well-informed panelists who were members of two different network groups. On the print side, the Publishers' Association and the Association of Print Media Distributors have not yet been resuscitated.

Given the lack of awareness about developments in this sphere, the panelists suggested that the profiles of the trade associations need to be raised. Ismanov commented that they were nearly silent during the heated discussions about the government's plan to introduce digital broadcasting, in the discussions on the draft legislation on foreign agents that would also affect media that survive on grant funding, and in the debate on the draft espionage act.

In terms of professional associations, the panelists said again this year that the Union of Journalists exists only on paper. In this year's evaluation, however, opinions were divided. According to several panelists, media organizations and professional associations of journalists have ceased to play an active role over the past few years; according to other panelists, they never did. One panelist pointed out a missed opportunity: when Eric Israilov, a parliamentary correspondent for *Obshchestvennyy Reyting*, was subjected to physical and psychological abuse by a member of the Jogorku Kenesh and former ombudsman Tursunbay Bakir

uluu, none of the organizations stood up on the journalist's behalf. They also failed to address the threat to the media community from the bill on treason advanced by Jogorku Kenesh members.

Some panelists highlighted ongoing attempts to reconstitute the Union of Journalists for a number of years, but a lack of guild solidarity and shared understanding of what the mandate of such a union should be has hampered these efforts. However, a new trade union was established under the leadership of journalist Mary Bekeshova. While still brand-new, Tokoev said that 20 journalists have already received assistance from it and had succeeded in protecting their labor rights, together with the media workers' trade union. The new union made significant contributions to the development of community media companies by training rural activists.

There are not very many media NGOs, but the most active in the field of media education, protection of freedom of speech, and providing legal assistance during 2013 were Internews, the Institute for Media Policy, Journalist, and media resource centers. The panelists noted that in recent years, due to the reduction in grant aid and the departure of donors from the region, most media NGOs have been experiencing problems with finding resources for their programs and projects. Media organizations collaborated quite well with other sectors of civil society, especially human-rights NGOs.

Information about media NGO events and activities on the Internet reveals that almost all of their activities take place in the regions. In the capital, there is a crisis of confidence in media organizations. In that regard, Ismanov observed that journalists, who critically view media NGOs' activities, also do not hesitate to ask them for help as soon as the need arises.

Recognizing the shortcomings of inflexible university education, media companies, individuals, and NGOs are starting to open up short courses, seminars, and camps. The OTRK Training Center is preparing to begin operations and hopes to enhance the skills not only of its own staff, but also of personnel from other media companies. However, assessing the effectiveness of media NGO educational programs and projects, the panelists expressed dissatisfaction at journalists' attitude toward free training.

In fairness, it is important to say that academic programs in journalism are trying to match their own standards and requirements more closely to the real needs of the journalism profession with help from a UNESCO curriculum development program. Some journalism colleges have produced better-prepared graduates over the past few years. For example, the Manas University television and radio crew represent a particular brand, as they focus on

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.

practical skills—working with a camera, editing programs, scriptwriting, etc.—all within the walls of their alma mater. Graduates of this faculty more often find work in their chosen field.

Tokoev was convinced that “the principal way to improve journalists’ skills is through short courses, workshops, and seminars. However, it is worth reviewing how such courses are run. Paid courses should be given more frequently. Then journalists will themselves be responsible for gaining knowledge.”

Saginbaeva also praised the past year’s on-the-job training courses for journalists, which were supported by the Soros Foundation–Kyrgyzstan through the OSCE Mission in Bishkek.

According to Zharkyn Ibraeva, limiting the number and range of training opportunities for journalists would be devastating, because in journalism—especially local journalism—there is a high level of staff turnover, with young journalists leaving within one to three years. “The older workers remain in the regions, especially women who have worked in one editorial office as correspondents for 30 years, and have no motivation left at all,” Ibraeva said.

In Bishkek, access to equipment for the media and to high-quality printing services is neither politicized nor monopolized. Newsprint and other consumables, and printing offices, are not sources of pressure on the media. However, the situation in the regions has remained virtually unchanged for decades. Due to the lack of modern printing facilities, many regional media publishers move their newspapers into the capital for printing, adding transportation costs to their distribution and compelling publishers to increase the cover prices to make up for their higher production costs. Even in Osh, there is no public alternative independent publishing house. As a result, the authorities can always exert pressure on private newspaper producers.

In the run-up to the transition to digital broadcasting, many channels may be experiencing problems re-equipping themselves. So far, there is still no complete clarity as to the technical characteristics of the signal distribution networks. The limitations of the transition period and the lack of substantial funds for equipment experienced by private television and radio companies, without access to cheap loans or state subsidies, may significantly alter the current situation in which there is no monopoly.

The distribution channels for all types of media are monopolized and largely controlled by the state. The risk of monopolization in the field of electronic media is increased many times over by the changes in the legislation and the

virtual monopoly over the management of the multiplexes. The local television and radio companies do not have access to cable networks.

The Internet is available, but frequent long-term distributed denial of service attacks on the servers of a number of government agencies and private institutions, such as AKIpress, prove that Internet traffic depends on the will of the Russian and Kazakh authorities.

In the southern part of the country, apart from mobile telephony, the ICT infrastructure is extremely underdeveloped. Frequent power outages limit not only the possibility of working on computers, but they also make it pointless to pay for an Internet connection. Internet penetration in Kyrgyzstan is approximately 20 percent, far behind the rest of the world (about 34 percent). However, mobile Internet is expanding rapidly.

List of Panel Participants

Akhmat Alagushev, media representative, Media Policy Institute, Bishkek

Nadezhda Alisheva, lawyer, Media Policy Institute, Bishkek

Antonina Blindina, editor-in-chief, *Chuiskie Izvestiya*, Chui

Zharkyn Ibraeva, chief, naryn.kg; director, Radio Almaz Naryn, Naryn

Almaz Ismanov, journalist, Radio Azattyk (RFE-RL), Bishkek

Adelya Lashyeva, director, Kyrgyz Public Broadcasting Education Center, Bishkek

Daniyar Sadiev, director-general, Yntymak Public Regional Radio and Television Company, Osh

Alina Saginbaeva, director, Akipress news agency, Bishkek

Shohkuh Saipov, independent journalist; founder, Valley News Media Holding, Osh

Asker Sakybaeva, editor-in-chief, *Jany Agym*, Bishkek

Igor Shestakov, editor-in-chief, region.kg, Bishkek

Marat Tokoev, chair, Journalists Association, Bishkek

Muzaffar Tursunov, editor-in-chief, *Danek* (Russian-language version), Osh

Moderator and Author

Gulnara Ibraeva, media analyst, Bishkek

The panel discussion was convened on December 3, 2013.

However, due to ongoing government interference, social media networks and news agency sites such as Facebook, Tjknews.com, Tojnews.tj, Gazeta.ru, Mk.ru, Toptj.com, Centrasia.ru, Ferghana.ru, and Ozodagon.com are intermittently blocked.



TAJIKISTAN

The presidential elections were a key event in the Republic of Tajikistan in 2013. In addition to Emomali Rahmon, the incumbent president, and chair of the ruling People's Democratic Party, the Communist, Agrarian, Socialist, and Democratic parties and the Party of Economic Reforms nominated five candidates. For the first time in history, a woman, Oynihol Bobonazarova, a 65-year-old human rights activist, nominated by the Islamic Renaissance Party of Tajikistan (IRPT), ran for office. However, she fell short of the votes required for registration with the Central Commission on Elections, and therefore dropped out in the first stage of the elections.

Opponents of President Rahmon continue to be systematically targeted, as seen with the detention and arrest of Abdumalik Abdullojonov, the former prime minister and opponent of the president, at Kiev's Borispol Airport in March. The government accused Abdullojonov of attempting to assassinate President Rahmon in 1996. International organizations called for protection of the former prime minister and prevention of an extradition. The former prime minister has lived in exile for nearly two decades, mostly in the US, and is seen by many as a political rival to Abdullojonov. Many have pointed to the possible connection between Abdullajanov and the journalist Dodojon Atovulloyev, a critic of the Rahmon government, who also heads the Vatandor political movement, as a possible motive for the detention and arrest. The former prime minister has since returned to the United States, after a Ukrainian court found that Abdullojonov had political refugee status.

The Tajik government recognizes the existence of torture, an act that carries five to eight years of imprisonment according to the Criminal Code. However, media throughout the country have reported numerous cases of torture and, according to human rights defenders, there were four recorded cases of alleged torture of prisoners in this past year alone. Increasingly, Tajiks are taking to social media to protest, as seen in the case of Umejon Tojiev, a board member of the Isfara cell of the IRPT, who was beaten and thrown from the third floor of a building. After his death, a number of social media users in Tajikistan called on friends and followers to sign an online petition, which called for the country's authorities to stop the use of torture. However, due to ongoing government interference, social media networks and news agency sites such as Facebook, Tjknews.com, Tojnews.tj, Gazeta.ru, Mk.ru, Toptj.com, Centrasia.ru, Ferghana.ru, and Ozodagon.com are intermittently blocked. While the government continues to restrict access to information, especially via the Internet, there are 3.7 million Internet users in Tajikistan (1.5 million more than last year) and citizens continue to actively use blogs, social networks, and access online news sites.

TAJIKISTAN at a glance

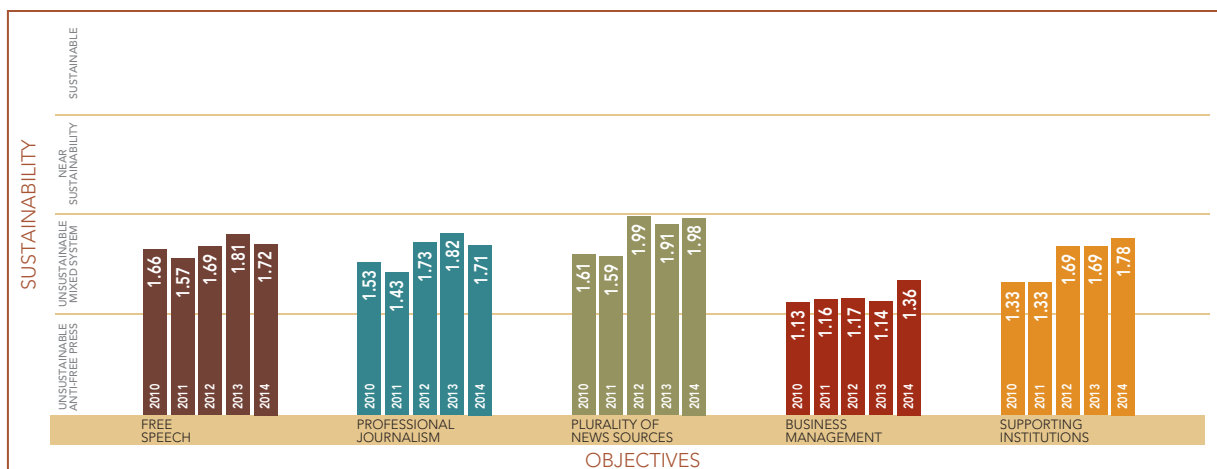
GENERAL

- > Population: 8,051,512 (July 2014 est., *CIA World Factbook*)
- > Capital: Dushanbe
- > Ethnic group (% of population): Tajik 84.3%, Uzbek 12.2%, Russian 0.5%, Kyrgyz 0.8%, other 2.2% (results of the 2010 Census of Tajikistan)
- > Religion (% of population): Sunni Muslims 89%, Ismaili Muslims 6%, other 5%. (Data of the Committee for Religious Affairs)
- > Language: Tajik (official), Russian enshrined in the Constitution as a lingua franca
- > GNI (2012-Atlas): \$6.869 Billion (World Bank Development Indicators 2013)
- > GNI per capita (2012-PPP): \$2,180 (World Bank Development Indicators 2013)
- > Literacy Rate: 99.7%; male 99.8%, female 99.6% (2011 est., *CIA World Factbook*)
- > President and Head of the Government: Emomali Rahmon (since November 6, 1994)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations: 515 print media, including 330 newspapers, have been registered in The Ministry of Culture; Television Stations: 35 (including 26 non-state); Radio Stations: 24 (including 15 are non-state)
- > Newspaper circulation statistics: The largest (in terms of circulation) private newspapers are *Charkhi Gardun*, *Asia-Plus* and *Oila*; the largest state-run are *Jumhuriyat* and *Sadoi Mardum*
- > Broadcast ratings: Dushanbe's top radio stations are Radio Imrüz, Radio Asia-Plus, Radio Vatan, and Radio Hovar; in Khujand: Tiroz and SM-1.
- > News agencies: News agencies: asiaplus.tj, avesta.tj, tojnew.tj, pressa.tj, ruzgor.tj, tajikta.tj, tajnews.ru, ozodagon.com, faraj.tj and the governmental Hovar
- > Annual advertising revenue in media sector: N/A
- > Internet usage: 700,000 (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: TAJIKISTAN



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscores.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Tajikistan Objective Score: 1.72

As in previous years, the Tajik media is governed by an array of laws and regulations, including the Constitution, the Law on the Press and Other Media, the Law on Television and Radio Broadcasting, the Law on Information, the Statute on Licensing of TV and Radio Broadcasting, as well as multiple other articles of the civil and criminal codes.

The Constitution of the Republic of Tajikistan provides for the freedom of expression and prohibits censorship, and has special laws on mass media and broadcasting that guarantee the freedom of speech and access to information. Articles 135 and 136 of the Criminal Code of the Republic of Tajikistan (defamation and insult) were transferred to the Civil Code of the Republic of Tajikistan, through Rahmon's new initiative; however, Article 137 (insulting the president of Tajikistan) and Article 330 (insulting public officials) remain enshrined in the criminal code. Nuriddin Karshiboev, Chair of the National Association of Independent Media of Tajikistan, (NANSMIT) argued that, "...the signing of the new law at the beginning of the year was a positive moment" for media freedom in the country, and now depends "on the journalists themselves and how they use the law in terms of access to information." In reality, the new media bill has had no effect on the media landscape and has not bolstered freedom of the press.

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

In December 2012, the parliament adopted a new draft law of the Law on the Periodical Press and Other Mass Media, replacing the outdated legislation adopted in 1990. Journalists and media organizations had fought for the new bill for over 10 years. The Act is more liberal and complies with international standards, however requires a mechanism for implementation and enforcement.

According to Turko Dikaev, the Asia-Plus Staff Correspondent in the Kulyab region, while Rahmon has decreed the protection of free speech, and continues to point to the growth in independent media outlets, the quality unfortunately is not addressed. The panelists believe, as in the past, that the observance of laws and regulations is minimal. Azamhon Akbarov, director general of the Asia SEC, stated, "When it comes to the practical implementation of the laws regulating media activity, individual officials enforce them not in the interests of the general public, but in the interests of a certain group of people." Akbarov explained that officials interpret the existing laws on freedom of speech differently, each understanding them as it best suits their interests. Zarina Ergasheva, a media expert with the NGO Center for Human Rights and a reporter with the Asia-Plus Agency, noted that in a conversation with a senior official, freedom of speech according to the official "should be regulated by the authorities, because the Tajik people cannot yet distinguish truth from 'yellow journalism.'" She added that many Internet sites remain blocked illegally in Tajikistan, however, those whose sites remain blocked have not sought legal recourse against the Communication Services, as the agency will cite "technical problems" in their response, according to Lola Halikjanova, editor-in-chief at the Institute for War and Peace Reporting Office in Dushanbe.

Interestingly, in the Annual Report on Human Rights in Tajikistan, published in March 2013, Zarif Alizoda, Ombudsman of the Republic of Tajikistan, labeled the blocking of news sites a violation of civil rights. According to the Report: "...limiting access to social and news sites will ensure that domestic Internet users keep away from sources of information, and this may adversely affect the development of the information space in the country."

SMS messaging has become a tool of communication between officials, and the agencies under their control. "Beg Zuhurov, chief of the Communication Service, controlled by the government, actively employs this method, sending out emails and text messages demanding the blocking of ISP and mobile operators' websites," explained Halikjanova. Nuriddin Karshiboev noted that these text messages and emails are not legally binding.

Zinatullo Ismoilov, director of the independent SMT TV, believes that many cases against journalists could be resolved administratively through the Press Council without

opening a criminal case and going to court. "Many lawsuits have been filed not for establishing the truth, but for intimidation and to restrict the rights and activities of certain journalists and mass media," he said.

Officials continue to hassle journalists for their sources, despite the right of journalists not to disclose sources as stipulated in the Press Law under the clause on Specific Cases of Non-Divulging Information. The clause specifies that "a journalist shall have no obligation to name a person who provided information with the agreement to not divulge his/her name, except as required by a court of law." However, the Criminal Code blatantly contradicts the Press Law by stating that if a person is summoned as a witness, they must testify and/or disclose their sources. Hurshed Nyezov, director of the Center for Investigative Journalism, explained that he often writes under a pseudonym to avoid problems with the authorities. Zarina Ergasheva added that following the publication of a critical piece, she was approached by high-ranking officials with requests to disclose the names of any experts who had given an interview under a pseudonym.

The panelists were unanimous in their call for the adoption of a law that protects the identity of sources. According to Ravshan Abdullaev, officials should be prevented from filing a complaint with the Persecutor's Office in civil cases.

The licensing procedure of print media is still cumbersome and non-transparent. To start and register any type of media organization requires visiting up to four to five agencies, in addition to the required registration process to attain legal status.

The legislation on broadcasting and telecommunications, especially on licensing, remains biased. The Licensing Commission, created under the auspices of the State Committee for Television and Radio Broadcasting by the government, stipulates unequal conditions for those initially wishing to obtain a license. As before, the Commission blocks licenses for a number of independent mass media outlets that have the opportunity to start broadcasting. The Commission is a closed structure, headed by Asadullo Gulomov, the chair of the Committee for TV and Radio, with no representatives from independent media.

Although over the last year a number of television and radio stations in the north of the country received licenses to begin broadcasting, the process still lacks transparency as not all applicants launching television and radio broadcasts can freely obtain a broadcasting license. As before, independent media often have to wait many years for a license. Zinatullo Ismoilov concluded that the License Commission, which includes representatives of public channels only, weeds out competition through the licensing process.

This year, only three television stations and two radio stations in the Sughd province in northern Tajikistan received licenses to broadcast. Dilbar Samadova added that obtaining licenses by the broadcasting companies in the north of the country is political. The government needs these stations to counter broadcasts available from neighboring Uzbekistan, as segments of the Sughd population are Uzbek speakers.

The panelists maintained that an independent body and not the Komteleradio (TV and Radio Committee) should grant licenses.

Speaking in October 2013 at one of the round tables on the development of independent media, Akbarali Sattorov, chair of the Union of Journalists of Tajikistan, said that this year the newspapers and journalists have become more daring, though their level of "responsibility and professionalism have not increased." Touching upon the problems of the independent mass media, he stressed that the tax burden was an excessive burden for these publications. "If the situation does not change in the next two years, we can say goodbye to the independent mass media in Tajikistan," warned Sattorov.

The panelist pointed out that instead of creating conditions for the development of the newspaper business, the state creates conditions for impeding the process. The provisions of the new Tax Code, introduced in the country January 1, 2013, may lead to the bankruptcy of many media outlets. "Few media executives can pay 18 percent of VAT and 25 percent from their profits. This will suppress any motivation to work, as print media profits will plummet," stated Hurshed Nyezov.

"Now, in order to be able to broadcast as an entrepreneur, an independent broadcasting company needs not only obtain permission from the Komteleradio, but from the tax authorities, as well. An example of this is a television station in the town of Penjikent in the north of the country," reported Zinatullo Ismoilov.

Before 2013, the tax authorities stated that all media outlets are subject to taxation, i.e., no matter whether they were individual legal entities, or structural subdivisions of other legal entities, they had to register with the tax authorities and pay taxes.

The National Association of Independent Mass Media of Tajikistan (NANSMIT) continues to monitor the violations against the rights of journalists in its monthly reports. Over the past year, the Association cited 82 infractions against journalists, and three assaults, however there is often no investigation or legal action taken. In December, Abdurakhim Shukurov, a journalist with the Ozodagon News Agency, was arrested and beaten by law enforcement officers after covering the high profile case of Zaid Saidov,

the former Minister of Industry and Energy who formed the New Tajikistan Party in April, seen by many as a threat to the government.

Ravshan Abdullayev added that there are continuous reports from bloggers that they are threatened. Bloggers from the Blogiston.tj platform have stated they receive threatening messages whenever they write reports of a critical nature about the unlawful actions taken by authorities. For example, Rustam Gulov, a well-known blogger in Tajikistan, was tracking cases of unlawful detention of youth for additional service in the armed forces. Due to the nature of the story, he was "repeatedly detained by the police" Abdullayev added.

There are many sources of information in Tajikistan, especially in the north of the country, where there are a large number of independent television and radio stations. Consequently, the consumer has a wide choice in obtaining information. However, state-run media in Tajikistan fails to maintain editorial independence, and do not provide the public access to objective information according to the panelists. In most cases, state-owned media outlets have a significant influence over public perception.

"Despite the fact that the law protects editorial independence, self-censorship thrives in virtually all mass media, especially in the state-run mass media, from the journalist to the editor," noted Dilbar Samadova.

Although the law prohibits mass media monopolization, more than 90 percent of electronic media outlets are state-owned.

The Internet has greatly improved access to information for journalists, as many official documents can now be obtained from Internet repositories of ministries and departments. However, some local government entities for example in Khatlon province, request a written application for access to government information. Murod Sotieva, director of the Paem Independent Information Agency in Kurgan-Tyube, explained that it "is impossible to obtain information in the regions over the phone" as officials will state that permission is required from their supervisors. Hushed Nyezov said that his Center for Investigative Journalism found a way to obtain information by cultivating relationships with sources housed in key ministries, departments and law enforcement agencies.

However, the ministry of defense, as well as the State Committee for National Security and the Central Directorate of Border Control, according to the panelists, only provide journalists with information that these bodies themselves find necessary to publish, and hold limited press conferences.

In 2013, the amount of content in the Tajik language increased on the state-run site launched as part of a program to establish an "electronic government." Despite the state authorities' measures aimed at enhancing the activities of the electronic government, the government websites are, with rare exceptions, insufficiently informative and rarely updated. "There are, perhaps, no more than 6 or 7 websites of ministries and departments that offer statistical data, and other useful and ongoing information," Nazarali Pirnazarov added.

The panelists noted, however, the active participation of Mahmadsaid Ubaidulloev, the mayor of Dushanbe and second highest-ranking state official, on Facebook. According to the panelists, Ubaidulloev announces all regulations adopted by city hall on his page and addresses various issues raised by citizens.

Access to international news in Tajikistan is open, though there are barriers to access including the limited supply of electricity to rural regions. From November to March, the price of Internet services provider ranged from \$25 to \$70 in comparison to the average income of the population. Moreover, for the third year, authorities have restricted access or completely blocked websites that are critical of the government such as Fergana.ru, centrasia.ru, toptj.com, arianastorm.com, mahalla.org and lenta.ru.

As in past years, the Presidential Administration has tightened access for foreign journalists accredited in Tajikistan. Since 2012, they have not been invited to official meetings between the President and international delegations, and official photo sessions have ended. Bahtier Hudoyarov, Head of the Presidential Administration, implemented the harsh measures without explanation.

As in past years, practicing journalism does not require a license, even professional training is not compulsory in order to start work as a journalist. In fact, anyone with a press card is considered a journalist. However, the absence of accreditation for reporting on some official events can be an obstacle for journalists.

Journalists are educated in six institutes throughout the country, but not all graduates are ready after graduation to work in the media sector according to the panelists. Unfortunately, a number of state universities still prohibit their journalism graduates from pursuing an internship with independent media outlets. Students who received diplomas in foreign universities often do not return home.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Tajikistan Objective Score: 1.71

Professional journalism in Tajikistan is still hindered by a number of obstacles including the limited access to government information. High-ranking government officials rarely give interviews with reporters, citing workload pressure and, if interviewed, use the opportunity to promote their own platform and interests. Many senior officials are seen and heard only at press conferences that take place only twice a year.

Plagiarism in the mass media, the panelists pointed out, is still thriving. "As legally no information is subject to copyrights" and these materials can easily be republished, noted Nuriddin Karshiboev.

The journalism community in Tajikistan adopted the "Ethical Standards of Journalism in Tajikistan," on October 30, 2009, which serves as a guide for professional ethics within framework of self-regulation. The ethical norms reflect standards developed by international professional associations.

While "some journalists are working according to international standards, using the views and comments of all interested parties," said Turko Dikaev, other panelists noted that the *Ozodagon* newspaper and its website, for example, do not always present a balanced view, and often break ethical standards. Lola Halikjanova added that only a few outlets present a balanced view of the political discourse in Tajikistan, and the main problem of the press is use of

"excessive emotion" and "one-sided coverage." Zinatullo Ismoilov explained that the mass media tend to take sides, backing either the opposition or the government.

Nazarali Pirnazarov believes that not all journalists are objective in highlighting certain events, as was the case, for example, with the media coverage of the elections. Hurshed Nyezov noted that there is a perception among some independent journalists that if they criticize opposition leaders it somehow implies that they work for the state security agencies.

The Media Council, comprised of 74 newspaper editorial offices and media organizations, oversees the implementation of ethical standards governing journalists in Tajikistan. Its decisions are largely prescriptive, added Zinatullo Ismoilov, who explained that the Council monitored compliance with ethical standards in 2013 and reported fewer complaints in 2013 compared with 2012. This year, the Council reviewed 15 appeals, centered on ethical and privacy issues as well as the objectivity of contested publications.

"This year, the Nigoh media holding signed the Code of Ethics of Journalists of Tajikistan," Nuriddin Karshiboev added. He noted, however, that the culture of ethics is not entrenched among journalists and is often violated by many of those in the media sector who signed the code. The largest Tajik language newspapers, *Millat*, and *USSR* have not yet adopted the code. "We need to strengthen the work of the Mass Media Council, along with the adoption of inter-editorial and corporate alliances," Karshiboev concluded.

Panelists noted that the practice of self-censorship has decreased in the past year. Journalists felt a loosening of the government's grip on the press prior to the 2013 presidential election compared with the 2006 election, according to Nazarali Pirnazarov. However, a majority of journalists in the outlying regions continue to practice self-censorship.

The panelists pointed out that independent media do provide diverse coverage of socially significant events. For example, after the agreement on the status of the Russian military base in Tajikistan was signed in October, *Asia-Plus* and *Evening Dushanbe* regarded the agreement as beneficial, whereas the *Nigoh* and *USSR* vehemently criticized the agreement, describing it as "slavishly humiliating" for the country.

Azamahon Akbarov noted that journalists try to cover a variety of hot issues, but often fail to access information or encounter other obstacles. The panelists added that the Tajik media are still largely fearful of printing articles critical of the president and his family. His personal life remains

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

controlled by the inner circles of power, including the State Committee of National Security. However, Lola Halikjanova, quickly pointed out that media outlets are starting to publish stories, for example, concerning the indiscretions of the children of senior officials appointed to high positions from the president's inner circle.

Another factor affecting the development of professional journalism in Tajikistan is the level of pay. According to the data presented by the panelists, salaries and royalties in the state-run media outlets increased during the last year, but they still lag behind the average level of pay offered by independent media.

The average monthly salary in the state-run mass media outlets is about \$170 compared with \$700 offered by privately operated media outlets. On the other hand, state-run media employees of the TV & Radio Committee received housing benefits twice in the last three years, and some can receive a plot of land free of charge. Many journalists work for several mass media outlets or NGOs and some of them have left for Russia to work as general labor migrants.

Poor levels of pay precipitate corrupt practice among journalists, including the use of blackmail, according to panelists. "There were reports of embezzlement and blackmail by some newspapers in the Sughd and Khatlon regions," according to Dilbar Samadova. "Some employees of the *Salomat Boshed* and *Tochikistoni Dunye* newspapers brazenly demanded money" to prevent the publication of materials that could smear individuals. Regional journalists still demand both food and money as a fee for press coverage of events.

State television journalists charge \$100–\$150 for traveling and shooting 30-second spots for a news broadcast, while other camera operators earn a bit on the side at private events, such as weddings, concerts, and other celebrations.

Entertainment programs tend to outperform news and informational broadcasts. Entertainment programs take up to 70 to 75 percent of the airtime on the state-run television, 60 percent on the public radio and more than 80 percent on private FM radio stations. News programming does not exceed 25 percent of the airtime on the state-run television and 20 percent in private television and radio. "There is little quality news and useful information," Nuriddin Karshiboev added.

For his part, Azamhon Akbarov stated that the production of proprietary programs is a very expensive process. The panelists agreed that most of the young audience is not

prepared to appreciate news and analysis. However, Turko Dikaev added that there is a growing interest of young people in political content on television, and in newspapers, in southern Tajikistan.

The panelists maintained that, just like last year, the only channel that does meet the news and information requirements of both the authorities and its viewers is the Bahoriston television station. The station provides a number of cognitive, educational, and cultural programs for children and family viewing.

Dilbar Samadova noted that almost all television stations in the Sughd province produce their own interesting news items, covering the life of the region.

Panelists noted that they continue to lack access to modern equipment. "Due to ongoing financial problems and instability in almost all regional editorial houses, there are no portable computers, cameras, tape recorders, camcorders, scanners or printers," according to Shonavruz Afzalshoev and Murod Sotiev.

In many editorial houses of print media, journalists buy, at their own expense, computers and other equipment necessary for the job. Inadequate technical equipment often results in delayed information. As of yet, no news agency works around the clock. However, state-run television and radio channels upgrade their equipment almost annually.

It was noted that in terms of both technical quality and the content of their programs, the Tajik state-run television channels are inferior to satellite channels and television of neighboring countries—Uzbekistan and Afghanistan. "The populace of the [Gorno-Badakhshan Autonomous Province] desires more to watch Afghan television broadcasts and Russian satellite channels," stated Shonavruz Afzalshoev.

The panelists believe that there are very few versatile specialists among Tajik journalists, as well as multimedia experts. Tajik media outlets cannot afford to have thematic subdivisions or at least one journalist who specializes in a certain area.

However, panelists noted that the genre of investigative journalism is on the rise, with more than 25 reports this past year on topics ranging from corruption to human rights.

The panelists pointed out that this year the most daring publication on socially relevant themes, especially in the genre of investigative journalism, covering the issues of torture, corruption, lawsuits, religious freedom and politics were published in the Tajik-language *Faraj*, *Nigoh* and the Russian-language *Asia-Plus*.

OBJECTIVE 3: PLURALITY OF NEWS

Tajikistan Objective Score: 1.98

The modern reader has a choice: they can read newspapers, magazines, listen to FM-radio, or receive updated information from the Internet. "In connection with the availability of a sufficient amount of information sources, they have the opportunity to select and compare," said Zarina Ergasheva. However, independent mass media do not exist at all or remain poorly developed in the southern and eastern regions of the country, so that population has no alternative information.

However, there are a growing number of publications in the country, representing the viewpoints of all interested parties in their materials, including the opposition. The Ministry of Culture registered six new newspapers and three magazines.

The panelists pointed out that blogs and social networks have become an increasingly popular venue to express an alternative position of non-state journalists, politicians and other socially active citizens. The Internet is becoming ever more accessible in large cities, but less so in the regions where the situation remains difficult due to limits on electricity in the autumn-winter period.

The panelists also mentioned that online sources had surpassed any other sources of information, and the urban population often looks for news on the Internet. "Over the last year, state authorities began to pay more

attention to civic journalism and social networks, trying to restrict the flow of information on the Internet," Nazarali Pirnazarov added.

SMS news is a fledgling source of news in Tajikistan, with readers sending reports to newspapers and information agencies on events in the city, emergencies, and data for example related to power cuts. Tajiks actively participate in social networks, and Facebook and Twitter are actively used. According to the latest statistics, more than 48,000 users from Tajikistan have Facebook accounts, and more than one million Tajiks visit various international social networks every day.

Residents of more rural regions simply cannot afford to buy newspapers due rising prices resulting in an average increase of 15 percent with papers costing about 50 cents per copy.

Although any *de jure* decision about blocking a site or social network in Tajikistan can only be made by a court, the freedom of speech on the Internet is regularly restricted by the government. This process intensified in 2013 and now Internet providers explain their decisions to block a particular site as having received the instructions via SMS from Beg Zuhurov, head of the country's Communication Service. Service providers that fail to abide by the instructions of the Communication Service to block a particular website soon experience technical problems.

Turko Dikaev explained that under the direction of Communication Service chief Zuhurov, in July "a so-called group of volunteers has emerged that continually browse social networks, publishing dirt on civil society activists, opposition politicians and independent journalists." Therefore, the continual block on social media and certain news sites will continue to impact citizens' access to both domestic and international news. The overall low standard of living in Tajikistan does not enable every family to own a personal computer, but many people have cell phones and are able to access the Internet.

The Communication Services for the first time this year have managed to block access to Kazakh K+ TV Channel and the opposition Sappho TV, broadcasted from Moscow.

State-owned and public media outlets remain politicized and continue to "reflect nothing else but the viewpoint of the government and state administration, protecting their interests," according to Ravshan Abdullaev. As before, representatives of the opposition political parties are denied the opportunity to express their viewpoints in any state-owned or public outlet as seen in the most recent presidential elections.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

State-run television tries not to show accidents, military clashes, terrorist acts, and natural disasters. “All the state-run media print almost the same materials—presidential decrees, government regulations, reports about parliamentary sessions, differing from each other only in the name of the official organ,” Murod Sotiev explained. All four state-run television channels provide identical coverage during any of the president’s official speeches and visits.

Almost all the newspapers in Tajikistan use news provided by local news agencies for free or for a nominal fee. However, only the BBC, Ozodi and several other television stations in the Sughd province have subscription based newsfeeds.

“Almost all print and news media reprint news provided by the world’s leading information agencies but they seldom refer to the source, and hyperlinks are simply disregarded,” said Zarina Ergasheva.

The panelists noted that, except for media workers, consumers are not very interested in media ownership, content or the objectivity of coverage. The panelists believe that the transparency of print media ownership and their founders are known quantities. “Both readers and journalists know that the Oryeno Media Holding, which includes the *Imruz News* and Imruz Radio, belongs to Hasan Asadullozoda, chairman of the Oryen Bank and the president’s brother-in-law,” said Zinatullo Ismoilov.

According to the laws of Tajikistan, foreign nationals are not allowed to establish or own media organizations. However, the panelists believe that there is no doubt over the presence of foreign investment in certain organizations. Foreign capital continues to be present in the media only in the form of grants and technical support provided by international donor organizations.

The panelists also believe that discussion on gender, sexuality and religious minorities continues to receive very little media attention. However, the national outlets operated by minorities are free and can develop without any restrictions in Tajikistan. There are 20 print media published in the Uzbek and Kyrgyz languages. The *Hulk Ovozi* newspaper, run by the government, *Zamondosh*, *Ustoz*, *Skandvordlar* and about 10 newspapers and magazines are printed in the capital and the Dustlik in the Khatlon province, and *Sughd Haqiqati* in the Sughd province. A couple pages of regional newspapers are printed in the Uzbek language in the Sughd and Khatlon provinces. The *Murghab District Sarykol* regional newspaper is published in the Kyrgyz language and the 1.5-page *Payomi Jirgatal* is the local newspaper of the Jirgatal District. Publication of minority language papers is funded by the government through local budgets. “Therefore, any independence in their editorial policy is out of the

question,” said Murod Sotiev. “Due to financial problems, the Shughnan-language [one of the languages of the Gorno-Badakhshan Autonomous Region] *Marifati Shughnon* newspaper was printed only five times in 2013,” added Shonavruz Afzalshoev.

The Shabakai Yakum National TV and radio channels feature 15- to 20-minute-long news programs in the Uzbek language. News in Uzbek, Arabic and English are also shown on the First National and Jahonnamo channels.

In 2013, the media barely covered international relations, particularly the position of the Uzbek language population that represents a quarter of all people in Tajikistan. “This situation has been obviously affected by the explicit cooling and worsening of relations between the authorities of Tajikistan and Uzbekistan,” Zaraina Ergasheva explained.

However, the population in the northern and southern border regions of the country can freely watch Uzbek television programs, as the signal reception is quite good in the borderlands. Residents of the eastern and southeastern parts of the country can watch Afghan television programs without any problem.

All four channels of the state-run television use information only provided by the Khovar state agency though their international news coverage uses fragments from Russian channels, Euronews, CNN, and Al Jazeera.

The panelists noted that the level of interregional information exchange is still low. People in Dushanbe often do not know what is happening just a few kilometers away, in neighboring towns or villages, as there are no single central bureaus of newspapers.

None of the state-run or independent print and electronic media has correspondents abroad or the central part of Tajikistan, except for *Asia-Plus*, which has some in Washington, Moscow and London. The state-run Hovar has special correspondents in Moscow, Ankara and Istanbul.

OBJECTIVE 4: BUSINESS MANAGEMENT

Tajikistan Objective Score: 1.36

Media content in Tajikistan is designed to satisfy the demands of different levels of users. Legal and bureaucratic barriers, high taxes, and increased attention from fiscal authorities and other regulatory bodies subject the media to inspections that hinder the successful development of the media as a business.

Hurshed Nyezov noted that inspections from fiscal and regulatory authorities are frequent, particularly after

the publication of critical material. He added that after publishing a piece on the arrest of Zayd Saidov, his media outlet was visited by tax inspectors who levied a fine of TJS 20,000 (\$4,193) because their lease was not “drawn up properly.”

Independent media outlets in Tajikistan (except for the *Asia-Plus* and *Nigoh*) are managed in a haphazard manner. Business plans while necessary for investment planning, are rarely used, since no media has market specialists and competent managers trained in modern management that meet international standards. Azamhon Akbarov explained that that contrary to the norm, “My broadcasting company Asia has been drawing up business plans over the past two years at our own risk, since we live in a country where there is no economic stability.”

According to Lola Halikjanova, accounting practices are “old-fashioned” in Tajikistan, with “frequent double-entry bookkeeping” and wages paid to employees in envelopes—all factors that “interfere with the sustainable development” of the media business in Tajikistan.

Hurshed Nyezov cited *Faraj* as an example of an outlet that does not have a business plan, yet is self-sustained, and often “prints additional copies if the newspaper publishes an interesting article or a sensational investigation.” He noted that the success of independent media depends on its place of origin, relationships with advertisers and assistance received from international donors. (For example, *Asia Plus*, *Daybreak*, and *Kalam* from the National Endowment for Democracy).

Institutionally, many mass media outlets do not grow and do not aspire to, according to the panelists.

State-run media are fully funded from the state budget and therefore do not particularly require business plans, capital investment planning, and market research, as their editorial offices are part of the government structure. Moreover, they have constant access to income through mandatory subscriptions in government offices, businesses, schools, and higher educational institutions; moreover, advertising is facilitated by the government and freely flows from agencies, banks, and businesses close to the administration.

According to the Press Department of the Ministry of Culture of the Republic of Tajikistan, around 70 state-run newspapers, with a circulation of under 500 to 1,000 copies, are regularly published in the regions. However, “all regional press is financed on leftovers from local budgets and, except for subscriptions and rare advertisements, have no other sources of income,” according to Turko Dikaev. In comparison, panelists noted that a private newspaper requires a circulation of 3,000 in order to be self-sustaining.

Some independent media outlets earn revenue by using their already existing production studios, engaging in investigations, producing clips and advertising, public relations materials, and sometimes receive support through grants.

While advertising is the primary source of income for media outlets in other countries, it remains underdeveloped in Tajikistan. Advertising is found in only a few independent print media and television channels. “Many commercials are mere copies from Russian advertising translated into the Tajik language, while local advertising often lacks professionalism,” noted Zarina Ergasheva. Typically, advertisers look at ratings and media visits to a site.

However, some panelists argued that advertising plays an important role in the income of media in larger cities. “Advertising accounts for 75 percent of the revenues of Asia-1 Broadcasting Company,” cited Azamhon Akbarov. Moreover, Internet advertising and news tickers on websites of newspapers and news agencies are actively being developed.

Although most regional media outlets are not profitable, two radio stations in the Sughd Province, Tiroz and SM-1, bring in high profits due to advertising and commercials. However, the reality remains that the advertising market is not an important source of income for the majority of media in the country, especially in remote areas. “Advertising in the regions depends on the financial condition of small and medium-sized businesses, but not all of them advertise on television and in the newspapers, because they are afraid that tax authorities and other control and inspection structures would begin to visit them frequently,” Murod Sotiev added.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

Tajikistan's media outlets mostly work with advertisers directly without employing the use of advertising agencies. However, there are eight advertising agencies in Tajikistan, who charge high fees for their services. Therefore, advertisers find it easier to deal directly with media outlets. Most advertisers simply choose the most famous newspapers with the largest circulations. For example, "there is no advertising agency in the south of Tajikistan," explained Turko Dikaev, "ads can only be found on outdoor banners and billboards."

Since 2003, advertising in Tajikistan has been regulated by the Law on Advertising, which provides for a differentiated approach to state-run and non-state media. For example, advertising material must not exceed 10 percent of the daily volume of broadcast for state-run electronic media outlets and no more than 30 percent for non-state media. Advertising material should not exceed 25 percent of the volume in the state-run (printed) publications and 40 percent in the non-state media. Not all adhere to these limitations.

"Of the 32 pages of the *Asia-Plus* newspaper, advertising takes up 12 pages, while its price is the highest in the country, up to \$600 for a newsprint advertisement spread," cited Nazarali Pirnazarov. Among the state-run television stations, Safina TV absorbs most advertising with an emphasis on advertising for pharmacies and prescription drugs. That is why people often refer to Safina TV as "our television pharmacy."

Zinatullo Ismoilov explained that most advertisements are placed on state-run channels, some of which already having a sufficient number of advertising and good salaries for their employees, keep lowering advertising prices, thereby completely depriving independent television stations of a stable source of income. Moreover, government agencies advertise only in the government print media.

Independent or private print media do not receive any subsidies from the state. Although the new Law on the Media envisages guaranteed support from the state, as of yet this rule remains to be implemented. However, Ravshan Abdullaev was quick to point out that state-owned media already have access to "huge advertising revenues."

As for marketing research, the panelists noted that it is an expensive undertaking and very few media outlets can afford a study. According to Nuriddin Karshiboev, even if research is conducted, the results turn out to be "subjective with unclear samples and target groups, and no mention of who financed the study." However, many online media outlets continuously conduct surveys of readers on various social, political and economic issues.

According to Nyezov, many newspapers overstate their circulations in order to attract advertisers and exert pressure on competitors citing the *Oila* as an example.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Tajikistan Objective Score: 1.78

There are several business associations that continue to defend the interest of media outlets. For example, there is the Association of TV and Radio Broadcasters and Audiovisual Product Manufacturers, formed in August 2012, headed by Zinatullo Ismoilov, CEO of the independent SMT TV Station. It unites 19 television and radio broadcasters and production studios. The Association is designed to protect the interests of private electronic mass media and production studios, and garners membership dues. According to the panelists, the Association is attempting to integrate smaller international associations, but have been unsuccessful so far.

Despite the efforts of NANSMIT, the media council, and donor organizations to protect the rights of journalists, the lack of trade unions for media workers in Tajikistan continues to cause social insecurity for many in the profession. Media magnates and media owners primarily oppose the creation of a journalists' trade union, as panelists consider private and independent newspapers and television and radio broadcasters as especially vulnerable.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

“We were openly told by the Ministry of Justice that we could not be registered during a presidential election year, probably for the reason that trade unions have the right to nominate their own presidential candidate. But I am sure that we will be able to hold a founding congress to form the trade union in the first quarter of 2014,” Nuriddin Karshiboev affirmed.

However, the associations have come together at crucial moments to advocate for greater press freedoms. For example, the panelists pointed out that, in the face of fierce pressure from the authorities during the elections, all media associations expressed solidarity in connection with the blockage of the Ozodagon site and Facebook. Nevertheless, Karshiboev noted that the government is ultimately reluctant to cooperate with media associations, which impedes work to protect the interests of the independent media and the development of the freedom of speech.

Among professional media associations, NANSMIT is the most proactive, protecting the rights of journalists while responding promptly to issues that affect the community. The Union of Journalists, which includes more than 2,000 members, has become less dependent on the government in the past few years, despite the ongoing appointment of its directors by the administration. For example in October, the Union condemned the 11-year sentencing of Tajik Journalist Mahmadyusuf Ismoilov, found guilty for allegedly blackmailing and extorting money from a local woman. Ismoilov has maintained his innocence stating that the case was a form of retribution from local authorities who he criticized.

All media organizations are required to protect of freedom of speech and independence of the press according to the legal frameworks. In reality, only NANSMIT, partly the Media Alliance and the Union of Journalists of Tajikistan uphold these principles, along with the Press Council, the Center for Investigative Journalism, and the Sughd Province Club of Professional Journalists, who continually support the development of media.

“The organizations that protect the rights of journalists and freedom of speech have sufficiently strong positions, but their actions are not supported by society. They face opposition from the authorities, especially from law enforcement bodies and the judiciary,” added Abdullayev.

In 2013, NANSMIT was repeatedly subject to attacks from the government leading to a block on the website for two weeks. There was an unauthorized access to files containing information on violations committed against journalists. As a result, most of the files were corrupted. “The security services are trying to maximize control over our archives, e-mail correspondence and reporting, which effectively

hindered our work in 2013,” according to Karshiboev. He noted, however, that utilizing hosting services provided by a partner in Moscow was an approach to avoiding government interference.

Overall, the panelists were happy to note an increase in solidarity among journalists in the past year. There is growing pressure from the government on independent media as seen with the trial of Olga Tutubalina, editor-in-chief of Asia-Plus, and the detention of Abdurahim Shukurov, an Ozodagon information agency operator of the Ismoili Somoni District Department of the Internal Affairs in Dushanbe. The panelists believed that the media community had a hand in the release of Abdurahim Shukurov after 40 hours in custody. The community also gave support to websites that have been blocked by the government, particularly Asiaplus.tj, Tojnews.tj, and Ozodagon.com.

Today, Tajikistan has 17 local NGOs linked to mass media, though their activities are dependent on support from international organizations. This dependence has adversely affected sustainable development, as fewer international donors are funding programs to support Tajik media.

The existing partnership between local NGOs and international organizations is visible in the implementation of partnership projects, joint activities and events. The panelists noted the ongoing cooperation with the Organization for Security and Cooperation in Europe (OSCE), the US, Finnish, and UK Embassies, Friedrich Ebert Foundation, and the National Endowment for Democracy. Through international support, for example, NANSMIT continues to provide legal assistance to journalists and monitors violations against the rights of journalists, freedom of speech and access to information. In protecting the rights of journalists and freedom of speech, NANSMIT is working closely with Amnesty International, Reporters without Borders, and the Office of the Representative on Freedom of the OSCE.

Panelists noted that the Bureau of Human Rights—an independent center with branches in Khujand city of Soghd Oblast and Khorog, GBAO—assists NGOs, students of higher education, journalists, law enforcement personnel, lawyers, judges, and personnel of psychiatric facilities. However, Nuriddin Karshiboev was quick to point out that, “unfortunately, the protection of human rights has become a type of business for many NGOs—an opportunity to receive grants.”

Unfortunately, there are no NGOs and mass media organizations in Khatlon and the Gorno-Badakhshan Autonomous Province, except NANSMIT representatives and the Union of Journalists of Tajikistan, to protect the rights of journalists and provide them with consultative support.

Most mass media organizations and NGOs spend most of their efforts on training the journalism community through roundtables and conferences. "It is gratifying that these organizations, along with Dushanbe, direct their efforts at teaching mass media in the regions. They visit the areas, trying to solve problems of their institutional development on the spot," said Karshiboev. The panelists specially noted NANSMIT's role in providing training and conferences related to the protection of human rights and legal security of journalists.

The panel participants highlighted that *newreporter.tj* publishes news, announcements of grants, and training programs, also has a section for bloggers and its own live journal.

The panel participants expressed concern about the training level of journalists, whose general condition has not improved over the last several years. "It is difficult for journalists in the state-run mass media to perfect their skills as they are controlled and have to work within a set framework," Shonavruz Afzalshoev explained. "The level of professionalism within state-run media lags far behind their colleagues from independent media, as they have other criteria of professionalism and information presentation," according to Lola Halikjanova.

Participants believe that editorial offices are not able to recruit journalists who are specialized, except for the Russian-Tajik Slavonic University, which offers journalism training. There is no specialized journalism training offered at institutions of higher educational. Moreover, there is a shortage of practicing teachers, as well as outdated software and the lack of technical equipment students can access during their education.

All graduates coming to work in the media sector "need to be retrained," as they "have no practical experience," according to Lola Halikjanova. She reported that after three days of training conducted by the Institute for War and Peace Reporting in Khorog, the participants admitted that they gained more knowledge from the training than they had in four years of study at the university. However, Dilbar Samadova noted that Khujand State University students are interested in the profession rather than simply obtaining a diploma.

Tajikistan produces about 200 journalism graduates a year, "However, 50 percent of journalism graduates leave as migrants, 30 percent get married, and 20 percent work as journalists, primarily female," according to Hurshed Nyezov.

The panelists noted that journalists in Tajikistan are in urgent need of training to understand how to effectively analyze economic, political, and legal issues as well as

advance their communication skills through possible international exchange programs with colleagues from the Central Asia region.

There are no private or public schools that specialize in training media personnel in Tajikistan. However, there is training in eight higher educational institutions in the country, including the Dushanbe Pedagogical University and the Institute of the Arts. "Except for the Departments of Journalism at Khujand State University and the Russian-Tajik Slavic University (RTSU)," all other universities have no basic curricula for professional training students, according Dilbar Samadova. He added that Khujand State University does engage famous independent journalists from both print media and television and radio in the teaching process.

The curriculum of faculties and departments of journalism mainly use outdated programs, and devote only a few hours to practical training. Students continue to call for the introduction of hands-on practical training in the curriculum, Zarina Ergasheva added.

In 2012, with the financial support of the Soros Foundation, the Journalist NGO drafted the new State Standard for Educating Journalists curricula based on the Bologna credit system and educational system requirements, however the Ministry of Education and Science has yet to adopt the curricula.

Both local and international organizations conduct various preparatory and specialized courses for journalists, but the problem is that a student of journalism has to take leave from university and obtain permission from the dean's office to participate. "Worryingly, heads of the faculties or departments of journalism of all universities, except RTSU, in accordance with the Directive of 2012 by the Ministry of Education and Science, refuse to allow a student to attend a training if it is conducted by an international organization," according to Hurshed Nyezov.

As in the past year, practically all institutions of higher education that teach future journalists are discouraging them from working with the independent media often threatening students with expulsion according to the panelists. Zinatullo Ismoilov explained that one employee, who studied journalism at the National University, was requested by the dean's office to stop working in an independent media outlet. For his part, Hurshed Nyezov noted that Nuriddin Saidov, the minister of education and science, while visiting the Faculty of Journalism at the National University, asked second-year students if they were working with the *Faraj* newspaper. After four students had raised their hands, the minister reprimanded them shouting that the newspaper is an "enemy of the people!"

Currently, the technical competence of the graduates is still very low. "Having worked for six months as editor of a regional newspaper this year, I failed to recruit a staff of journalists, as the graduates of the faculty of journalism at Kurgant'yubn'sk University lacked basic computer literacy skills," said Murod Sotiev. The panelists believe little time is devoted to acquiring basic computer skills and understanding Internet journalism at universities. Moreover, the panelists noted the absence of up-to-date textbooks and learning aids. Short-term training does not bring about the desired outcome. Although there are internship programs for journalist and study abroad opportunities, very few go abroad for training because they have no command of the English language.

Unfortunately, not all media outlets are willing to hire journalism graduates, since their re-training requires time and money. Even more so, as young journalists request high starting salaries from \$300 to \$400. "Overall, not more than 10-15 percent of journalism graduates chose journalism as their profession in Tajikistan," reported Nuriddin Karshiboev.

Internet journalism and social networking classes and webinars have become very popular among journalists. All the courses and technical classes are free of charge, and conducted by IWPR, NANSMIT, Soros Foundation, and Homa Public Organization. "Our journalists especially need multimedia training. This is a necessary requirement of the times," noted Nuriddin Karshiboev. He said that there are fewer sources of funding for such courses, supposedly because the training has gone out of vogue. "We are now practicing performance training where there is less theory and more practice," Nuriddin Karshiboev added.

The panelists stressed the need for long-term training sessions devoted to investigative journalism, writing news, analyzing materials, interviewing, legal literacy and multimedia journalism. In-house training for employees is conducted only by the Asia-Plus Media Group, which has its own school, the 21st Century Independent School of Journalism.

The panelists pointed out that there was a lot of useful short-term training conducted by NANSMIT on the safety of journalists, digital security, and interaction with the press services in 2013. The panelists believe that it is necessary to set up a Center of Excellence for journalists that can systematically coordinate all training programs of local and international organizations.

As for the quality of printing and access to equipment, the panelists noted that access to printing facilities is subject to restriction, as this type of business is politicized and depends on the authorities' will, even when there is a large number

of private printing houses available. There are no restrictions on access to newsprint and equipment.

"The Sharki Ozod complex, which prints up to 90 percent of all newspapers and magazines, gives priority to the state-run media. Among independent publications, priority is given to the newspaper whose publisher is paying more," according to Hurshed Nyezov. Almost all private printing houses are profitable businesses.

The panelists were unanimous in stating that the freedom of speech in the Republic of Tajikistan will not truly exist until there is access to a private and independent printing house supported by an international organization. "Even private printing houses are controlled by the authorities, who can use threats to stop the printing of any opposition newspaper," added Nuriddin Karshiboev. However, Dilbar Samadova noted that the authorities do not control private printing houses in the Sughd Province, and they can print without any restrictions.

Panelists Hurshed Nyezov and Nuriddin Karshiboev pointed out that in most print houses, the quality is "low," however, the owner of the Mushfiki Printing House has purchased modern equipment guided by the principle—"quality at an affordable price."

The state-run Sharki Ozod Printing House, and another three or four businesses, control pricing, supplies the newsprint and plates in the Republic of Tajikistan. The prices for services in the private printing houses are 15 percent higher.

Tajikistan now has 87 printing houses, out of which 74 are in Dushanbe. There are 13 more printing houses in the regions—six in Khujand, two in Istaravshan, one in Kurgan-Tyube, one in Khorog, one in Yavan, one in Kulyab, and one in Tursunzade.

The panelists believe that the lack of an effective system to disseminate printed materials prevents access to information in the remote regions of the country. The channels of print media distribution are politicized. "The newsstands that belong to Tajikmatbuot (Tajikprint) carry few opposition newspapers and if any. If a publication contains an article critical of the government, the entire edition is "seized by the authorities" purchased off the stands, according to Turko Dikaev."

Independent newspapers are only sold by public distributors, who are elderly pensioners, for whom selling newspapers is an opportunity to add some extra income to their meager retirement allowance. "Over the last two years, the police have been forcing these elderly newspaper vendors out from the central streets of the capital, for allegedly 'violating public order,'" according to Nazarali Pirnazarov.

As previously discussed, The Association of Mass Media Distributors, founded in 2012, with the support of the OSCE, and has not started operations as media magnates have failed to reach an agreement as to who would lead the association. According to the initial project, this association would install 40 specially made modern newsstands in Dushanbe.

“Until radio and television transmitters” are freely available along with “uninterrupted electricity,” regional and independent media outlets will continue face issues when gathering, producing and distributing news, according to Nuriddin Karshiboev. Almost all transmitters belong to the Tadjiktelekadiokom, which can terminate a broadcast at any time, citing technical problems.

Nowadays, each independent TV and radio station buys its own transmitters, and their capacity is much weaker than that of the state-run mass media. With rare exceptions, practically all software used by both the state-run and independent Tajik media is counterfeit and pirated. “The only licensed products used by independent media are anti-virus programs,” Ravshan Abdullaev explained.

Distribution of broadcasting frequencies and channels is a monopoly of the government, who can at any moment prevent independent media outlets from going on the air. These media outlets “rent” their frequencies from the Communications Service and Tajiktelecom, government proxies, who maintain control of the network.

In addition, to the ongoing transition to digital broadcasting, the state-run channels moved to another satellite that made it impossible for more than 15 percent of the population to watch the state-run television. The Communication Service and Tajiktelekadiokom govern all television and radio towers, and even independent stations have to use transmitters rented from the state tower.

The Internet space remains virtually controlled by the state, which limits citizens’ access to the alternative sources of information and news. Almost 20 websites remain currently blocked in Tajikistan; and ongoing attempts of hack into email accounts, Facebook, Twitter, Skype and the wiretapping of phones of journalists and politically active users. “After the appearance of the YouTube clip from the wedding of the President’s son, Rustam Emomali, with comments from the opposition politician and journalist Dodojon Atovulloev, the intelligence agencies have started an investigation into YouTube,” according to Hurshed Nyezov.

As in the past, the government has not blocked blogging platforms yet, but it does monitor these sites. However, bloggers reported cases of difficulty entering their page on Wordpress.com.

Mobile phones are used not only as a means of communication, but also for access to the Internet and for the reception of SMS advertising and music. However, during power cuts in the regions, both the mobile Internet connection and the stationary Internet become disabled, and 3G and 4G transmitters ceased to work.

In the past year, all ISPs had to raise their service prices due to the introduction of a three percent tax passed on to users. Tajikistan has 10 mobile phone companies and as many ISPs. Subscribers of mobile operators total 6.1 million, of which 25-30 percent use mobile Internet.

List of Panel Participants

Ravshan Abdullayev, executive director, Eurasia Foundation of Central Asia, Dushanbe

Azamhon Akbarov, director general, TRK Asia, Khujand

Shonavruz Afzalshoev, editor, *The Impulse*, Khorog

Turko Dikaev, staff correspondent, Kulyab region, *Asia-Plus*, Kulyab

Zinatullo Ismoilov, director, SMT TV, Dushanbe

Nuriddin Karshiboev, chairman, National Association of Independent Media of Tajikistan, Dushanbe

Hurshed Nyezov, director, Center for Investigative Journalism; editor-in-chief, *The Faraj*, Dushanbe

Nazarali Pirnazarov, reporter, ca-news.org, Dushanbe

Dilbar Samadova, chairperson, Department of Journalism, Khujand State University, Khujand

Murod Sotye, director, Paem Independent Information Agency, Kurgan-Tyube

Lola Halikjanova, editor-in-chief, Institute for War and Peace Reporting, Dushanbe

Zarina Ergasheva, media expert, Center for Human Rights; reporter, *Asia-Plus*, Dushanbe

Moderator and Author

Lidiya Isamova, correspondent, RIA Novosti, Tajikistan

The panel discussion was convened on November 22, 2013.

Turkmenistan's government continues to have total control over mass media outlets in the country. Such media serve solely as a mouthpiece for the regime, with zero tolerance by authorities for information that even implies a less-than-stellar performance by the government.



TURKMENISTAN

Turkmenistan attracted some international news coverage in 2013. After years of consultations with experts representing the Organization for Security and Cooperation in Europe (OSCE), United Nations, and European Union, Turkmenistan promised absolute freedom of the media in 2013 by passing its first media law since its independence. It has brought, however, nothing resembling press freedom to fruition.

President Gurbanguly Berdymukhammedov stepped down as leader of the ruling party in 2013 to promote a “multiparty system.” Turkmenistan also held its parliamentary election, contested by more than one party for the first time in the country’s history. It was a meaningless exercise because both parties are loyal to the president. Analysts describe the changes as cosmetic that will bring little or no improvement to people’s lives; Turkmenistan remains one of the world’s most closed and repressive countries. People still live in poverty and suffer high unemployment, despite the president calling his current term “an era of power and happiness.”

Turkmenistan has been labeled “the most corrupt nation” by Transparency International. Turkmenistan is also known as an “enemy of the Internet” by Reporters Without Borders. Human Rights Watch labels it as a “most repressive country.” Amnesty International reported that people in Turkmenistan are expected to report any criticism of the state to the authorities and people expressing views that differ from the government’s are treated as enemies of the state. The government reportedly purchased FinFisher software to spy on the Internet activity of its citizens, including Skype conversations and chats. Social network tools such as Facebook and Twitter remained blocked in 2013, as did Gmail.

Turkmenistan’s government continues to have total control over mass media outlets in the country. Such media serve solely as a mouthpiece for the regime, with zero tolerance by authorities for information that even implies a less-than-stellar performance by the government.

In terms of its MSI scores, Turkmenistan falls solidly among the worst of the worst in terms of the media’s ability to sustainably inform the public with useful, relevant news and information. Four of the five objective scores do not exceed three-tenths of a point on a scale of 0 to 4. The exception, Objective 2, Professional Journalism, scores 0.52 thanks only to the fact that one indicator judging the quality and modernness of equipment and facilities received a halfway decent score; without that one indicator Objective 2 would have a score of 0.29. Turkmenistan is indeed one of the bleakest places on the planet when it comes to considering media as the “fourth estate.”

Due to the repressive environment in Turkmenistan, IREX did not conduct an in-country panel. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with the state of media in the country.

TURKMENISTAN at a glance

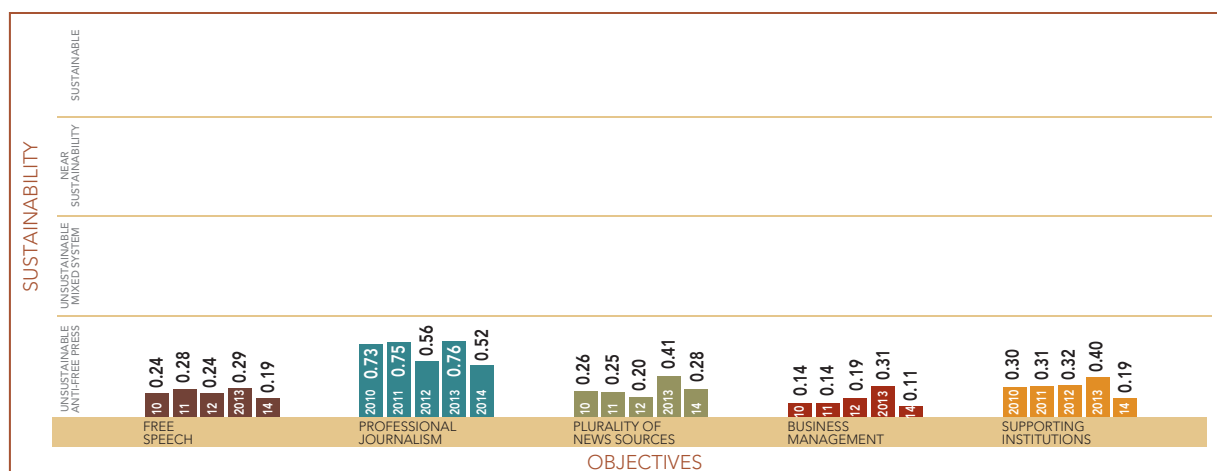
GENERAL

- > Population: 3,011,405 (July 2013 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 (official) 72%, Russian 12%, Uzbek 9%, other 7% (*CIA World Factbook*)
- > GNI (2012-Atlas): \$27.99 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$9,070 (World Bank Development Indicators, 2013)
- > Literacy rate: 99.6% (male 99.7%, female 99.5%) (2011 est., *CIA World Factbook*)
- > President or top authority: President Gurbanguly Berdimuhamedow (since February 14, 2007)

MEDIA-SPECIFIC

- > Number of active media outlets: Print: 26 national and local newspapers, 17 magazines; Radio Stations: 5; Television Stations: 7
- > Newspaper circulation statistics: The top two newspapers by circulation are *Neutrals Turkmenistan* (Russian- and English-language state owned daily), *Turkmenistan* (Turkmen language daily)
- > Broadcast ratings: N/A
- > News agencies: Turkmen dovlet habarlary (state owned)
- > Annual advertising revenue in media sector: N/A
- > Internet usage: 80,400 (2009 *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: TURKMENISTAN



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscores.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Turkmenistan Objective Score: 0.19

Turkmenistan's score for Objective 1 reflects the government's unabated absolute control over the freedom of speech and the press. It scored 0.19, slightly lower from the last year's score, signaling a worsening environment despite the promises of the new mass media law.

President Berdymukhammedov adopted a new constitution on September 28, 2008. The constitutional provisions support the freedom of speech and freedom of expression. However, in reality these constitutional rights are violated systematically. Often, the stunning government control over all types of information explains why people are not fully aware of their rights—there is no accountability or transparency. The fact that the results of the 2012 census, Turkmenistan's first in 17 years, have not yet been reported demonstrates the lack of accountability in the country. The national news outlets report on new laws passed by the parliament, but only in vague terms. For example, they might report just the headline, "Turkmen parliament passes important new law," without providing any specifics. No literature is easily available for the general public about any of Turkmenistan's laws. "Given the intense secrecy that surrounds the process, one cannot be certain that any real

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

"The Turkmen Constitution seemingly enshrines all of the major freedoms that are now widely considered necessary in a fair and democratic modern nation-state. But upon closer analysis, the Constitution reveals itself to have built-in caveats that undermine these core principles," said one of the panelists.

legislation is occurring behind closed doors, or if what passes for legislating is merely the result of the capricious whims of members of the ruling class, whose full identities are also hidden," said one panelist.

Even those people in Turkmenistan with some knowledge about their rights generally keep silent to avoid punishment for exercising their constitutional rights, which include the freedom of speech and the freedom of expression—especially on political and other sensitive matters. Knowledgeable individuals report that from the perspective of government officials, defending one's rights in Turkmenistan is considered a crime. People understand the potential risks involved, and no legal protection or assistance is available for freedom of speech violations. "The Turkmen Constitution seemingly enshrines all of the major freedoms that are now widely considered necessary in a fair and democratic modern nation-state. But upon closer analysis, the Constitution reveals itself to have built-in caveats that undermine these core principles," said one of the panelists.

For instance, "In article 40, 'The exercise of the rights and freedoms is inseparable from the performance by the individual and citizen their responsibilities toward the society and the state,' the problem lies in the interpretation of this relationship. Another issue is who has the authority to interpret the law," said an editor of a news website that covers Central Asia. The National Institute of Democracy and Human Rights under the President of Turkmenistan is reportedly established to promote human rights and democratic principles, but it appears it was established to convince the international community of Turkmenistan's pursuit of democracy, another panelist noted.

Furthermore, the country's judicial system never acts in the public interest, but rather serves the government interests. The rights protected by the constitution and mass media

laws of Turkmenistan are dismissed in practice, because the government does not allow people to exercise their rights.

The new law, which came into effect on January 4, 2013, promised full commitment to freedom of speech and freedom of expression and an end to all forms of censorship. The new law said it allows Turkmen citizens "...the right to use all forms of media to express their opinions and beliefs, and to seek, receive and impart information." However, one panelist said that since the new law passed, "Nothing has changed in terms of restrictions against freedom of speech, nor has it eased the problems of independent journalists on the ground."

Mass media outlets are required to obtain a government license. The law allows anyone at least 18 years old to establish mass media in the country, including local authorities, political parties, public associations, government organizations, other legal entities and citizens. Licensing fees differ, depending on the applicant. Government entities, for example, do not have to pay a licensing fee to launch a newspaper in Turkmenistan.

Turkmen citizens or corporations, on the other hand, must pay 100 times the amount of the estimated monthly wage. The State Publishing Association, Turkmenmetbugat, issues licenses with the approval of the Ministry of Internal Affairs and the Cabinet of Ministers. The ministries can reject applicants for a variety of reasons. The whole process of licensing is subjective, and is not transparent. Due to the secretive environment in Turkmenistan, it is not possible to even know whether any news outlet applied for a license in 2013. Licensing is generally used to silence any potential independent news outlet in the country. For example, the Turkmen Service of Radio Free Europe/Radio Liberty has applied for a license for many years now, without success. Mass media outlets in the country are registered as institutions, because the government fully funds all expenses.

The Turkmen president regularly reprimands editors-in-chief of news outlets in the country for poor performance. On January 12, 2013, Turkmenistan.ru reported that the Turkmen president fired Shadurdy Alovov, the chair of the State Committee for Television, Radio and Cinematography, "for shortcomings in his work." Alovov was reportedly denied future employment in positions involving financial authority, which is normally a restriction applied to officials found guilty of bribery, according to the Turkmenistan Human Rights Initiative. Maksat Altayev, the former director of the television channel Altyn Asyr: Turkmenistan replaced Alovov. In March 2013, the president fired Gyzylgul Nurgeldyeva, the chair of the Turkmen State Publishing

Service, for "shortcomings" in her responsibilities, as well. Akmurat Hudaiberdiyev was appointed the chair of the State Publishing Service in her place. No details were reported about Nurgeldyeva's supposed lapses in performance.

Crimes against independent journalists and citizen journalists in Turkmenistan are not rare. In May, 2013 local police detained an RFE/RL correspondent based in Turkmenabat city, Rovshen Yazmuhamedov. Numerous international organizations, including Amnesty International, Reporters Without Borders (RSF), Human Rights Watch (HRW) and the European Union pressured the Turkmen government to release the Turkmen journalist. Yazmuhamedov was released after spending two weeks in custody. In 2013, two Turkmen human rights activists were also freed after they served their prison terms based on charges that were widely believed to be politically motivated. The New York-based Human Rights Watch says Sapardurdy Khadzhiyev and Annakurban Amanklychev were wrongfully imprisoned since their arrest in June 2006, and suffered numerous health problems from their incarceration.

Khajiev, Amanklychev, and Khadzhiyev's sister, Ogulsapar Muradova, were associated with the Turkmenistan Helsinki Foundation, a Turkmen human rights group in exile. They were detained in June 2006, just after they helped a French journalist with a documentary film about the dire state of human rights in Turkmenistan. In August 2006, all three were convicted of illegal weapons possession after a closed trial. Muradova died under suspicious circumstances several weeks later. Turkmenistan is being called to account before the UN Human Rights Committee over her death in police custody, according to Open Society Justice Initiative report. A complaint filed on behalf of her brother, Khadzhiyev, by the Open Society Justice Initiative, asked the UN Human Rights Committee to push for a proper investigation into Muradova's death and mistreatment.

In addition, an explosion in Abadan in 2012 demonstrated that Turkmen government also targets citizen journalists. A British newspaper, *The Telegraph*, reported that some citizen journalists who had posted videos of the Abadan incident were detained and interrogated by secret services. One Turkmen blogger, according to British newspaper, ended up in jail.

All mass media outlets are funded and operated by Turkmenistan's government except one, *Rysgal*, which self-identifies as independent. In reality, however, panelists noted that mass media outlets in Turkmenistan have no editorial independence. The Union of Industrialists and Entrepreneurs launched *Rysgal*, which the president himself

publicized heavily. The president himself also founded many newspapers and periodicals in the Turkmenistan. Then, in 2013, he ordered all news outlets to designate new “founders.” For example, the Cabinet of Ministers became the founder of the governmental papers *Turkmenistan* and *Neutral Turkmenistan*, while the Ministry of Education became the founder of *Mugallymlar (Teacher’s Newspaper)*.

Turkmen law deems libel and the invasion of privacy as criminal offenses. The libel law grants special protection to government officials, public figures, the state, and state symbols. The burden of proof is on the accused, and convictions can lead to as many as five years in prison and a fine up to 30 months’ pay. But again, in practice, journalists in Turkmenistan are not terribly concerned about being charged with libel or invasion of privacy, because controls on the media are so strict that journalists have little chance to publish or air critical content.

In terms of access to official information, government officials control the release of all information. There is only one government-owned state news agency, Turkmen Dowllet Habarlary (State News), which releases much of that information. The presidential administration or specially designated officials from the regions must approve, in advance, all interviews with government officials.

The Turkmen government only considers journalists working for state-owned news outlets in the country as journalists. The government holds exclusive oversight over press accreditation. The government does not recognize independent journalists, bloggers and other citizen journalists as such and therefore such individuals fulfill their tasks secretly and cooperate with foreign news outlets covertly. The government grants visas to foreign journalists to visit Turkmenistan only to cover specific events, such as international oil and gas conferences and other summits where officials can closely monitor foreign journalists’ activities. “The oppressive regime rarely permits journalists to enter,” according to a *Washington Post* photo essay on December 9, 2013 dedicated to Turkmenistan. Specific examples from 2013 included Ashgabat’s first international sports media forum, which foreign journalists attended. The government also allowed a research team and television crew from the U.S. National Geographic Society in the country to shoot a documentary film about Turkmenistan. The Turkmen government also arranged a special tour for journalists from Chinese Jinjiang Television and the Central National Radio in December.

Turkmen mass media outlets are rarely allowed to use international news sources, although the law does not explicitly restrict such sources. The news outlets only use

“Sourcing, ethical practices, even reporting on major events—the official press does not honor any of these elements of journalism, nor does the majority of the audience even realize what is missing,” said one of the panelists.

international stories that are not on a political or sensitive topic. Permissible topics include animals, garden openings, or cultural events in foreign countries. Only news stories focusing on achievements of Turkmenistan are permitted.

Theoretically, people are free to choose their profession; however, many practical obstacles exist in Turkmenistan to prevent people from choosing a profession such as journalism. “Entrance to local universities can be facilitated through bribes to officials, ranging from a relatively modest \$7,000 for physical education to as much as \$100,000 for admissions to the Turkmen International University. Realistically, though, only the sons and daughters of upper-level officials can access such sums of money,” said John Richardson, a professor with the University of California at Los Angeles, in a scholarly article dedicated to Turkmenistan published in the journal of the International Federation of Library Associations and Institutions. Richardson visited Turkmenistan multiple times by invitation from the Turkmen government.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Turkmenistan Objective Score: 0.52

Turkmenistan’s score for Objective 2 is 0.52 out of 4.00, down from last year’s 0.76, indicating worsening professional standards. Indicator 7 (modern facilities and equipment) received the highest score out of all indicators in this year’s MSI, owing to the state’s spending on new technology, printing, and editing for the state-owned mass media outlets. However, indicator 1 (objective, well sourced reporting), indicator 3 (self-censorship) and indicator 8 (niche and investigative reporting) all received zeroes, the lowest possible score.

Journalism is still a highly manipulated profession, because journalists are tasked to produce only pro-government news stories. Anything else is not allowed. Reporters keep quiet about issues that are sensitive or that may provoke different thinking in the public from official government positions.

For example, the government is building strikingly expensive tourism facilities in Avaza resort, but they are sitting empty. And yet, Turkmen journalists do not report on the emptiness or about the waste of useless, expensive buildings. Richard Orange, a correspondent from the British *Telegraph*, called Avaza “the most ill-conceived resort ever built” after visiting it. According to the latest official report, “Statistical Year of Turkmenistan,” (posted on the stat.gov.tm website), 8,697 foreigners visited Turkmenistan during 2012 (on average, 24 foreign citizens arrive every day in Turkmenistan). Statistical reports for 2013 are unavailable. Some analysts question whether it is worthwhile to spend billions of dollars to construct such expensive facilities in a place that allows very few visitors, while the majority of Turkmen live in poverty.

Public interest news stories are never reported. Turkmen journalists also avoid reporting about human rights problems in the country, such as restrictions on citizens’ movement both within the country and in travel to foreign countries, and restrictions on religion and other civil liberties. “The government is repressive—one cannot travel freely internally or abroad,” Richardson wrote in his research article. Journalists do not consult a wide variety of relevant sources, because all sources would offer pro-government comments. Thus, they see little point in consulting multiple sources for their reporting. Typically, they do not conduct the necessary background research, either. It is difficult to assess whether reporters from specific media (television, radio or newspapers) do a better or worse job, because they all cover the same type of news stories distributed by the only state 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 and retain qualified personnel within the media profession.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Journalists in Turkmenistan do not have ethical standards, because there is no accountability about what and how journalists cover news stories; there are no functioning professional organization/associations to help guide or enforce standards. They do not follow ethical guidelines commonly honored in the West, such as not distorting the content of the news, or misrepresenting context, among many others. “Sourcing, ethical practices, even reporting on major events—the official press does not honor any of these elements of journalism, nor does the majority of the audience even realize what is missing,” said one of the panelists.

Turkmen journalists are also known to accept gifts in exchange for coverage, and they make no distinction between news reporting versus opinion pieces or advertorial placements. Ethical violations do not prompt any reaction or rebuke.

Turkmen journalists resort to self-censorship as a professional survival tool. They are fully aware of what stories might attract negative attention from government officials. Editors only assign news stories that they expect will be approved by officials specially designated by the president.

“Journalists face dual censorship, imposed by their own managers and by a Soviet-style censorship agency, the State Committee for Protection of State Secrets in Print Publications,” said Inga Sikorskaya, a senior editor for Turkmenistan at the Institute for War and Peace Reporting, in a January 18, 2013 article. “Even the most innocuous piece has to go to senior editorial staff and then to the state secrecy committee for approval,” she added. According to the opposition website *Chronicles of Turkmenistan* (Chrono-tm.org), new rules of censorship were introduced in 2013. An article has to be reviewed first by the relevant Ministry, which oversees the issues covered in the article before it gets into print. For instance, if a journalist has written an article about a school, the Ministry of Education must approve the article; an article about livestock farmers needs to be approved (or rejected) by the Ministry of Agriculture, etc.

Journalists cover all the key positive events and pro-government issues in the country. What journalists avoid covering are the key events and issues that are in the public interest, but problematic from the government’s point of view. It is an important distinction.

Pay levels for journalists and other media professionals are sufficiently high to discourage corruption, because

the government has regularly increased salaries. The government increased salaries 10 percent in January 2013, and Turkmenistan.ru reported that salaries would be increased again by 10 percent in January 2014. Journalists work for the government-controlled mass media outlets, and thus receive standard salaries and do not need to work at multiple places to meet their living expenses. Freelance journalists writing for the state-controlled news outlets receive small payments for each publication.

President Berdymukhammedov instructed the government to improve facilities in Turkmen news outlets by purchasing advanced printing equipment, editing systems and television studios. A notable example is a brand new 212-meter television tower equipped by Turkish and Western companies. In 2013, the president signed another decree permitting the Turkmen State Publishing Service to build a modern printing house in Ashgabat with Turkish and Austrian firms, including the purchase of modern equipment. It is expected to be fully functional in April 2015. The new Printing House is meant to develop the printing industry, increase circulation of newspapers, magazines and books, and improve the quality of publications and quality of services. "State-owned media is equipped with modern technology, but those modern technologies do not contribute anything to make local media more diverse or to represent the views of all sides," one of the panelists commented.

Turkmen journalists are not trained to specialize in covering specific kinds of issues, such as health, business, or education. Instead, they are assigned to cover certain beats despite their qualification and/or background. In fact, the university curriculum trains Turkmen journalists to be loyal, rather than professionally competent.

Entertainment programming dominates the mass media outlets, with programming heavy on concerts and talk shows dedicated to praising the president and his era of "happiness."

OBJECTIVE 3: PLURALITY OF NEWS

Turkmenistan Objective Score: 0.28

Turkmenistan's score for Objective 3, 0.28, fell slightly from last year's 0.41. The current status still indicates the mass media environment is completely dominated by state control. Indicator 2 (citizens' access to media is not restricted by law) received the highest score, although not significantly higher than the objective score, but indicators 3 (state news

"State media absolutely fails to reflect the views of the political spectrum, much less serve the public interest; indeed, if all one consumed was state media, one would be forgiven for thinking that the whole world agrees with the president, and that the president's interest is the public interest," said one of the panelists.

outlets serve the public interest) and indicator of 7 (minority language information sources) received the lowest possible scores—demonstrating complete dismissal of any public interest focus in news reports.

Turkmenistan has multiple news outlets, but they all present a singular (state-sanctioned) point of view, and their content differs little. Thus, citizens still have no opportunity to check sources against each other. Turkmenistan has stunning control over all the mass media in rendering pro-government messages and news stories. The only "private" weekly, *Rysgal*, opened in 2010, on the instruction of the president himself. The paper is officially owned by the Union of Industrialists and Entrepreneurs, a pro-government business association. Turkmenistan policies mandate that its

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

citizens consume pro-government news stories, especially for college students and state employees. For example, students of Pedagogical Institute in Turkmenabad city and Institute of Agriculture in Dashoguz are urged to watch the news program *Vatan* every evening, according to Chronicles of Turkmenistan, a news website operated by members of Turkmenistan's opposition-in-exile. "State media absolutely fails to reflect the views of the political spectrum, much less serve the public interest; indeed, if all one consumed was state media, one would be forgiven for thinking that the whole world agrees with the president, and that the president's interest is the public interest," said one of the panelists.

The flow of information is still extremely slow in this country. "It is an oral culture, because word of mouth is still an important channel," Richardson said, following his trip to Turkmenistan to study how people access and pass on information. "It is difficult to find something as simple as a bus map," the *Daily Bruin*, the newspaper of the University of California in Los Angeles quoted Richardson.

The number of mobile phone users is growing, but there are no media yet that use mobile capabilities to distribute news. Mobile phones are reportedly used by some 63 percent of the population, according to a SevDev Group report of Turkmenistan in 2013. And yet, obtaining a SIM card is a demanding task in Turkmenistan, said Richardson. Calling rates may have dropped, but a nominally priced \$30 SIM card may go for \$300 in the provinces due to their scarcity, he added.

Internet penetration is extremely low in Turkmenistan, and the Turkmen government has consistently blocked social networking websites (e.g., Twitter, YouTube, Facebook). The registration of domain names in the ".tm" zone remains very low because it costs \$1000, according to the Internet researcher for Security Index: Russian Journal on International Security Galiya Ibragimova.

There are seven state television channels, one national radio service, 26 national and local newspapers, and 17 magazines, all owned by the state. "It is public knowledge who owns all of the local media, and which are state-owned, but nothing is to be questioned about its policies, practices, etc.," said one panelist. The government news website Turkmenistan.gov.tm reported that the magazine *Foreign Policy and Diplomacy of Turkmenistan*, established by the Ministry of Foreign Affairs of Turkmenistan in 2011, opened its first office in a foreign country: Russia. This is the first foreign office for any mass media outlets of Turkmenistan. The office is located in Moscow, and is intended to offer new

updates about Turkmenistan in three languages (Turkmen, Russian and English).

In 2013, Turkmenistan also launched a new project allowing people all over the world to watch Turkmenistan's state television channels online through the website of the Turkmen State News Agency at <http://tdh.gov.tm/en/>. Russia's Channel One is re-broadcast by Turkmen television for two hours a day, never live; often dated entertainment programs are shown. Before releasing Russian television programs on air, the Turkmen government thoroughly reviews the content.

People get most of their information through domestic television and satellite television. Satellite television is one of the few ways for people in a country dominated by state-controlled media to access independent channels. Most households have satellite dishes, providing access to Russian and Turkish television, as well as foreign broadcasters such as CNN, BBC, and Al Jazeera. Due to language barriers, older and urban citizens rely on Russian satellite television for news, while younger and rural citizens with satellite access may turn to Turkish channels for entertainment. People in villages and smaller towns have fewer means of information. Television and radio are often the only sources of information—when the power is not out—because newspapers are not delivered to villages far from cities.

Official information is disseminated through the state's only news agency, Turkmen Dovlet Habarlary. Newspapers are printed, but not widely read, because all newspapers print identical information coming straight from the state's only news agency. The state media outlets do not compete to win readers. Those working in the state's prosecutor's office, the Ministry of Internal Affairs, the Ministry of Defense, and others are required to subscribe to *Adalat (Justice)* and *Esger (Military)*. Those working in the medical profession are required to subscribe to *Saglyk (Health)*. Those working for the Ministry of Culture have to subscribe to the president's newly established *Medeniyyet (Culture)* magazine, printed in Turkmen, Russian, and English. The State Committee of Turkmenistan for Tourism and Sport launched a new weekly newspaper *Turkmen Sporty*, and new magazines *Bedenterbiye we Sport (Physical Culture and Sports)* and *Siyahat (Tourism)*, for which they also have a captive customer base of state employees.

Turkmenistan actively restricts Internet access, blocks content, and monitors activities online. Turkmenistan's extremely high-cost Internet presents practical barriers for Turkmenistan residents to go online at home. Bandwidth is abysmal; roughly 10 percent of the speed of a typical

Internet connection. Turkmenistan.ru reported on April 10, 2013, that the Turkmen specialists installed fiber optic communication lines in the largest bazaar of the country, Altyn Asyr (Golden Age) in Ashgabat, potentially allowing 128 Internet users to connect to the Internet from the bazaar. Slow and filtered Internet is also available through cellular subscriptions with the state provider and the Russian branch of MTS, though at speeds that make streaming video impossible.

Turkmenistan also heavily filters Internet content and blocks numerous websites and social networks, opposition websites, general news websites in Russian about the region, and some useful tools such as Gmail. Most popular Internet sites and services, such as Facebook, Google, or YouTube, are still blocked. Panelists reported that no screen appears saying “blocked by Turkmen government.” Instead, the blocking appears like a technical error, such as “site not found” or a timeout, “the page was reset while loading.” It is difficult for the user to know whether the problem is in fact censorship or technical difficulties. “Opposition websites and major news websites do periodically make it through onto computer screens within Turkmenistan, but users are fearful that the government is potentially watching every online move. Thus, it becomes safer for them to simply limit their activities and views,” said another panelist.

The non-profit organization CorpWatch reported that Turkmenistan has purchased “FinFisher” electronic eavesdropping software to spy on phone calls and Internet activity from British, German and Swiss companies. It can track locations of cell phones, break encryption to steal social media passwords, record calls including Skype chats, remotely operate built-in web cams and microphones on computers and even log every keystroke made by a user. CorpWatch also cited the US Department of State annual, which said that “servers ... registered to the Ministry of Communications operated software that allowed the government to record Voice over Internet Protocol conversations, turn on cameras and microphones, and log keystrokes.

In terms of coverage of social and minority issues, mass media outlets do not report anything concerning the lack of gender equality, or about minority groups such as Kazakhs, Uzbeks, and others and there is strong resistance coming from the government side to Turkmen journalists reporting about other religions and sexual orientations. However, mostly international news outlets such as RFE/RL, EurasiaNet, Ferghana, BBC, and Chronicles of Turkmenistan, among others covering Central Asia in general, would report about issues that Turkmen domestic news outlets would ignore.

There are a growing number of Turkmen bloggers and users of online social networks, but they mostly use it for fun and for keeping in touch with friends; they share only very general information, said one of the panelists.

Panelists observed that those working for the state media outlets consist primarily of Turkmen nationalities, especially the younger staff members.

OBJECTIVE 4: BUSINESS MANAGEMENT

Turkmenistan Objective Score: 0.11

Turkmenistan’s score for Objective is 0.11, the lowest among the five objectives, and down from last year’s 0.31. Four out of seven indicators received the lowest possible scores in this objective, indicative that there is neither incentive nor intent to run media outlets efficiently.

All mass media in Turkmenistan are under strict government control, and financed fully by the state budget. Sales derive almost entirely from mandatory subscriptions by state employees.

Aside from scattered advertising by some international companies, donors, and a very few domestic services providers, mass media outlets are not involved in commercial activities. The state determines the budget for each outlet, and the president appoints and dismisses editors-in-chiefs. These budgets are unknown to the public; mass media outlets serve the government rather than the public. The government provides no transparent guidelines to mass

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

If a foreign organization wishes to place an advertisement, it needs government approval. The approval process takes up to a month, and requires 50 percent pre-payment.

media for them to determine their personnel policies. Turkmenistan is in fact considered one of the most corrupt countries in the world, according to 2013 report of Transparency International. The organization ranked Turkmenistan at 168 out of 177 countries, reflecting the widespread of abuse of power, secret dealings, and bribery. Personnel policies are not in place to allocate the right people to perform tasks and determine the proper amount of human resources. Individuals are appointed based on their loyalty, among other factors such as ethnicity, rather than their skills and experience.

One panelist mentioned the Ertir.com website, noting that it appears to be independent from the Turkmen government, perhaps by offering advertising for second-hand goods trading. "They are having some authentic financial success," the panelist noted. For government news outlets, there are three sources of revenue for the mass media outlets: mandatory subscriptions for state employees, limited advertisements, and guaranteed state funding. Mandatory subscriptions and limited advertisements are not considered revenue for any mass media outlets in the country, because the government fully covers the expenses of state-owned and state-operated mass media outlets despite the lack of advertisements and/or mandatory subscriptions. The mass media outlets do not compete for the readership or viewership. It is even pointless to discuss editorial independence, because of the strict government control. "It's impossible to talk about an equal and fair system of subsidizing the media because all newspapers, television, and radio are controlled and subsidized," said one panelist.

All panelists agreed that Turkmenistan's advertising industry appears to be slowly developing, though no data is available yet due to a recent influx of oil and gas companies and international companies entering the market, in the construction industry for example. It appears that government agencies are urged to advertise their products and services on outdoor billboards in all towns, explaining the growth in outdoor advertisement. State construction companies and government tourism agencies are two prominent examples. These advertisements are not based on marketing principles that take into account demographics,

nor are they produced professionally—especially outside of the capital city. A typical outdoor billboard provides a brief history of the company, the services it provides, and, of course, praises the president. Internet and mobile advertising are not developed yet in Turkmenistan.

There have been unconfirmed reports that city officials banned western images of people on outdoor posters and billboards, and have encouraged companies to use traditional Turkmen images instead. If a foreign organization wishes to place an advertisement, it needs government approval. The approval process takes up to a month, and requires 50 percent pre-payment.

Classified ads, holiday greetings, and congratulatory messages also appear in print media, but very few individuals spend money for such advertisements due to the low actual readership; the news outlets are dull, and full of praise for the president. One common advertisement from the public is the lost and found type.

Media managers do not feel pressed to use more and more ads to generate income, as the state budget fully covers the expenses of running the outlet. In fact, advertisement departments of news outlets just wait passively for any potential advertisers to come and seek ad placement.

Market research is not used to formulate strategic plans and tailor the product to the needs and interests of the audience. Turkmenistan's institutions do not offer research skills classes or degrees, and therefore lack specialists in undertaking market research. In fact, such research is prohibited. The United Nations, however, was able to get the government's permission to conduct research on the views of almost 2,000 Turkmen people on the future they hope to see after 2015. The carefully worded report, available on the website of United Nations Development Program in Turkmenistan, revealed little, according to the panelists.

The government provides the majority of jobs and dominates the economy, which continues to be one of the least free in the world. The US-based Heritage Foundation, in its annual *Index of Economic Freedom*, placed Turkmenistan at 39 out of 41 countries in Asia-Pacific, and it ranked at 169 out of 185 countries globally. The foundation said that Turkmenistan is repressed, and the report also said corruption continues to erode the business environment, severely undermining the rule of law and encouraging cronyism. The regulatory system is highly arbitrary, and enforcement is inconsistent. Personal relations with government officials are often required. Rankings are based on four main criteria: trade freedom, business freedom, investment freedom, and property rights.

The broadcast media sector has no ratings system. “There is neither concern for ratings nor is there any other type of research to find out the popularity of certain local media,” said one panelist. The panelists said, however, that anecdotal evidence suggests that most people in Turkmenistan prefer Russian television programming to their own.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Turkmenistan Objective Score: 0.19

Turkmenistan’s score for Objective 5 fell to 0.19, with the panelists concluding that no supporting institutions exist in Turkmenistan, and thus giving the lowest possible scores to many indicators of the objective.

Turkmenistan has no trade associations or professional associations that could represent the interests of the media, provide member services, or work to protect journalists’ rights. The government-run Institute for Democracy and Human Rights under the President of Turkmenistan plays its ombudsman role on paper only. No report could cite the accomplishments of this institute, which serves as the partner for many donor-financed events.

The media sector has no need for an association of media owners, the panelists pointed out, because the government is the only owner. Two unions for journalists used to operate in Turkmenistan, but it is difficult to know whether they

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

“Despite the excellent equipment in universities, these facilities are almost not in use for journalism students. Journalism courses in the universities mostly consist of ideological and philological disciplines,” the panelist added.

function or what specific activities they undertake these days, if any. The Union of Journalists in Turkmenistan was founded in 1992 with a charter that claims to uphold “The protection of journalists’ interests against state and public organizations, founders, and publishers of the media.” The other is the Shamshirag Association of Journalists of Turkmenistan. Whether either exists on paper makes little difference, as they would be unable to offer any real protection to journalists working inside of the country. Recent incidents demonstrate this, including the detention by police for two weeks of a local correspondent of RFE/RL based in Turkmenabat city, Rovshen Yazmuhamedov, who covers social issues. No explanation was given. In another incident, another REF/RL reporter—Dovletmyrat Yazgulyev—was arrested and convicted in 2011 of influencing in the attempted suicide of a family member. He later received a presidential pardon, in October 2011, after the international community subjected the government to withering criticism. Examples like this, drawing no reaction from the professional associations, demonstrate that these associations are non-existent in either practical or legal terms. In 2012, Yazgulyev received the Human Rights Watch Hellman/Hammett Award for his reporting on sensitive issues in Turkmenistan. The award is given annually to writers who have been targets of political persecution or human rights abuses in their home countries.

The country’s laws provide freedom to form associations, but in practice the government restricts this right, making it difficult for NGOs to function and support the media or civil society. The law requires all NGOs to register with the Ministry of Justice and the Ministry of Economics and Development, coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by fines, short-term detentions, and confiscation. The government continues to deny registration to NGOs and private organizations, using subjective criteria.

According to EurasiaNet.org, Berdymukhammedov reportedly ordered the creation of a state commission to supervise all foreign-funded “projects and programs,” as

well as place strict controls on outside money granted to legal and physical entities in Turkmenistan. Reportedly, the president is concerned that foreign money could be used to weaken his authoritarian grip on Turkmenistan. A provision in the addendum effectively prohibits outside funding for any type of activity deemed political. "All types of foreign assistance, as well as goods, property, cash and other funds received for its implementation, cannot be used to prepare and conduct elections, referenda, recall of a deputy, organizing and conducting assemblies, street marches, demonstrations, protests, sabotage (the cessation of work), training, dissemination of propaganda, for purposes related to political parties, or for conducting training sessions for the public and other types of political and advocacy activities," EurasiaNet.org reports, citing an English translation of the Turkmen text.

Other barriers include governmental requirements that founders of associations be citizens of Turkmenistan, and that associations operating domestically have at least 500 members to be registered. Additional regulations permit the Ministry of Justice to send representatives to association events and meetings, and require associations to notify the government about their planned activities.

Journalism education is in its infancy. A journalism program has been offered since 2008, at the Institute of International Relations of Turkmenistan—granting the Ministry of Foreign Affairs control over the selection criteria for students in its international journalism program. On July 16, 2013, *Nesil (Generation)* newspaper listed a journalism program under the Turkmen State University. The newspaper did not describe how journalism majors might obtain places in the program.

"The quality of journalism education is very poor, and there are no modern manuals and textbooks; university teachers are using Russian manuals and adapting them to Turkmen," said one panelist knowledgeable about journalism education in Turkmenistan. "Despite the excellent equipment in universities, these facilities are almost not in use for journalism students. Journalism courses in the universities mostly consist of ideological and philological disciplines," the panelist added.

There are no legal restrictions barring students from earning journalism degrees abroad. However, those who study journalism in foreign countries do not return to Turkmenistan to use their skills and knowledge. Those who manage to get accepted into foreign programs are usually fired under suspicion of foreign influence or for their intent to use actual journalistic skills. For example, past MSI studies reported that Turkmen journalist Elena Myatdiyeva was fired

for attending a training seminar for journalists in Sweden. In fact, such students typically do not even attempt to get a job even if they do return to Turkmenistan. They will face rejection in their job search, and they will also be suspected of cooperating with foreign news outlets.

In 2012, the president issued instructions to build a new university in Ashgabat to prepare highly qualified specialists, including in international journalism. The president directed that instruction be in English, and should meet the international standard of separate bachelor's and master's degree programs. In the meantime, Turkmenistan's government remains suspicious of foreign-educated students, especially in fields that may be critical of the government, such as political science, journalism, and sociology, among others.

Turkmen journalists have few opportunities to improve their professional skills, as neither government agencies nor NGOs offer many training opportunities. Some short-term training opportunities exist, but are possible only with the support of international organizations such as the OSCE, UN, EU, and some foreign embassies in Turkmenistan. These NGOs work with the Turkmen government, and officials control who participates in the trainings. The organizations hold trainings only in the capital city, and they are not open for citizen journalists and/or the general public.

There were several professional trainings held in the Turkmen capital in 2013 for working journalists organized by various NGOs functioning in the country. For instance, the OSCE organized training about Internet freedom and freedom of expression for media professionals, representatives of the Mejlis (Parliament), ministries and institutional dealing with media and Internet issues. Also, the OSCE office in Ashgabat organized a study trip to Estonia in July of 2013 for Turkmen officials to facilitate the exchange of practices in Internet development and media legislation. The OSCE organized another online journalism training in November 2013 for 25 journalism students. The same training also covered ethics and professional standards in the online sphere, as well as practical exercises on writing headlines, working with sources, and the effective use of online search tools. The OSCE center in Turkmenistan also sponsored a study trip for a small group of journalism students to Ukraine to attend a new media workshop.

The Turkmen government also hosted several media forums in 2013, including an international sports media forum to discuss Turkmenistan's hosting of its first major international sporting event, the Asian Indoor and Martial Arts Games 2017.

The government owns all printing production facilities, print distribution facilities, and media distribution channels. Only some small kiosks are in private hands. Some of these will distribute Russian newspapers, often well after their issue dates. The president allowed the Ministry of Communication to sign contracts with the Russian printing agency Rospechat and the publishing house Informnauka (Informational Science) to subscribe to their periodicals.

Berdymukhammedov has vowed to modernize the country by introducing new communication technology and joining the global Internet. Yet the infrastructure is still primitive. Slow speeds, exorbitant pricing, and technological illiteracy all constitute major hurdles, according to a report released in 2-13 by SecDev Group. The report examined Internet censorship and surveillance in Turkmenistan. The report also highlights that officials are increasingly wary of its potential as an outlet for dissent. Official estimates state that 2.2 percent of population has Internet access, according to report. That is roughly 100,000 Internet users. However,

it is difficult to know to what extent this small portion of Turkmenistan's population uses the Internet to become better-informed citizens, and to participate in public life. It is also unclear how much accurate information these users have access to, especially in an environment where many websites are regularly blocked and filtered. "Wi-Fi is only available at the few expensive hotels that usually cater to foreigners," said one panelist. Mobile phones, used by some 63 percent of the population, are important points of access, but uptake has been stymied. Unofficial estimates place mobile Internet penetration at 14 percent (700,000 users).

List of Panel Participants

Note: Due to the repressive environment in Turkmenistan, IREX did not conduct an in-country panel. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with the state of media in the country.

President Karimov and his family are considered a taboo subject. In 2013, while international media actively discussed dissent within that family—which was constantly leaked by the president’s eldest daughter, Gulnara Karimova, though social networks—no media in Uzbekistan covered the subject.



UZBEKISTAN

Despite the government's alleged attempts to reform the media sector, there is little evidence of improvement in the freedom of speech in Uzbekistan over the past year. Given the repressive political environment, the mass media is heavily self-censored and there are many taboo subjects journalists dare not cover. The government continues to block access to Internet websites and blogs that offer opinions contrary to those held by official Tashkent. Independent-minded journalists are still harassed and arrested.

President Islam Karimov, who has continuously ignored or revised limits on presidential terms and has been de-facto ruling the country since 1989, exercises total control on mass media, both state and independent. Uzbekistan was one of the last countries of the former Soviet bloc to ban censorship, doing so in 2002. However, a revised media law introduced in 2007, two years after bloody events in the eastern city Andijan, assigns a higher level of responsibility to media outlets to ensure the "objectivity" of the content produced, which has led to editorial self-censorship. Today, despite the government's populist calls for openness, media outlets still refrain from publishing information that is critical of any political, social, or economic policies of the state.

President Karimov and his family are considered a taboo subject. In 2013, while international media actively discussed dissent within that family—which was constantly leaked by the president's eldest daughter, Gulnara Karimova, through social networks—no media in Uzbekistan covered the subject. Neither did Uzbek media discuss the liquidation of several television channels reportedly under her control, nor the closure of the most circulated newspaper, *Darakchi*, which belonged to her closest ally.

Independent journalists critical of the government's policies are subject to persecution by police and the National Security Service (NSS). In July 2013, journalist Vladimir Ahunov was interrogated by NSS and fired from *Ferganskaya Pravda* for covering a dispute over property between the Artists Union and an entrepreneur. In September 2013, independent journalist Sergey Naumov was sentenced to 12 days of administrative arrest for covering forced labor at state cotton plantations. At least four journalists were in prison in 2013, including Muhammad Bekjanov and Yusuf Ruzimuradov, both reporters of opposition newspaper *Erk*, which is no longer published. According to the Committee to Protect Journalists, since being jailed in 1999, the two have been imprisoned longer than any other reporters in the world.

Due to the repressive environment in Uzbekistan, IREX did not conduct an in-country panel. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with the state of media in the country.

UZBEKISTAN at a glance

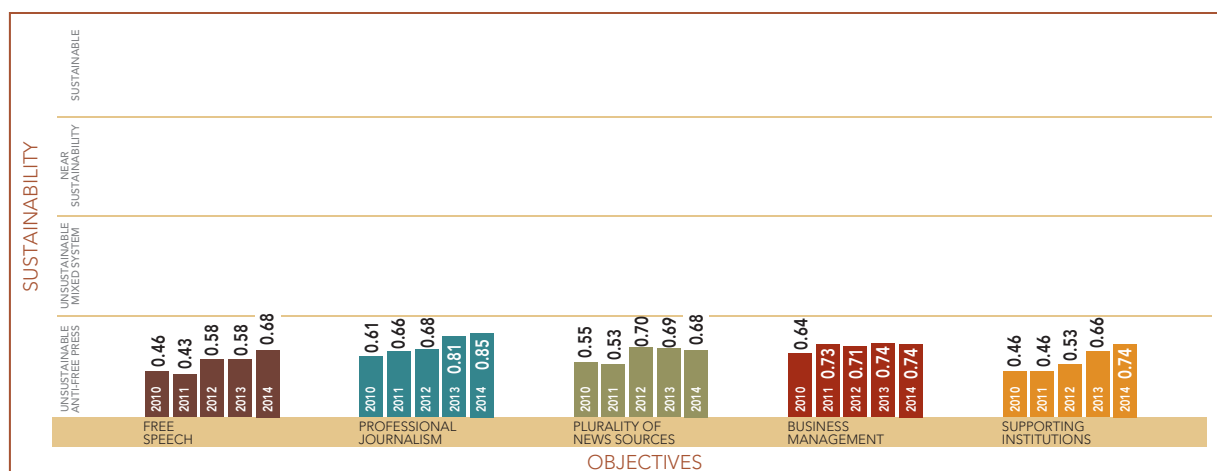
GENERAL

- > Population: 28,929,716 (July 2014 est., *CIA World Factbook*)
- > Capital city: Tashkent
- > Ethnic groups (% of population): Uzbek 80%, Russian 5.5%, Tajik 5%, Kazakh 3%, Karakalpak 2.5%, Tatar 1.5%, other 2.5% (1996 est., *CIA World Factbook*)
- > Religions (% of population): Muslim 88% (mostly Sunni), Eastern Orthodox 9%, other 3% (*CIA World Factbook*)
- > Languages: Uzbek (official) 74.3%, Russian 14.2%, Tajik 4.4%, other 7.1% (*CIA World Factbook*)
- > GNI (2012-Atlas): \$51.16 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$3,670 (World Bank Development Indicators, 2013)
- > Literacy rate: 99.4%; male 99.6%, female 99.2% (2011 est., *CIA World Factbook*)
- > President or top authority: President Islam Karimov (since March 24, 1990)

MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations, and Internet portals: Print media: 1,015; Radio Stations: 35; Television Stations: 63; Internet: 300 websites registered as media (Uzbek government)
- > Newspaper circulation statistics: Total newspaper readership is estimated at 500,000; top publications include *Khalk Sozi* (state-run daily, reached 130,000 circulation in 2013), *Narodnye Slovo* (state-run, Russian-language version of *Khalk Sozi*), *O'zbekiston Ozovi* (published by ruling party) (Library of Congress, Federal Research Division)
- > Broadcast ratings: N/A
- > News agencies: Uzbekistan National News Agency (state-owned), Jahon, Turkiston Press, Uzbekistan Today
- > Annual advertising revenue in media sector: N/A
- > Internet usage: 4.689 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: UZBEKISTAN



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

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

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

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

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

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

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscores.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Uzbekistan Objective Score: 0.68

The year 2013 did not bring significant changes in the legal framework governing media or ensuring its freedom. There is a solid legal framework that guarantees the freedom of speech and other rights of the media in Uzbekistan, but it is almost never enforced. In fact, rather than applying the laws, instead the most serious obstacles for free speech come from government officials and agencies.

According to a March 20, 2013 decree by President Islam Karimov, the government started testing the draft law “On the openness of public authorities and governance” in Bukhara and Samarkand regions. The bill, according to Article 1 of the document, is aimed at “ensuring broad access for businesses and individuals to information about the activities of public authorities and governance; broadening of forms of realization of the constitutional right of citizens to information; designation of procedures for informing the public about the activities of public authorities and governance; increasing the responsibility of state bodies and governance for their decisions.”

However, the articles of the draft law, highly praised by the president and government media, mostly duplicate provisions of the existing laws regulating the release of information. These include: “On mass media,” “On

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

On December 11, the government suspended for an unknown period of time the licenses of the country’s best selling tabloid *Darakchi* (circulating 40,000 copies in Russian and 120,000 copies in Uzbek) and a smaller newspaper targeting women, *Sogdiana*.

protection of journalists’ professional activities,” “On the principles and guarantees of freedom of information” and “On citizens’ appeals.” So far, therefore, the experiment has not produced any significant results.

Government violations of media laws are often justified with references to vaguely defined provisions and decrees, which can be interpreted conveniently to obstruct free speech and access to information.

All media establishments are required to register with the Uzbekistan Press and Information Agency (UPIA), which falls under the jurisdiction of the Cabinet of Ministers. Online versions of newspapers also fall within the law’s scope and as such are subject to registration if their content differs from their printed publication.

The procedure for obtaining a license is set by the Cabinet of Ministers’ decree “On Further Development of the Procedure for State Registration of the Mass Media” and a number of other departmental documents, some of which are not available for public access.

In addition to a number of documents required to register a media outlet, the founder must also provide information on the proposed editor-in-chief. The panel deciding whether to grant the license includes several officials from UPIA and may arbitrarily approve or reject the candidacy of an editor-in-chief. If the candidate is rejected, the media may possibly not get a license. According to independent journalists working in Uzbekistan, candidates for editor-in-chief usually are vetted by the state security services.

As noted in previous MSI studies, the Internet remains the least-controlled media format in Uzbekistan. Nonetheless, as the Law on Mass Media clearly indicates, all Internet websites with the .uz domain, or websites of organizations registered in Uzbekistan, are all still subject to tight government regulations.

Termination of licenses remains a serious threat to media, forcing them to be extremely cautious in publishing

news and presenting analysis. Currently, the only way for revocation of a media license is by a court's decision. Nevertheless, given the dependence of courts on the government, UPIA still plays a significant role in terminating the media license.

In 2012, the media in general—print media in particular—received fairly significant tax benefits. As a result, distributors of media products such as books are exempt from VAT and social taxes. For small media firms, publishing and printing have been reduced by 1 percent. Social and political news media, as well as literature for children and persons with disabilities, are exempt from income taxes for five years. In addition, starting in November of 2012, the government halved the registration fee for all media outlets. However, despite tax privileges, a lack of economic barriers to entering the market, and the simplification of the registration process, the procedure for obtaining a media license remains murky and officials can arbitrarily refuse to register virtually any media outlet they choose.

Despite the alleged attempts of the government to diversify the media landscape, numerous media institutions were closed in 2013. As an example of how the government can close media outlets capriciously, the closures included several newspapers and television channels allegedly controlled by the president's eldest daughter, Gulnara Karimova, and her partners. On October 21, popular television channels Forum TV and TV Markaz went off air. The former was engaged mainly in promoting the Forum for Culture and Arts of Uzbekistan, a charity run by Karimova. The latter was solely a commercial enterprise—an entertainment station broadcasting popular films, youth programs, and music by Uzbek pop stars.

On the same day, two other television channels, NTT and SOFTS, were also taken off air. NTT mainly broadcast the shows produced by other non-government television channels that are members of the National Association of Electronic Mass Media (NAESMI), which is headed by Firdavs Abduhalikov, a known public relations and media advisor to Karimova.

Within a short period of time following these closures, several regional television channels—Samarkand TV, owned by Anduhalikov, and five others that were NAESMI members (Margilon TV, Mulokot TV in Kokand, Qarshi TV, Istiklol TV in Bukhara, and Tortkol TV—were also closed.

Later, in November and December, The state-run National Television and Radio Company of Uzbekistan started piloting four new television channels that air mostly entertainment shows. The move is seen as an attempt to replace the closed channels.

Along with the television channels, three radio stations, Terra, Zamin, and Alo FM, all owned by Terra Group, were

closed in late October. Terra Group is reported to have close ties with Karimova.

On December 11, the government suspended for an unknown period of time the licenses of the country's best selling tabloid *Darakchi* (circulating 40,000 copies in Russian and 120,000 copies in Uzbek) and a smaller newspaper targeting women, *Sogdiana*. Both newspapers were published by Darakchi Matbuot Uyi, which belongs to Abduhalikov. *Darakchi's* website also went offline. Reportedly, the government is investigating Darakchi Matbuot Uyi for financial abuses.

Darakchi mainly reprinted articles from Russian tabloids, covered Uzbek pop-culture, and published celebrity gossip. In the news section it republished reports by UzA, the state news agency. It also promoted the work of Karimova's Forum of Culture and Arts of Uzbekistan and other organizations affiliated with Abduhalikov and Karimova.

Amid the ongoing internal conflict in President Islam Karimov's family, which went public due to Gulnara Karimova's, and her younger sister Lola Karimova-Tillayeva's, interviews with international media, closing down media under the control of the president's eldest daughter and her partners is seen as a political move to decrease her influence. According to Gulnara Karimova, this campaign is run by NSS and her father is not aware of it.

On November 8, a Tashkent court decided to revoke the license of the non-government weekly newspaper *Novosti Uzbekistana (News of Uzbekistan)* for "promoting terrorism." In one of its last issues the newspaper published, mistakenly, it claimed, an old article from 2011 about a meeting of local activists in the Andijan region. The article included a photo of Andijan city administration building taken during the bloody events of May 2005, when forces of the Karimov government shot dead hundreds of demonstrators.

In the past, the newspaper experienced problems with the authorities because of articles deemed critical of the government and individual officials. In 2012, the newspaper was found guilty by the Tashkent Commercial Court for "damaging the image" of the Ecological Movement of Uzbekistan (EMU) political party, which holds 15 seats in the national parliament. The newspaper questioned the movement's professionalism in tackling ecological problems. The court ordered *Novosti Uzbekistana* to pay EMU's legal fees and publish a retraction.

In 2013, at least two popular websites, Olam.uz and Mezon.uz, were closed by the authorities. One of the top visited news websites in Uzbekistan, Olam.uz, has been working actively with its audiences by crowd-sourcing and working interactively to engage readers. They often criticized Tashkent

municipal services. Their project “Interactive Power” allowed readers to ask questions to certain government institutions. According to Radio Ozodlik, the Uzbek service of RFE/RL, the website may have been closed as the authorities opened criminal cases against its publishers.

Mezon.uz, launched in 2012 allegedly with UN grant funds, became quite popular in a short period of time as it often covered vital social problems. Motives behind closing the website are still unknown. According to independent reports, the website is being investigated by tax authorities.

2013 was not marked by crimes against journalists in Uzbekistan. However, the state itself pressures journalists and forces them to remain silent. In July, journalist Vladimir Ahunov was fired from the newspaper *Ferganskaya Pravda* for covering a dispute over property between the Artists Union and an entrepreneur. Ahunov investigated the illegal appropriation of the building built by the Artists Union. After the article was published, the journalist was interrogated by an NSS officer, who ordered him to stop the investigation.

On September 21, independent journalist Sergey Naumov was detained by police in Urgench, in Khorezm region. The journalist was accused of hooliganism, and on the same day was sentenced to 12 days of administrative detainment. Naumov reported on the use of forced labor of adults and minors at state cotton plantations.

Libel and insult are not decriminalized in Uzbekistan, and existing criminal responsibility for these acts still remains a potential threat to journalists. The Criminal Code’s article 139 on libel is often used by the Uzbek authorities against independent journalists who report on taboo social issues or criticize the government. In past few years, several journalists were charged with libel and slander: Vladimir Berezovsky from Russia’s *Parliamentskaya Gazeta*, Abdumalik Boboyev, stringer for Voice of America, photojournalist Umida Akhmedova, and freelance journalists Yelena Bondar and Viktor Krymzalov. Later, Boboyev and Bondar, like many of their colleagues, rights activists, and opposition members before them, had to leave Uzbekistan due to the persecution by the authorities.

The Committee to Protect Journalists (CPJ) again included Uzbekistan in the list of top 10 worst jailers of journalists in the world. At least four journalists were in Uzbek prisons in 2013, including Muhammad Bekjanov and Yusuf Ruzimuradov, whose plight was described above.

Media outlets are not free to republish or broadcast information from other news sources if that information is deemed critical of the government. For instance, an August 2013 shoot-out in front of opposition leader Muhammad

Editors are responsible for produced content and, therefore, they often restrict the ability of journalists to report openly. Restrictions are very rigid in state media organizations, especially television, since their audience is very big.

Salih’s house in Istanbul, Turkey, was reported only by international mass media banned in Uzbekistan.

Regarding entry into the journalism profession, Uzbek journalists must obtain one-time accreditation to cover sessions of the parliament. Generally, entering government buildings requires a pass, which only government-friendly journalists tend to obtain. One-time accreditation is required also for any event involving the president, prime minister, or officials with the rank of minister or deputy minister.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Uzbekistan Objective Score: 0.85

In his December 2013 speech to honor the 21st anniversary of Uzbekistan’s Constitution, President Karimov again called media workers to be more professional and brave when covering the problems of society, while condemning journalists who fear and refrain from reporting on vital issues. However, according to Tashkent-based journalists

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

interviewed for this report, journalists in Uzbekistan still regularly censor themselves in order to prevent problems with the government, and choose to cover officially acceptable topics rather than events or issues of interest or importance to the public.

Journalists, especially in state media, do not use sources of information and expert opinions that are contrary to the official view. In 2013, neither state nor private media organizations covered activities of human rights activists and opposition parties. Even those few foreign correspondents who manage to get accreditation from the Ministry of Foreign Affairs to work in Uzbekistan refrain from making any critical remarks on the government's policies in order to avoid termination of their accreditation.

Generally accepted ethical standards are followed mostly in reporting on social issues. Articles covering the country's economy and government policy remain the same as before: one-sided, reflecting only the official point of view. Some media associations, such as NAESMI, have developed their own code of ethics for journalists, but there are no mechanisms to enforce its application in practice.

Despite the official ban of censorship in 2002, self-censorship is still widely practiced by mass media. Editors are responsible for produced content and, therefore, they often restrict the ability of journalists to report openly. Restrictions are very rigid in state media organizations, especially television, since their audience is very big.

In 2013, online media, unlike print or broadcast outlets, more than ever raised sensitive issues, especially the problems related to the work of local administrations. However, still, media's criticism does not go beyond the level of city administrations. In such articles, usually on local social issues, journalists try to represent various parties to the conflict.

Taboos include independent coverage of the president's family. This was very clearly manifested in the second half of 2013 amid the conflict in the Karimov family. The conflict, described above, was not reported in a single media outlet in Uzbekistan. Further, exiled Uzbek opposition groups claim that 75-year-old President Karimov suffered a heart attack in March 2013; while widely discussed by international media this was not reflected in Uzbek media.

At the same time, media corruption is still widespread in the country. Due to low wages prevalent at almost all media organizations, journalists continue accepting gifts or bribes in exchange for positive coverage in their materials. Relatively higher salaries are offered at print media sponsored by the cabinet and the parliament, the state-run

"Uzbekistan" channel, and several non-governmental online media. Non-government Internet publications that offer competitive salaries were launched during the past two years and receive grants from the government and public organizations (controlled by legislative branch).

Entertainment content still makes up most of the content for both state and private television channels. However, in 2013, the main state television channel "Uzbekistan" reduced its entertainment shows and replaced them with educational programs. Airing time for news and analytical programs remain the same: news programs at private television channels do not exceed one hour per day, and they are usually limited to airing self-produced, non-critical reports and reading official press releases. In print and Internet media, there is a clear division between entertainment and "serious" journalism: news and information media rarely publish entertainment content, entertainment media are not engaged in the news. At the same time, according to independent journalists, there is a growing need for locally produced quality news.

Only large state-owned media organizations and non-government media receiving grants from state and public organizations are able to improve their technical equipment. Regional media, especially newspapers in rural areas, are badly equipped. Most of their equipment is often technically obsolete. Until recently, technical equipment was available for regional television and radio stations, which were part of NAESMI, but its initiative has been discontinued.

There is a complete absence of quality investigative journalism. Television programs presented as "investigative reporting" are often one-sided and target opponents of president Karimov's regime. For example, in August 2013, Fergana region's Ruhsor TV, member of NAESMI, aired a show two days in a row that criticized journalist Faruh Yusupov, the Prague-based editor of RFE/RL's Uzbek service, who was born in Fergana and still has many relatives there.

There are not many specialized publications in Uzbekistan, and most of them are of fairly poor quality. The magazine *Economic Review* stands out among them, as it is relatively flexible when choosing expert opinions—largely because of its UNDP affiliation. In 2013, Internet publication *Sreda.uz*, dedicated to environmental and water issues in Central Asia, was launched to gather the work of veteran journalists specializing in this topic. Some of the authors are professional environmentalists and the content is often of high quality.

OBJECTIVE 3: PLURALITY OF NEWS

Uzbekistan Objective Score: 0.68

According to official statistics, there are 1,367 registered mass media outlets operating in Uzbekistan, and more than half of them are newspapers—three times more than in 1991, when the Soviet Union collapsed. In every single event dedicated to media, Uzbek authorities boast of developments using bold statistics. However, the quantity of media is not indicative of the quality of content it produces.

Despite the appearance of media diversity, information provided by the Uzbek media relays the viewpoint of official Tashkent. The difference between state and independent media lies only in style of production: state media, for example newspapers such as *Xalq so'zi*, still keep the old Soviet propagandist way of writing, while independent media, writing on the same topic from the same sources, imitate the modern Western media. But the information is, in the end, the same.

In fact, the closure of several television channels, detailed above, did not have any significant impact on information diversity in Uzbekistan, since almost all of the closed stations duplicated information from state media institutions. Closure of *Novosti Uzbekistana* could have had a noticeable effect if it had a higher circulation, but it never exceeded 5,000.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Online media keep gaining popularity despite Uzbekistan having one of the slowest connections in the region. Official figures show that by the end of 2013 the number of registered online media reached 300.

As noted above, in late 2013 in the wake of the closure of several television stations affiliated with Gulnara Karimova and her allies, the state-owned National Television and Radio Company of Uzbekistan launched four new digital television channels: Navo (Melody), Kinoteatr (Cinema), Diyor (Motherland), and Oilaviy (Family). According to the state broadcaster, the channels were formed in accordance with a 2012 decree by president Karimov on development of digital television throughout the country. Uzdigital, a leading digital television company with more than 1 million viewers, included the new channels in its package.

Online media keep gaining popularity despite Uzbekistan having one of the slowest connections in the region. Official figures show that by the end of 2013 the number of registered online media reached 300. New non-governmental Internet publications, offering competitive salaries, were launched during the past two years thanks in part to grants from the government and public organizations controlled by parliament. Experts believe that these media organizations are supported to create visibility of media diversity and control information during the upcoming presidential elections in 2015.

Yet again, as with the seeming plurality of traditional media outlets, due to total control by authorities and self-censorship websites in Uzbekistan are also very cautious about publishing critical information. However, unlike print media, some Internet news websites, such as *Gazeta.uz* and *Kun.uz*, have online multimedia resources available to diversify their content, which makes them more interesting to readers. Still, the most popular websites in Uzbekistan are generally entertainment-oriented.

According to official statistics, Internet users in Uzbekistan exceeded 10 million people in 2013. Mobile Internet is becoming hugely popular in country's remote regions, where landline communication infrastructure is not well developed. According to President Karimov, today there are more than 18 million mobile users in Uzbekistan out of a population of 30 million.

Despite the popularity of social networks, generally speaking the public does not rely on them as news sources. However, independent news websites blocked by the authorities have been extensively using popular social networks to reach their audience. The most popular social networks in the country are Russian services Odnoklassniki (Classmates) and Moy Mir (My World). Social networks such as Facebook and Twitter are open, but not widely used as their Russian counterparts. The Uzbek social network Muloqot (Dialogue), launched in 2011 with support from Uzbektelecom, has not gained popularity; many observers believe its purpose is to counter the influence of foreign social networks.

The Uzbek blogosphere is still in the early stages of its development and is more entertainment-focused rather than serving as a source of news. Bloggers, mostly based in Tashkent, can write on a variety of topics but refrain from criticizing the government's policies. The issue of fuel shortages plaguing the country in fall 2013 was widely discussed by Twitter users. However, discussions were more about the facts of the fuel shortage, not the reasons behind it.

Despite the unclear legal status of blogging in Uzbekistan, to date there have been no legal cases brought against bloggers. According to journalists in Tashkent, NSS closely watches bloggers and in case they notice any "harmful" information, the blogger is invited to "preventive" talks.

Twitter's audience in Uzbekistan continued growing in 2013. The most famous Twitter user in the country still is Gulnara Karimova. Having more than 50,000 followers, she has been using her account to leak information about NSS pressure against her and her partners.

There is an official limit on relaying foreign television channels, including popular Russian ones, by cable companies. But the owners of satellite dishes can enjoy watching and listening to any openly available television and radio channel.

Websites of independent media organizations that provide what is considered "undesirable information" and are not registered in the .uz domain are either completely blocked or partially censored. Yet, some media organizations, whose websites are blocked in Uzbekistan, have been actively cross-posting the materials on social media platforms. For instance, Radio Ozodlik's group on the Russia-based Odnoklassniki, the most popular social network in Uzbekistan and many other former Soviet countries, has more than 100,000 members. The group cross-publishes articles and multimedia materials from Radio Ozodlik's website, which was blocked by the Uzbek authorities after 2005 events in Andijan. However, experts

say that the Russian social network is not the safest way for communicating, as it is politically biased. In February 2013, administration of Odnoklassniki.ru terminated the group created by The People's Movement of Uzbekistan (PMU), the united opposition group headed by Muhammad Salih. The group was rapidly growing and had about 30,000 members at the time of closing. PMU accused Odnoklassniki of cooperating with Karimov's regime.

Internet service providers still receive Internet through Uzbektelecom, a state communication company that has a monopoly on Internet provision in the country. Therefore, government still easily blocks access to a wide range of international news websites that offer critical information. Because of this, every year global media watchdogs name Uzbekistan an "enemy of the Internet" alongside the likes of China and Iran. Nonetheless, given the rapid development of new media tools widely available online, today more and more Uzbek netizens are using anonymizers and proxy servers to receive the censored content via the Internet.

The fact that social networking sites are becoming a source for alternative information may be a reason why state-run television channels are airing talk-shows discussing the supposed negative effects of social networking platforms on Uzbek youth. On talk-show *Munosabat (Attitude)* in July 2013, Member-of-Parliament Shuhrat Dehqonov argued that young people using social networks are also surfing websites that "deprive people of their historical memory." Amid these discussions, that same month UPIA drafted a law "On the protection of minors from information harmful to their physical and spiritual development." According to UPIA, the bill will prevent the distribution of print, audio, and video material, as well as computer games, that "promote violence, cruelty, drugs, pornography, and other harmful information." However, it is seen by some experts as yet another move by the Uzbek authorities to create a legal basis for filtering information online.

Regarding indicator 3, state media reflect the political spectrum and are non-partisan, Uzbek media (state and private) fall far short. Stories about the opposition rarely appear in the local media, only doing so when coverage is critical in nature and often biased. Likewise, there are no independent news agencies. The government controls the gathering and dissemination of news through three main agencies: Uzbekistan National News Agency (UzA, state-run), Jahon (run by the Ministry of Foreign Affairs), and the Russian-language news agency Turkiston-Press. Foreign embassies and offices of international non-governmental organizations get information from Turkiston-Press—mainly because it contains economic information that is not provided by state news agencies or other media.

As stated in previous MSI reports, media organizations, flexible in covering social matters, usually do not produce their own news on economic and political issues—they merely republish such information prepared by UZA state news agency. Using officially sanctioned news items rather than producing original content is another form of self-censorship and allows media to avoid possible punishment.

Some private print and online media produce their own news content, but it rarely differs from the state news media—lesser formal language, but the general angle is the same. Many Uzbek journalists complain that they are not allowed to diversify their sources; almost all news media are provided with a list of approved experts by the authorities.

Ownership of private media outlets is not transparent. Prior to his arrest, most people did not know, for example, that Fridavs Abduholikov owned newspaper *Darakchi*, the largest print media outlet in Uzbekistan. Generally, however, the majority Uzbeks believe that all media outlets in the country are owned by a certain group of people close to the president's family.

In Uzbekistan, there are newspapers published in the languages of ethnic minorities. The Russian language still plays a significant role in Uzbek society, and therefore ethnic Russians in Uzbekistan enjoy great media diversity in their native language. Observers say that the number of Tajik-language media in Uzbekistan is decreasing from year to year, as the Tajik language, mostly spoken by ethnic Tajiks in Samarkand and Bukhara, is getting less and less support from the government. Like other media, all minority press is controlled by the government. Therefore, none of them can raise problems of their respective ethnic groups, such as ethnic discrimination or the decreasing number of schools teaching in minority languages.

Sexual minorities are still a taboo subject, and the media do not cover the issue. Moreover, Uzbekistan is one of the two countries of the former Soviet Union that where homosexuality still is a criminal offence (the other country is Turkmenistan). Article 120 of the country's Criminal Code provides for up to three years in prison for those found guilty of sodomy.

In 2013, the Uzbek media, especially the Internet publications, began to pay more attention to international news, including some publications reporting on conflict situations. Website *Gazeta.uz*, for example, covered the situation in Syria. But generally, media in Uzbekistan take a very selective approach when covering international events. Anti-government demonstrations in Turkey and Ukraine are not fully covered by Uzbek media. When Uzbek political refugee Safar Bekjan illegally entered Gulnara Karimova's

home in Geneva in December 2013 together with four fellow dissidents, it was a top subject in all independent media covering Uzbekistan, yet the media within the country were silent about it. Even when the dissident found old paintings in Karimova's house illegally taken from museums in Uzbekistan, domestic media did not cover the story.

Regarding coverage of regional affairs within Uzbekistan, central newspapers and television channels mostly report about events across the whole country, but the regional news reports are usually of official nature and mostly about achievements of local authorities. Yet, regional media organizations are mostly focused within the same region. Therefore, it is difficult for regional news consumers to learn about life in other parts of the country.

OBJECTIVE 4: BUSINESS MANAGEMENT

Uzbekistan Objective Score: 0.74

For the past several years in a row Transparency International has ranked Uzbekistan as one of the most corrupt countries in the world. Due to heavy control and censorship, media management in Uzbekistan is poor and depends on the government. A struggling economy and lack of healthy competition make it nearly impossible for media outlets to run efficiently or profitably.

Self-sufficiency remains a big problem for all kinds of Uzbek media. State newspapers *Xalq So'zi / Narodnoe slovo* and *Pravda Vostoka* traditionally enjoy extraordinary administrative support from the state. Profits from high circulations and government funding enable them to pay

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

their employees competitive salaries, and periodically update equipment. In Uzbekistan, employees of most government institutions must purchase state owned publications; therefore these outlets are popular among advertisers due to their large, guaranteed circulation.

Other print media, including the ones established by regional authorities, are in much worse condition. Often private newspapers struggle to cover their operational costs. Therefore, non-state media have to rely on state grants, and by receiving them they become more dependent on government.

An even more acute problem of self-sufficiency faces the online media, as online advertising is still not as popular, yet remains expensive, in Uzbekistan. In 2013, there was a slight growth in online advertisement. If earlier banner advertisements took no more than 10 percent of the websites, today this indicator increased to about 15 to 20 percent. Blogging is not widely popular, and, therefore, not yet monetized.

According to journalists who participated in the MSI survey, Uzbek media organizations usually do not hire professionals separately from editors and journalists to manage marketing and human resource functions.

An advertising market in Uzbekistan is actively developing. Official numbers show that there are about 500 advertising agencies in the country, half of which are based in capital city Tashkent. Television is still the leading source of advertising—it takes up 52 percent of the total market. Print, radio, and outdoor advertising receive 19 percent, 14 percent and 12 percent of the market, respectively. In the capital, which has a great diversity of advertising agencies, the market share of television is comparatively weaker (35 percent), with print media getting 23 percent and radio 24 percent. In the regions, the advertising market is not as developed as in the capital because advertisers seek to advertise in the central press and on national television channels, which have much bigger audiences than regional media.

Advertising on cellular networks is very poorly developed. Mobile networks are used for advertising exclusively by the mobile operators themselves. Media organizations do not make use of mass SMS alerts.

Financial incentives are not the main way authorities exert pressure on media in Uzbekistan; the authorities control the media by means of administrative measures. That said, government funding is not distributed fairly—the lion's share of subsidies allocated by state and public organizations is given to children's media, regional media organizations, broadcast media, newspapers, and news websites selected

by the government to carry out information campaigns on their behalf. Thus, in 1996-1997 the main grantee was a weekly, *Uzbekistan Today*, which provided information support during the 1997 presidential campaign. In 2013, before the upcoming 2015 presidential elections, the "chosen" media is news website uz24.uz.

Market research in mass media is not conducted in the country. Big state-funded media are more oriented to serve the interests of the government rather than meet needs and interests of the audience. Private media also do not conduct audience research, as their editorial policy mostly repeats government media policy. The last media analysis conducted by professional research organizations dates back to 2009, when SIAR-Uzbekistan, a research and consulting group, won a tender from the Tashkent Advertising Association to undertake the country's first significant media marketing research project.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Uzbekistan Objective Score: 0.74

Since the violent events in Andijan in 2005, after which all independent media organizations and foreign media assisting NGOs had been kicked out of the country, the government of Uzbekistan has not eased the control over indigenous organizations that support mass media.

In November 2013, the government liquidated NAESMI. Founded as part of a government initiative in 2004 as a

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

professional association of private Uzbek broadcasters, representing both television and radio outlets, NAESMI purportedly aimed to establish an equal market for broadcasters, encourage broadcasters' active participation in building civil society, represent common interests, and protect the rights of association members. However, according to Uzbek journalists and media experts, NAESMI's true goal was to control the activities and content of broadcast media. Observers believe that NAESMI was closed due to the close relationship between Firdavs Abduholikov, its director, and Gulnara Karimov.

After NAESMI's liquidation, today there is only one organization, which in a sense supports media in Uzbekistan: the Public Fund for Support and Development of Print Media and News Agencies. Journalists participating in the MSI survey state that the only form of support given by this organization is financial grants. As it is tightly controlled by the government, the organization's support is mainly given to loyal state media organizations.

The Journalist's union, Uzbekistan's only professional association of journalists, does not provide support to its members in disputes with state authorities. The Union's *Oltin Kalam* (Golden Pen) Award, annually given to the best journalists in the country, also does not promote independent and critically minded journalism—the awards are given to journalists and media that are extremely loyal to the current government.

The only NGO in the field of journalism in Uzbekistan, the International In-Service Journalists Training Center, virtually stopped working. Today it only republishes on its website announcements about foreign media organizations' courses and grants for journalists. In May 2013, in conjunction with World Press Freedom Day, the UNESCO office in Tashkent, in cooperation with the Public Fund for Support and Development of Independent Print Media and News Agencies of Uzbekistan and the International In-service Journalists Training Center, organized a roundtable discussion entitled "Improving the Professional Ethics and Responsibility of Journalists." The event was attended by journalists and representatives of international organizations. However, participants of the roundtable did not discuss the state of media and freedom of speech, but mainly focused on the responsibilities of journalists to provide information to the public.

Journalism programs offered at the Uzbek State World Languages University and the National University of Uzbekistan 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. Students' practical trainings are often limited to university newspapers.

Usually, media organizations do not hire student interns, because of financial reasons, poor (limited to the theoretical) knowledge of students and their inability to adequately prepare editorial assignments.

With the termination of NAESMI and freezing of the International In-Service Journalists Training Center, the number of short-term courses for professional journalists decreased sharply. The Public Fund for Support and Development of Print Media and News Agencies does not focus its work on improving the professional skills of journalists. International organizations, such as Internews in Kazakhstan and Kyrgyzstan and the OSCE Academy in Bishkek, Kyrgyzstan, often organize journalism courses for the few independent journalists still remaining in Uzbekistan. Journalists participating in these courses are often subject to harassment and are closely watched by the government. Therefore, Uzbek journalists working for media registered in Uzbekistan, fearing persecuting and problems at work, usually do not attend such courses.

In 2013, the price of newsprint increased significantly. The market is controlled by a handful of organizations that set prices using their monopoly position. According to local journalists, the cost of paper rose after the state publishing and printing company stopped supplying paper.

The transmission and distribution systems for all broadcast media are still controlled by the state. Print media are distributed through companies loyal to the government, such as Matbuot Tarqatuvchi and Matbuot Uyushmasi via subscriptions or kiosks. Internet service providers have no other alternative but to get Internet from the state-owned communications company Uzbektelecom, which has blocked dozens of websites critical of the government. Observers believe that the slow Internet speed in Uzbekistan may be a result of government's filtering and monitoring of Internet traffic. In 2013, a leading broadband testing company, Ookla, ranked Uzbekistan 167th in download speed (165th in 2012). This again places Uzbekistan behind all Central Asian countries (with the probable exception of Turkmenistan, which has no data available at all).

List of Panel Participants

Due to the repressive environment in Uzbekistan, IREX did not conduct an in-country panel. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with the state of media in the country.

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