

**MEDIA**

**SUSTAINABILITY**

**INDEX**

**2002**



***Media Sustainability Index 2002***

The Development of Sustainable Independent Media in Europe and Eurasia

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IREX (the International Research & Exchanges Board) is the premier US nonprofit organization specializing in higher education, independent media, Internet development, and civil society programs in the United States, Europe, Eurasia, the Near East, and Asia.

Since its founding in 1968, IREX has supported over 15,000 students, scholars, policymakers, business leaders, journalists, and other professionals. IREX serves as a major resource for universities, governments, and the corporate sector in understanding international political, social, economic, and business developments.

***The IREX Mission***

- Foster democracy in transitioning societies
- Strengthen and help internationalize educational, nongovernmental, and media organizations
- Support the highest-quality research in the social sciences and humanities
- Identify and train the next generation of leaders by working together with universities, nongovernmental organizations, foundations, governments, and corporations



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# INTRODUCTION

I am pleased to present the Media Sustainability Index (MSI) 2002, which analyzes and measures the current state of independent media systems in 20 countries throughout Europe and Eurasia. The MSI was designed in collaboration with the United States Agency for International Development (USAID) in 2000 as a tool to measure media development, as well as to assess changes in media systems over time.

Various organizations have periodically examined particular aspects of media systems, most notably the paramount indicator of a healthy media system: freedom of speech. The Committee to Protect Journalists, Freedom House, Reporters Sans Frontières, the International Press Institute, and others have prepared widely used and respected surveys of free speech or violence against journalists. These are important reports, and many media donors and implementers rely on them in formulating their programs. But we felt a new tool was needed that included questions of free speech, as well as other important areas that shape a modern independent media. In all, there are five core areas: (1) the state of media legislation that allows for the development of independent media and free speech; (2) the level of professional and ethical journalistic and editorial practices; (3) the plurality and quality of media outlets; (4) the business model that sustains independent media; and (5) the support media outlets and journalists receive from trade and professional associations. The MSI is, therefore, a comprehensive examination of different attributes that, taken together, provide a unique and detailed picture of independent media in a given country or region.

The latest MSI report shows incremental progress in many countries with backsliding in some, notably Russia and Moldova. The countries of Southeast Europe exhibited the most positive trends, as was the case in 2001. While Croatia, Bulgaria, and Romania still got high grades for sustainability, their rate of progress slowed considerably. This was due primarily to the difficulty of implementing generally accepted media laws. Meanwhile, Serbia<sup>1</sup>, Montenegro, and Kosovo made strides in the development of independent media, primarily because of significant international donor support, greater focus on media legislation, the accepted trend toward European integration, and increasing political stability after the removal of Milosevic. Bosnia and Herzegovina remained stagnant, partly due to a seriously divided government and society that prevent meaningful reform.

<sup>1</sup>*Editor's Note: The data for Serbia were collected prior to the assassination of Prime Minister Djindjic and the subsequent state of emergency, which curtailed media freedoms.*



The state of independent media has changed little in the Caucasus. Given the dire economic conditions in Armenia, Azerbaijan, and Georgia, it is difficult, if not impossible, to talk about truly independent media. And yet, all three countries have shown an increasing plurality of news sources. Many different media outlets exist in the Caucasus, and the independent outlets are committed to producing their own news. But these positive developments are undercut by the continuing perception in the public that media outlets are simply crude tools used by the government or powerful business groups.

Data from Russia and the Western Eurasian states of Moldova, Belarus, and Ukraine are mixed. While Belarus experienced some marginal improvements, its media had to operate in a repressive political environment and a worsening economy. Meanwhile, in Russia and Moldova, journalists and media managers felt the heavy hand of government. The one bright spot on the media horizon was the emerging grassroots support for independent media. This was the result of the growth of nongovernmental organizations (NGOs) that work in the human rights and media sectors.

This year's report continues to show disappointing trends for the Central Asian region. Indeed, the MSI panel from Uzbekistan agreed that the term "independent media" does not even apply to that country. To a large extent, the same can be said for Kazakhstan, Kyrgyzstan, and Tajikistan. Media in these countries have not demonstrated their independence from overt political pressure, self-censorship, and nepotism. Overall, Kazakhstan and Kyrgyzstan have improved slightly when compared with 2001, while Tajikistan and Uzbekistan have made scant progress since last year, as journalists are forced to cover the least controversial issues. Although independent media will not come soon to Central Asia, there are pioneering media in each of these countries that should be nurtured and supported.

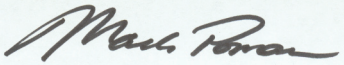
Many people contributed to this year's MSI. First and foremost, the participants, moderators, and observers on the individual country panels provided the basic analysis for this project. They are listed in each country chapter.

At USAID, Peter Graves (USAID/Washington), Azamat Junisbai (USAID/Central Asia), and David Hoffman (USAID/Central Asia) provided significant input into the design of the project. Numerous other field-based USAID staff provided valuable comments on the content of the various chapters. All have been strong supporters of independent media development and the value of the MSI as an analytical tool for media development professionals.

IREX field staff in the 20 countries provided crucial assistance in assembling the panels, providing logistical support and editorial comments. IREX/DC staff, including Tadd Eakin, Jill Jarvi, Maggie McDonough, Angela Roberts, Gerhard Saric, Cara Stern, and Mark Whitehouse provided editorial support. Mark Whitehouse and Theo Dolan managed the overall implementation of the project.

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

Sincerely,



Mark G. Pomar  
President, IREX



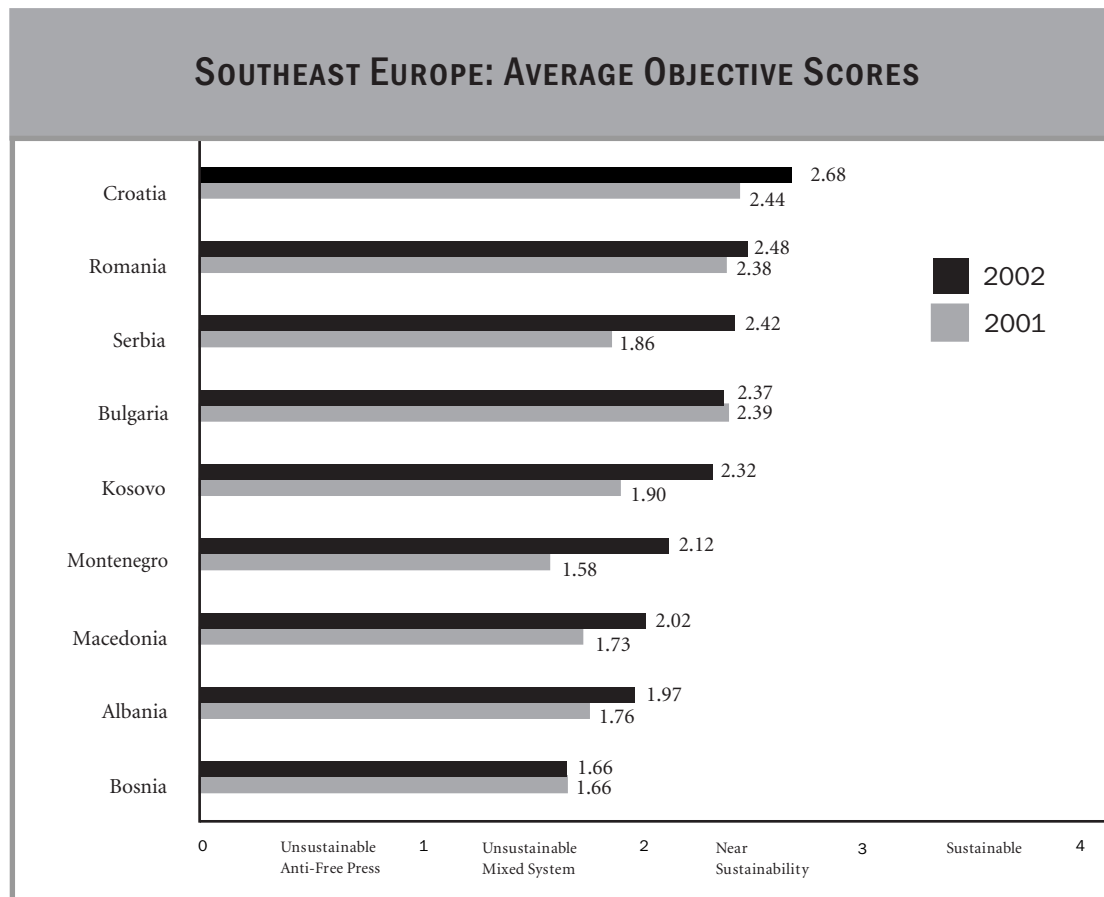
# EXECUTIVE SUMMARY

Last year, IREX issued the first Media Sustainability Index (MSI) for Europe and Eurasia. The MSI 2001 demonstrated that many countries in Europe and Eurasia had made important strides in developing independent media. Such progress is striking when one considers that little more than 10 years ago most of these countries were under Soviet rule or influence and had little or no recent culture of free speech. Other countries, such as the Central Asian republics, Belarus, and Moldova, continued to be bound by a more authoritarian rule and an adherence to a political culture derived from the Soviet era. Nevertheless, courageous journalists, media outlets, and nongovernmental organizations (NGOs) operate in these countries, even though with limited room for action.

## **SOUTHEAST EUROPE**

The MSI 2002 offers few surprising deviations from the 2001 results. The most positive trends toward media sustainability continue in Southeast Europe, with Croatia, Bulgaria, and Romania still leading the way. This improvement parallels their progress in terms of inclusion into the European economic and North Atlantic military integration processes. These three countries have moved near sustainability on all objectives. However, events in these countries also show that their progress is not necessarily assured. Bulgaria continues to struggle with media law reform issues as the media community pushes for further liberalization of the media environment. Implementation of Romania's access to information law demonstrates the vast difference between passing a progressive law and ensuring its full implementation.

As with the other countries profiled in the MSI, Croatia, Bulgaria, and Romania have just recently emerged from decades of communist rule and are still in the process of solidifying their young democracies and establishing viable market economies. Therefore, the goal of a sustainable independent media is very much dependent on the success of such reforms. These states operate in an environment in which everything becomes political and society often becomes polarized. This atmosphere not only provides the state with arguments to curb the right to free speech in the name of stability, but can also impede the further development of professional journalism when media mirrors the political and societal polarization. Therefore, more time is needed to ensure that the positive steps in media reform become entrenched.



Kosovo, Montenegro, and Serbia demonstrated significant progress from 2001 to 2002. Montenegro passed landmark media legislation, Kosovo continued to consolidate gains made since the 1999 North Atlantic Treaty Organization (NATO) intervention, and Serbian media, despite stalled legislative reform, made large strides forward. Albania, with a period of relative political stability, has also witnessed progress in its media system. Macedonia faced a real danger of backsliding due to the ethnic tensions between Macedonians and Albanians, but was able to emerge from conflict and display gains in media development. More specifically, supporting institutions for the media consolidated and improved their capacity to assist in the transformation of the media environment through training and advocacy. Meanwhile, Bosnia witnessed relative stagnation in its media environment with progress in some areas and minor backsliding in others. This lack of improvement can be attributed in part to the poor political and economic climate in Bosnia, which continues to hinder reform. Furthermore, the country remains ethnically divided, and contentious elections revealed a partisan reaction on the part of media outlets.

As a region, Southeast Europe has the most advanced media of those studied in the MSI, as such media are on the verge of approaching equality with more progressive and liberal media systems of Central Europe and the Baltics. However, progress is still too recent for donors and Western governments to withdraw their support. Economic downturns or ethnic conflict could bring back more authoritarian governments, cause the media to polarize along with society, and lead to societal backlashes against fundamental freedoms.

In fact, countries such as Albania, Bosnia, Kosovo, Macedonia, and Montenegro are precariously balanced despite recent reforms and positive media development. Kosovo's status remains uncertain, Montenegro will revisit its legal status in less than three years, and Bosnia remains a

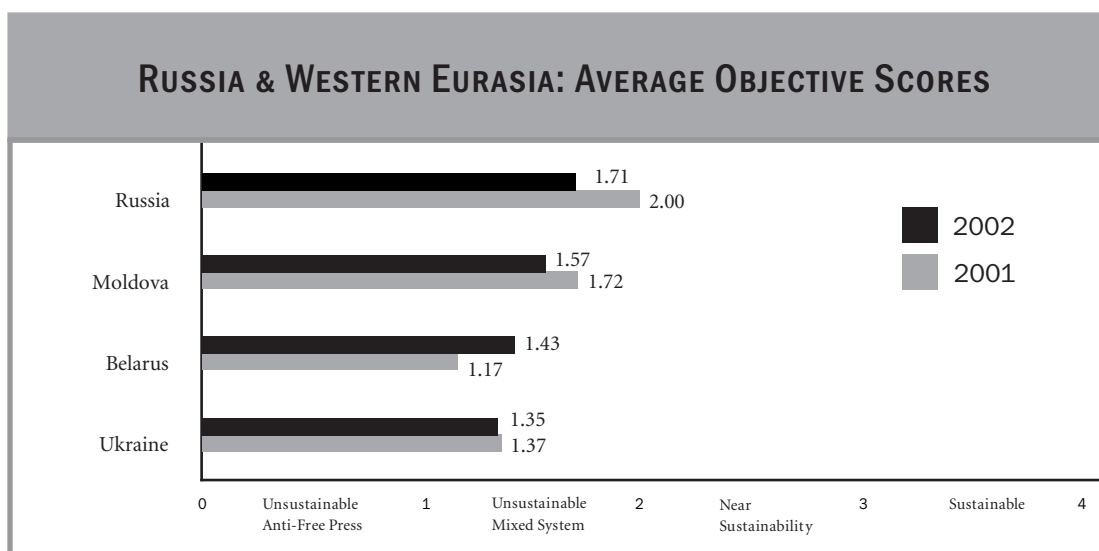
divided country despite progress toward cooperation among the three indigenous groups. Bosnia, Kosovo, and Macedonia continue to rely on varying degrees of international military and political support to preserve their stability. Albania has experienced relative political calm, but political in-fighting could again erupt, further damaging the government's ability to implement progressive legislation. Overall, Western support is vital to the media in these countries, just as progressive media in each of these countries are a crucial component of their democratic and economic development. In many cases, media are leading the way, whether they are bridging ethnic divides, exposing corruption, or promoting democratic values.

## RUSSIA & WESTERN EURASIA

Russia, which had been the leader of this region, witnessed backsliding this year as political and business pressures on media mounted. Moldova also experienced backsliding as the new government sought greater control over the media. Ukraine remained relatively stable, albeit at a low level of development. Belarus displayed some progress following the presidential elections of 2001, as media made some tentative steps to test the limits of a relatively more open environment. However, this progress originated at a very low level, and Belarus remains one of the lower-ranked countries.

In general, the results indicate how constant interference by the central governments and the gloomy economic situation are the key causes for the slowly evolving media systems in the region. Despite the collective failure to approach sustainability on all five objectives, one can nonetheless observe a divergence in results among the four countries. While Russia, for example, has made some progress toward sustainability in the domains of free speech, plurality of news sources, and the creation of supporting institutions, Belarus and Ukraine have registered little positive development, particularly when it comes to free speech and the state of professional journalism.

Polarization between state and private media, the omnipresence of government interference in media affairs, and the exercise of open and indirect censorship clearly suggest that the media in Russia and the Western Eurasian states have a significant way to go before reaching sustainability. Although all four countries seemingly battle the same difficulties on their paths toward free and sustainable media, it has to be stressed that Russia is relatively the most advanced among them. The main question facing Russia may be whether the private media owned by the “media moguls”



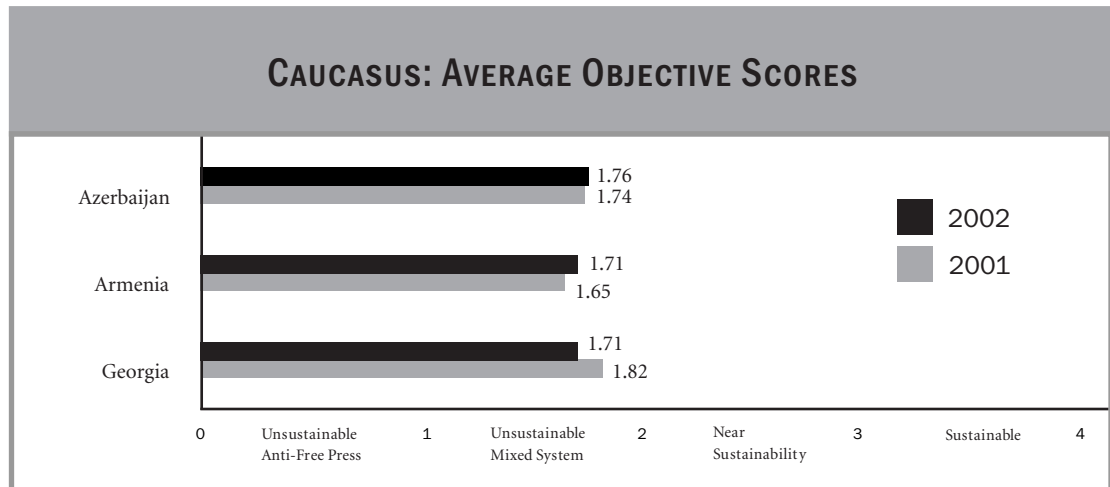
will pursue true independence from the government and their corporate owners. Moreover, since Moldova, Belarus, and Ukraine have century-old political and cultural ties to Russia, it seems unlikely that real change will take place in the former three countries unless Russia first succeeds in developing a sustainable independent media. Russia's media continue to be strongly represented in Belarus, Moldova, and Ukraine, either as local reprints of major Muscovite papers or through Russian television and radio broadcasts that offer coverage of neighboring countries.

## CAUCASUS

The situation from 2001 to 2002 in the Caucasus has not significantly changed in the media sphere. Armenia, Azerbaijan, and Georgia have all exhibited relative stability in their media systems, albeit at a low level. MSI panelists in all three countries witnessed some backsliding in the quality of media management, compounded by continuing economic problems.

As with 2001, the primary barriers to the development of the media sector are the weak economy, continuing fallout from the conflicts within and between the countries, and poor development outside of capital cities. More specifically, key problems facing the media in the Caucasus include finding a profitable advertising base, purchasing newsprint, paying salaries, and the overall lack of capital.

As in 2001, none of the countries are nearing sustainability. These scores indicate that while they have begun to make progress, additional work remains to be done in the media reform process. Supporting institutions remain vulnerable and need additional development if they are to provide indigenous training and advocacy without substantial outside support. The overall quality of journalism remains low, despite some courageous media pointed out by the panelists. The legal and regulatory framework provides the basic protections in theory, but much work needs to be done to properly implement constitutional provisions and reform legislation.



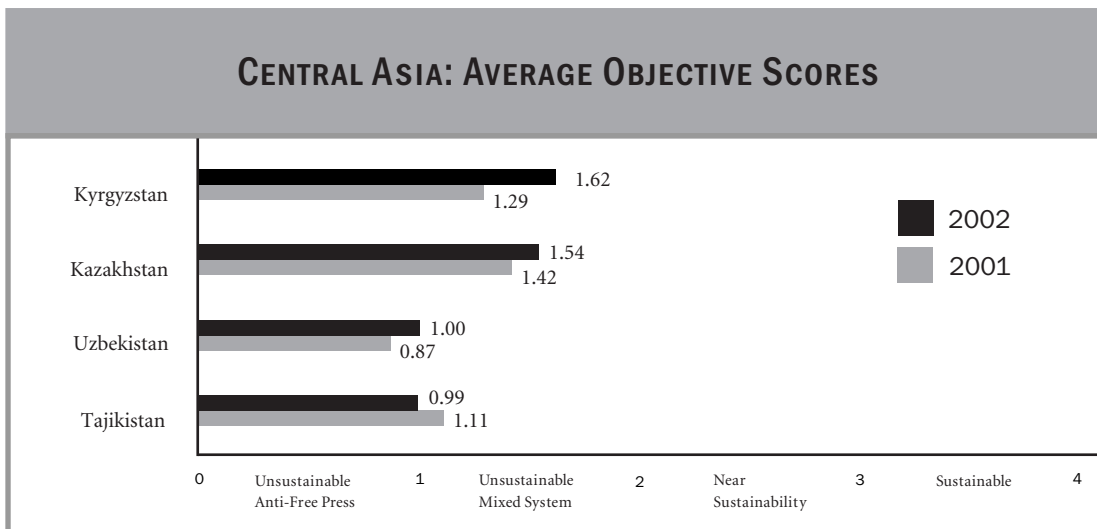
## CENTRAL ASIA

As a region, Central Asia continues to lag behind many of the other countries featured in the MSI. The four Central Asian countries demonstrated they currently have unsustainable, mixed systems for every objective, illustrating a clear lack of progress in media development. Tajikistan and Uzbekistan were rated unsustainable and anti-free press on many objectives, suggesting the

near total absence of progress toward sustainability.<sup>1</sup> Professional journalism rated as the lowest of the five objectives overall in the region, suggesting that additional steps are necessary in improving the quality of journalism. Plurality of news sources ranked as the highest of the five objectives, but it still remained at an unsustainable level. But one could argue that increasing access to Russian or other foreign news may help push the media forward.

As with the MSI 2001, the overall analysis for Central Asia suggests that government control of the media—either through direct state ownership or through private state-affiliated media—is the root cause for many of the problems that lead to low levels of media sustainability. This government influence leads to self-censorship and editorial cautiousness. Therefore, advances for independent media in Central Asia will depend on deconstructing the continual attempts of governments to control information. There will be no easy or quick solutions.

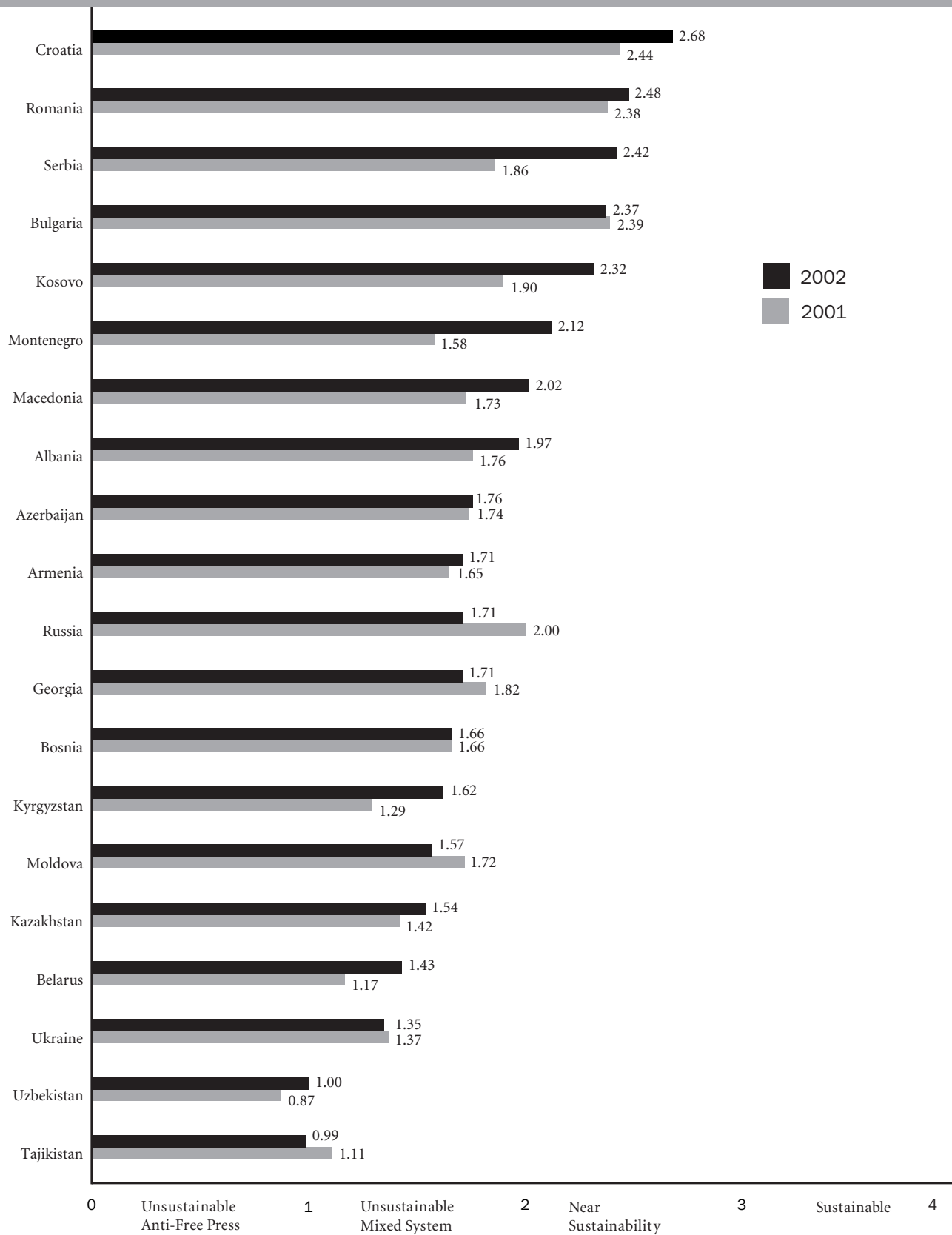
Traditional methods of media development such as training journalists and editors, improving business management of independent media, supporting legal reform, and developing supporting NGOs and associations will have a beneficial impact. However, true sustainability will require broad economic and political reform of these societies, a process independent media can and must help to encourage.



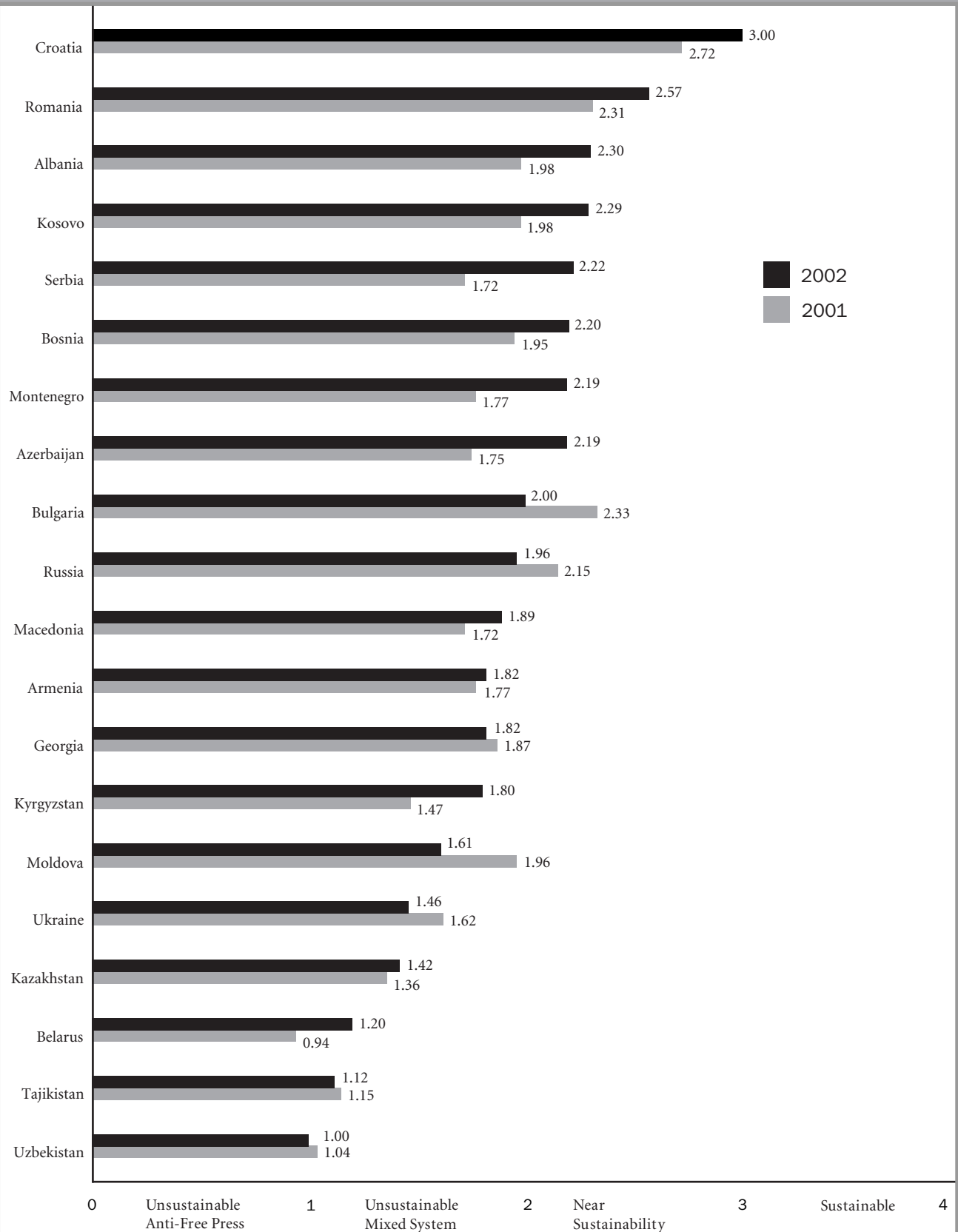
The MSI 2002 again demonstrates the connection between political, economic, and social reform and the development of independent media. Independent media can help the reform process move forward, but media also need the support of that reform process in order to fulfill their role in society. This relationship has been demonstrated in Montenegro, where political reform and media reform coincided with the passage of three new liberal media laws. At the same time, active attempts at media reform in Moldova have been hindered by a government that appears to be uninterested in broader reform. In this case, we have seen the devastating impact of economic hardship on the media and their freedoms. Overall, nascent independent media are dependent on broader political and economic forces—media alone cannot change societies. However, media development efforts strengthen these media and help societies address their problems by bringing information to the public. And when combined with a broader democratic development mandate, media can make a lasting difference in democratizing societies.

<sup>1</sup> Editor's Note: Turkmenistan was not included in the MSI.

## AVERAGE SCORING FOR ALL OBJECTIVES

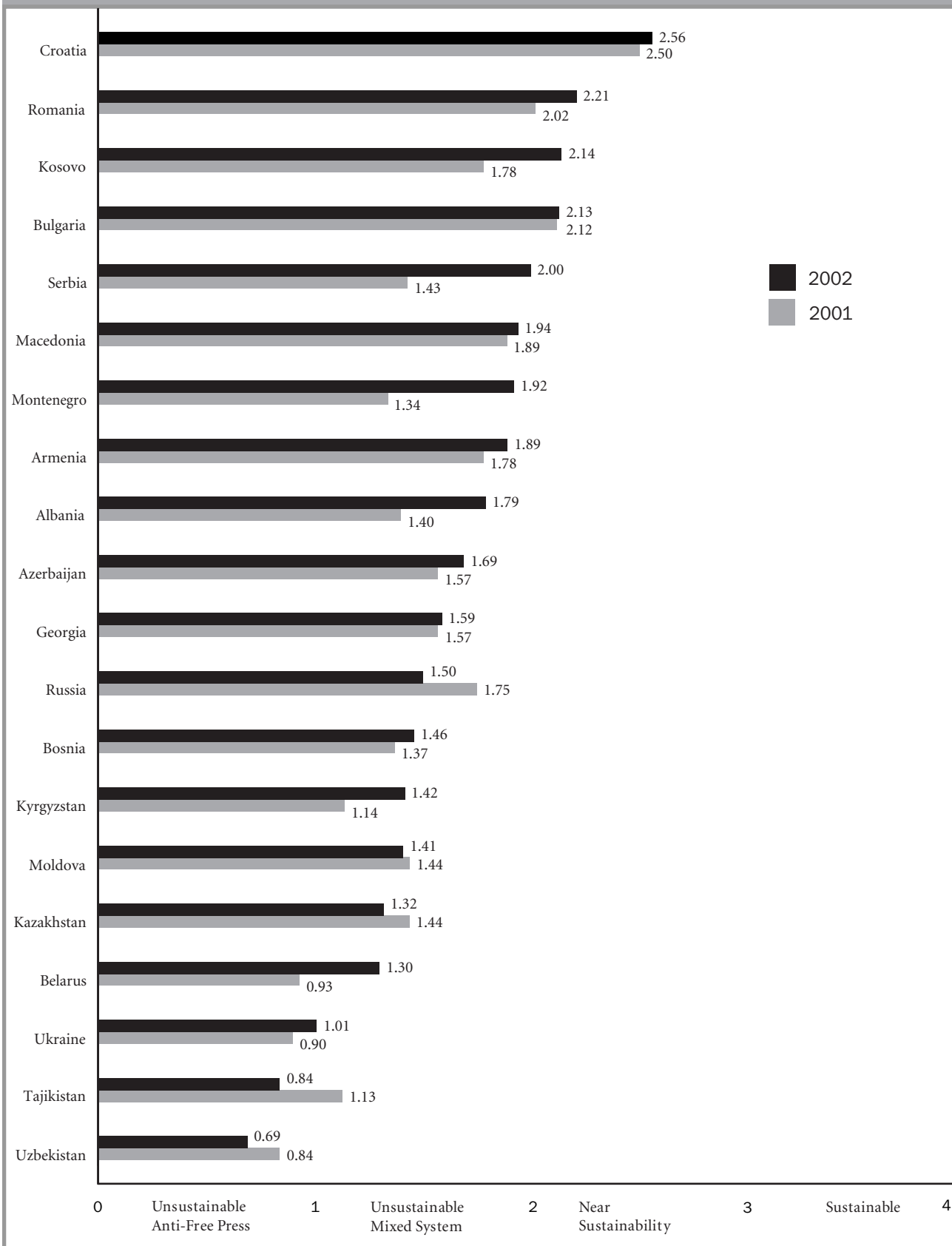


## OBJECTIVE 1: FREE SPEECH SCORING

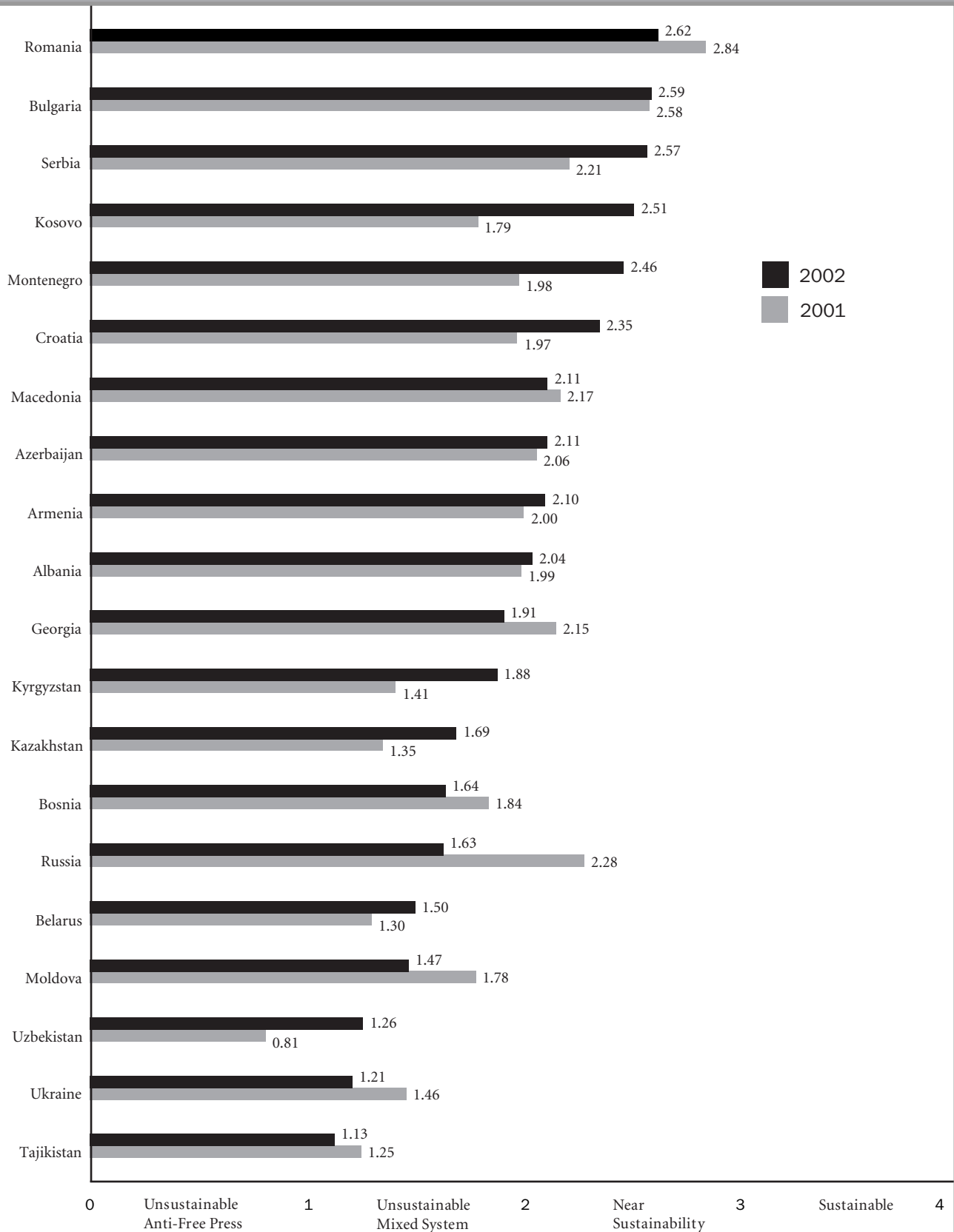




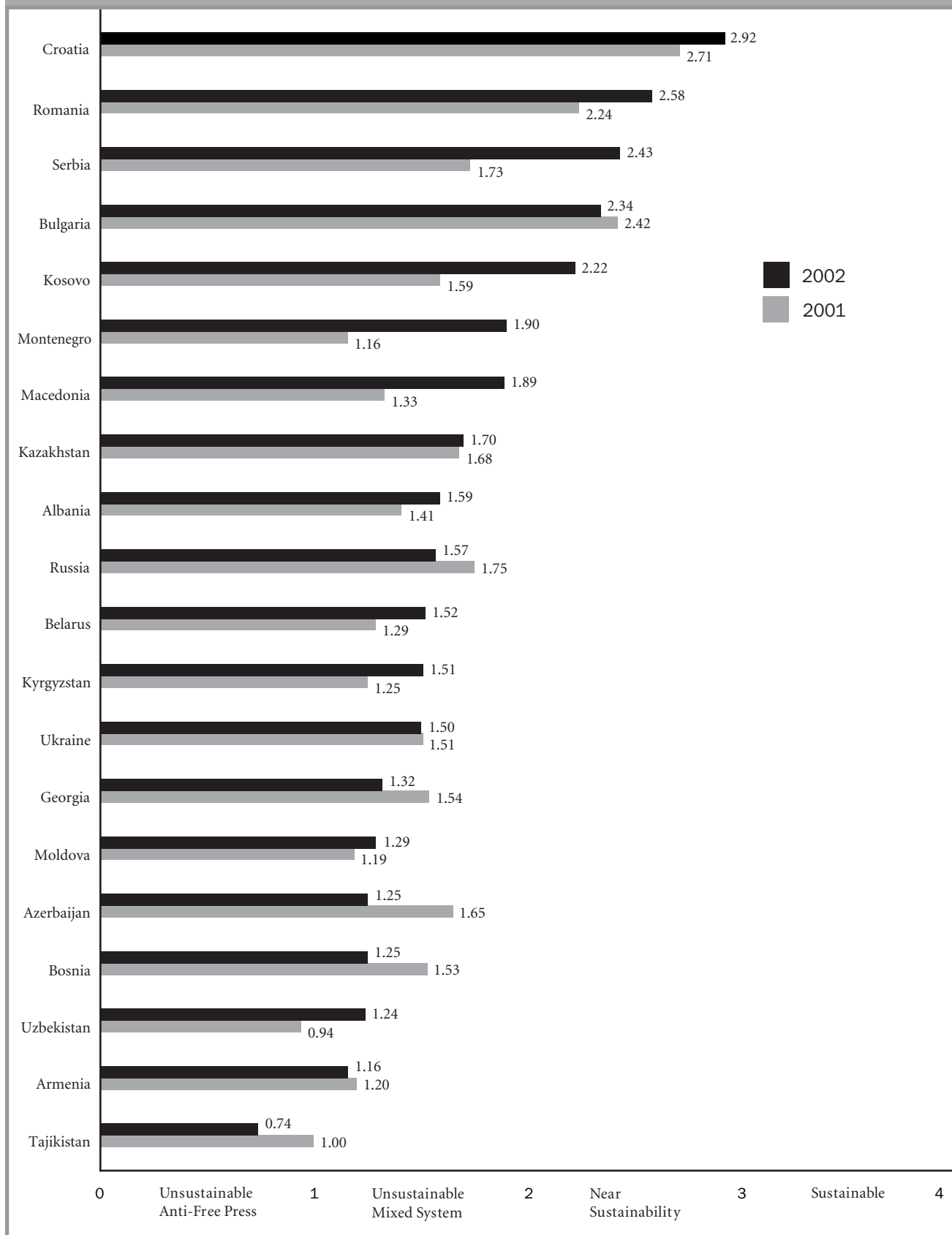
## OBJECTIVE 2: PROFESSIONAL JOURNALISM SCORING



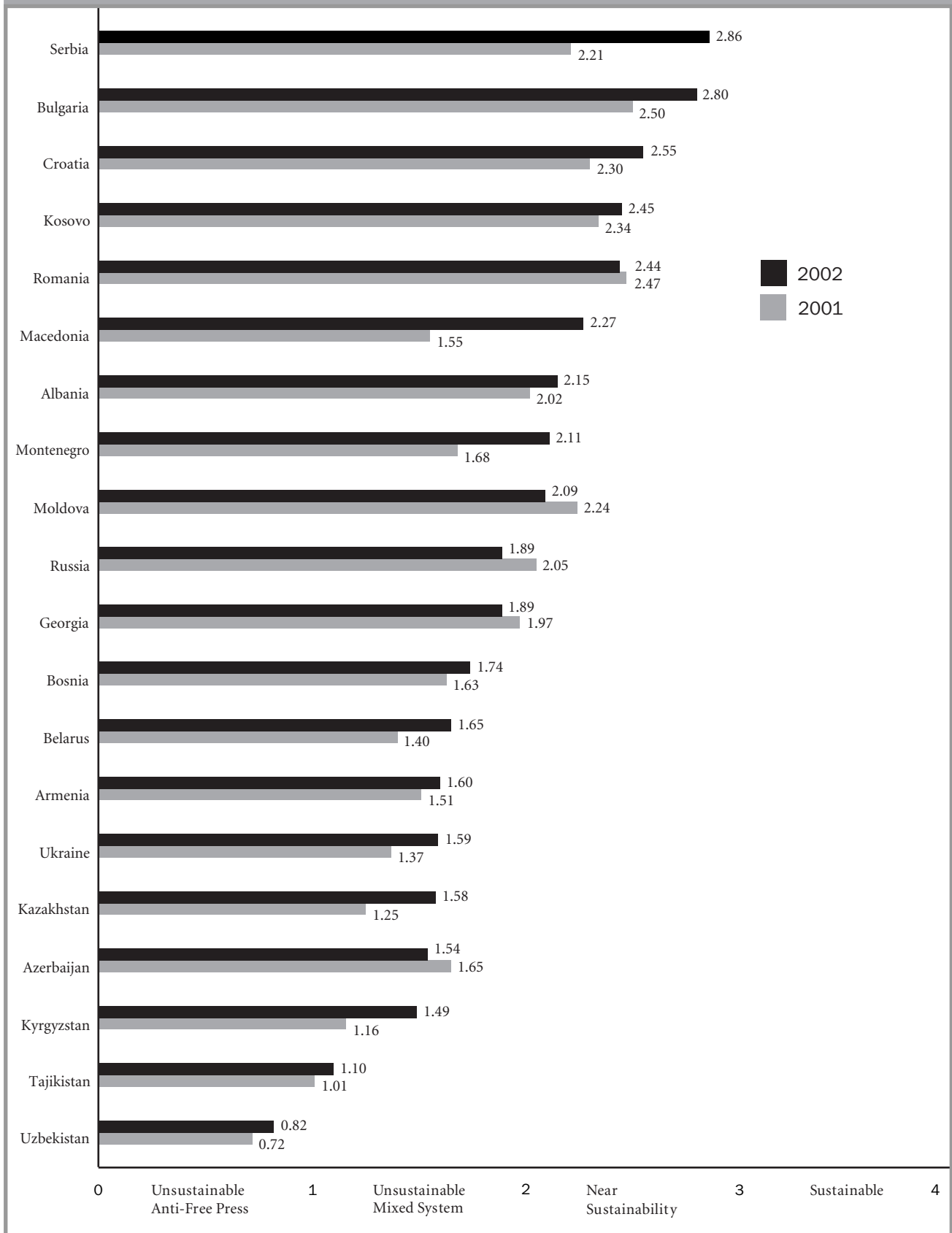
### OBJECTIVE 3: PLURALITY OF NEWS SOURCES SCORING

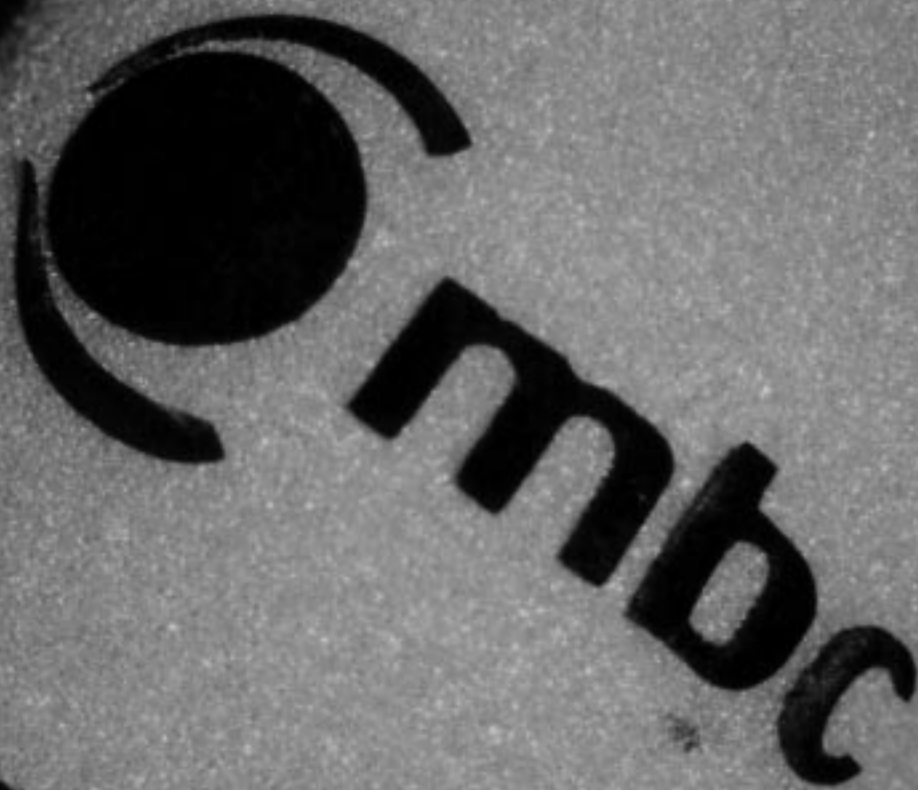


## OBJECTIVE 4: BUSINESS MANAGEMENT SCORING



## OBJECTIVE 5: SUPPORTING INSTITUTIONS SCORING





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# METHODOLOGY

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

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

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

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

The scoring was done in two parts. First, a panel of experts was assembled in each country, drawn from representatives of local media, nongovernmental organizations (NGOs), professional associations, international donors, and media development implementers. Each country’s panel had a slightly different composition, but in most cases, the same panelists from last year’s MSI were invited to return for the 2002 study in order to maintain consistency.

Each panel was provided with the objectives and indicators and an explanation of the scoring system. Panelists were asked to review the information individually. The panelists then assembled to discuss the objectives and indicators, and to devise combined scores and analyses. The panel moderator, in most cases a host country media or NGO representative, prepared a written analysis of the discussion, which was subsequently edited by IREX representatives.

IREX in-country staff and Washington, DC, media staff also reviewed the objectives and indicators, and scored the countries independently of the MSI panel. The panel scores and IREX scores were then averaged to obtain the final score presented in this publication. This method allowed the MSI scores to reflect both local media insiders’ views and the views of international media-development professionals.

## SCORING SYSTEM: INDICATORS & OBJECTIVES

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

### OBJECTIVE SCORING

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

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

*Note: The 2001 scores for the four Central Asian countries in this MSI have been modified from last year's report to more accurately reflect benchmark data compiled by IREX and USAID in 2001.*

## OBJECTIVE 1: FREE SPEECH

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party must prove falsity and malice.
	Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.



## OBJECTIVE 2: PROFESSIONAL JOURNALISM

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

## OBJECTIVE 3: PLURALITY OF NEWS SOURCES

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

## OBJECTIVE 4: BUSINESS MANAGEMENT

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

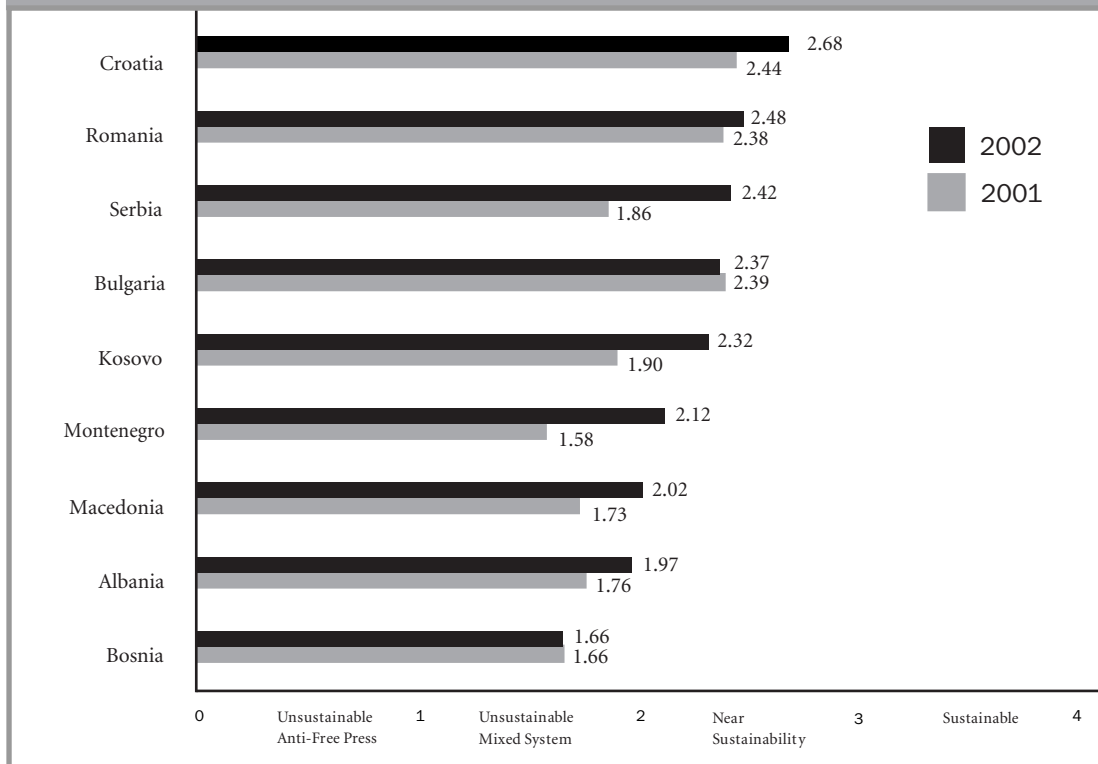
## OBJECTIVE 5: SUPPORTING INSTITUTIONS

<b>Supporting institutions function in the professional interests of independent media.</b>	
<b>Supporting Institutions Indicators</b>	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 private, apolitical, and unrestricted.
	Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.



# SOUTHEAST EUROPE

## SOUTHEAST EUROPE: AVERAGE OBJECTIVE SCORES





# ALBANIA

## INTRODUCTION

Since the downfall of communism in 1991 and the establishment of the free media, marked by the founding of *Rilindja Demokratike*, not much has changed except for the proliferation of various news outlets. It has now been 11 years since Sali Berisha became the first democratically elected president of Albania, and the media sector has evolved very slowly.

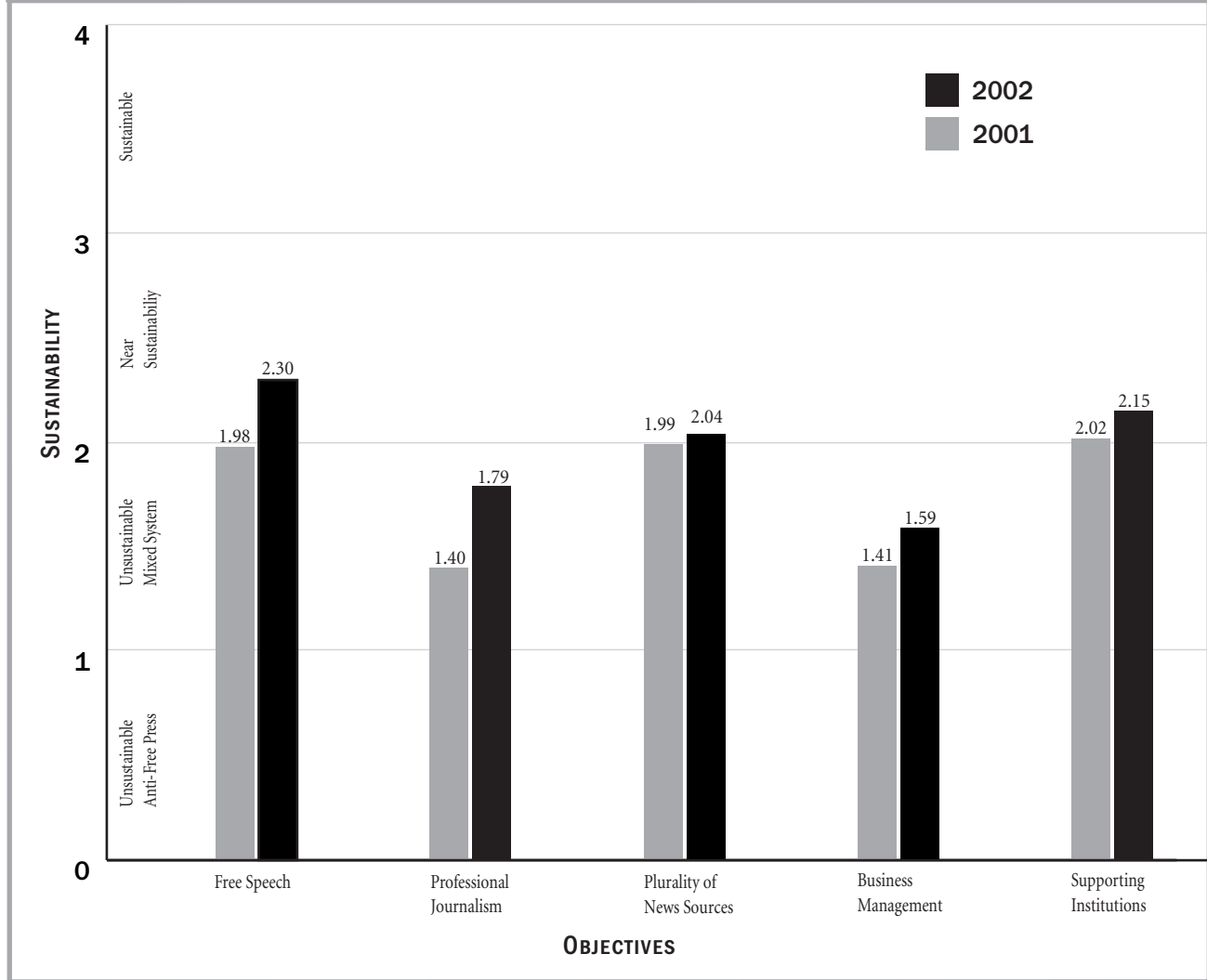
Media development may not be as bleak as some may see it. A myriad of media are available to Albanians. There are 65 television stations, not including foreign channels from Italy and other parts of Europe. There are also 35 radio stations and 19 daily newspapers. The main problem, however, lies with the quality and not the quantity of media coverage. Overall, there are too many outlets for a country of fewer than 3.5 million people. The publishing community is controlled by a few oligarchs, most of whom set their own agendas when it comes to what information is printed, and how it is printed. For the most part, the print media are divided along party lines. As a result, opposing parties are often targeted in the newspapers, but the accusations are rarely supported by facts.

*We know that some media are favored, so there is no equality to the access to information.*

## OBJECTIVE 1: FREE SPEECH

**Albania Objective Score: 2.30/4.0**—Albanian journalists work with a loose interpretation of free speech. If there are no facts, they often make them up. This is especially true in the print industry because most newspapers are divided along party lines. Political parties openly support some of the media outlets. It is not unusual for a high party official to be the primary financier of a newspaper. In the past year, the former minister of finance, who left office following accusations of corruption, has begun to publish his own daily. The party-affiliated papers often print headlines accusing their opposition of corruption and abuse of power. Articles often target party leaders as a means to discredit the leadership of the major parties.

## ALBANIA—MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2–3:** Independent media approaching sustainability

**1–2:** Significant progress remains to be made; society or government is not fully supportive

**0–1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

The public's tendency to ignore reported scandals has led to the decline of daily news circulation. The public views the publishers as promoters of their particular party line. Public disinterest, however, has not stopped the supporters of politicians from publishing a vast array of newspapers and propaganda.

Only one libel lawsuit has been brought before the judges in 2002, and the claimant was vindicated. The journalist involved was fined quite heavily but was not given a prison sentence. Jail time for those convicted of libel had occurred in past years.

The broadcast regulatory body, the National Council on Radio and Television (NCRT), is controlled by the party in power and has no members representing the primary opposition parties. The Union for Victory, the coalition of opposition parties, chose not to participate in the NCRT when it was first formed. Now lacking a voice in determining broadcast regulatory issues, the Union is regretting that decision. The NCRT has the power to grant broadcast licenses but seemingly does not have the ability to reject an application. There are currently 65 television operators, three of which have national licenses (including the state broadcaster). There are 35 radio broadcasters, but only three possess national licenses. All of these media outlets exist in a country of fewer than 3.5 million people.

<b>Legal and social norms protect and promote free speech and access to public information.</b>	
<b>Free Speech Indicators</b>	Legal/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 the offended party must prove falsity and malice.
	Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

In 1999, when the parliament arbitrarily decided not to limit national licenses, nine station operators decided to build out their signal coverage beyond their local licensing areas. This build-out has led to widespread interference among broadcasters. The NCRT has recently completed a frequency mapping project in an effort to develop a nationwide frequency plan and eliminate areas of interference.

The state broadcaster, Radio/Television Shqipëtare (RTSH), is also controlled by the party in power, primarily through the minister of culture. Although the minister herself is hardly seen, her influence can be detected in each newscast. The director general of RTSH was replaced recently due to corruption charges, but the current director was appointed after political pressure was exerted on the selection committee.

There is no enforced code of ethics for Albanian journalists. Self-regulation also has not yet taken hold in the media sector.

The Media Sustainability Index (MSI) panel was largely divided along party and professional (journalists vs. politicians) lines regarding legal rights for journalists. The Socialist panelist stated that the media laws in place were the most liberal in Europe. The Democratic representative argued that these laws were not implemented. The journalists tended to agree with the Democratic party member. Access to information is guaranteed under law, but actually obtaining information is very difficult. The journalists on the panel said that if they were not informed, the public could not be informed. The politicians argued that although the system is not perfect, it does not give journalists the right to invent facts. Another problem is that the government ministries do not efficiently provide information, either by design or ignorance. Access to information is haphazard at best. All of the panelists mentioned that the system in place simply does not work. According to one panel member, it can take a journalist "six months to research the legislation relating to an issue." According to another panelist, "We know that some media are favored, so there is no equality to the access to information."

There was a wide divergence among the panelists when it came to the question of free speech. Two representatives from the Parliamentary Commission on Mass Media—one from the party in power and the other from the opposition—clashed on the issue of protections for journalists. The Socialist representative stated that the press was treated equally, but the opposition member disagreed.



Contention arose when the question of whether to prosecute media infractions according to the penal code or the civil code surfaced. Albania, along with Romania, Montenegro, and Serbia, use the penal code to harness the media, against the statutes of the European Union. To this point, the Albanian parliament has not seen fit to change the situation.

The licensing issue generated intense debate among the participants. According to the original law on electronic media, only two private licenses were to be issued. However, the parliament overturned that edict in 2000 and decided there should be no limitation on the number of national licenses. Therefore, applicants previously denied national coverage extended their signals beyond their licensed areas. The stations did so illegally because the parliament had frozen the issuing of licenses. The former president of Albania once mentioned that the “score was three to zero” when it came to national licenses. This essentially means that the party in power controls the three national licenses and that the opposition has no national voice. This comment rings true because the three national television broadcasters—TV KLAN, TV Arberia, and state-run TVSH—all tend to favor the ruling party. However, each of these stations has proven to be somewhat unbiased in its reporting. Each has criticized the current administration when circumstances warranted it. Of course, the opposition still believes itself to be the victim of state media coverage.

The consensus among the panelists was that entry into the Albanian media industry was no different from any other industry in the country. This is true in that there are too many broadcasters operating in Albania. It is not economically feasible to have 65 television stations and 35 radio stations. It is clear that the broadcast market is unsustainable when one considers that the country’s total advertising revenue is between \$5 million and \$8 million per year. In comparison, broadcast revenues in Bulgaria exceed \$40 million.

According to the panelists, the public broadcaster receives no special privileges, except for exclusive rights to some cultural programs. However, some critics believe that it operates in much the same way as the private broadcasters, except that it receives advertising revenue and supplementary funding from the state budget. The programming that the state channel offers is similar to that of the private broadcasters, and the advertising rates are comparable to the independent stations. The state broadcaster also airs the same amount of pirated programs. During the 2001 election period,

it was officially cited for bias along with several of the private stations.

It was agreed that it was not at all difficult to become a journalist in Albania. One of the panelists commented that it was easier to become a journalist than a police officer.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Albania Objective Score: 1.79/4.0**—Albanian journalists follow no particular criteria when it comes to reporting. Many are more concerned with “filling the page” than they are with the actual content of what they write. This trend is most evident in the newspapers. Broadcast reporting has different standards due to time restrictions, but generally fair and objective journalism is not commonplace. The media are controlled by editors and publishers who cater to politicians’ needs. In order to keep their jobs, journalists tend to follow their employers’ orders.

Self-censorship among the media seems to be prevalent throughout the industry. One of the panel participants gave the following example: “I personally know journalists who ask their chief editors whom they have to attack in the press each day. This is self-censorship.”

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).

For the most part, television stations in the capital city are models of modern technology. Private stations, in particular, have made major investments in equipment and software. The public broadcaster, on the other hand, relies on foreign aid to upgrade its facility. The country's most modern station, Top Channel, could easily compete with most mid-market US television broadcasters, both in technology and in quality of self-produced programming. Some of the other stations have ignored staffing requirements, while investing heavily in technical infrastructure. Albanian broadcasters are often more concerned with their outward appearance than with their internal capacities.

Outside Tirana, the state of regional broadcast outlets is very poor. Most regional stations operate from a two-room apartment, use primitive equipment, and air programming stolen from the satellite. Their primary advertising is done by airing personal messages. Local stations suffer from a lack of expertise and a dearth of ethical standards. These regional broadcasters face the same demise suffered by the locally printed newspapers—extinction. As with the print industry, broadcast information is becoming increasingly concentrated in Tirana.

The news industry has yet to discover the importance of niche reporting as a means of sustaining itself. An international donor provided one of the Albanian daily newspapers with funding and expertise in the development of a cultural supplement. Two inserts were published over two weeks, and the resulting increase in circulation indicated that the inserts were popular. However, the publisher decided that the experiment took too much time away from the daily workload of his reporters, and the project was discontinued.

The Tirana broadcasters do produce specialized reporting, but it tends to be mostly talk shows that do not feature live debates. One of the television stations uses this specialized programming in its ongoing campaign against the NCRT, the industry's regulatory body.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Albania Objective Score: 2.04/4.0**—The word “plurality” has different meanings among the MSI panel participants. As one panelist said, “We don’t have an independent media yet, but we have a pluralist media—18 daily newspapers. These newspapers present opinions ranging from one extreme to another.” Another panelist replied, “There are so many opinions that it is difficult

#### Multiple news sources provide citizens with reliable and objective news.

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

to find the truth.” These comments represent one of the main problems within the print community. Information is based on opinion rather than fact. Because journalists are required to fill a certain number of pages per day, there is no time for proper background research. Journalists have been known to report news that is based partly on rumor or hearsay. They then fabricate stories to reinforce their editors' or publishers' agendas.

The Albanian Media Institute provides Internet service to journalists so that they may have access to foreign press. However, unless the journalists understand English, Italian, or French, the Internet resources are limited. Aside from the Balkan News Service, there are no foreign news services available in the Albanian language.

Some of the stations in Tirana subscribe to foreign services such as Reuters or Associated Press Television News (APTN), while others resort to pirating material from EuroNews. These stations then incorporate the “lifts” into their own news programs.

Television has become the primary source of information for those living outside Tirana. Poor newspaper distribution is the primary cause of this phenomenon. Dailies are printed overnight in Tirana and then trucked to the regions. The papers often arrive very late in the day and are not available until after the first televised newscasts.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Albania Objective Score: 1.59/4.0**—Few media outlets are able to sustain themselves financially through their own business practices. Media owners who are involved in other businesses subsidize some of the larger television stations in Albania. For example, TV KLAN is owned by the ADA group, which publishes the *Corriere* newspaper. ADA also operates

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

the *Klan* weekly magazine in addition to ADA Air. A businessman who represents the local lottery owns TV Arberia. Top Channel is owned by the distributor of a very popular coffee. The current minister of agriculture recently bought one of the smaller television stations. The smaller stations rely on donations from political sponsors and associated business colleagues. The advertising industry is poorly developed, and few businesspeople turn to ad agencies for help. Indeed, selling advertising in Albania consists of taking an order, but the art of actively selling ads is not common practice. Overall, there are too many media outlets and too few advertising dollars being spent. The advertising pool of \$5 million to \$8 million just does not go far enough to sustain the 65 television stations, 35 radio stations, and 19 dailies.

Media funding comes from varied sources. The government has a tendency to advertise state-operated organizations (state power and telephone companies) in

media outlets that support the government. Some media observers believe that stations have been approached by businesses with funding offers in exchange for positive media coverage of those businesses.

Market research is a relatively new phenomenon in the media. Last year, a local statistical organization adapted a Nielsen template to gauge the Albanian media scene. The Institute of Statistics and Opinions (ISO), the provider of the ratings, used a 28-day viewing diary to measure the viewing habits of more than three thousand people. The same group replicated the ratings system again this year.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Albania Objective Score: 2.15/4.0**—There are trade associations for the media, but none of them function for the benefit of their members. The publishers are far from a cohesive group, as competition precludes cooperation. The broadcasters are represented by no fewer than five different associations. However, each association has its own agenda, which is usually politically influenced. Overall, media outlets tend to view their competitors as the enemy rather than as potential collaborators.

Albanian journalists are now struggling to form a labor union. The basic goal is to develop a national contract that will cover everyone in the media industry. Journalists now have no rights at all, as few work with a personal services contract. Journalists' employment

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

is completely at the will of the employers. The Ministry of Labor does require contracts, but few media outlets insist on them.

There is one nongovernmental organization in Albania that supports the media, but its longevity is currently in jeopardy. The Albanian Media Institute (AMI) provides Internet and professional media training to journalism students in Tirana. The AMI receives limited funding from a number of international organizations, but not enough to maintain its much-needed presence on the media scene.

The University of Tirana has a journalism pro-

gram that theoretically provides a four-year course for an average of 40 students each year. In the past it has been less than sufficient in providing a quality education. The university has attempted to partner with the University of Missouri School of Journalism, but this collaboration has yet to be established. One of the primary problems with the University of Tirana program is that the faculty itself lacks media experience. For the most part, the instructors are theoreticians with little practical experience. In general, the students lack motivation, resources, and the proper environment in which to receive an education.

## PANEL PARTICIPANTS

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### *Edi Paloka*

Member of Parliament  
Parliamentary Commission on Mass Media

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### *Engjell Seriani*

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*Dita Jug* weekly, Gjirokaster

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# BOSNIA AND HERZEGOVINA

## INTRODUCTION

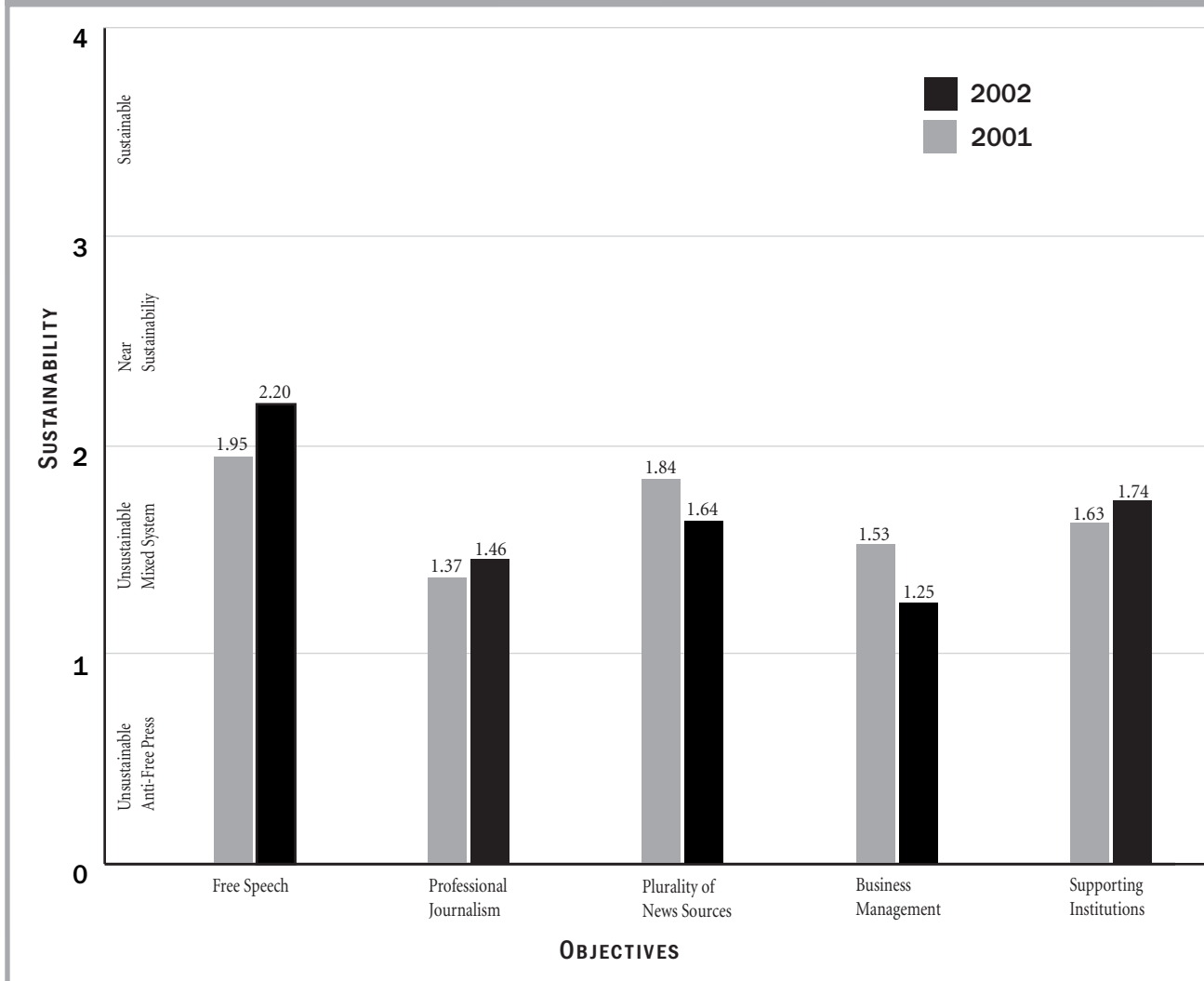
Media in Bosnia and Herzegovina continue to function in a complicated legal and political environment. Following the end of the war in 1995, the Dayton Peace Accords created a constitutional system that established the country as two “entities”: the Federation of Bosnia and Herzegovina, with a majority of Bosniaks and Croats, and the Republika Srpska, comprised mostly of Serbs. The highest authority in Bosnia and Herzegovina for the civilian aspects of the General Framework Agreement for Peace (GFAP), the peace implementation plan developed in 1995, rests with the Office of the High Representative (OHR). The High Representative is an international official nominated by the Peace Implementation Council, made up of 55 countries and international organizations, and endorsed by the United Nations Security Council. The OHR has broad powers in the country, including the right to impose legislation when necessary for the peace implementation process.

The government of Bosnia and Herzegovina continues to be split along ethnic lines, as representatives of the nationalist parties—Party of Democratic Action (SDA–Bosniak), Croatian Democratic Community (HDZ–Croat), and Serb Democratic Party (SDS–Serb)—were overwhelmingly elected in the October 2002 presidential and parliamentary elections, effectively curtailing any meaningful reform. The threat of OHR-imposed laws has prodded the government to pass media legislation granting access to information and new libel and slander laws that meet international standards. However, the efficacy of these laws has been disappointing.

With 40 percent unemployment, the economy in Bosnia and Herzegovina is still weak, and the steady departure of international organizations from the country will exacerbate the situation. However, there is some evidence that foreign investment is on the rise. The advertising market for print and broadcast media remains small but is growing. Although with hundreds of news organizations, several national television networks, and persistent competition from Serbian and Croatian media outlets, the struggle for limited advertising funds

*Financial pressures on journalists are beginning to replace the fear of political threats. Though notable examples of physical attacks have occurred in the past, current crimes against journalists more often take subtler forms.*

## BOSNIA AND HERZEGOVINA—MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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



is relatively intense. The advantage goes to outlets with strong sales departments.

Journalism standards are improving gradually but remain at a low level. Print readership has been contracting, largely because the newspapers and magazines have failed to address readers' needs. Many publications continue to serve as vanity press for wealthy individuals and political interests. However, within the past year, a majority of the media with strong political affiliations have lost market share to a few new and improved publications that have begun to focus on topics of greater interest to readers.

*Journalism standards are improving gradually but remain at a low level. Print readership has been contracting, largely because the newspapers and magazines have failed to address readers' needs.*

The broadcast media sector is well regulated by the Communications Regulatory Agency (CRA). It has broad powers to assure the absence of hate speech or politically motivated programming. These powers have made the broadcasting arena far less inflammatory than the print media. The CRA has also forced radio and television stations to pass through a rigorous process in order to obtain a broadcast license. However, there are still too many broadcast outlets—143 radio stations and 39 television stations—given the country's population and the size of its advertising market.

Bosnia and Herzegovina has multiple state-owned, or public, television broadcasters. RTRS serves the entity of the Republika Srpska, and Federation TV 1 and 2 serve the entity of the Federation. The international community has pushed the need for a statewide public broadcaster and has supported the development of the Public Broadcasting Service (PBS), which is currently providing limited programming to the entire country over the entity broadcasters. PBS is scheduled to replace one of the Federation channels by the end of 2003, but this will still leave three state-owned broadcasters for a population of 3.5 million. It is unlikely that the country will be able to support them all, even if subscription collections improve.

In addition to the public broadcasters, OBN—a private broadcaster initially funded by the international community—continues to exist, though it is technically in bankruptcy. Mreza Plus, another private television network, serves about 85 percent of the country's population. Both of these private networks suffer from the effects of price dumping by the public channels in the competition for the small advertising market.

## OBJECTIVE 1: FREE SPEECH

**Bosnia Objective Score: 2.20/4.0**—Bosnia and Herzegovina has begun to meet many aspects of the legal and social norms that protect and promote free speech and access to public information. In addition to constitutional provisions, two media laws deal specifically with freedom of speech: the Law on Free Access to Information and the Law on Defamation. While some opinions cite problems in implementation—institutions, for example, that fail to sanction violations—others note that the laws' recent enactment (in 2001) renders judgment premature. Other legislative issues have roots in the structure of the

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.

Dayton Peace Accords: with one country, two entities, and 10 cantons, the 13 legislative systems often operate almost independently. For example, cantonal laws in the Federation of Bosnia and Herzegovina, which allow for the supervision of the media, do not always completely comply with the standards of the European Union. Overall, constitutional provisions and laws dealing with freedom of speech are good, but the laws directly related to media are not. For example, government officials and departments are not required by law to protect the interests of media.

*According to MSI panel participants, the politics and strategies of the international community—still responsible for making and implementing many of the decisions in Bosnia and Herzegovina—thus far have not provided for a system of equality in which private and public media function according to different but complementary audience interests.*

The Communications Regulatory Agency (CRA), formerly the Independent Media Commission (IMC), controls broadcast licensing. The independent agency has sorted out an almost “anarchic” media market and has increased the professionalism of the country’s broadcast media. Though overall the CRA’s procedures have been estimated as fair and its criteria as more or less solid, the processes and selections of its officials require greater transparency and communications with the highest state bodies and institutions could benefit from improvements.

The CRA is tasked with treating private and public media equally, even though these sectors differ in their sources of revenue. However, some concerns about CRA’s fair treatment exist, especially regarding the commercial media sector. Though private broadcast media do not collect subscription fees from viewers/listeners, the Public Broadcasting System (PBS) is able to accept paid advertising. According to

MSI panel participants, the politics and strategies of the international community—still responsible for making and implementing many of the decisions in Bosnia and Herzegovina—thus far have not provided for a system of equality in which private and public media function according to different but complementary audience interests. The Law on Public Broadcasting, imposed by the High Representative in May 2002, is viewed instead to have created a competition between two interests: the integration and preservation of Bosnia as a unitary state and its compliance with European standards, on the one hand, and the development of a media industry, on the other.

Though private media may be disadvantaged vis-à-vis public media, media in general may enter the market just as any other business. For media, as for all businesses, however, the market remains very poor. Significant strides have been made in some areas, such as the harmonization of taxes in the two entities. A code on advertising would further benefit the possibilities for improvement.

Financial pressures on journalists are beginning to replace the fear of political threats. Though notable examples of physical attacks have occurred in the past, current crimes against journalists more often take subtler forms. High public officials and state-owned companies rank among the offenders, and the state often fails to prosecute crimes against journalists or media outlets. Roughly 40 defamation cases remain open. By decision of the High Representative, libel has become part of civil code. The law proposes a higher level of tolerance on the part of public persons, rather than stricter standards for their behavior.

The Law on Free Access to Information, also a recent civil law, corresponds to European standards. Noted as advanced—or even ahead of its time—the law, however, may not correspond to Bosnian realities. Certain provisions, for example, may leave room for manipulation in cases of unofficial or illegal sources of information. Many journalists also remain unaware of the rights they hold under the new law.

Other legal aspects rate generally free as well, and there are no restrictions on access to international news and news sources. High Internet costs are sometimes a restrictive factor, as many media have difficulty affording adequate access. Entry into the journalism profession is also free, though from the point of view of quality, some believe that entry into the profession is too free. Certain events do require special passes, a practice that is deemed normal. Panelists, however,

singled out as one area for concern cantonal laws that allow for “surveillance” of the media and fines levied against editors and journalists.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Bosnia Objective Score: 1.46/4.0**—Overall, journalistic professionalism in Bosnia and Herzegovina meets only minimum standards of quality. Panelists faulted gaps in knowledge as often leading to poor practices of fairness, objectivity, diverse sourcing, and so on. Journalists rarely strive to search for additional information, and the failure to ask questions at press conferences, for example, is widespread. Those with stronger skills are sometimes lost in newsrooms that do not balance reporting and commercial content.

In addition to relevant legislation and self-regulation, a Code of Ethics, developed in accordance with European and other relevant standards, was adopted by all six of Bosnia’s journalistic associations two and one-half years ago. In recent months, however, the Code has not been applied properly or regularly. While some panelists fault a Press Council that has not been functioning to full capacity, others note the need for education and awareness of professional behavior. Financial incentives—including subtle forms such as promo-

tional trips—continue to be accepted in exchange for favorable coverage. Standards in broadcast media appear more developed than among print journalists, where some continue to use the media as a basis for attacking opposing viewpoints.

Self-censorship is practiced in Bosnia and Herzegovina. While the practice may no longer derive from the fear or nationalism of the recent past, journalists are presently seen as conformists concerned with retaining their jobs. The tendency of journalists to keep quiet when they feel unsafe differs between urban and rural environments, with possible repercussions more strongly felt in smaller towns than in larger cities. Self-censorship also concerns the editor-journalist relationship, with some editors seeking to shape even educated young journalists according to their own views. Editors, themselves influenced by conformity, sometimes also restrict the stories on which journalists report.

*Overall, journalistic professionalism in Bosnia and Herzegovina meets only minimum standards of quality.*

Though overall journalists in Bosnia and Herzegovina cover key events and issues, such reporting should still be viewed in the context of a society emerging from years of conflict. Many media remain identified with a particular ethnic group, and at times angles of reporting reflect ethnic belonging.

Corruption among journalists in Bosnia and Herzegovina does not appear to be widespread, however. While pay levels remain insufficient, the low salaries do not leave journalists more vulnerable to bribes. They do, however, make some journalists more likely to seek positions with state institutions that offer higher pay and more security. In media, a conflict arises between managers who want money and journalists who want objectivity. Because of this conflict, journalists are censored based on the interests of their managers. The CRA has often fielded complaints from journalists whose media outlets, while in the process of applying for licenses, forced employees to sign erroneous statements claiming that they received their salaries regularly.

Content of television and print media is primarily based on daily news and information. In a few limited examples in radio, entertainment tends to overshadow news. Overall, however, there is a wide variety of news

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

and information programming, which remain the least expensive programs to produce. Though investigative reporting and other niche areas such as economics/business and politics do exist, there is little specialized journalism.

Most media own modern technical facilities and equipment for gathering, producing, and distributing news. While some media may have higher technical requirements than are filled by their current facilities, others often have equipment that surpasses their needs or skills. Education, particularly in the areas of digital and other new technologies, stands as one area for further development. Transmitters remain the more pressing need, particularly among smaller media.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Bosnia Objective Score: 1.64/4.0**—All panel participants agreed that there are both too many media outlets and not enough content. In comparison with a widespread focus on politics and government, there is very little local or “service” information, particularly in radio. There are no government restrictions on citizens’ access to domestic or international media, though many cannot afford it.

There are two independent news agencies in Bosnia and Herzegovina—ONASA and SENSE—

whose services are available to consumers on a commercial basis. Some panel participants, however, noted low interest in the agencies’ product and concern for their costs given the poor financial situation of most media outlets.

Independent broadcast media produce their own news programs, though some participants have observed decreased production due to high costs. Programs of the public services and private/commercial media sector do not differ significantly from each other, though neither was noted for its quality. One participant questioned why the commercial broadcast media should perform the role of public services.

*All panelists agreed that there are both too many media outlets and not enough content.*

The country’s ethnic politics continue to form the question of “minority” media in Bosnia and Herzegovina. The Bosnian, Croatian, and Serbian languages have equal status under the Constitution, though some charge that this equality is not respected in media output. Other minorities do not appear to be represented, including social groups such as the disabled or gays and lesbians. Participants agreed that these programs are primarily the duty of PBS because they are not commercial programs. Some improvements have been noticed in the programs of the state radio station, Radio BH1.

Media ownership in Bosnia and Herzegovina is not concentrated into conglomerates. However, its transparency may be debatable, as stakes, profit shares, and the like may obscure the differences between real and registered owners. Though foreign citizens, for example, are prevented from being the sole owner of a media outlet, the system does allow for outsiders to name a local citizen as co-owner. One panel participant mentioned that OBN has foreign ownership that aimed to capture a large part of the advertising market share. Journalists do not seek information on media ownership despite the lack of transparency that currently exists.

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

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Bosnia Objective Score: 1.25/4.0**—Independent media still do not appear to be well-managed businesses, though successful examples do exist.

Printing and distribution have improved somewhat since Banja Luka-based newspaper *Nezavisne Novine* opened its printing plant in July 2002. Primarily printing daily newspapers on a commercial basis, the operation appears to be on the edge of profitability. Like *Nezavisne Novine*, the printing houses of Avaz and Alden Print also seem to be self-sustainable: they are paying off their loans, their workers are permanently employed, new editions have been started, and so on. Opinions were divided on the efficiency of distribution networks; some noted cutthroat competition and poor sales presentation of certain editions at newspaper stands. Some panelists noted the lack of transparency in the publishing business.

Advertising constitutes 80 to 90 percent of the financing for commercial media, with the remaining minor revenue sources derived from donations and subscriptions. The market is currently grossing 60 million KM (convertible mark) (approximately \$33 million), twice the figure of the previous year. On the whole, the advertising market is expected to grow 35 percent yearly. Television receives 65 percent of the market, outdoor advertising 25 percent, and radio and

print 6 to 7 percent. One panel participant raised the question of “black market” sources from political and other groups, attributing such funding to the reason that some media, particularly print, continue to exist even though they fail to make a profit. Though this participant noted how such funding can shape editorial policies, another reminded that advertising revenue does not necessarily guarantee independence from certain centers of power.

With too few advertising agencies, the industry remains underdeveloped in Bosnia and Herzegovina. Only in the past year has an awakening of the domestic advertising market been felt, though not all participants agreed that the domestic market is becoming stronger. About 80 percent of money invested comes from international corporations and their agencies, whose favorable packages often undercut domestic counterparts. The public broadcasting services have also been accused of practicing “price dumping,” resulting in a formal protest to the CRA from the commercial media that cannot compete. Advertisers generally do not understand that on-air promotion constitutes a part of advertising.

Despite increasing advertising activity, prices and profits remain low. Media have to sell 100 percent of their ad capacities to break even. PBS’s entry into the market has elicited concern for the development of private media. Panel participants cited political pressures in opening the commercial door to PBS. They also noted the “unwritten strategy of the international community” in its effort to establish PBS as the integrative factor in Bosnia and Herzegovina.

Media occasionally receive subsidies at the local level from cantonal governments. Though participants were unfamiliar with the criteria for such funding, they strongly disagreed on whether these governments influence media content. With guarantees of transparency, some asserted, such practices could encourage private local radio stations to cover news of public interest.

Media do not appear to tailor their products to the requirements of the market. Most remain uninterested in media research, believing in its value only when the results suit particular tastes or needs. Thus, many ignore either unfavorable data or their conclusions. Advertising agencies, however, do appear to take greater interest in such information. No local organization produces reliable ratings or audits circulation figures, and media outlets do not seek this information.

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



## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Bosnia Objective Score: 1.74/4.0**—Supporting institutions still do not fully function in the professional interests of media. Trade associations, for example, are seen as little more than a formality, with 70 to 80 percent of media employees working without contracts. Because of the divisive nature of Bosnia and Herzegovina itself, there are currently six professional associations, with some perceived as protecting the interests of a particular ethnic group or entity. Many lack clear aims or understandings of lobbying efforts, reacting only with press releases sent to other media professionals. With too many associations for the number of journalists in the country, proposals have been made for three of them to unite.

Though perhaps “natural allies,” the current relationship between media and other nongovernmental organizations (NGOs) lacks a basic sense of trust. Journalists often do not consider NGOs relevant sources of information. Instead, media tend to perceive NGOs as amateurs who are engaged in shady deals with foreign money, while NGOs perceive media as loyal to the government. Some media, however, have successfully cooperated on shared projects with NGOs, particularly with organizations that promote democratization and civil society.

Like the number of professional associations, there are too many journalism faculties in Bosnia

and Herzegovina—one each in Sarajevo, Tuzla, and Mostar and two in Banja Luka—to support long-term needs. Though the classical state university education is deemed archaic and lacking practical training, the system has recently begun to reform. While participants felt there were insufficient opportunities for students to earn journalism degrees abroad, they noted that those who return from abroad successfully find jobs in media outlets or other organizations, even if their journalism skills go unused.

*Though perhaps “natural allies,” the current relationship between media and other nongovernmental organizations (NGOs) lacks a basic sense of trust.*

There are many short-term training opportunities in Bosnia and Herzegovina, perhaps more than are used by journalists. While representatives of the international community most often offer these programs, local trainers are increasingly engaged in training and education. Participants recommended in-house training, short-term courses for managers, specialization in particular fields, and study trips abroad as areas of focus for future efforts. They also noted that a high turnover rate at media outlets often renders needs difficult to measure.

Printing facilities and channels of media distribution do not appear to restrict content, though their prices are sometimes restrictive. Because of the failure of previously state-owned printing houses, these facilities are now in private hands. The government, however, continues to own and control transmitters, a situation that does require regulation.

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

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# BULGARIA

## INTRODUCTION

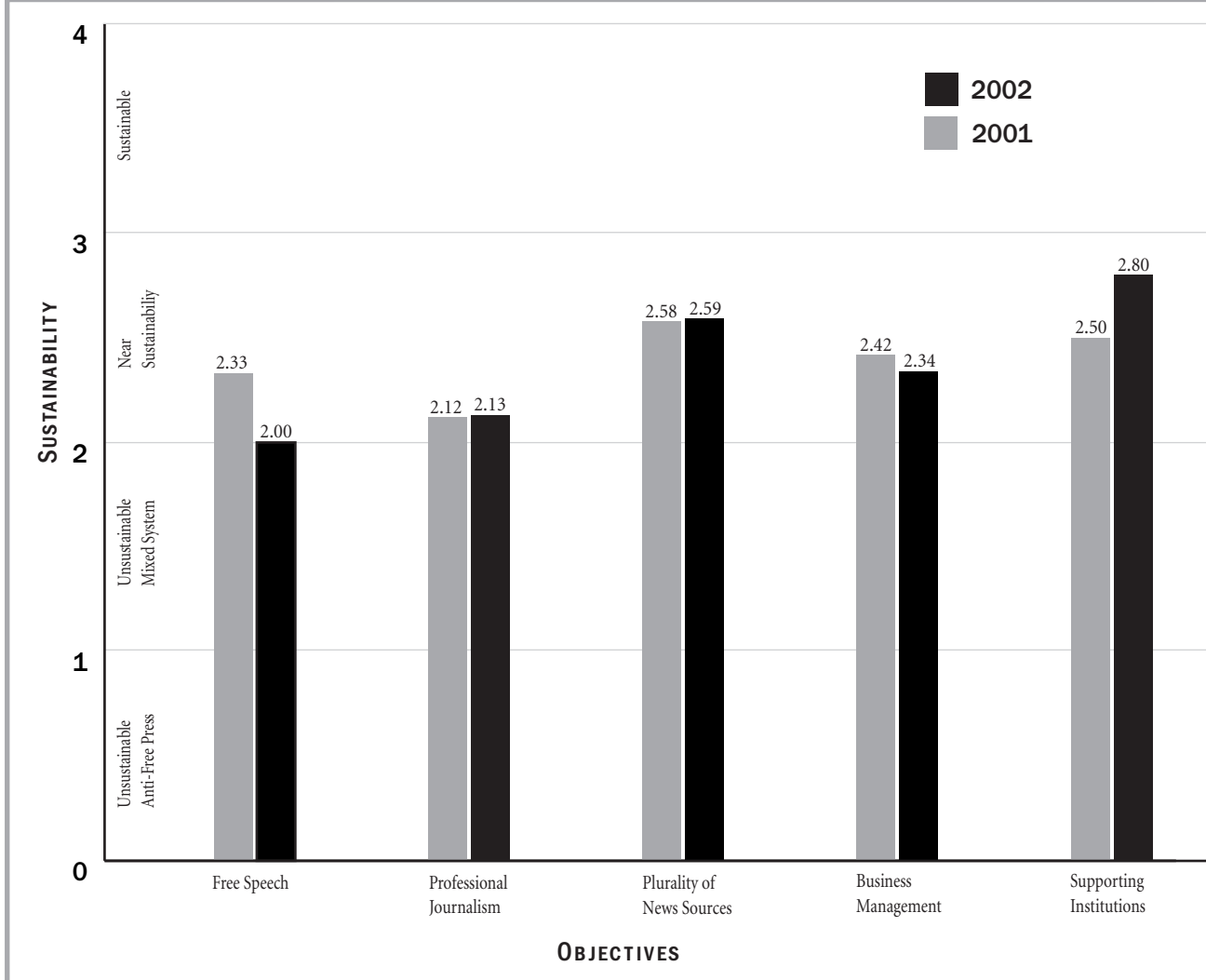
During the years of transition, Bulgaria has made significant progress in building a stable democracy and a free-market economy. Two consecutive governments since 1997 have implemented wide-ranging political and economic reform programs. Thanks to these reforms in November 2002, Bulgaria received an invitation to join the North Atlantic Treaty Organization (NATO) and is set to join the European Union (EU) in 2007. The country has managed to avoid ethnic and civil unrest and has played a constructive role in international efforts to resolve regional crises. For example, Bulgaria has acted as a de facto ally of the United States in the campaign against international terrorism after September 11.

Despite positive reforms, political, social, and economic problems typical to countries in transition still persist. In late 2002, the country seemed at the edge of a potential new political crisis. Popular disillusionment with the post-communist political elite, a sentiment that brought the former king-in-exile, Simeon Saxe-Coburg-Gotha, to power in 2001, is rapidly turning against him. In spite of his promises, the standard of living of the vast majority of Bulgarians has not improved significantly, and the economy remains stagnant.

These developments have influenced the media scene and are reflected in the 2002 Media Sustainability Index (MSI) report. Although the average scores prove that Bulgaria meets a basic level of media sustainability, the success of continued media development is still largely dependent on current political and government forces. The MSI panel determined that there is not a vast departure from last year's pace of media development. Rather, the media experts' assessment of the varying indicators shows growth in some areas and decline in others. The only significant improvement occurred in the institutions that support independent media. Meanwhile, recent events and developments in Bulgaria's media industry can explain a decrease in the ratings of some indicators. For example, attempts at political interference with the media are still prevalent. In fact, instances of pressure on the media from business and political interests have increased in the past several months. The link between "gray" and "black" markets and politics over-

*The Bulgarian media scene could be facing a major restructuring period in the years to come.*

## BULGARIA—MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

laps with the media industry. In several cases, important media outlets have been used in political campaigns against reforms, especially those aiming at Bulgaria's membership in NATO and the EU. Concurrently, the social impetus for supporting free speech seems to have lost steam.

In 2002, problems with media legislation increased. The government has been trying to amend the media law, with the obvious goal of replacing the management of the state-run radio and television stations. Also, the licensing of new media entities was halted without any legislative explanation. However, the political will is lacking to relieve the media of interference. Furthermore, the advertising market has not developed to the point that most media outlets could operate in a self-sustainable way. The abundance of print and broadcast media is only making the situation worse, especially for smaller and local print and broadcast media outlets.

Private radio is well established and competes successfully with the still-dominant Bulgarian National Radio (BNR). Radio networks, some with international investment, have developed across Bulgaria. On the other hand, the large number of new licenses issued over the past three years has dangerously fragmented the stagnant advertising market and threatens the ability of many stations to produce important programming like local news.

The print media are pluralistic, privately owned, and increasingly better managed. On the other hand, the adoption of professional standards remains a serious shortcoming. Reporting is often unprofessional, biased, and intolerant. Quality beat reporting in important areas like the judiciary system, the economy, local government, or ethnic relations is a rarity. Professional investigative reporting on exposing corruption and organized crime is limited to a few editions and needs sustained support. Important media outlets are being used openly for political campaigns, which undermines the credibility of the media as a whole.

Even though the amendments to the Radio and Television Law and the Telecommunications Law passed in 2001–2002 were seen as a major step forward, problems with the independence of the broadcast media persist. The new regulatory bodies, the Council for Electronic Media and the Committee for Regulation of Communications, are under direct political control. Special attention is needed to address issues like the independence of the state-owned media and the licensing process.

Professional associations of broadcasters and journalists are in place and have become active agents of independent media development. The Association of Bulgarian Broadcasters (ABBRO) and the Bulgarian Media Coalition (BMC) are actively promoting independent media, freedom of speech, and professionalism.

## OBJECTIVE 1: FREE SPEECH

**Bulgaria Objective Score: 2.0/4.0**—The average overall rating for this objective shows that media legislation, an important safeguard for the freedom of speech, has faced problematic implementation. Bulgaria meets many of the aspects of social and legal norms that protect the freedom of speech and access to information, but progress is unstable and predicated by economic and political currents after last year's change in government.

Amendments in the media legislation introduced in 2002 have produced very mixed results. On the one hand, the Radio and Television Law adopted in late 2001 and the amendments in the Telecommunications Law adopted in 2002 represent significant progress toward

<b>Legal and social norms protect and promote free speech and access to public information.</b>	
<b>Free Speech Indicators</b>	Legal/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 the offended party 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.

less government control in the regulatory process. The specialized commission responsible for the final stage of the licensing process under the previous broadcast law was cancelled, moving the regulatory process one step further away from direct political intervention. Cable and satellite broadcasters enjoy an easier registration procedure compared with the former licensing procedures. On the other hand, some key shortcomings of the old law resurfaced in the new legislation despite recommendations from independent media associations that were backed by organizations like the Council of Europe and the EU Commission. Most notably, members of the new Council for Electronic Media are elected in the same way as the previous regulatory body, the National Council for Radio and Television. This provision allows the ruling majority in parliament to appoint the decision-making majority in the Council. In addition, some changes in the media legislation were introduced retroactively in order to replace the members of the regulatory body and the head of state-owned Bulgarian National Television (BNT). The new Radio and Television Law introduced new eligibility requirements for candidates vying for the position of director general of BNT and BNR (state-owned Bulgarian National Radio). These requirements were implemented retroactively to remove the BNT director from office just three months before the end of her mandate. The panel shared the view that although many of the new provisions in the Radio and Television Law were nominally beneficial for the development of independent media, their implementation was either lagging behind or was contradictory to the declared motives for the introduction of the amendments.

The panel awarded the highest scores in this category to the indicators “access to the journalism profession” and to “access to international news.” Participants agreed that despite difficulties in the implementation of media legislation, the journalistic profession is open and accessible by everyone, without the state imposing any restrictions or special rights to those who are pursuing it. Similarly, media outlets in Bulgaria have unrestricted access to international press sources. The panel noted that both aspects of media development were achieved in the early 1990s, and no major development in either sphere was noted in 2002. However, some panel participants pointed out that small-sized media outlets have less of an opportunity to benefit from this access due to budget and technological limitations.

After the passage of a package of Freedom of Information Act (FOIA) laws and the Access to Public

Information Act, journalists and media outlets theoretically have access to public information. The Classified Data Protection Act and the Personal Data Protection Act are in place and regulate access to restricted information. In fact, these laws are being enforced, as journalists have won lawsuits when information has been denied to them. The panel, however, noted that there is a big gap between the legal provisions and the extent of their implementation by various state institutions. The national government, its ministries and agencies, the legislatures at national and local levels, the local government institutions, and especially the judiciary tend to disregard their obligations under the FOIA laws. Often, only sustained public pressure forces improved implementation practices. The court system is not always willing to effectively handle the media-related cases brought their way. The level of implementation of the FOIA laws varies between institutions and changes with each turnover of government or key personnel.

*One journalist on the panel stated, “Journalists live in constant fear of having to prove their point, often by disclosing their sources, which is unthinkable. Often a journalist will refrain from exposing anything in case they are forced to prove it. Regulations have to be revised so that the offended parties have to prove falsity.”*

The fairness of the licensing process and the requirement for equal legal treatment of state and independent broadcast media received the lowest scores among the indicators in this category. The panel noted that there are big differences between the official legal provisions and the regulatory practices. Panel members mentioned that the licensing procedure should ideally be nonpoliticized and competitive, as stated in the Radio and Television Law and the Telecommunications Law. In the past year, however, licensing of media outlets has practically halted, making it impossible to judge whether the new regulatory arrangements guarantee a high degree of fairness and transparency. The Bulgarian government and parliament have effectively blocked all licensing by not adopting the official tar-

iffs for licensing. Without these tariffs, licensing new broadcasters and renewing established licenses is legally impossible. Panel participants suggested that inaction by the authorities resulted from their lack of “political confidence” in the regulatory body, prompted by the appointment of the director general of BNT. A disinterested public has purposefully ignored the issue. A panelist explained the situation this way: “Licensing is halted until the adoption of a licensing strategy. Executive power did not fulfill its obligations, so over the last year not a single license was awarded. The Council of Ministers did not bother to establish licensing tariffs, and now the licensing process is on hold due to government inaction and political pressure. The law was deliberately derailed, and the industry regulators were deprived of their licensing powers.” The Radio and Television Law does not provide equal legal treatment of state-owned and independent broadcasters. BNT and BNR receive significant state subsidies and are allowed to sell advertising. Panel participants noted that BNT and BNR are also granted privileged access to cover important events. Political influence over state programming is visible, and the government outlets haven’t made much progress in the transition from state to public broadcasters.

Panelists agreed that progress needs to be made regarding editorial independence. Practice shows that political and economic interests can impose or interfere with the decision-making of both public and independent outlets. One journalist on the panel stated: “Journalists live in constant fear of having to prove their point, often by disclosing their sources, which is unthinkable. Often a journalist will refrain from exposing anything in case they are forced to prove it. Regulations have to be revised so that the offended parties have to prove falsity.”

Market conditions, tax structures, and free-market regulations for the media received relatively low scores by the panel because of three main obstacles: the underdeveloped advertising market, the preferential legal treatment of state-owned radio and television, and the illegal concentration of the print and commercial television industry. BNT receives an annual subsidy equal to one-half of the overall advertising market in the country and also gets more than 40 percent of the overall television advertising revenues. Networks of media outlets and advertising and polling agencies have formed in radio and especially in television, leaving little room for free competition. The German publisher Westdeutsche Allgemeine Zeitung (WAZ) owns well

over 50 percent of the newspaper circulation in the country, making the financial survival of smaller local publications extremely difficult.

Libel remains a criminal issue, and in court journalists must prove validity of their claims against the offended. Even though prison terms for libel and defamation have been replaced with heavy fines, the cases are still being reviewed under the criminal code. State officials and other public figures are granted privileged protection in libel and defamation cases. Such charges are often used to harass journalists, especially in smaller towns. No progress has been made in 2002 to resolve that issue, the panel noted.

*The court system is not always willing to effectively handle the media-related cases brought their way.*

The Constitution provides for the freedom of speech, and all experts acknowledge the existence of such protections. The problem is in the implementation of these provisions. Furthermore, public opinion is still not sensitive enough to the values of free speech to the point that the public would defend these rights when they are violated. One panel member stated: “Freedom of speech is still not held in high esteem by the public, although it is society’s greatest value. I think the public does not regard freedom of speech violations as blows to its own dignity. Our legal system is not effective in this respect, and it is generally quite clumsy and selective. Sometimes the legal system itself is a threat to the freedom of speech.”

The objectivity and compatibility of market and tax mechanisms in the media field are damaged by the lack of specialized and effective antitrust regulations. In some cases, politicians have favored public (state) outlets at the expense of private media. On the other hand, state institutions sometimes keep a blind eye to entities working without licenses.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Bulgaria Objective Score: 2.13/4.0**—Bulgarian journalism is beginning to comply with international professional standards, but the developments are quite recent and are still dependent on current social and

political processes. Despite the relatively low scores from the panel, there are definite areas of improvement. All media, even commercial outlets, manage to focus on newsworthy events. Entertainment elements do not eclipse informational programming. The panelists agreed that reporting is fair and well sourced. However, there are still cases of airing unverified information, and the number of background sources is often only two. There are still subjective programs on state television, which do not present more than one side of the issue. A panel member stated: “There are enough examples from the past year of one-sided reporting. A program on state TV lacks objectivity in 90 percent of the cases and doesn’t even bother to double-check its facts.”

The implementation of professional ethics still has not reached sustainable levels. Many codes of ethics exist, but their utility is questionable. Employees of private print media outlets are still largely dependent on the owners’ interests and political convictions. Some print media outlets are run as propaganda outlets for the special interests of their owners and do not even pretend to practice professional journalism. Such publications have been involved in open political campaigns and have disregarded any professional criteria in their work. As a general rule, there is no clear demarcation between the management, the sales departments, and the editorial departments of many print and broadcast media outlets. As a result, reporting is often biased, and

news is distorted. Some readers are forced to compare the conflicting versions from different publications in order to get a more balanced interpretation. Positive practices have only started to emerge in big independent broadcast media. As the panel participants noted, there are cases of reporters accepting gifts, but such cases are very difficult to prove, much less prosecute. As one panelist explained, “There are codes, but no one complies with them. The fact that journalists accept gifts and willingly ignore their freedoms and responsibilities is not a well-kept secret.”

*As the panel participants noted, there are cases of reporters accepting gifts, but such cases are very difficult to prove, much less prosecute. As one panelist explained, “There are codes, but no one complies with them. The fact that journalists accept gifts and willingly ignore their freedoms and responsibilities is not a well-kept secret.”*

Experts share the opinion that self-censorship is still practiced. It is driven by political pressure in the public media and by economic interests in the privately owned outlets. Some of the panel participants noted that self-censorship, disguised as “loyalty to the publisher,” is becoming a common practice. In fact, it is becoming a standard requirement for hiring journalists.

The remuneration of journalists remains the most problematic area for this objective. Pay levels differ from state to private entities. The really meaningful difference, though, is between metropolitan and regional outlets. Regional media professionals earn significantly less than their colleagues in the cities. This huge disparity is in line with the gap in pay between many urban and rural industries, but it is a major obstacle to the creation of a sustainable media sector in Bulgaria. In the words of one media expert: “People at a regional radio or cable channels earn much less than those at a Sofia outlet. To me, this is an example of discrimination against Bulgaria’s regions. To a great extent, Bulgaria is still pretty much Sofia.” On the other hand, participants in the panel recognized that different pay levels are to

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



a large extent a reflection of the different advertising markets in Sofia and elsewhere. Panelists noted that small publications operating in small markets could not sustain higher salaries.

Quality niche reporting and programming in the Bulgarian media appear to be in very short supply. A few publications, among them some of the most influential ones, have developed good investigative reporting and show a growing level of professionalism in covering political events, local government, and the economy. Panel participants pointed out that good investigative reporting is still limited to a few media outlets and is often dependent on donor support.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Bulgaria Objective Score: 2.59/4.0**—In general, there is a plurality of media in Bulgaria. Hundreds of print and broadcast media outlets independent from the government are in operation, providing a wide variety of information and opinions. Citizens in Bulgaria have unfettered access to local and international news sources. However, financial and sometimes technological restraints still impair access to such sources. The Internet is still not a largely accessible medium in some areas. Furthermore, access to foreign chan-

nels and cable subscriptions is limited due to the high costs involved. One panelist explained, “Plurality is not an issue. Access to sources is. Having done the simple math, plurality applies to just a segment of the population. Some regions are discriminated against. Sofia and the principal cities have an absurd number of sources, while some regions don’t have any.”

The panelists believe there are no objective obstacles for the existence of minority-language media. For the most part, government and business groups are not interested in limiting the proliferation of minority outlets. The low penetration of such media is mainly due to the relatively small size of minority groups in Bulgaria. Furthermore, public opinion does not favor the expansion of minority-language media. On the other hand, Turkish-language media broadcast news on state radio and television without meeting any notable public or political resistance. Few minority-language media exist, and most of them subsist due to international donor support. With the exception of one recently launched Roma cable television station, most minority-language media have very limited circulation or penetration due to the lack of state budget support for or commercial interest in such media.

A variety of public and private news sources exists in Bulgaria, and most media are fairly accessible. Unfortunately, access is limited in the regions. Rural and village audiences simply do not have sufficient access to modern media mainly due to poor infrastructure. Telecommunications networks aren’t developed enough for widespread Internet access, and the distribution channels for print media are also lacking. For years, the licensing of independent radio and television stations has been limited to local and regional stations in more populated areas. Recently licensed independent broadcasters with national coverage do not cover less populated areas either, leaving many Bulgarians without access to anything but state broadcasting.

Several new Internet-based publications were launched in 2002, adding to the plurality of media. However, high Internet subscription fees, low penetration, and poor-quality phone lines limit membership in the regional and small-sized markets.

The panel agreed that Bulgarian media are able to reflect a broad spectrum of social views and generally avoid subjectivity or partisanship. Nevertheless, political pressure on media outlets increases in time of crisis. Some employees of state media outlets take political influence for granted and reshape their work to fit the current political situation. Public television does

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

not satisfy the demand for cultural and educational programming, although public radio does provide a somewhat wider range of public-service programming. In general, there is a serious problem with the ability of state broadcasters to serve the public interest in a balanced way. Little progress in that direction has been made over the years, media legislation does not support the transition from state to public media, and there is a lack of political will to support such transition. Private broadcasters have attempted to fill the niche of public-service broadcasting and often produce current affairs and cultural programs that serve the general public interest better than programming on state television.

*“Plurality is not an issue. Access to sources is. Having done the simple math, plurality applies to just a segment of the population. Sofia and the principal cities have an absurd number of sources, while some regions don’t have any.”*

Panel participants noted that for the first time there is less direct government interference with the programming of state broadcasters. The current Bulgarian government has not repeated the mistakes of its predecessors by imposing strict censorship of BNT and BNR. However, this lack of censorship has not resulted in more independent public media. Self-motivated pro-government elites have seized the opportunity to control broadcast media through the Council for Electronic Media (CEM). These elites are not only interested in imposing their own political views, but also seek to control the advertising revenues of two of the country’s largest broadcasters.

Transparency regarding the ownership of media does not exist in practice. Even though the Radio and Television Law requires a certain level of transparency in this regard, many broadcast outlets are controlled by entities not involved in daily broadcast operations. There are no limitations or requirements for transparency of ownership of the print media, and few of them state openly who controls them. Some newspapers and broadcasters are owned by offshore companies, and their actual ownership is only a subject of speculation. Panel participants shared the concern that legal capi-

tal generated from criminal activity may be playing a larger role in the advertising and media market in Bulgaria. Another concern is the cross-ownership of media outlets and advertising and polling agencies. As one panelist said, “The Radio and Television Law is being drastically violated, and in the face of the public, too. There is no political will for regulation, for introducing at least basic transparency. Since the free speech draft law, not a single bill has had a provision on capital transparency, forbidding share warrants or offshore capital.” At the same time, a few media monopolies completely dominate the market. German publishing conglomerate Westdeutsche Allgemeine Zeitung (WAZ) controls more than 50 percent of the newspaper market through two of the best-circulated dailies.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Bulgaria Objective Score: 2.34/4.0**—The average score gauging independent media as well-managed businesses has not improved since last year. But that is only part of the story. The media industry is somewhat polarized when it comes to business management. A few big media outlets are run as professional media outlets comparable to generally accepted Western standards for business efficiency. However, the vast majority of smaller and local media are drastically underdevel-

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.



oped. As a result, the development of Bulgarian media as sustainable businesses seems to have leveled off, as the average score of the panel indicated no further progress toward sustainability from last year. As the gap between large and small outlets widens dramatically each year, it is safe to say that many of the smaller publications are facing a very uncertain future. Furthermore, the Bulgarian media scene could be facing a major restructuring period in the years to come. Unfortunately, this division is not only the result of natural competition, but it also reflects a heavily manipulated media market that favors some media at the expense of others.

The rapid growth of the number of broadcast media outlets in previous years has made survival in a stagnant advertising market extremely difficult for smaller media. Some panelists noted that market trends indicate good growth prospects for the advertising market in general. However, the unfair distribution of revenues between the different outlets does not reflect the size and quality of their audiences. The panel approved of the fact that independent outlets do not receive state subsidies and underlined the fact that most of them are run as professional businesses and work very effectively. Nevertheless, some structural problems persist. Large distribution companies are owned by big newspapers, placing low-circulation publications in an unfavorable position. “The biggest problem is the distribution of low-circulation and niche publications, which ensure the plurality of the media environment,” said one of the panelists. Another other key issue was the conflict of interest arising from cross-ownership of ratings agencies, advertising agencies, and media outlets.

The media industry in Bulgaria is divided among a few very powerful media outlets that control 90 percent of the advertising market. Meanwhile, hundreds of small local stations and publications survive with the remaining 10 percent of the market. Panelists agreed that the local stations’ relations with advertising firms are poor. The small advertising market and the rapid proliferation of media present many challenges for the survival of small and newly emerging outlets. Regardless, advertising revenue continues to be the primary source of income for the Bulgarian media.

The media’s use of market research is inconsistent. Even though many agencies measure ratings and market share, there is one company that has established itself as the major source of data for media ratings. This near monopoly on statistics leads some to question the objectivity of the data. As mentioned many times during the discussion, the owners of the People Meters

also own media outlets and advertising agencies and are in a position to influence the market in their favor. Attempts are in place to deal with this conflict of interest by supporting alternative market-research agencies. Despite these attempts, the lion’s share of advertising in Bulgaria is being distributed between a few media outlets based on criteria that do not objectively reflect the actual situation in the media market.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Bulgaria Objective Score: 2.80/4.0**—The institutions that support independent media in Bulgaria have experienced tremendous growth in the past year. The panel pointed to the increased activity of media associations and unions in opposing political attempts at appointing a partisan director general of the state radio station, and in halting the passage of unacceptable changes to the Radio and Television Law. According to one panel member, “The passage of a bill is now unthinkable without consultation with the Association of Bulgarian Broadcasters (ABBRO) or the Bulgarian Media Coalition (BMC).” The notable success of ABBRO and BMC in such key areas has convinced the media experts that professional media associations are able to represent the interest of independent media and to provide valuable member services. Nongovernmental organizations (NGOs) that support free speech and

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

independent media also received relatively high scores by the panel. As one participant noted, the cooperation between NGOs and the media associations within the BMC has given additional strength to the media's voice in issues related to media legislation and protection of freedom of speech.

*The cooperation between NGOs and the media associations within the BMC has given additional strength to the media's voice in issues related to media legislation and protection of freedom of speech.*

Despite the wide range of journalistic unions, panelists share the opinion that the rights of professional journalists are not protected to the desired extent. Their membership is mainly made up of elderly journalists and professionals from the public media outlets. Such organizations fail to provide the necessary level of protection for the employees of independent media groups. A panelist characterized these organizations in this way: "Groups that protect journalists' rights do exist, but the quality of the services they provide regarding legal assistance, professional advice, and lobbying is still questionable."

Printing and publishing companies are largely in private hands, and are generally apolitical. Even the state-owned companies are profit-driven and remain competitive with independent firms.

The lowest score in this category was given to higher education in journalism. Bulgarian universities still do not provide a high level of journalism education. Journalism programs especially lack the substantial practical training young journalists need. Unfortunately, other indigenous training facilities for broadcasters and journalists are extremely limited in Bulgaria. Special mention was given to the IREX/ProMedia Broadcast Training Center as the only television training facility in the country. The panel also noted that without donor support such training facilities would not be able to exist at all. Very few media outlets have any kind of in-house training. It is a notable fact that professional training is even less accessible by journalists outside of Sofia. Indeed, there are a relatively small number of media professionals who regularly participate in training sessions. The opportunities for training are not sufficiently publicized to attract interested journalists and broadcasters from outside the capital. "I think there is a deficit in educating young journalists. State education is unsatisfactory, especially from the practical perspective. Graduates leave the university with hardly any practical knowledge of the skills needed at a radio station or TV channel. They have zero practical abilities," says one panel participant.

In general, there is a notable disproportion between the positive role played by supporting institutions in the development of independent media in Bulgaria and the insufficient professional training available to media practitioners. Panel participants pointed out that professional development remains an important issue for the Bulgarian media that needs increasingly more attention and support.

## PANEL PARTICIPANTS

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# CROATIA

## INTRODUCTION

Since 2000, Croatia has successfully changed its political climate as well as its image within the international community. However, it has not been as successful in dealing with the economic and social problems facing the nation, thus incurring significant criticism from the general public and opposition parties. The next government will most likely be a coalition government as well. In any case, democratic values will be maintained through checks and balances among the government, parliament, and civil society.

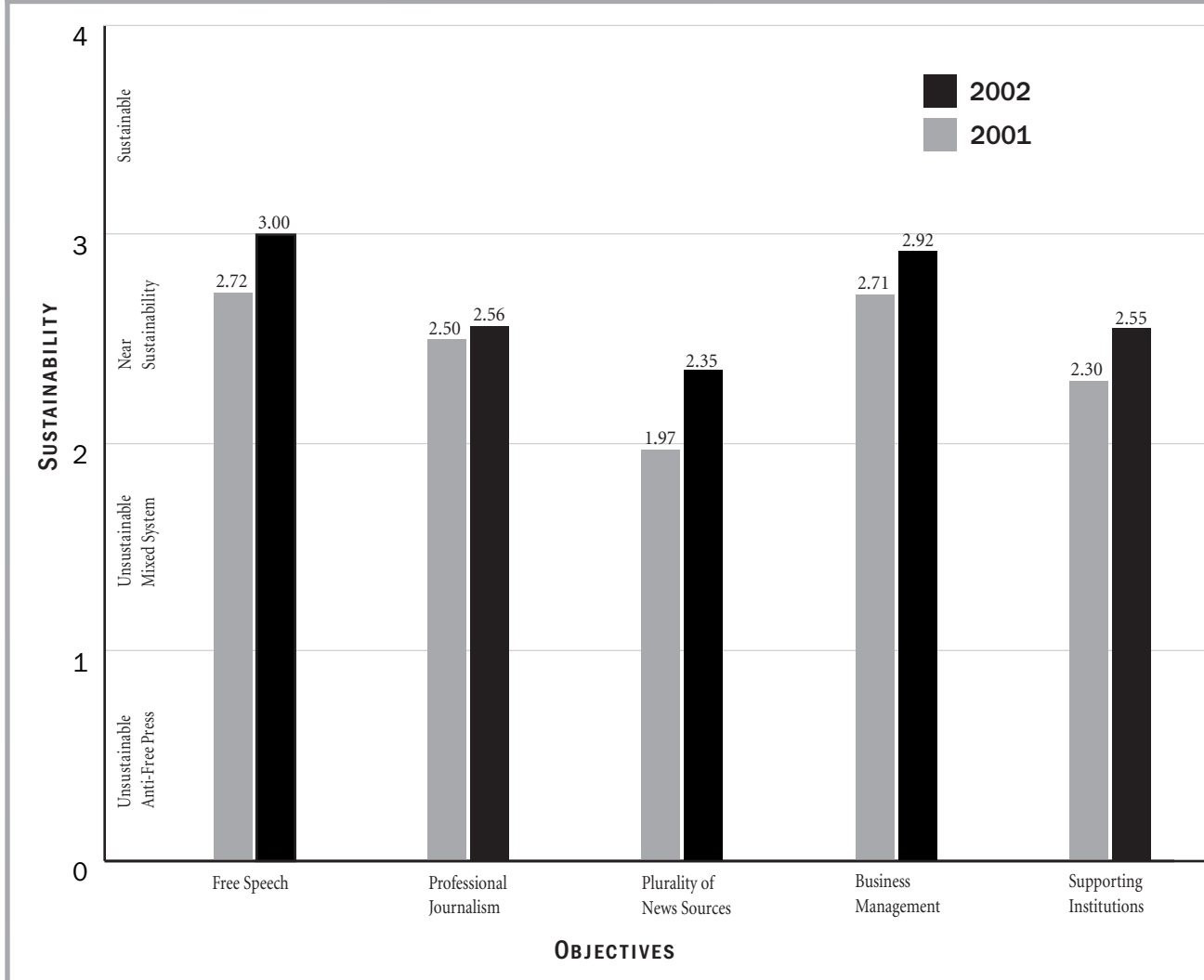
The media today, with the exception of the broadcasting sector, is almost completely unregulated and subject only to free-market rules. No longer evident are the open pressures, harassment, economic extortion, and arbitrary prosecution of the former HDZ government. However, remnants from the 1990s are evident in different forms of self-censorship and also through the promotion of the government's and private media owners' own political and business agendas. Political influence is more evident on state-owned television. Despite objections from the international community, the law on state television still leaves too much control of the most influential medium in the country in the hands of the politicians.

*Vijesti Dana* (The Daily News) is a successful and critically acclaimed news program on a network of local television stations (CCN). It has changed Croatian State TV (HTV) more than any other legal, institutional, or political agent. The appearance of NOVA TV, a commercial national television channel, has forced HTV to compete in the marketplace. Until recently, this pressure to compete was an unknown phenomenon at HTV. With pressure from the European Union (EU), the Croatian government promised to transform state radio and television into public-service broadcasters. A healthy environment for commercial stations now depends on the drafting, adoption, and then implementation of legislation that respects the standards of free and fair broadcasting.

Print media are characterized by a wide variety of daily newspapers—five national plus three regional, each with its own readership base.

*As one panelist explained, "I could never get any information. Transparency of public information is zero. I always get everything through the back door."*

## CROATIA-MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

Political diversity is almost guaranteed to continue, with no political sector left without a voice. Even though daily papers encompass the whole spectrum of the political scene, the highest professional standards are not always met. Foreign media companies, primarily Westdeutsche Allgemeine Zeitung (WAZ) and Styria, will expand ownership of the dailies as well as other media before long. This change in ownership will bring more elaborate, but not necessarily better, journalistic, financial, and technological standards that will attract more advertising revenues in the print sector. At the same time, the new owners will sideline more controversial political columnists but not necessarily interfere in editorial policy.

In contrast with the relatively numerous daily newspapers, the market share of political weekly newsmagazines will continue to shrink. At least one of the three national political weeklies (*Globus*, *Nacional*, *Feral Tribune*) will most likely fold or substantially change its format. Sales of weekly newsmagazines are declining due to the lack of public interest in political events, a lack of money to buy the magazines, and bickering between the owners of *Globus* and *Nacional*, which has resulted in the decline of journalistic standards. All three political weeklies are in the red, but *Globus* has been sustained through the profits of other publications by the same publisher. *Nacional* has been kept afloat through weekly commercial supplements and inserts, and *Feral Tribune* through advertising. The market does not seem to support a serious economic weekly. *Poslovni Tjednik* (Business Week), also a publication of Europa Press Holding, has dropped well below the break-even point in circulation. However, *Vecernji List* is about to start a new economic weekly that does show interest in economic reporting.

Croatia is probably the only country in transition with only one association of professional journalists, the Croatian Journalist Association (CJA). During the 1990s, the CJA had the irreplaceable role of defending basic media freedom; in the later stages of the Tudjman era, its role was to introduce advanced professional standards. Within the new political climate, the CJA is redefining its role from that of a partially political organization to a strictly professional association. CJA has been assisted financially and provided with expertise in the process of drafting media legislation.

Three laws defining the media's legal framework are at different stages in the legislative process. The Law on Media is still a conceptual paper. The Telecommunications Law has been in draft form since spring 2000. The Law on Croatian Radio and Television (HRT) was adopted in February 2001, primarily as a result of pres-

sure from the international community. This law still proves to be inadequate. Therefore, the government has started official proceedings to amend a new law on HRT. All three laws need to be addressed by the government if they expect serious bids when HRT Channel 3 is privatized.

Due to the relations between the parties in the ruling coalition, it is unlikely that the government will continue to work on media legislation primarily in the interest of the public. All of the major coalition parties have their own interests in the field of media and will defend them until the coalition collapses. This type of situation indicates that Croatia is not yet a modern democracy, but a society in which politics and politicians wield strong influence on civil society. Almost three years after the election of the current government, the coalition partners seem more concerned with securing the best possible positions in the next elections than with efficiently running the government.

## OBJECTIVE 1: FREE SPEECH

**Croatia Objective Score: 3.0/4.0**—Provisions under the Croatian Constitution guarantee free speech. Even though journalists are aware of these provisions, they are still not fully practicing their rights. Journalists are still afraid to speak, a remnant of the former system. They also want to avoid conflict with the political and business interests of the media owners. Journalists who refrain from expressing their opinions and points of view reflect a lack of progress. Also considered a step backward were the proposed changes by members of parliament regarding media protections for the president. In brief, slander or libel against the president would become a criminal offense. However, the president himself is against these proposed legal changes, and it remains unclear how serious the proposal is.

The licensing of broadcast media is seen to be problematic because laws on electronic media are a part of the telecommunications law. Previously, electronic media were under more political pressure as licenses were granted to those with political affiliations. Now, the focus is on monetary issues. However, the same people are still in control, and no other licenses have been granted in the past three years. Poor transparency of media companies and the change of ownership of public concessions are also problems identified by the panel. Ownership changes were simply rubber-stamped without investigation, in contrast with publicly held



Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.	

competitions for publicly held entities. One panel participant commented that “the legal provisions are generally fair, but the problem is in the minds of the people. We don’t need to change the laws, but need to change the people.”

Media Sustainability Index (MSI) panelists immediately agreed that market entry and tax structure for media are fair and comparable to other industries.

Crimes against journalists in Croatia are rare. The MSI panelists could bring up only incidents that took place more than three years ago and incidents from neighboring Bosnia and Herzegovina. Some private pressures or conflicts between journalists and politicians were mentioned, but nothing substantial. There was overall satisfaction with the police and the support they provide to journalists. The only concern was with the inefficiency of the legal system, in which cases have been backed up for years.

There was general consensus on the panel that state or public media no longer receive preferential legal treatment. Only one newspaper, *Vijesnik*, received government support. The public television station, HTV, received about 50 percent of its annual budget from the tax on television sets and radios.

MSI panelists agreed that public officials are held to higher standards in the opinion of the judges, but at the same time public officials are awarded greater damages than average citizens. The plaintiff must prove libel and malice, which is in line with European standards. With changes to the criminal code, it will be more difficult to prove that journalists are guilty. Furthermore, charges against journalists will be dropped if it can be shown that journalists were simply doing their job.

There continues to be a problem in obtaining information, especially from the privatization office, the military, and the police. In general, information is difficult to come by from all ministries and government sources, except through press conferences. In fact, most information is available only through private sources. As one panelist explained, “I could never get any information. Transparency of public information is zero. I always get everything through the back door.” Spokespersons were considered smokescreens for organizations and the government. Any information deemed important would probably not be given out. Police dossiers on citizens, particularly journalists, were not made public. Nonetheless, this practice also protected the private details of these individuals. In January 2002, the dossiers of journalists were finally opened, and journalists could choose to read the contents before the files were destroyed.

There are few restrictions regarding access to international news and news sources. Cable News Network (CNN), British Broadcasting Corporation (BBC), Deutsche Welle (DW), and Italian news have been available via satellite for many years. Reuters and Associated Press (AP) provide news service at a cost.

Anyone can be a journalist in Croatia, and there are no government-imposed restrictions in regard to professional criteria and the lack of standards. The Croatian Journalism Association issues press credentials to journalists, independent of the government.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Croatia Objective Score: 2.56/4.0**—Regarding the issue of fair, objective, and well-sourced reporting, the MSI panel agreed that without good access to information, many stories are not completely true. Instead, stories are fabrications or part truths. Journalists do not always have time to verify their stories, so they go with what information they have. The basic rule of journalism, the quotation of sources, is not respected.



The crucial problem for journalists is the lack of professional ethics. It was proposed that the European Journalist Federation establish an ethics court in Croatia that would effectively replace the complaint committee formed by the Croatian Journalists Association (CJA). The CJA committee is not respected by the media community. After the committee makes its ruling on complaints, the decisions are then published in a CJA magazine and in daily newspapers. Journalists have come up with their own code of ethics in response to pressure from the government, lobbyists, and financial groups. In turn, journalists are obliged to work under these ethics, which were designed to conform to European standards. Unfortunately, not all journalists follow these codes of ethics and norms.

Some journalists still practice self-censorship. Because of ownership of the media, journalists are afraid to report all the facts for fear of political and legal repercussions by the offended parties. However, this situation is improving.

The panel agreed that journalists do cover most of the key events and issues, but there was concern about the quality of the actual coverage. A panelist stated, “We cover the events, but know that the most important issues or problems are not covered.”

Members of the MSI panel found it difficult to reach consensus on the issue of low salary levels for

journalists. Since there is no real market for journalists’ skills, the opportunity to market one’s skills in another area is relatively nonexistent. Corruption could result from low salaries as well as the potential for promotion to a more rewarding and prestigious position, such as chief editor. Journalists working on honorarium can make more money than medical specialists with extensive training. Nonetheless, high salaries for journalists do not necessarily guarantee that corruption will not occur.

*A panelist stated, “We cover the events, but know that the most important issues or problems are not covered.”*

Regarding entertainment programming eclipsing news and information programming, independent media generally place greater emphasis on entertainment. The exception is the Croatian Commercial Network (CCN), which also provides news programming. In Croatia, only evening papers exist, while morning editions do not. There are a variety of newspapers and news programs. According to law, radio and television stations must provide news programs. As for television, the mostly widely watched programs include political, news, and talk shows. However, research does not back this opinion.

Generally, technical facilities and equipment are modern and efficient. For local television networks, the lack of money and equipment was an obstacle to carrying news programs. However, new television stations with proper equipment do not face this obstacle. Some panelists mentioned the lack of technical knowledge in operating some of the new equipment. As for print media, there were no problems for larger newspapers. For small, local papers, however, it can still be a struggle to obtain the proper computers.

Quality niche reporting and programming depends on the media. In print journalism, niche reporting exists, but in broadcast journalism, it does not. One participant commented that “the media is undeveloped and much worse than 15 or 20 years ago. At that time, there was no freedom to publish anything, but the journalists knew everything. Now, it is the opposite situation. Previously, there were experts on sub-Saharan Africa, but now many foreign news staff do not know anything about foreign politics.”

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

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Croatia Objective Score: 2.35/4.0**—Basically, a plurality of public and private news sources exists, but the MSI panel was more concerned with the quality of these sources. Most media are relatively independent. As to affordability, people are selective due to the lack of purchasing power. Therefore, people put their trust in television programming. Many people, sometimes a number of families, will share one or two newspapers.

Domestic and international media are readily and freely available to all citizens.

Political interests still influence the public media. Media figures think they should report on politicians and provide them ample airtime.

A new media law exists that will provide for the independence of news agencies. However, a market for additional news agencies does not exist due to the efficiency of HINA. HINA is the large, government-owned news agency that provides news stories to radio and television stations and to newspapers. Although HINA is not independent in theory, it provides a good, solid service that is relatively affordable. Other news sources such as STINA, a private news agency based in Split, are available alternatives.

Independent broadcast media are obliged to produce and broadcast their own news programs. NOVA TV, a private television station, will begin news

programs as the discussion to privatize the public third channel, HTV 3, continues. NOVA TV had received a license as a national network, but it does not provide news programs due to a shortcoming in current law and the inefficiency of the Radio and TV Council. The MSI panel had no concerns regarding independent radio outlets producing their own news programs.

*One panelist stated, “I think that it is not possible to have a monopoly in the electronic media in the next 10 to 20 years unless Croatian state TV owns this monopoly. There will be no monopoly in the print media, because we have a large number of outlets reflecting different ownerships.”*

Public television and radio constitute a monopoly in Croatia, but this does not apply to print media. Many papers are owned by private and state owners, but in some cases, it is almost impossible to determine the owners of these papers. One panelist stated, “I think that it is not possible to have a monopoly in the electronic media in next 10 to 20 years unless Croatian state TV owns this monopoly. There will be no monopoly in the print media, because we have a large number of outlets reflecting different ownerships.”

Social interests reflected in the media continue to increase in volume even though public media would prefer to avoid dealing with such issues. A weekly program on state television features various ethnic minorities in Croatia and events in their respective communities. The Croatian Helsinki Committee plans to monitor the policies of HTV regarding how it presents refugees, returnees, and minorities on public television.

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

### OBJECTIVE 4: BUSINESS MANAGEMENT

**Croatia Objective Score: 2.92/4.0**—Tisak, the major national media distributor, is efficient despite the fact that it is the only large operator in the country. Tvornica Duhana Rovinj (The Rovinj Tobacco Company), *Vecernji List* (The Evening News), and Europa

Press Holding (owners of *Jutarnji List* and *Globus*) each hold a 25 percent share in Tisak. The remaining 25 percent is held by government funds and smaller shareholders. Despite the fact that it is an oligopoly, it is very efficient. Other distribution channels such as *Slobodna Dalmacija*, *Novi List*, and *Glas Istre* are also active. A newcomer, Distri-Press, will operate out of grocery stores, restaurants, and delis.

Generally, the MSI panel agreed that media receive revenue from a multitude of sources. However, local radio and television stations in the regions sometimes receive funding from the town to cover local events. While this is a fairly established policy, it is worrisome because town councils pay the stations that reflect the views of the councils. In print media, it was generally agreed that revenue is received from a multitude of sources, which results in more objective news.

Advertising agencies and related industries that support an advertising market are making more progress in Croatia than in other countries. With an overall slump in Europe, Croatia was reporting 30 percent higher figures over last year.

The ratio of advertising to circulation revenue that exists in Western countries—advertising 75 percent/circulation 25 percent—has not yet been reached in Croatia. However, the proportion of advertising revenue is increasing. *Vecernji List* is now obtaining 70 percent of its total revenue from advertising, while ad revenue at Europa Press Holding (*Jutarnji List*) is estimated at 55 to 60 percent. Smaller local papers, which depend on up to 80 percent of revenue from circulation, are experiencing problems.

No subsidies are available for the bigger national dailies. Small, local broadcast media can get limited funding from local governments.

The MSI panel agreed that not enough market research is being used, but noted that the concept is starting to be taken more seriously. Europa Press Holding uses a variety of research tools, including Puls and Media Meter. Two companies will begin with People Meter technology in 2003 to measure television viewers' viewing habits. This will be the most objective tool for carrying out market research.

To date, broadcast ratings and circulation figures have not been very reliable. Nor are the ratings independently produced. In the media, figures are sometimes inflated by up to 50 percent. Ratings for programs are determined by two or three individuals randomly calling up households and asking questions on viewing habits. This methodology is ineffective. As for print

### 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.

media, the difference between printed and sold copies ranges from 20 to 25 percent. This difference does not provide reliable data for market researchers.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Croatia Objective Score: 2.55/4.0**—Trade associations exist and support various interests in the media community. Even though the trade associations are effective when they act, they are not active enough. The panel agreed that the main problem for associations was government factions working against them.

The Croatian Journalists Association (CJA) and the Journalists Trade Union both work to protect journalists' rights. The CJA focuses on information law, while the Journalists Trade Union concerns itself with employment law. Both are relatively good in comparison with organizations in other transitional countries. They maintain good relations with counterpart organizations in the EU and in the transitional countries in the Central European region. The CJA has a national education center in Opatija, where meetings and workshops are organized. The main problems facing the association are the issue of ethics and how to revamp the Law on Radio and Public Television. One of the panel members stated that Croatia has the best legal infrastructure in terms of media law in Eastern Europe.

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

Currently, the labor agreement applies only to big media houses. However, organizations are now working with trade unions on a national collective agreement that applies to independent media.

*The main problems facing the association are the issue of ethics and how to revamp the Law on Radio and Public Television. One of the panel members stated that Croatia has the best legal infrastructure in terms of media law in Eastern Europe.*

The MSI panel expressed concern regarding the quality of journalism degree programs. The Association of Journalists at the Faculty of Journalism no longer has funding. Possible funding is being considered from publishers and international organizations. A variety of training exists for journalism students, recent graduates, and journalists. In 2002, 50 workshops were held in Opatija. The French Institute of Journalism conducted six workshops in 2002. A 15-day practicum for 20 journalists was held in France in collaboration with a

German institute. Despite progress made by the Faculty of Journalism in the past two years, journalism students do not get enough practical training opportunities. As one panelist described, "Students have a lot of theory and little practice. You can study for four years in the journalism faculty and never have to write one article. You learn theory, but nothing to do with practical journalism."

There are no restrictions or controls on what can be printed. For the most part, printing facilities are privately owned and have no limitations or restrictions on their operations.

Tisak, described above, controls the channels of media distribution. The two biggest newspaper publishers control 50 percent of Tisak. Although there are three or four players in every distribution market, it is restricted to a small number of people who know and do business with each other. The panel mentioned that a broader distribution channel with some international investment would be better.

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# Kosovo

## INTRODUCTION

At end of the war, a major concern in Kosovo was the lack of media outlets and an appropriate environment for their development. Extensive funding from donor governments has created an environment that on the surface diminishes the concern for the existence of independent outlets. During the past three years, an extensive number of licenses were issued: three province-wide television licenses (one public, two private), 34 local television licenses, more than 80 radio stations (including four province-wide: two public and two private), and seven daily newspapers. The terrestrial broadcast network, virtually non-operational after the war, has been rebuilt and restructured under an independent entity, the Kosovo Terrestrial Transmission Network (KTTN), with the help of the United States Agency for International Development (USAID) and the Japanese government. KTTN today covers more than 75 percent of the territory.

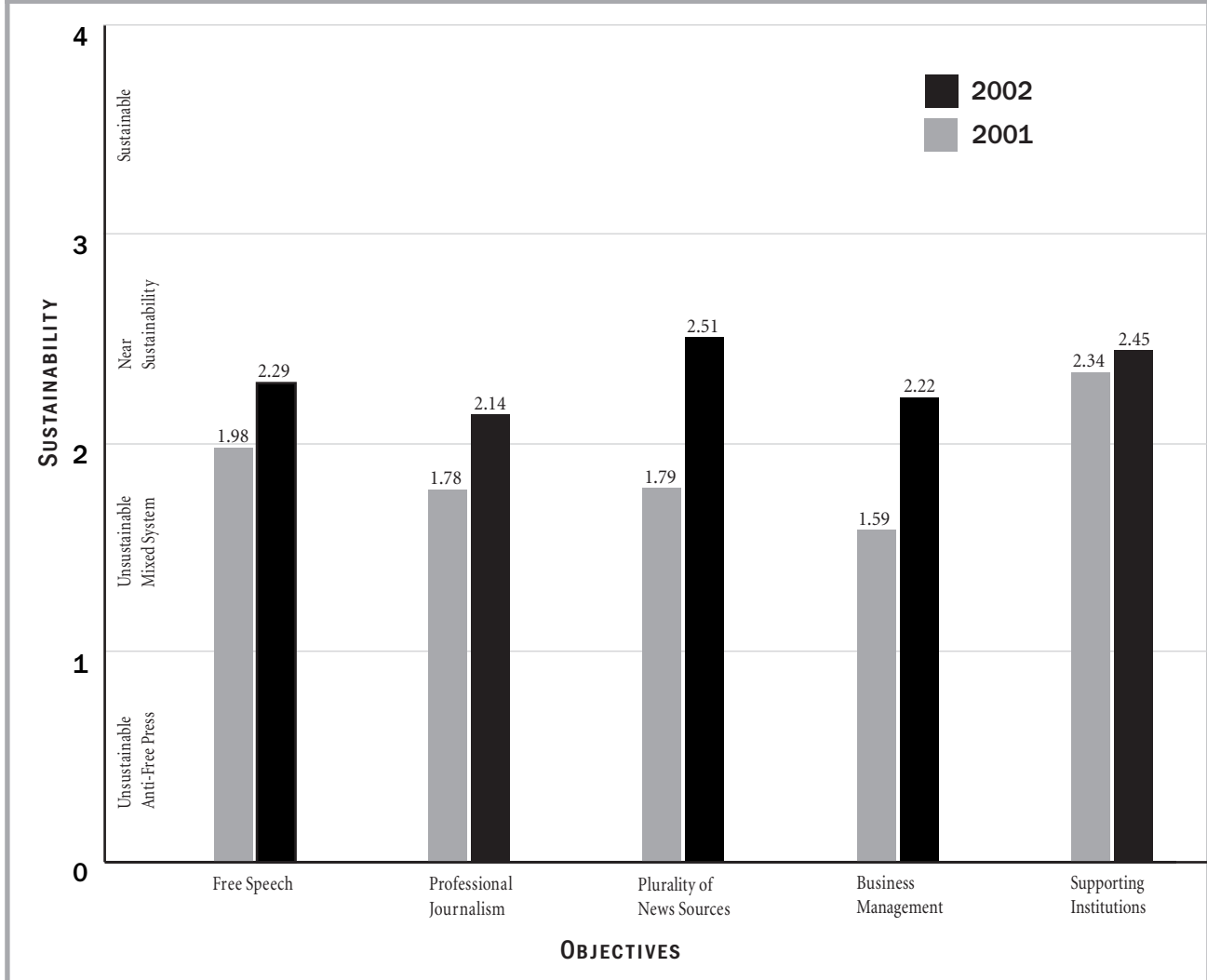
The United Nations Mission in Kosovo (UNMIK) continues to be the head administrative body for Kosovo, and the Organization for Security and Cooperation in Europe (OSCE), through the Temporary Media Commissioner's Office, still manages media licensing and regulation for it. As part of its mission, OSCE also took responsibility for transforming the existing public media outlet, Radio-Television Kosovo (formerly known as Radio-Television Prishtina). This transformation process is continuing, and no long-term operational strategy, or firm mission statement, has been defined yet. However, there is a legal framework that sets the issue of its independence and governance. This has been a particularly sensitive issue in the media community because it directly relates to the operational effectiveness of private media outlets.

Freedom of speech, generally speaking, is not a major concern today. The penetration of media outlets, foreign and domestic, has created a constant source of programming representing various viewpoints that cover the whole spectrum of Kosovar opinion, relative to the recent past. Yet, the lack of certain laws and the mechanisms for enforcing existing ones does hamper the effort of creating an appropriate media environment.

The number of existing licenses, although issued with the idea of impartiality and fairness, has reached saturation levels to the point where it has become virtually impossible for many media outlets to

*The fact that media outlets are not financially viable also hampers objectivity and fairness. They must receive funding from different sources to survive. This automatically makes the outlet very vulnerable.*

## KOSOVO-MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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



become commercially viable in the near term. Most of them operate with help from various international non-governmental organizations (NGOs) and other organizations operating in Kosovo; other funds are made available from various interest groups whose views are represented by specific media outlets. Not only has this skewed media markets, but it also has a large impact on the quality of journalism and the professional standards prevalent in Kosovo's media environment. The number of media outlets is expected to dramatically decrease once market economics become the decisive factor for an outlet's survival.

## OBJECTIVE 1: FREE SPEECH

**Kosovo Objective Score: 2.29/4.0**—The provisional institutions of Kosovo have established various regulations necessary to provide a healthy legal framework for the development of an appropriate media environment. However, the predominant opinion is that more needs to be done to ensure future certainty relating to the basic right of free speech and accessibility of public information. A number of major factors create

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.

uncertainty regarding the acceptance of these freedoms by future Kosovar bodies.

Kosovo's undefined permanent status has created a situation where the country's applicable law is based on Yugoslav laws, complemented by various UNMIK regulations. Most of the laws governing media regulations in Kosovo currently are not based on acceptable social norms; rather, they are derived from UNMIK, the country's administrative body. Frequently, UNMIK regulations 2000/4 and 2000/37 are regarded as not on par with Western democratic standards.

*The general opinion among journalists is that crimes against them are not investigated thoroughly. Cases of violence against journalists are not followed up in an appropriate manner by UNMIK or OSCE and are not treated seriously.*

The Temporary Media Commissioner (TMC), an agency created by the OSCE, continues to oversee the media regulatory process. The Independent Media Commission (IMC), planned to have significant Kosovar representation, is supposed to inherit the authority of the TMC. Its establishment is not yet completed, however, and much reservation has been expressed regarding its independence. Media outlets have requested they be consulted about the makeup of the body.

Existing laws are relatively liberal with regard to the establishment of media outlets. The licensing process is generally regarded as fair, and market entry is comparable with other industries. The current applicable laws and regulations are, technically, up to the norms of European standards. But, their enforcement is an issue of concern. Journalists have often complained about being hampered in performing their jobs. Many have been—and continue to be—physically threatened or attacked. According to a December 2001 survey by OSCE, 78 percent of journalists do not feel free to conduct investigative journalism, 20 percent were explicitly threatened, and 9 percent said the threat entailed interference from the authorities; 7 percent were victims of physical attacks.

The general opinion among journalists is that crimes against them are not investigated thoroughly. Cases of violence against journalists are not followed

up in an appropriate manner by UNMIK or OSCE and are not treated seriously. To this end, many journalists feel that they cannot perform as expected. They suspect social norms forbid them from dealing with controversial topics essential to society.

From a legal perspective, all media receive equal treatment. Independent media outlets sometimes raise issue with the fact that authorities give preference to public media when providing certain information, or when allowing their presence at certain events or in certain places. Legally, however, no public media outlet receives any preference over independent ones.

The concern with libel is covered by the applicable laws, which approach the issue under the criminal law. But libel can then be adjudicated from a civil law perspective. However, no civil law exists to deal with libel. Firm opinions for the existence of a civil defamation law prevail in Kosovo's media industry.

Journalists frequently complain about the lack of cooperation from provisional authorities, local as well as international. As the cited survey shows, a disturbing percentage of journalists report interference from the authorities. The situation can only worsen without the establishment of laws/regulations guaranteeing access to public information (Freedom of Information Act) applicable to national and international authorities.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Kosovo Objective Score: 2.14/4.0**—Journalism in the modern sense is a very young profession in Kosovo. Professional journalists have only been present in the country since the war ended in 1999. Traces of “old thinking” remain in almost every article, news program, and the like. Some outlets firmly side with certain opinions; they risk appearing unprofessional in order to support and promote a certain viewpoint. However, fair reporting is quite visible in the work of some outlets that attempt to be objective and professional. Therefore, the Media Sustainability Index (MSI) panel believes that fairness and objectivity can be measured within an outlet; however, it is still too early to measure this relative to Western standards due to the uncertainty of the prevailing situation.

The fact that media outlets are not financially viable also hampers objectivity and fairness. They must receive funding from different sources to survive. This automatically makes the outlet very vulnerable. Certain outlets attempt to cover major events and

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

key issues. In general, however, a number of issues go unnoticed.

Although a journalist's income is about double the national average, the MSI panel does not believe that it is sufficient to discourage corruption. The barriers to entry into journalism are very low. This relative ease of entry into the profession directly leads to lower standards, especially if an outlet is not appropriately managed.

*The panel cites quality journalism training as an important factor in developing professional journalists. However, the panel believes that no such permanent programs exist, and private efforts to create them find mixed success.*

Although various Kosovar and international organizations have put much effort into journalism training during the past three years, journalists remain poorly trained. Kosovar journalists only now under-

stand the concept of professional standards and quality reporting. Media outlets have received much support and are better than they were three years ago, but much remains to be done.

The panel cites quality journalism training as an important factor in developing professional journalists. However, the panel believes that no such permanent programs exist, and private efforts to create them find mixed success. Therefore, more time will be needed before Kosovo can expect journalism that meets the quality standards of Western countries. The panel also cited the relative success stories of Albanian media. Until recently, leading outlets catered to certain interests, but these outlets are now far behind the more objective, market-oriented, and independent outlets.

Technical facilities are much better than they were three years ago and are steadily improving. News gathering and distribution are certainly better than in the recent past. However, much remains to be invested in technology in order to achieve modern standards of news gathering and distribution.

Issues previously cited concern the availability of niche reporting and programming. Programming schedules are mostly saturated with entertainment programming, which frequently eclipses news programming. Niche programming is very limited. The panel believes that specialized niche reporting requires reporters with an understanding of the issues they cover, and this is currently lacking in Kosovo.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Kosovo Objective Score: 2.51/4.0**—A wide array of news sources exists in Kosovo. There are three national television broadcasters, more than 20 regional television stations, more than 80 radio stations, seven newspapers, and numerous periodicals. However, quality and the financial viability of these outlets are questionable. It is widely expected that once donor funding is reduced, many of these media outlets will go out of business.

According to the most recent available data, RTK is the television station most people watch, *Koha Ditore* is the daily newspaper most people read, and Radio Dukagjini is the radio station most people listen to. RTV-21 and KTV, private stations, attract a sizable audience and compete with RTK for the province-wide television audience. Audience research is not provided regularly, not usually accepted by all outlets, and very commonly unreliable.

#### Multiple news sources provide citizens with reliable and objective news.

##### Plurality of News Sources Indicators

A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.

Citizens' access to domestic or international media is not restricted.

State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.

Independent news agencies gather and distribute news for print and broadcast media.

Independent broadcast media produce their own news programs.

Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.

A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Due to the penetration of satellite dishes, many international news sources are available to the Kosovo audience. Satellite dishes are very common in houses and apartment buildings. Young people with foreign-language skills frequently watch international shows. According to the panel, accessibility of news sources, international or domestic, is not an issue in major cities. The penetration rate of satellite dishes is not as high as in the rural areas. Quality is another issue regarding domestic sources. In addition to satellite-based programming, many foreign public and government outlets broadcast to Kosovo residents in the local languages. For example, VOA broadcasts its daily television news in Albanian. Deutsche Welle and the British Broadcasting Corporation (BBC) also broadcast regularly in Albanian.

News sources are also available through the Internet. The major Kosovar outlets have websites on which they provide information, but they have not been able to use the Internet as meaningful programming outlets. On the other hand, Internet penetration rates remain low because of the high cost of computers, the high cost of access, and the limited coverage area. However, Internet cafés are numerous in the major towns.

There are three news agencies: Kosovalive, Kosovapress, and the Kosova Information Center.

However, the MSI panel hesitates to give the independent mark to anyone but Kosovalive, which constantly struggles to survive financially. The news these agencies collect does not usually provide much added value because they operate with limited resources.

*Media ownership is a very sensitive issue. Although the owners of the major outlets are considered to be known, transparency is virtually nonexistent.*

News production correlates strongly with the availability of resources. Public broadcaster RTK has the most resources because of generous donor funding of plant, equipment, and operating costs. RTK provides more original news programming than either independent outlet. However, the amount of news programming originally produced is far below Western outlets.

*There are three national television broadcasters, more than 20 regional television stations, more than 80 radio stations, seven newspapers, and numerous periodicals. However, quality and the financial viability of these outlets are questionable. It is widely expected that once donor funding is reduced, many of these media outlets will go out of business.*

Media ownership is a very sensitive issue. Although the owners of the major outlets are considered to be known, transparency is virtually nonexistent. Because independent outlets are privately owned, they are not required to provide any information to the public or to UNMIK, other than what they voluntarily decide to offer. The public broadcaster is run by professional management that reports to an independent board, which is appointed by the Special Representative of the Secretary General of the United Nations.

Programming is available in all local languages. Serbian programming is available in some regional stations, while RTK (the public broadcaster) is required to allocate a certain amount of time to programming in minority languages. The MSI panel accepted the notion that all spectra of interest and opinions receive media coverage.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Kosovo Objective Score: 2.22/4.0**—Media in Kosovo are still not managed properly as profit-generating businesses, and remain mostly donor-funded. Newspapers are in a better financial state than electronic media. This is due to the nature of the market, since newspapers have more loyal consumers than other media and a steady stream of income from copy sales. Although newspapers cost only 30 euro cents, few people buy more than one.

A major issue is that media organizations continue to be managed by journalists with little or no background in management. Sales and marketing teams are very small. Advertising revenue is generally thought to cover not even 50 percent of the budget, but the data are not readily available in any consistent manner. Donors provide equipment, operational assistance, and management training. The MSI panel is of the opinion, however, that none of the media out-

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.

lets are able to survive on their own or able to achieve financial sustainability in the near future.

Limited marketing revenue is also a result of the market's saturation level. The large number of media outlets results in a lower price for commercial air-time—and, consequently, lower revenue for the media outlets. Revenue sources for media organizations are limited to donors, with small amounts from advertising. Other sources are irrelevant.

*A major issue is that media organizations continue to be managed by journalists with little or no background in management. The MSI panel is of the opinion, however, that none of the media outlets are able to survive on their own or able to achieve financial sustainability in the near future.*

The Kosovo advertising market is small and incoherent. There is basically no structure in the advertising market, and no meaningful research is available. This directly leads to poor programming and low ratings; therefore, advertising revenue is small. The MSI panel believes that media organizations and advertising agencies must define their common interest in establishing acceptable industry-wide research if they are to provide a certain structure to the advertising market. So far, all major television organizations have expressed their willingness to contribute to and support the effort. The International Research & Exchanges Board (IREX) is also providing support.

The MSI panel cites the example of the advertising market in Albania, where appropriate marketing efforts have increased the advertising revenues of media organizations. The total economic output of the country is not much larger than Kosovo's; in fact, per-person consumption is much larger in Kosovo than in Albania. However, the advertising market is much larger in Albania than in Kosovo.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Kosovo Objective Score: 2.45/4.0**—Independent associations were only recently established in Kosovo. The concept of such organizations was nonexistent before 1999. Therefore, it is not surprising that there are very few meaningful organizations in the country. The Association of Independent Media of Kosova (AMPEK) is a new broadcast association that has recently become more active and has hired its first executive director. Its mission is to represent the interests of independent broadcast owners and management by lobbying for media legislation that supports independent media. AMPEK also provides training to member outlets.

An association claiming to represent journalists was established during the past three years. However, the absence of meaningful organizations and activities has led to its demise. It became active only when prompted by donors, and it never blossomed. The Association of Professional Journalists of Kosova, a new organization supported by IREX in September 2002, is expected to have its first congress early in January 2003.

NGOs supporting free speech under the Milosevic regime were nonexistent. NGOs, in general, were forbidden to be fully active in the former Yugoslavia. Today, a large number of Kosovar and international organizations work to support and develop a meaningful media environment in Kosovo and to promote free speech. The OSCE is heavily involved in the process of

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



developing a sustainable media environment. However, as with the broadcast and journalists association, no NGOs have established themselves as clear representatives of the free-speech lobby.

*No NGOs have established themselves as clear representatives of the free-speech lobby.*

There is currently no journalism program at the University of Prishtina. An American University of Kosovo is expected to begin work in September 2003 and is expected to include a journalism program as part of its undergraduate curriculum. The OSCE is also attempting to help begin a graduate program of journalism, but interest among donors has been minimal. The MSI panel believes that what is needed is journalism training at an elementary level, plus reform of the educational system. Students from the current public school system are not up to the standards required for modern journalism. A private journalism school is functioning in Prishtina, but it remains too early to judge its success or its sustainability.

Short-term training for journalists from various organizations has been provided continuously in Kosovo. However, this training focuses on polishing the skills of current journalists and is usually too short to have any sufficient impact. Training has covered such topics as using a computer, searching the Internet, niche reporting, and producing television stories.

Printing facilities are mostly in private hands, recently established, and profit-seeking. They are therefore apolitical, but not necessarily efficient. On the other hand, newspaper distribution is a concern: there is only one national distribution company, Rilindja, the remaining organization from the pre-1989 public organization with the same name. Panelists experienced in dealing with Rilindja claim unprofessional and substandard service. *Koha Ditore* has created its own distribution network throughout the country, at a high price.

Although there are three national television stations, distribution of news for electronic media remains problematic. The KTTN tower network covers only about 75 percent of Kosovo. The Internet is not available everywhere, although in the urban areas there is relatively easy access via Internet cafés and private computers.

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# MACEDONIA

## INTRODUCTION

Macedonia's future, in almost every regard, was linked to the success or failure of the elections held on Sept. 15, 2002. Violence, accusations of fraud, widespread intimidation of the media, and political bias within the media marred the previous national elections in 1998. The current round of polling, the fourth since independence, was a critical measure of how the peace agreement brokered in 2001 would hold up. Indeed, the days preceding the 2002 elections were tense, with numerous instances of interethnic violence. However, election day passed without any major incidents.

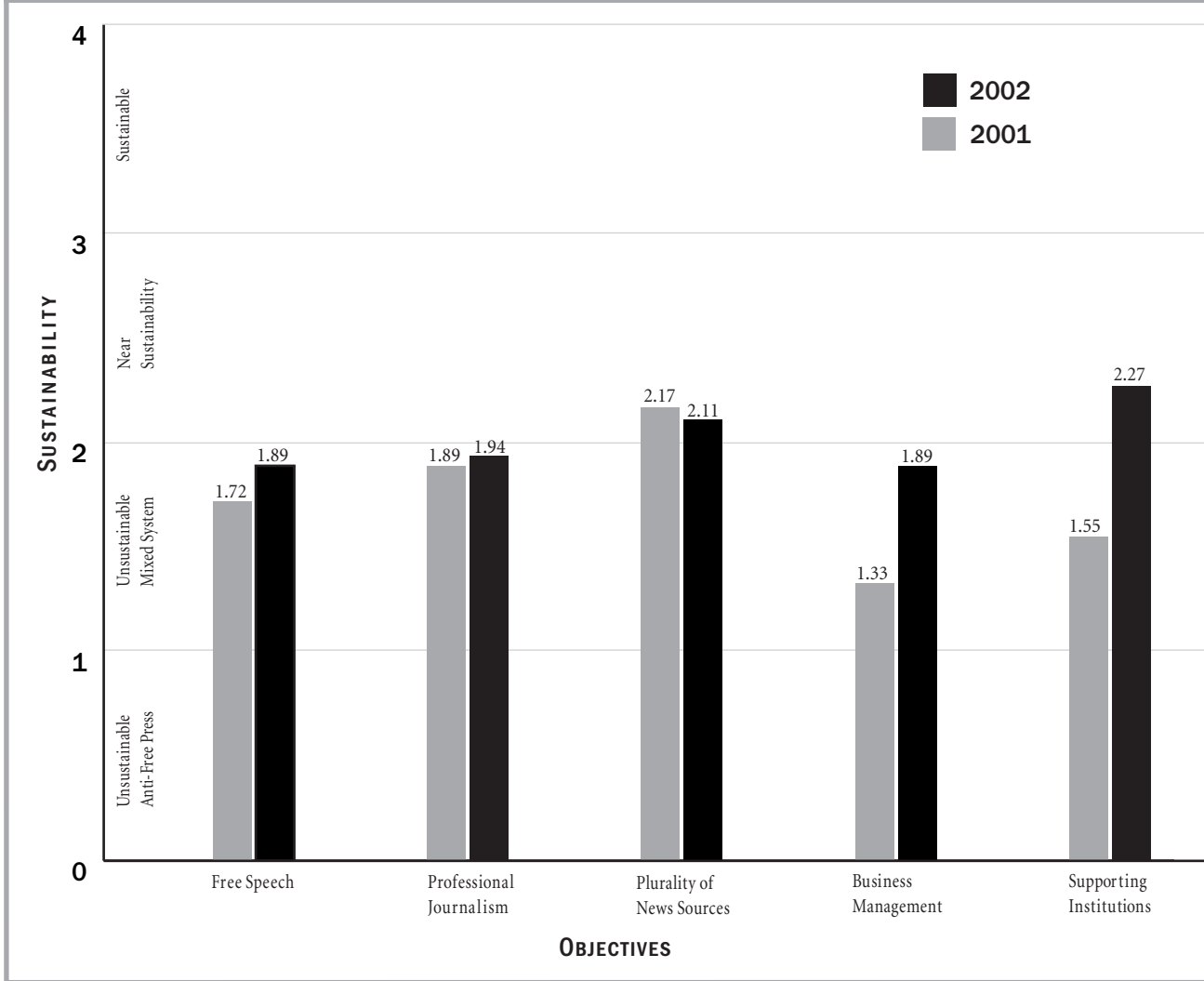
On September 16, the European Institute for the Media (EIM) released its comments on the media's election coverage. EIM stated that "the media in Macedonia demonstrated a certain level of professionalism, as both the electronic and print media have managed to provide balanced coverage of the election campaign run by political parties and candidates alike." However, EIM went on to say that the national public broadcaster, Macedonian Television (MRTV), the then state-owned *Vecer* daily, and the Albanian-language daily *Flaka* gave extensive coverage favoring the government.

Arguably, the most significant media development in Macedonia over the past year has been the strengthening of media associations and institutions. The Association of Journalists of Macedonia (AJM) has grown particularly quickly. The Media Sustainability Index (MSI) panel noted two significant protests organized by the AJM—the first after the accidental wounding of a journalist by the interior minister at a military display, and the second following the beating of a journalist in Kumanovo. Other institutional support in the media sector features the self-regulatory body (the Council of Honor), the excellent training and coordination work by the Macedonian Institute for the Media (MIM), general improvements in the Publishers' Association (APNAM), and the Media Development Center (MDC), which deals with legal reform. As a result, the panel indicated that supporting institutions showed a marked improvement from 2001 to 2002, moving from a score of 1.55 to 2.3.

Despite this improvement, the media environment remains very weak in Macedonia, as there are many fundamental structural prob-

*Perhaps the most significant improvements in the media sector are found in the affiliate organizations that support independent media in Macedonia.*

## MACEDONIA—MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

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

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**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

lems. Perhaps the most serious problem is the division of the media along ethnic lines. This was particularly evident during the 2002 election campaign. The Albanian-language media almost exclusively covered the Albanian parties, while the Macedonian media focused on the Macedonian parties.

However, freedom of speech does exist in Macedonia. There is a plurality of media outlets, particularly the Macedonian-language media. The Macedonian public is willing and able to pick from a variety of news sources. But the legal and regulatory framework of the media is cumbersome, the courts are ineffective, and corruption is rife. The level of professionalism among journalists is very low. The state-run media has a long-standing tradition of being the mouthpiece of the incumbent government. There is also a long-standing tradition of dividing the “spoils” of the state media between the governing coalition partners. According to this tradition, the governing Albanian party takes control of the Albanian-language media, and the dominant Macedonian party influences the Macedonian-language media.

In August 2002, the state publishing house *Nova Makedonia* was privatized, albeit in a very controversial manner. A Slovenian “front” company bought the publishing house shortly before the elections. Although no noticeable changes have taken place yet, speculation is rife that re-nationalization will take place or that the publishing house will be broken up and sold.

## OBJECTIVE 1: FREE SPEECH

**Macedonia Objective Score: 1.89/4.0**—The Republic of Macedonia does not lack legal provisions regarding media. Article 16 of the Constitution and numerous laws and bylaws protect freedom of speech. It is fair to say that freedom of speech is exercised liberally in Macedonia. The Criminal Code of the Republic of Macedonia is rigorous, but the inefficiency of the legal system means those who violate the law fear no significant repercussions. While this gives journalists a great deal of freedom, it is a freedom that is regularly abused. Journalists act as if they are above the law, abusing their responsibility, objectivity, and professionalism in the media. The laws of libel and slander are routinely ignored, with the hopelessly backlogged and inefficient court system taking no significant action. In short, journalists often produce speculative work that lacks evidence and infringes on the rights of public figures.

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.

There are no clear guarantees regarding access to information. Journalists complain that they do not have access to government information. The panel blamed this lack of information-sharing on the former socialist tradition of keeping state information hidden for even the most mundane issues. Furthermore, the legal system is ineffective at wresting this information from the state. The irony of this situation is that the journalists are able to publish and broadcast unsubstantiated information without fear of legal consequence. One panelist asserted that “journalists do not fear libel, as there is no legal consequence in Macedonia. But there is a consequence. It is public mistrust. When real scandals appear in the press there is little public outrage, because there is little confidence in the truth of the story.”

There has been no change in the licensing of the broadcast media since the 2001 MSI. This process remains under the control of the Broadcast Council, which remains under the influence of the government. Although membership in the Council is structured to reduce government control, the Council can only recommend licenses before they are officially approved by the government. Therefore, most of the Council’s major decisions (regarding the issuance of licenses and the amount of revenue awarded to the private media in

return for public-service broadcasting) are far from the decisions of an independent body. It is worth noting, though, that in the lead-up to the national elections in September, the Council played a prominent and balanced role in reprimanding media that broke the election law and in calling for responsible behavior during the elections.

*One panelist asserted that “journalists do not fear libel, as there is no legal consequence in Macedonia. But there is a consequence. It is public mistrust. When real scandals appear in the press there is little public outrage, because there is little confidence in the truth of the story.”*

The government continues to exert influence over the broadcast media by levying a broadcast fee that is paid by the Macedonian public as part of their electricity bill. Although the government gives this fee to the private broadcasters, it is hardly a transparent process. The Broadcast Council recommends funding for public-interest projects produced by the private media, and the government approves them. The end result is that the government may give large amounts of money to favored broadcasters. Meanwhile, the state-run media remain under the control of the government. Parliament directly appoints the general manager, who then strongly influences the appointment of the editors.

The media environment in Macedonia remains a bit of a paradox. The business environment is not slanted against the private media via unfair taxes. There are no significant restrictions on using international news sources or the Internet. The rebroadcast of foreign news programming is widespread. There are also no restrictions on entry into the field of journalism. There is no state registration of journalists, although the failed February 2001 draft law on public information contained draconian provisions for such restrictions. Opposition media outlets can and do put out information critical of the government. In the lead-up to the elections, A1 TV and many other outlets critical of the government received a number of aggressive visits by finance min-

istry officials. Despite this attempt to intimidate the broadcaster, business continued as usual.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Macedonia Objective Score: 1.94/4.0**—A major weakness of the media in Macedonia is that reporting is rarely supported with evidence. One reason for this lack of fact-based support is the unwillingness of state institutions to divulge information, even though many ministries have spokespersons. Government ministries see the role of their spokespersons as a means to manipulate the media. The panel believed this is a main reason why journalists turn so frequently to speculation and unnamed government sources.

The panel asserted that state institutions provide information to journalists not necessarily to inform the public, but to fuel partisan political interests. Macedonia does not have an access-to-information law despite numerous initiatives for the development and adoption of such legislation. The panel agreed, however, that the absence of fact-based reporting is largely due to the editorial policy of the various media. Indeed, it is the editors themselves who are instruments of the political parties. The panel argued that Macedonia’s politically influenced businesses and elite groups control the bulk

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).

of the media. Journalists are not blameless. They rarely look for more than two sides to any story. A panelist suggested that “some 60 percent of what journalists write is subjective.”

There are positive developments, however. The AJM adopted a new Code of Ethics for journalists in fall 2001 in collaboration with MIM. The Code has been generally accepted by journalists and the media. In January 2001, AJM provoked a great deal of media coverage and debate within the media community by issuing a series of condemnations. One such condemnation was the pejorative portrayal of a female member of parliament from the Roma community.

Although the panel was very vocal on the subject of corruption among journalists, the participants agreed that there is no specific evidence of corruption. However, one panelist noted that “it is obvious that some journalists have crossed the ‘red line’ and made journalism a profitable business.” Another added that “a few years ago one could guarantee that no journalist in Macedonia made a fortune from his profession. Today that is no longer the case.” The panel agreed that corruption in the private media was the most problematic. Although the explosion in the growth of the private media since independence has created pluralism, the fledgling media are deeply corrupt. Even the state-owned media are not immune to corruption. Ten years after the establishment of a parliamentary democracy in Macedonia, the government still directly controls state media. As mentioned above, the August 2002 privatization of the state print media house, *Nova Makedonija*, was highly suspicious. The buyer, a Slovenian company, is widely held to be a front organization representing political-business interests in Macedonia. This ownership group has yet to show its hand. At the time of writing, there are also rumors that *Nova Makedonija* may be “re-nationalized.” It is too early to say how this privatization will affect the media environment.

The panel also agreed that corruption is widespread among journalists. In fact, large companies routinely threaten to withdraw advertising to prevent unfavorable news coverage. The panel also said that it was highly suspicious that some government ministries paid from \$5,000 to \$10,000 per month for media advertising. On a positive note, the panel agreed that the media generally cover all key events and topics. In addition, there is practically no misuse of power that is not reported. There have been numerous scandals in Macedonia that have been reported, and some have

even been documented reasonably well. Nevertheless, the reports fail to stir up public or legal reaction.

*Although the panel was very vocal on the subject of corruption among journalists, the participants agreed that there is no specific evidence of corruption. However, one panelist noted that “it is obvious that some journalists have crossed the ‘red line’ and made journalism a profitable business.”*

An international panelist offered this criticism of the media environment: “Information provided by the government, by international organizations, and by virtually any other organization, is taken unquestioned.” There is a general sense of apathy and very little aggressive questioning at press conferences. Press releases are published and broadcast in their original versions. Such blind acceptance can be blamed on the high number of inexperienced journalists working in Macedonia and the lack of resources available to journalists. Also to blame for the low level of media professionalism are the financial constraints that limit the scope of private media, as well as undermine quality.

The panel argued that all newsrooms dream of having journalists who could cover one subject area and be able to verify all information and facts. However, all media outlets support small newsrooms and lack the personnel and equipment to maintain quality. Furthermore, Macedonia supports an entirely unsustainable number of private media outlets, even for a healthy market. Journalists, media owners, and managers harbor unrealistic expectations about their success. In short, the market cannot support the number of newsrooms and journalists that exist in the country.

The panel disagreed about journalists’ salaries. One panelist provoked quite an outburst by saying that journalists were well paid relative to the average level of pay in Macedonia. Others asserted that journalists’ salaries were catastrophic, especially in the state media. An average journalist’s salary at a state newspaper would be \$150 per month. At a private newspaper, the average is



\$300 per month. A local television station outside of Skopje would pay a reporter \$200 per month, while an editor would earn \$250 to \$300 per month. In Skopje, a reporter might earn \$300 per month, and an editor \$400. Some senior editors and reporters at large stations such as A1, Sitel, and Channel 5 might earn 20 to 40 percent more. The panelist who suggested journalists' salaries were relatively good also said that businesses buy advertising based on "wanting to buy editorial influence, or to buy into an existing editorial policy." While 15 to 20 companies advertise in *Kapital*, others refuse unless they can secure political influence.

Regarding self-censorship, the group agreed that it is most prevalent in the state media. Journalists fear losing their jobs if they offend a governing party or politician. Journalists consciously and unconsciously apply self-censorship to keep their jobs.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Macedonia Objective Score: 2.11/4.0**—The number of media outlets in Macedonia changes frequently, but there are more than 120 private broadcasters, three national state television channels, 29 local state broadcasters, and nine daily national newspapers—although the privatization of *Nova Makedonija* is expected to bring changes. There are also approxi-

mately 60 magazines, of which 10 are serious weekly news periodicals and current-affairs magazines. Therefore, a plurality of outlets definitely exists. Almost all publications are available to citizens and offer a wide range of news and information. Critics argue that the Albanian-language media lack plurality, but some developments preceding the national elections proved

*Overall, the public is aware of the ownership and bias of the media. However, the panel pointed out that the media are divided along ethnic lines with significant differences in reporting. Each ethnic group prefers to report on its own culture.*

otherwise. For example, the government introduced the "3<sup>rd</sup> Channel of MRTV," a predominantly Albanian-language broadcaster. The channel also contains minority programming from ethnic Turkish, Roma, Serb, Vlach, and Bosnian groups of the former MRTV Channel 2. In August 2002, a private businessman introduced *Global*, a new daily newspaper that has two identical editions in Macedonian and Albanian. In addition, the Albanian weekly magazine *Lobi* published a daily special edition (funded by the international community) that focused on election coverage.

There are two news agencies in Macedonia. One is the state-owned MIA, and the other is privately run Makfax. There is general mistrust of MIA's information, since the agency is viewed as a mouthpiece for the incumbent government. Makfax is experiencing growing pains as it struggles to collect regular fees from media outlets.

Access to the media is generally restricted by economic restraints, even though the current cost of a paper is 10 MKD (about 13 US cents). This is a relatively cheap price even in Macedonia. The government does not restrict cable television, satellite, and Internet access. The only restriction is cost.

Media ownership is sufficiently diverse to provide a variety of sources and views. Although big business dominates media ownership in Macedonia, a broad-enough range of political affiliations are represented to provide significant diversity. Overall, the public is

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



aware of the ownership and bias of the media. However, the panel pointed out that the media are divided along ethnic lines with significant differences in reporting. Each ethnic group prefers to report on its own culture. The panel asserted that this is especially true of Albanian media. Macedonian-language media are more critical and more likely to cover social interests (though such coverage is rare and poorly done). In general, Albanian media are less likely to report on issues that could improve interethnic relations.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Macedonia Objective Score: 1.89/4.0**—Distribution in Macedonia remains unreformed. There are three major distributors with overlapping services, and a handful of smaller local distributors. The high number of distributors increases costs unsustainably in such a small market. However, the privatization of *Nova Makedonija*, which includes the country's biggest distribution system, should cause dramatic changes in 2003. The publishers' association, APNAM, has attempted to set up a third-party distribution network to cut costs for its members. The network would also rationalize the industry before the privatization of *Nova Makedonija*.

The media market remains underdeveloped, but the media industry derives revenue from a variety of sources, including advertising fees, state funds, and

international donations. Private media still receive state funds. The broadcast media collect the 10 percent broadcast tax rebate allegedly for public-information programming. The print media gather a direct subsidy from the state budget. There is general consensus that these funds are used to influence editorial policy. In some cases, struggling media enterprises are propped up to support Macedonian big-business interests.

*The print media gather a direct subsidy from the state budget. There is general consensus that these funds are used to influence editorial policy. In some cases, struggling media enterprises are propped up to support Macedonian big-business interests.*

The 20 advertising agencies in Macedonia cooperate well with the media. However, companies often place their advertisements according to the editorial policy they support. Advertising in the media would be greatly aided if the value-added tax paid by advertisers were reduced. This would not only reduce advertisers' expenses, but would also stimulate an increase in advertising. The publishers' association is launching a campaign for more favorable tax rates. In return for better tax rates, the association proposes cutting its state subsidies. If successful, this deal would dramatically reduce state influence over the independent press.

Market research has become more widespread in Macedonia. Brima/Gallup has carried out a series of major research projects for the print media and the broadcast industry. A number of publishers and broadcasters also conduct their own research, albeit on a smaller scale. Furthermore, circulation and ratings figures are increasingly reliable, and the overall quality of research is improving.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Macedonia Objective Score: 2.27/4.0**—Perhaps the most significant improvements in the media sector are found in the affiliate organizations that support

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

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

independent media in Macedonia. There is a concerted effort in the media community to build a better media environment by coordinating associations and institutions, and by shaping a more professional standard of journalism in the country.

The trade associations are very active in Macedonia. The main broadcast association is the Association of Private Electronic Media in Macedonia (APEMM). Although the association has developed over a number of years, it still does not function well. The panel agreed that a conflict of interests exists within the association, as large television and radio stations tend to dominate the smaller stations. The association also struggles to represent its members consistently by not speaking with one voice. For example, when the association was lobbying the government to cut the concession fee, some members demanded a cut for radio stations, others demanded changes in the broadcasting law, and still others asked for a postponement of payments.

The Association of Print Media and News Agencies of Macedonia (APNAM) is the country's sole publishers' association. It has been working actively for two years. APNAM focuses its activities on several issues, including cutting the tax on advertising, establishing a fair pricing system for advertising, and rationalizing state subsidies to the media.

The AJM has been especially active in the past 12 months and has made a very real impact on the media scene. The association introduced a new code of ethics

in collaboration with the Macedonian Institute of the Media (MIM). AJM is making serious and transparent efforts to improve the quality of journalism. The panel agreed that AJM's Council of Honor, a self-regulatory body that oversees the Code of Ethics, is also an important step forward. So far the Council of Honor has publicly condemned several journalists who violated the ethics code. The Council has even assumed the role of a journalists' union; as such an organization does not yet exist. For example, a journalist in Veles was fired for no justifiable reason from a local public (state-run) broadcaster. With the Council's intervention, she was reinstated.

The nongovernmental organizations that work with the media in Macedonia are very aggressive. So far, many training sessions, seminars, and workshops have been organized to enhance the quality of journalism. The leading organization in this capacity is the MIM. MIM has conducted a large number of well-organized and well-coordinated trainings through its center in Skopje, including a competition for investigative journalism that has provoked considerable interest. The panel suggested that the need for more management training exists.

As mentioned above, the distribution system is costly and inefficient. The panel asserted that there is no professional distribution. Instead, there are "simply transportation companies which bring newspapers to kiosks using 10 to 15 vans." The formerly state-subsidized *Nova Makedonija* distribution system is the largest, with some 500-plus kiosks across the country. Following its privatization in August, its future is very unclear.

There are more than 450 printing houses in Macedonia, but only a handful are modern. There is no history of restrictions on access to printing or to newsprint. The distribution system, as described above, is inefficient and costly. In general, however, there is reasonably good access to print and broadcast media. It is important to note that transmitters were not targeted during the 2002 elections, as had happened in past elections. Internet access is not restricted but is hardly ubiquitous. The lack of Internet access is an economic, rather than political or legislative, issue. Many towns and all major cities have a number of reasonably affordable Internet cafés. Such cafés are increasingly popular, especially with Macedonian youth.

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# MONTENEGRO

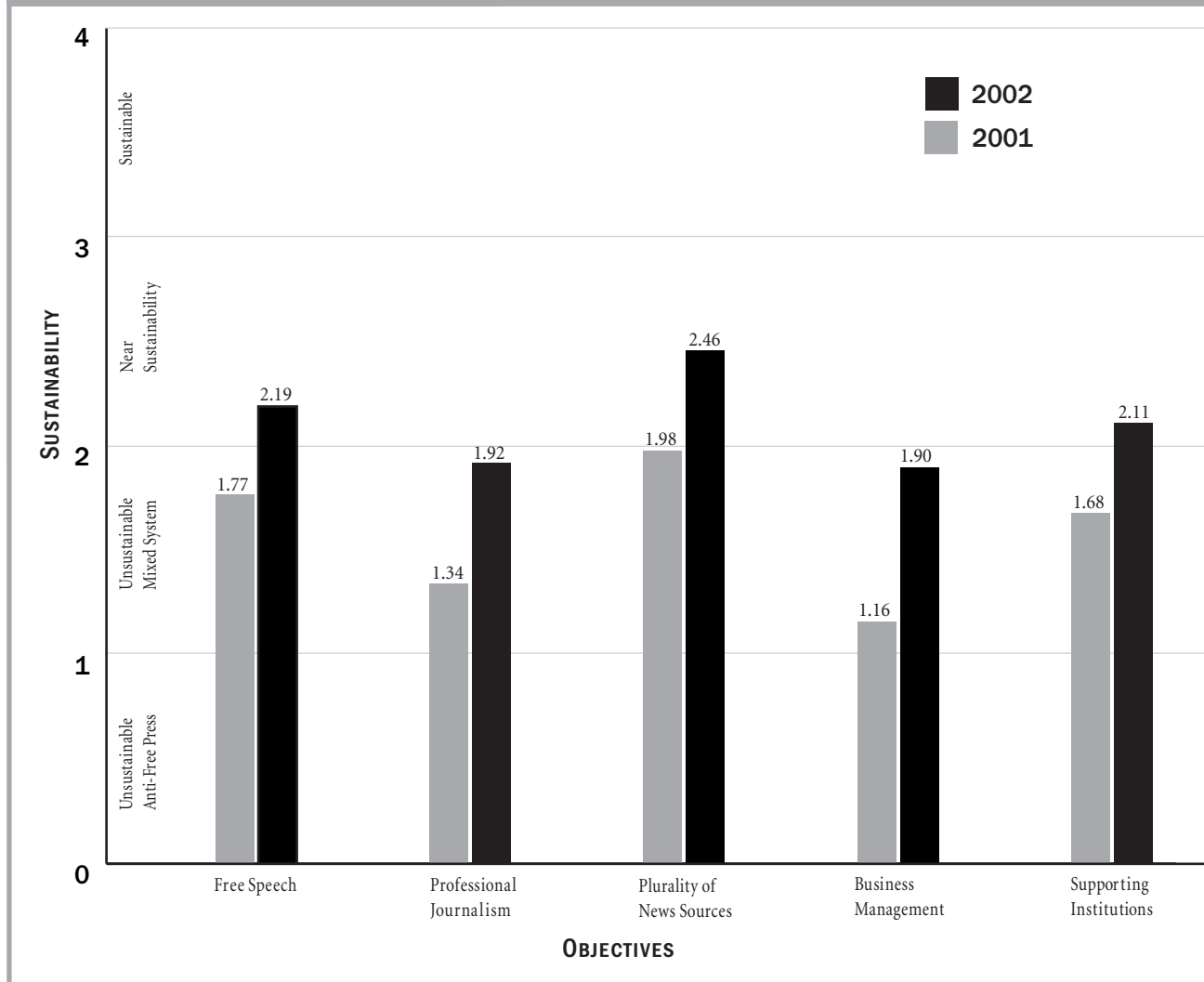
## INTRODUCTION

Media in Montenegro continue to operate in a political environment dominated by the question of independence. Since 1992, Montenegro has been part of the Federal Republic of Yugoslavia with Serbia. After Milo Djukanovic won the elections in 1997, relations between the two republics deteriorated and Montenegro took a separatist line. Under Western pressure, however, Montenegro postponed the goal of immediate independence and in March 2002, signed the European Union-brokered Belgrade Agreement, which defines the terms of a new, looser union with Serbia. As a result of disputes and rivalry, the Montenegrin and Serbian parliaments are still drafting the constitutional charter at year's end. During this politicized period, implementation of much-needed social, legal, and economic reforms was not realized.

The graph below summarizes how the Media Sustainability Index (MSI) 2002 panel rated the five objectives used to measure media development and systems. While the number of media outlets in Montenegro grew, providing citizens multiple news sources, the overall quality of these sources and the degree of professional journalism displayed remain at low levels. The panelists agree that this growth trend is not sustainable and that increased competition to capture a share in a small market will have a positive impact on the quality over time. The passage of progressive media laws in September and the drafting process of additional legislation represent important steps forward in the transformation of state-run media into public enterprises and the development of competition, which should further promote free speech and access to public information. There appears to be considerable improvement in the area of business management, compared with last year's Objective 4 score of 1.16. This can be attributed to the increased commercialization of journalism with new television networks, new print outlets, and foreign investment in the daily *Vijesti*. Finally, supporting institutions are increasingly functioning in the interest of the media. The Montenegro Media Institute, for example, is leading the effort to educate journalists.

*Overall, the opinion prevails that the most significant challenges facing the media are not in the legal domain; rather, the challenges lie in overcoming the negative state-political influence and financial, technical, commercial, and professional limits.*

## MONTENEGRO-MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

## OBJECTIVE 1: FREE SPEECH

**Montenegro Objective Score: 2.19/4.0**—Montenegro is beginning to demonstrate many of the indicators of the legal and social norms that protect and promote free speech and access to public information. Working groups comprised of representatives of the Montenegrin government, the media community, and the nongovernmental sector finalized a legal framework for the media system reform in compliance with international standards. Throughout the process, the working groups actively sought input from the Council of Europe and other international institutions interested in the media reform process. In May 2002, the three proposed laws were sent to the Montenegrin parliament, and after eight postponements, the media legislation was unanimously passed on Sept. 16, 2002.

The Media Law stipulates general principles and provisions on which the media system is based. Among these principles are the rights of journalists to maintain the anonymity of their sources and the prohibition of public entities to establish private media.

The Broadcasting Law mandates the establishment of an independent broadcasting regulator, the Broadcasting Council, to issue licenses and allocate

broadcast frequencies. The management of the signal distribution system also will come under the authority of the Broadcasting Council, once transferred from Montenegrin Telecom.

Finally, the Law on Public Broadcasting Services requires state-owned broadcasters—both on the national and municipal level—to become public broadcasting services under board management, representative of civil society. Office bearers affiliated with state or political parties will be disqualified from membership.

Many media experts herald this new legislation as one of the most advanced legal frameworks for media in Southeast Europe. The panel agrees that the adoption of the new media legislation marks a new era for media in Montenegro and obligates the government to provide and guarantee such rights as freedom of the press as stated in the Constitution of the Republic of Montenegro. However, the panel expressed concern regarding the implementation of the laws, which began Nov. 12, 2002. Some fear that the restrictive interpretation of the laws and the transformation of the state-owned broadcasters and agency for telecommunications, which are responsible for implementation activities, could jeopardize the intent of the progressive media legislation.

Despite concerns over implementation activities, the panelists expect that the new laws will eliminate the favored position of state media. Panelists assert that in the current state, the equality between state and independent media is only theoretical; the state media are controlled and financed significantly by the government, contributing to unfair competition.

The panelists also are hopeful that the new Broadcasting Law will make the allocation of broadcasting licenses fair, competitive, and apolitical for radio and television. Serbian TV Pink is cited as an example of how politics influences the licensing process. TV Pink obtained a temporary license to broadcast in Montenegro within a very short time without going through a tender process, while other applications of independent Montenegrin broadcasters have been denied. However, discussion confirms that the expansion of the private media sector demonstrates that bureaucratic obstacles to entering the market are decreasing. During 2002, three television stations and two radio stations began operations.

In addition to effective implementation of the new media laws, panelists overwhelmingly stressed the urgency for additional media reform laws on free access to public information, decriminalization of libel, and media concentration. One panelist noted that a working

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.



group is completing the first version of the Free Access to Public Information Law, which will provide all interested citizens access to information and documents at the disposal of state authorities or institutions in Montenegro.

Under Montenegrin law, libel is a criminal—not a civil—offense per international standards. All panelists urge for this media law reform and referenced the Asanin case as an example of suppressing freedom of expression and the anachronistic work of Montenegrin courts. Vladislav Asanin, former editor in chief of the daily *Dan*, was convicted of libel and sentenced to three months in prison for his decision to re-publish articles from the Croatian daily *Nacional* alleging the involvement of Montenegrin President Djukanovic and controversial businessman Sranko Subotic in cigarette smuggling.

Regarding free speech, participants stated that political parties influence and control the editorial policy of certain media outlets, as evidenced during the election campaign. Some media delivered unbalanced reporting in favor of certain candidates. On the whole, however, it is concluded that most independent media delivered balanced election reporting that created a forum for all political opinions, thereby increasing public awareness of the candidates and issues.

Overall, the opinion prevails that the most significant challenges facing the media are not in the legal domain; rather, the challenges lie in overcoming the negative state-political influence and financial, technical, commercial, and professional limits. According to one panelist, the problem is “in the inherited practice and in the slow process of establishing the high-quality and professional journalism.” While journalism as a profession is marked as an indispensable pillar of a democratic society, panelists believe that political powers do not recognize journalists as such.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Montenegro Objective Score: 1.92/4.0**—Though the degree to which journalism in Montenegro meets professional standards is inconsistent, panelists generally rate the standards low.

The panel regards the adoption of the Code of Ethics (Codex) as a significant step toward achieving recognition and acceptance of ethical standards and raising the overall quality of journalism. The Codex, initiated by the Montenegro Media Institute (MMI) and IREX, outlines 12 basic principles for media professionals as well as guidelines for interpretation and applica-

tion of the principles. On May 21, 2002, the major media associations in Montenegro signed the Codex. Signatories include the Association of Young Journalists, the Association of Independent Print Media—Montpress, the Independent Union of the Journalists of Montenegro, the Association of Independent Broadcast Media of Montenegro—UNEM, the Union of the Journalists of Montenegro, and the Union of the Professional Journalists of Montenegro. The Codex is the first attempt on the part of the Montenegrin media toward any kind of self-regulation.

Now that the Codex has been signed, implementation lies ahead. The panelists acknowledge that the impact of the Codex will depend on journalists’ respecting and applying the principles. A next step in the implementation process is to establish the Montenegro Media Standards Committee, which will serve as an appeals body.

Despite this achievement, the panelists discussed various factors, which damage the quality of reporting and programming. The threat of libel charges, which is a criminal offense under Montenegrin law, contributes to self-censorship by journalists and editors. Concerns about personal safety discourage journalists from investigating sensitive issues. Also, sensationalism is a growing, negative trend that is undermining the credibility of journalism. Given the extreme competition, media

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

outlets are simply publishing false information to capture market share.

*Generally speaking, Montenegrin journalism has a strongly manifested political character. Political issues have primacy over others, especially economic ones.*

In addition to safety concerns, panelists assert that there is a lack of investigative journalism due to financial costs, time constraints, uncertain results, and lack of human resources. The majority of independent media in Montenegro employ few staff. The crews at most independent broadcasters are so small that the absence of one person can jeopardize the whole working operation.

Generally speaking, Montenegrin journalism has a strongly manifested political character. Political issues have primacy over others, especially economic ones. The business reporting by the MINA news agency has started to change things in a positive direction. The agency has influenced most media to introduce dedicated economic pages and programs. Compared with a year and a half ago, when no Montenegrin paper had a dedicated economic page, today it is difficult to find a paper without it.

There are still a great number of social, political, and economic issues waiting to be investigated in a professional manner. The habit of informing citizens in a simple, superficial way—without intending to compete for readers, listeners, and viewers—is visible. This is especially the case for broadcasters that believe entertainment programming is the key to attract a wider audience. One exception is the weekly *Monitor* magazine, which not only reports the issues but also goes in depth using investigative journalism techniques.

On the upside, compared with the observations of the 2001 MSI panel, there are no improper language references to national minorities in Montenegro. However, improper language has been used when referring to political rivals or people who advocate different opinions from those of the media.

Salaries for journalists are low and often irregular, and most journalists receive no insurance. Panel members agree that low salaries “open the door” for corruption and speculate on the connection between political

powers and the daily *Publika* and TV IN, both of which offer high monthly pay levels up to 2,500 euros.

Technical facilities and equipment for gathering, producing, and distributing news vary and range from very poor to modern, as is the case with TV IN and Serbian TV Pink. Regardless, the equipment often does not meet Western standards. Personnel often require additional training to properly maximize the equipment they do have. The average private television station in Montenegro has two Beta SP cameras and one editing suite. Print media, particularly dailies, have adequate equipment, which remains idle due to the excessive printing capacity.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Montenegro Objective Score: 2.46/4.0**—The media market in Montenegro is saturated. Almost 40 radio stations, 12 television stations, five dailies, and three weeklies/bi-weeklies serve Montenegro’s population of approximately 650,000 people. Panelists believe market mechanisms will make necessary selections, especially now that donor money from the international community is decreasing and the coffers of political parties are dwindling. Already the daily *Glas Crnogoraca* and Radio Free Montenegro have gone out of business. The

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

rest are fighting for market share and are now competing with foreign market entrants, including Serbian TV Pink.

The Internet population is growing slowly in Montenegro due to the financial status of the average Montenegrin. The average monthly salary is 200 euros, and one-third of the population lives at the poverty level, which makes computers out of reach for most. The sole Internet service provider in Montenegro is also able to dictate high fees. The monthly fee for a single dedicated Internet line is roughly \$400. The number of Internet cafés in Montenegro is increasing slowly from one Internet café in 2001 to five today. And now the Montenegrin Post offers Internet access in the larger cities, though the panelists believe the public is not aware of this service. In the northern area of the republic, only a small number of people can use the Internet because of poor language skills.

*Given the volume of media outlets, the problem in Montenegro is not the lack of information sources but rather the quality. Instead of generating original reports, the majority of the media rely on news agencies that are, in effect, the predominant news source.*

Regarding reach of the traditional media, it is estimated that the average citizen does not regularly buy print media because the daily paper is more expensive than a loaf of bread—0,50 euros compared with 0,40 euros. While print media reach urban and rural areas, only state television and radio broadcast republic-wide. Other broadcasters are concentrated mainly in urban areas.

There is one news agency in Montenegro, MINA, that supplies media with general and economic news. Panelists consider MINA the primary source of information in Montenegro and deem its influence positive. MINA's reporting is regarded as fair and balanced, but the network of republic-wide correspondents is limited, which results in a lack of coverage for important events in remote areas.

Although most broadcasters have their own information newscast, the material used is primarily

news-agency material. Exceptions are Radio Antena M and MBC TV, whose original coverage and reporting are high. According to the Parliamentary Elections 2002 Media Monitoring Report (August 31 to October 12) published by the Association of Young Journalists (AYJ), MBC TV achieved the highest share of original coverage and reporting at 80 percent, compared with state television's 65 percent.

Given the volume of media outlets, the problem in Montenegro is not the lack of information sources but rather the quality. Instead of generating original reports, the majority of the media rely on news agencies that are, in effect, the predominant news source. It has also been noticed that the same agency information is often interpreted differently depending on how the information is presented. At times, not all information is published, and components are manipulated to satisfy the aims of the media outlet.

Panel members agree that media ownership is for the most part not transparent. Since it is unofficially known that the same owners control several media outlets, it is necessary not only to make ownership transparent, but also to create antimonopoly law in the media sphere.

It is evident that the ongoing political instability in Montenegro has driven the content of news coverage, putting aside all other issues—economic, cultural, and educational programming. Only a small number of media succeed in providing comprehensive public-affairs coverage. Most media outlets avoid such sensitive issues as corruption, abuse of power, mismanagement, human trafficking, and so on. The MINA news agency and the weekly *Monitor* are considered two exceptions. In November, *Monitor* published a report on the widespread problem of human trafficking. The report included the exclusive testimony of a female victim of forced prostitution. As a result of this story, several high judiciary and law-enforcement officials were arrested, including the Montenegrin deputy prosecutor.

The number of media organizations dedicated to serving ethnic minorities in Montenegro has been increasing as a result of stronger, better-organized advocacy groups and increased general awareness of minority needs. As of 2001, there was only media outlet, Radio Mir. Today, TV Teuta, TV Boin, Radio Plav, the bi-weekly *Kronika*, and the first women's magazine in the Albanian language, *Nora*, are operating.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Montenegro Objective Score: 1.90/4.0**—For print media outlets, the cost of distribution is a serious barrier to financial sustainability. Distributors demand between 25 and 30 percent from the sale of periodicals. While a year ago there was just one small distributor, today there are three. In addition to Bega Press, Oglas Press and Stampa are now operating. The mass-selling daily newspaper *Vijesti* now owns 70 percent of the largest (former state) distributor Stampa, which owns approximately 400 newsstands in Montenegro. Despite the increased competition, the percentage charged for distribution remains constant. As a result, various competitors are considering joint distributions as a strategy for reducing costs.

The capacity of printing facilities far exceeds the demand of the Montenegrin print market. The major owners of printing plants are *Vijesti*, *Dan*, and *Pobjeda*. *Pobjeda*'s printing plant is described as modern, with the capacity to print the entire circulation of Montenegrin papers in three hours. *Vijesti* and *Dan* accuse state-owned *Pobjeda* of using government subsidies to offer below-market pricing to print outlets, thus creating unfair competition. Once *Pobjeda* is privatized under the new law on transformation of state-owned media into public service, the situation will change.

While *Vijesti* and *Dan* are profitable entities that can survive in the market, panelists point out that

some print media are sustained by the financial support received from anonymous sources. For example, the daily *Publika* is known for paying the best monthly salaries, on average 1,500 euros, to journalists in Montenegro even though its circulation is only 4,000. *Vijesti*, on the other hand, compensates its journalists between 700 and 1,000 euros monthly and has a circulation of 25,000. The speculation of *Publika*'s financial dependency on the political elite is substantiated by its consistent alignment with the government's position. As an example, when a comprising photo of a powerful Montenegrin businessman with close ties to the leading politicians appeared, the entire circulation of paper was destroyed.

*For the majority of private media owners, the existence of state-owed media serves as an excuse for their failure to run their outlets as businesses.*

The future of private broadcasting depends greatly on the ability to attract commercial advertising. With the exception of TV IN, and to a lesser degree MBC TV, no outlets have succeeded in attracting large accounts. These broadcasters are surviving on revenue generated by small ads and simple commercial spots. Panelists are anxious that the situation will only worsen given new market entrants such as Serbian TV Pink. The two biggest advertisers are cell-phone companies Pro Monte and Monet, which advertise on TV IN, TV Pink, and state television. Based on rough estimations, these three stations attract almost 70 percent of all advertising money.

To encourage commercial advertising, the Association of Independent Broadcasters of Montenegro (UNEM) initiated a joint marketing department to work for its members. In its first year, the UNEM marketing department earned 60,000 euros, which will be distributed among its members.

Generally, media managers in Montenegro have not learned the basic principle that increasing viewers or listeners through targeted programming will attract advertisers and therefore increase revenue. Programming decisions are often based on costs rather than longer-term investment. Panelists fault editorial and marketing executives for not coordinating to insert ads into quality programs.

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

The financial situation for print outlets is worse. Just two of them—the dailies *Vijesti* and *Dan*—bring in sufficient sales and advertising to be sustainable. The others hardly earn 30 percent of their income from advertising and rely heavily on donor sources.

For the majority of private media owners, the existence of state-owed media serves as an excuse for their failure to run their outlets as businesses. Only a few private owners can be looked upon as good managers who employ business plans and survey tools. Objective, accurate market research is available in Montenegro. The rest, even those who possess basic knowledge of media-management principles, resist using management tools for better planning and positioning in the market probably because they do not understand their value. It can be a difficult challenge to translate survey findings into better programming and results.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Montenegro Objective Score: 2.11/4.0**—Panelists suggest that media are recognizing the importance of lobbying for and protecting their interests and are of the opinion that UNEM has effectively done so for its members.

UNEM is credited as one of the leaders driving the media reform process, not only in terms of drafting legislation but also in bringing key stakeholders together and launching a public-awareness campaign on the signifi-

cance of the media law reform. After the three new media laws were passed on September 16, UNEM led an effort to pressure the Montenegrin parliament into moving up the media law implementation date. UNEM organized media stakeholders to protest the parliament's inaction by con-

*The nongovernmental organization (NGO) sector and media have started to develop closer cooperation, particularly in areas that have a significant impact on the public, e.g., human rights, anti-corruption, and so on.*

ducting a transmission boycott with a daily 30-minute blackout through October 14. UNEM also campaigned for immediate implementation through television advertisements and roundtable discussions. Since parliament voted to begin the implementation activities in November, UNEM has continued to serve its members by taking an active role in the implementation planning along with the Montenegrin Secretariat of Information.

UNEM and other associations such as the Journalist Trade Association and the Association of Young Journalists actively seek to protect free speech. Their efforts resulted in consensus to draft a new law on defamation. The same organizations are also drafting the Free Access to Information Law.

In general, relationships between the civil society institutions and organizations and the media sector are still undeveloped, although there are some encouraging signs. The nongovernmental organization (NGO) sector and media have started to develop closer cooperation, particularly in areas that have a significant impact on the public, e.g., human rights, anti-corruption, and so on. There are 1,600 NGOs in Montenegro.

Panelists agree that the Montenegro Media Institute (MMI) has started to fill the gap in journalistic education. MMI conducts short-term, practical training activities under the motto “learning by doing.” The majority of training participants are learning what professional journalism means for the first time. Results of this training will become visible slowly because journalists very often receive resistance from their editors, who are not open to new ideas and standards. This underscores the importance of training editors as well.

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



Unfortunately, opportunities for journalists to earn journalistic degrees abroad are limited due to financial constraints. As a way of establishing quality programs at home, MMI will soon launch a diploma course in journalism, which will be the first certified, higher-education program for journalists in Montenegro. The target audience is future journalists who have already been or will soon be graduated. The course will consist of 16 weeks of general, print, and broadcast media training followed by a two-month internship. The curriculum has been designed in coordination with the Danish School of Journalism, which will also jointly undertake the implementation of the diploma course,

expected to begin in spring 2003. Panel participants have high expectations for the program.

There is no newsprint production in Montenegro, and printing houses and media are importing newsprint. Private printing plants are market-oriented and work without discrimination.

According to panelists, most channels of media distribution appear apolitical and well managed. Compared with the past, kiosks no longer refuse to offer print products that do not reflect their political beliefs. Montenegro's only Internet service provider, though partially owned by the government, also shows no barriers to the distribution of information.

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# ROMANIA

## INTRODUCTION

With 22 million inhabitants, Romania is one of the largest countries in Central Europe and enjoys a diverse media landscape. The print media number about 1,000, and hundreds of licensed radio and television stations are broadcast all over the country. Still, media are struggling for survival in a nascent market economy. Advertising money is scarce and is claimed mostly by television outlets. As a result, the print media are heavily dependent on direct sales and are vulnerable to political pressure.

The ruling Social Democrat Party (PSD) holds a slight majority in parliament. Still, the PSD runs the country in a rather authoritarian manner, marked by strong government influence in most aspects of society. For example, the government commonly issues emergency decrees. Such decrees turn into law after their adoption, even though parliament has the right to debate and modify them at a later date. This mechanism, while legal, is used excessively and has allowed the government to significantly modify laws only months after their adoption.

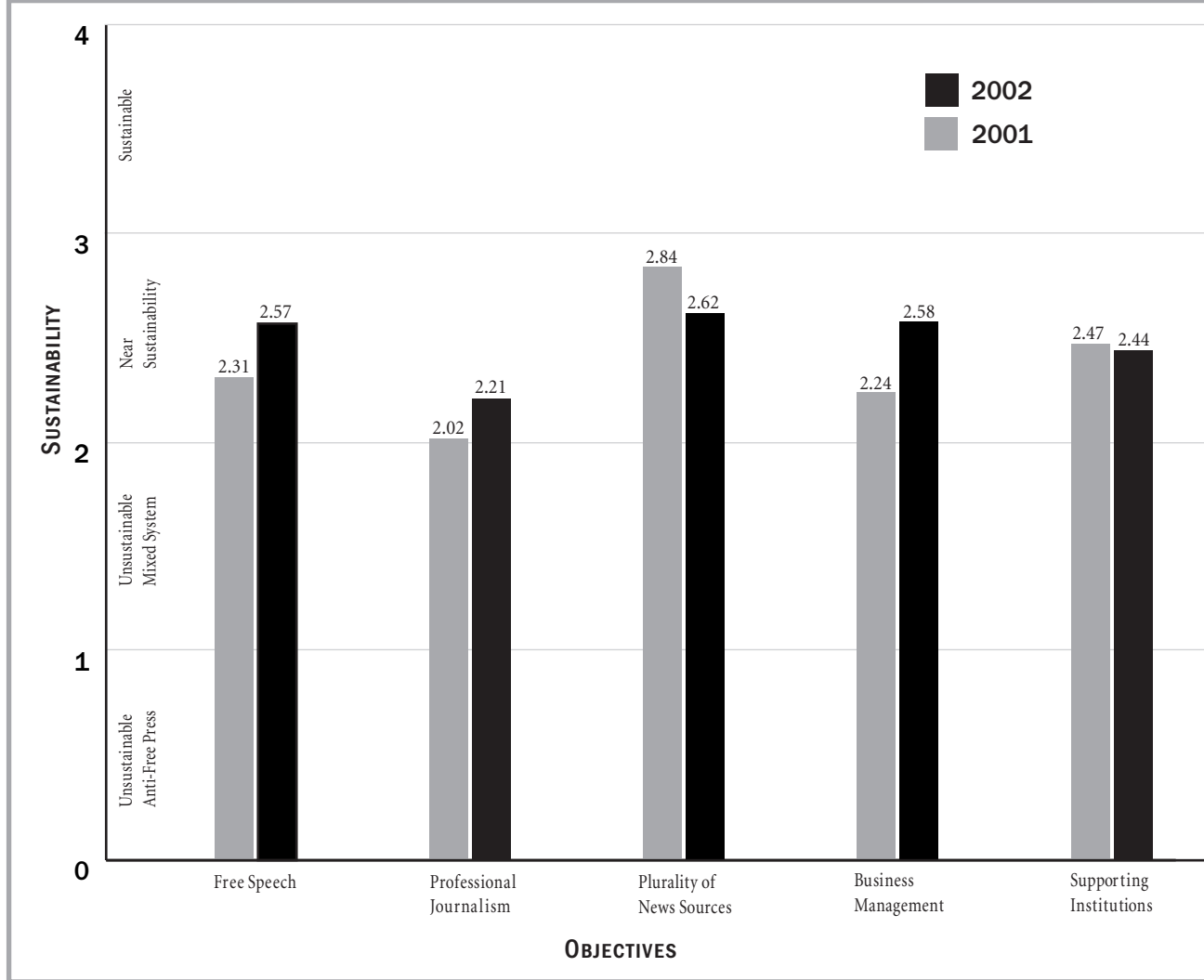
Despite a two-year increase in the gross domestic product (GDP), the economy is still ailing. A weak local currency, a high level of taxation, and frequently changing legislation make business plans unreliable and force many media owners to guess their way around bankruptcy.

In 2002, Romania registered significant foreign-policy successes, including an invitation to join the North Atlantic Treaty Organization (NATO) and continued negotiations toward European Union (EU) accession. Still, Romania registered a significant backslide in terms of freedom of expression. Restrictive provisions in the penal code continued to be used against journalists. Furthermore, new bills limiting press freedoms were submitted to the parliament. An EU country report, released in October 2002, describes the media environment in Romania more harshly. The report describes two of the most visible and worrying trends this year. One is the silencing of media coverage critical of the government through political and economic intimidation. The other trend is the increasing control over the local media by political interests.

The 2002 Media Sustainability Index (MSI) reveals these trends, as indicated by the scoring for Objective 3 regarding the plurality of

*With approximately 15 different codes, the journalism community has failed to consolidate an effective code of professional standards. A panel member explained that “there are many known codes, but none of them is fully recognized and applied.”*

## ROMANIA-MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

independent news sources. The rest of the objectives showed slight improvements in the Romanian media environment. Panel participants noted that scoring pertaining to freedom of the press and the quality of journalism improved as these issues became more present in public debate. Despite growing pains, Romanian media receives scores that indicate near sustainability.

## OBJECTIVE 1: FREE SPEECH

**Romania Objective Score: 2.57/4.0**—Article 30 of the Romanian Constitution guarantees the freedoms of expression and speech. However, paragraphs of the same article limit this freedom by excluding key information. Despite protests by the media and civil society groups, libel and calumny remain criminal offenses. The modification of the penal code, later adopted by parliament, had little effect. For example, although the ordinance removes prison terms for libel and diminishes the punishment for calumny, the modification still offers special protections for public servants.

The panelists noted that members of parliament, especially representatives of the governing PSD party and the opposition Greater Romania Party support the

criminalization of libel. One panel member explained that “there is minimal interest in solving this legal problem, and this interest is not sincere. The issue is raised only due to external pressures.” Currently, there are no journalists in jail, but several have received suspended prison sentences. More commonly, journalists are subject to fines (registered as criminal offenses). These fines (\$400 to \$20,000) are high by Romanian standards; an average monthly salary is \$130. Additionally, journalists are forced to pay “moral damages” to “the victims” of their articles, even if the journalists were cleared of the charges brought against them.

Article 168 of the Romanian Penal Code contains provisions against spreading false information that could damage the country’s national interests. A relic of the communist era, this article received renewed attention during the so-called Armageddon scandal in early 2002. This incident was triggered by an anonymous report distributed on the Internet that contained well-publicized information accusing Prime Minister Adrian Nastase of corruption. The report followed a similar anonymously distributed report detailing corruption within the army. An information-technology specialist, Ovidiu Iane was immediately arrested and accused of disseminating the information. The investigation was conducted with obvious interference from political groups. However, the media and civil society groups promptly protested the investigation. Prosecutors defended their position by saying that the allegations harmed the image of the prime minister at a crucial moment for Romania—with the government in negotiations with the EU and NATO. The accusations were officially dropped at the end of 2002, but the case has shown that despite improvements in media legislation, more progress is necessary.

The National Council of Broadcasting (CNA) is the regulatory body tasked with issuing broadcast licenses. It has been in operation since 1992 and is subordinated to the parliament. The 11 CNA members serve four-year mandates. The procedures for licensing are competitive, but they lack transparency and credibility. Some reports of political influence were involved in the licensing process. A new Law on Broadcasting was adopted in July 2002 with input from broadcasters and nongovernmental organizations (NGOs). The law was drafted according to EU standards. Nevertheless, the law emerged from parliamentary debate with some dubious provisions. More specifically, one provision called for two independent bodies to be responsible for licensing. The CNA would supervise only the editorial content for licensing, while an independent agency

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.

would provide the official technical licenses. After this provision had been adopted, the government canceled it, leaving the Communications Ministry in charge of allotting the frequencies. Therefore, the government secured itself a powerful instrument in influencing the licensing process.

Panelists accused the CNA of a lack of transparency, claiming that there was little change from last year's MSI. Panel members also said that "political interference is still used to create a better position for some competitors." Progress was noted, particularly because information is easier to obtain through a functional CNA site. Nevertheless, many doubts were expressed regarding the licensing process. The law cedes discretionary power to the CNA to rule on withdrawing broadcast licenses for radio and television stations. In September, the CNA decided to revoke the license of Omega TV, a station with a small audience and poor-quality programs, based on Article 40 of the Broadcast Law. The CNA based its decision on statements made by a guest on a live show. The guest was openly critical of the Romanian government and the US ambassador. Shortly after the show was aired, police closed the station despite a law that allowed a licensed station 15 days to appeal the decision.

*The adoption of the Freedom of Information Act (FOIA) in late 2001 represented an important step forward. In theory, the law makes free access to information the rule, and classified information the exception. Unfortunately, the law is not widely acknowledged or enforced.*

Entry into the media industry is as difficult as it is for other businesses. There are no additional obstacles or incentives for media outlets. Tax rates are on par with other industries. Media products are subject to a standard 19 percent value-added tax (VAT), despite pressure by the Romanian Press Club. The Press Club, which represents the main media directors and owners, lobbied for a preferential tax system for media products. These sorts of tax breaks existed before the 2002 elections, but the new government dropped them to comply with International Monetary Fund (IMF) requests. The

government promised to reintroduce the incentives when the economy improves, but, as one panel participant said, "the government and the parliamentary committees do not encourage any change of the actual tax policy."

There is also a local 3 percent tax on advertising, which local councils can significantly increase. In some cases, this advertising tax produces some problems, as the VAT is calculated at a rate that includes the tax on advertising. This method of calculation leads to cases of double taxation on media products.

Serious crimes against journalists are rare, but media professionals do not receive any kind of special legal protections. Journalists in the regions have been harassed, mainly by people representing the authorities. Furthermore, many lawsuits have been filed against journalists and occasionally against whole newsrooms. One example of crimes against journalists involves the launch of the newspaper *Ziarul de Vrancea*. The paper was started after its predecessor had been taken over. The editors of the newspaper were openly critical of the local authorities. In a matter of weeks, all of the newspaper's kiosks were removed from the city of Focsani. The street vendors of the newspaper were beaten and chased away by thugs, and the journalists were no longer allowed into public buildings. Furthermore, local businesses cancelled advertising contracts, and the newspaper was subject to a wave of inspections from financial and civil authorities. One panelist stated that "the criticism against local political leaders by the paper has led to an economic assault on the newspaper."

The state owns no print media outlets in Romania. However, public broadcast media include Romanian Television (TVR), four public radio channels, and the public news agency ROMPRES. State media receive no special treatment in terms of information. There are still cases of politicians who attempt to influence state media. One panelist explained, "The answer to the question about political interferences over management is simply 'yes.' And this is terrifying."

The president and parliament appoint the directorates of the national radio and television stations. Employees can appoint their own representatives as well. Politically influenced appointments to the boards sometimes alter broadcast content. In 2000, the newly elected parliament opposed the composition of the Board of National Radio. The board was changed before the end of the members' term. A similar shuffle occurred for TVR, but the existing board was allowed to complete its term.

ROMPRES, the national news agency, is in a very difficult situation due to bad management and a lack of credibility. The agency is politically influenced and is losing market share to the privately owned agency Mediafax. In 2001, Prime Minister Adrian Nastase subordinated ROMPRES to the newly created Ministry of Public Information.<sup>1</sup> This affiliation legally turned the agency into a government agency and turned journalists into “public servants.” Although the government action did not elicit protests from the public or media community, the NGO sector reacted quickly. NGOs supported a bill put forth by the opposition National Liberal Party to place the national news agency under parliamentary control. The law still awaits final parliamentary approval.

The adoption of the Freedom of Information Act (FOIA) in late 2001 represented an important step forward. In theory, the law makes free access to information the rule, and classified information the exception. Unfortunately, the law is not widely acknowledged or enforced. A panelist stated, “There is a gap between the legal norms and the reality of life.” The NGO sector reserves its involvement to monitoring the law and training the public authorities in using it. A major newspaper began a petition to prove that even government ministries and political offices did not totally abide by the requirements of the FOIA law. The newspaper filed more than 20 lawsuits against state and local government institutions.

Following the April 2002 adoption of the Law on Classified Information, the efficacy of the FOIA law was brought into question. The government claimed that NATO accession required that the classified information law be adopted before the Prague Summit in November 2002. Parliament hastily passed the law with little debate on the content. As a result, the law has some controversial provisions. The definition of classified information is vague, and too many people have the authority to classify documents. In addition, the law defines a “professional secret” as any information that could harm or influence the activities of a private or public organization.

Access to international media is not restricted or limited in any way, but such access can be very expensive. Advertising costs are prohibitive even for some medium-sized media outlets.

<sup>1</sup> Editor’s note: According to Law 19 promulgated on Jan. 9, 2003, ROMPRES functions as an autonomous public institution that is under parliamentary control.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Romania Objective Score: 2.21/4.0**—Overall, Romanian journalists do not clearly distinguish between facts and opinions. Many journalists freely share their own opinions and impressions in their reporting. This practice creates certain expectations among the readers, who are looking for help in shaping their own opinions. Some people expect journalists to present them with a way to interpret situations, rather than with objective, fact-based news. The process of checking several sources and presenting more than one angle to an issue is more ubiquitous, but journalists can limit themselves to superficial coverage without any kind of investigative research. Similarly, sourcing news is a common practice, but journalists are still prone to take news agency dispatches or press releases as their own.

Given the fierce competition in the media market, outlets often yield to sensationalism. Scandals, crime, and celebrity events are almost always front-page news. Bloody, but otherwise unexceptional, traffic accidents are the recent trend on the main television newscasts. Key issues for Romanian society, such as privatization, reform, and EU accession, are treated in a rather technical, dull way. Therefore, newscasts have lost their place as the undisputed leaders of audience ratings, to be replaced by entertainment programming.

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



Print media reveal instances of corruption on a daily basis. Unfortunately, many investigations do not go below the surface. Generally, investigative journalism is on the decline because it is expensive, and it requires experience and sophisticated reporting methods. Also, as corruption has increased and connections to high-level politicians have been made, investigative reporting is now taboo for many publications. Subsequently, well-researched and substantive reporting is no longer well rewarded.

Journalism ethics are more of a theoretical than practical concern for the media community. For example, television stations stopped revealing the identities of rape victims and showing the faces of the perpetrators of violent crimes only after the express interdiction of the CNA. Some journalism associations have established ethical codes, but most of these are difficult to enforce. With approximately 15 different codes, the journalism community has failed to consolidate an effective code of professional standards. A panel member explained that “there are many known codes, but none of them is fully recognized and applied.” The Romanian Press Club, an association representing the interests of media owners, could not gain acceptance of its own code. The panel participants agreed that “there is no need of a unique code, but a great need for acceptable standards shared by as many journalists as possible.”

Still, the MSI panelists agreed that economic realities can break down any set of standards. The average salary of a journalist remains at the national average—around \$100 per month. There is no disparity between print and broadcast salaries, except for the established media stars. State media employees earn less than their colleagues in Bucharest-based private media. Regional media generally earn far less than their Bucharest counterparts. Regional salaries can be as little as \$50 per month. Low salaries can often lead to journalists’ receiving “financial support” from different political or business interests. Some journalists are on the payrolls of the institutions from which they receive accreditation. For example, five journalists were hired by the city administration of Timisoara. The fact that journalists are double-hired, or receive money for custom articles, or receive payment for not reporting does not seem to generate dispute within the media community. A panelist stated, “The worst thing is that this practice starts to be considered normal, even desirable, for journalists.”

Many media outlets do not officially hire the journalists they work with, even if the journalists work 10 hours a day. The reason is that employers have to pay

high taxes for permanent employees. Taxes are paid both by employers and employees and can amount to 60 percent of the total salary. Of the nearly 8,000 registered journalists working on a permanent basis, the number of practicing journalists is estimated at around 14,000. Many journalists are paid as “contributors,” even if they work regularly in the newsroom. In some media organizations, journalists earn low salaries with larger bonuses awarded per article. This system forces the journalists to focus more on the quantity than on the quality of reporting.

*One panelist explained that “everybody would be content to have a list posted on the wall outlining untouchable topics. Unfortunately, journalists learn from experience what their owner or editor would not like them to write about.”*

Because media owners have other business interests, journalists can be prevented from covering certain issues. In some cases, journalists receive clear instructions not to tackle an issue. On other occasions, articles are not published or are edited to avoid controversy. One panelist explained that “everybody would be content to have a list posted on the wall outlining untouchable topics. Unfortunately, journalists learn from experience what their owner or editor would not like them to write about.”

Local media are more vulnerable to economic oppression than national media. In 2001, local political leaders or businessmen affiliated with the party in power started to buy local publications. *Monitorul*, the most powerful network of local publications, was divided, and political interest groups took over some of the affiliates. Other independent publications unaffiliated with the governing political parties became targets as well. A panel member stated, “The mechanism of buying the local press is based on two assumptions. Firstly, local media has a larger audience than state media. Secondly, even if you cannot make local media write positively about you, you can at least stop them from criticizing you.”

The harsh punishments under the penal code can push journalists to self-censorship. Many newspapers

print a disclaimer stating that the journalists are solely responsible for the content of their articles. This statement violates the constitutional provision that allows for the common liability of the journalist and publisher. The disclaimer leaves many journalists susceptible to lawsuits. Therefore, some journalists prefer to soften the tone and content of their reporting. However, there are newspapers that provide legal assistance to their journalists, if they get in trouble.

Reporting on minority issues is still problematic. Some journalists still use derogatory terms to describe the Roma people. In reporting on crime or social issues, the ethnicity of the Roma people is highlighted. Some editors believe that political correctness will hamper their reporting. Although official press offices do not release information about the ethnicity of criminals, some police officers continue to give such details to reporters.

Although news broadcasting is still the main programming focus, entertainment programs have become increasingly popular. The main two private television stations, Antena 1 and Pro-TV, both broadcast their main news programs at 7 pm. Because of cost concerns, the national television station rescheduled its news program for the same hour. Due to this competition for prime-time viewers, the urban audience watching national television news is smaller than the readership of the two most important national newspapers. In general, people have started watching more films, reorienting to smaller new stations, and watching more sophisticated programs like translated programs on the Discovery and National Geographic channels.

Television stations have had problems in the past two years because of declining advertising rates. Many stations were forced to increase advertising time slots to compensate. The largest stations increased their advertising time by almost 30 percent from 2000. This increase was partly due to the new way of paying for advertising by using the rating system. So, the efforts of media outlets to use professional market research unexpectedly damaged broadcasters' advertising revenue.

The technical capabilities of media outlets vary greatly. The most powerful media groups have high-tech equipment, including digital technology. But the smaller outlets still work with outdated technology. The high cost of communications drastically limits access to information in the smaller newsrooms. On average, however, most of the newsrooms have computers and Internet access. Regional newspapers tend to buy secondhand printing equipment from abroad,

therefore gaining in independence what they lose in printing quality. Most of the available investment money for Romanian media goes toward printing facilities and production equipment for radio and television stations.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Romania Objective Score: 2.62/4.0**—Beyond any doubt, Romania has a plurality of public and private news sources. The country started to develop a rich and diverse media landscape immediately after December 1989. Before then, Romanian media consisted of the national television station, three national radio channels, and two national newspapers. There was also a local newspaper for each of the 40 counties. Additionally, there were a handful of magazines or specialized publications. The Communists strongly controlled all media.

Within a year after the Romanian Revolution, more than 1,200 new titles flooded the market. Ten years later, there are still more than 14 Bucharest-based daily newspapers. In the larger cities, one can find three to four local daily newspapers. Nearly 100 magazines and monthly publications are distributed nationwide. Local newspapers cover the most important national news, but are also very rich in local news and information. As a rule, local publications are much more linked to the

#### Multiple news sources provide citizens with reliable and objective news.

#### Plurality of News Sources Indicators

A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.

Citizens' access to domestic or international media is not restricted.

State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.

Independent news agencies gather and distribute news for print and broadcast media.

Independent broadcast media produce their own news programs.

Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.

A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.



community, while the Bucharest-based papers cover the “big-picture” issues.

Private broadcast media have flourished since 1993. Antena 1 began its on-air transmissions in fall 1993. Tele “7 abc” started in 1994. PRO-TV aired nationwide for the first time in December 1995, followed by Prima TV in 1997. In 2001, two new television channels began broadcasting in Bucharest, B1 TV and Realitatea TV. Realitatea broadcasts only news and talk shows and hosts the only television program dedicated to media issues.

According to a CNA report, 120 operational television licenses were spread throughout 36 counties and 51 localities in July 2002. Public television operates four different channels. The first is received nationwide and broadcasts news, current affairs, informational programs, and entertainment. This public channel is reputed to reflect government opinion. The second public television channel broadcasts more educational and cultural programs. Its ratings are slowly improving. TVR International is perceived as the information link for Romanians abroad. In 2002, a new cultural channel began operations, but it does not appear to have the quality programming to attract viewers.

Government authorities have received more than 1,800 requests for radio licenses over the past 10 years. The CNA has granted 301 local radio frequencies, and by 2002, 308 radio stations were operational. Public radio broadcasts on four channels while focusing on news, culture, youth, and music. Traditionally, public radio programming is fairly balanced and resembles an actual public broadcast service. However, the credibility of public radio was damaged when its board of directors was replaced.

Alternative news sources are not readily available in the regions. A panel member explained that “outside Bucharest and other major cities, there is a totally different Romania. For people living in the countryside, the Internet is an undiscovered world.” In the rural areas, the print media are not easily affordable. The national average salary is \$130 per month, and even less for rural Romanians. In contrast, a daily newspaper costs up to 15 cents, and a weekly or monthly magazine costs an average of \$1. Furthermore, print media distribution is slow, as newspapers are often delivered to rural regions 24 hours after they are printed.

All Romanians who own television sets or radios can tune in to national public television or national public radio. In the rural areas, national broadcasters have a captive audience, since many people cannot

receive other broadcast signals. Most rural people cannot afford satellite dishes. In the cities, however, people have better access to news sources. The bigger the city, the better the selection of media. Print media are regularly distributed to cities throughout the country. Some urban papers print two different editions each day. One edition is for local distribution, and the other for regional distribution. However, it is far more difficult for regional papers to be distributed in Bucharest or in regions other than their own.

*Traditionally, public television favors the government, since the government appoints the directors. A panelist stated, “The managers are appointed with obedience as their only standard.”*

An estimated 250 cable companies operate in Romania. The Communication Ministry estimates the number of cable subscribers at approximately 2.7 million households. A 2001 study by the polling firm IMAS shows that of 6.02 million Romanian households using a television set, 3.3 million were connected to cable television. This reveals a cable connection rate of 54.6 percent, although the Communication Ministry quotes a smaller rate of 44 percent. The difference in rates is attributed to cable theft. Romania has one of the cheapest cable rates in Europe, with a monthly subscription costing around 4 euros. This cable industry is very concentrated, with 80 percent of it owned by seven large companies. Cable companies provide more than 40 television channels, including international programming.

Media legislation does not restrict access to foreign print, broadcast, or Internet news. The only limitations are dictated by the prohibitive prices of media products. The use of the Internet as a news source is limited because the technology is rather new, the number of computers is small, and access costs are rather high. Some government projects have introduced the Internet in schools and colleges. Internet cafés are flourishing, but rates stay at \$1 per hour. And there are still few people with Internet connections at home. The Internet is used mostly for e-mail, online chat, and games, rather than for information. The Internet is not generally perceived as a source of news, except for media or business professionals.

There are two powerful media groups competing for ratings and audience share. Mediapro was founded by Adrian Sarbu, a former movie director who became a successful media boss. Intact Corp. is run by Dan Voiculescu, a controversial businessman connected with the economic branch of the former secret police. Both media concerns have their own nationwide television channels and radio stations, newspapers, magazines, and distribution and printing firms. Both groups are developing a proficient lobby to further their own political and business interests.

Economic difficulties and the political interests of media moguls have influenced even the private television stations. After the 2000 elections, there was a general tendency to embellish government activities. Images of the prime minister and president became omnipresent in news coverage. A study by the Media Monitoring Agency, Academia Catavencu, was conducted between Sept. 26 and Oct. 9, 2002, to measure the media appearances of politicians. Adrian Nastase and President Iliescu recorded far more appearances than the opposition leaders. In addition to counting appearances, the agency analyzed the news content. Much of the coverage regarding the governing politicians was either neutral or positive. The news concerning the opposition was either neutral or negative.

In fact, many television channels relegate themselves to retransmitting government rhetoric. Questions at press conferences are rare. Traditionally, public television favors the government, since the government appoints the directors. A panelist stated, "The managers are appointed with obedience as their only standard."

PRO TV, the major private television station in Romania, is in a bad financial situation. The station, owned by Mediapro, owes an estimated \$50 million to the state. A favorable tax policy negotiated by the owner of the station has helped the station's debt build. Other media moguls wield significant political influence. The owner of Antena 1, the second-biggest private television station, is also the leader of the Romanian Humanist Party, a partner in the ruling coalition. To stem political influence on media, the National Broadcast Council issued a recommendation to television stations to maintain balanced political news coverage. The Council requested that two-thirds of news broadcasting focus on the ruling party while the other third target opposition parties. While the Council's intentions were admirable, some media objected to the potential interference in their editorial policies created by this recommendation.

There are several news agencies in Romania. The most important is the privately owned Mediafax. In a matter of years, Mediafax managed to take most of the market away from the public news agency ROMPRES. Mediafax is now the main news provider to all media in Romania; however, the price of its news is rather high at \$300 to \$800 per month. A de facto monopoly, Mediafax is part of the Mediapro concern, which is problematic for some in the media community. Other agencies like AM Press, AR Press, and Rom Net also exist, but they are minor players. A panelist commented, "All kind of agencies appear overnight. We know nothing about them like who owns them or what their financial resources are."

There is no official record of the ownership structure of Romanian media, but the key players are generally known to the public and to media analysts. Information available through the Chamber of Commerce is a valuable tool for corruption-related investigative reporting. However, when the government decided to move the Business Registry to the Ministry of Justice, there were concerns that the government would try to censor information regarding the ownership of companies. Media outlets generally do not declare their ownership structures. Only international press conglomerates that own Romanian newspapers announce their shareholders.

Minority press is not restricted in Romania. On the contrary, 17 national minorities have their own publications, which are subsidized by the state. The circulation of these publications is limited and is targeted at their own minority groups. If these periodicals are written in the minority languages, that further restricts the distribution of these publications. For example, such papers are not sold in kiosks. Overall, minority publications receive little media attention outside their own circles.

However, the Hungarian minority is a special case. Romanian public television and radio feature special programs for Hungarians, who represent 8 percent of the population. There are six Hungarian-language newspapers, all of which are run as for-profit businesses based in Transylvania. Even Romanian-owned outlets operating in Hungarian-populated areas are producing Hungarian-language publications. Sometimes, issues from the Hungarian newspapers are quoted by the Romanian media, especially regarding Romanian-Hungarian ethnic issues. A Hungarian station, Duna TV, broadcasts from Budapest and is watched throughout Transylvania.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Romania Objective Score: 2.58/4.0**—After 1990, printing houses were rapidly privatized and purchased by media insiders. As media outlets proliferated, they acquired their own printing facilities. There are now a variety of printing firms in the market, creating a healthy competition. A panelist added, “The local publications that are still functioning have their own printing facilities and were able to decrease production costs.”

Although there are no state-owned print media in Romania, the largest distribution network is under government control. Rodipet distributes throughout Romania, even to remote villages. Newspaper executives complain bitterly about its service. Many managers believe Rodipet is slow in its delivery, with some delays up to 48 hours, and slow in returning revenue from newspaper sales to the outlets. Furthermore, the distributor apparently does not provide the newspapers with any statistics on the number of copies sold, who buys the papers and in which area, and so on. Media managers also accuse the distributor of being preferential toward certain clients. For example, a Rodipet branch in the city of Braila refused to distribute to two local independent newspapers after the owner of another newspaper financed by the mayor was appointed general manager.

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.

Subscriptions are usually distributed by Romanian Postal Service, which is often very slow. Subscribers, particularly those in the regions, receive their newspapers late. To maintain a loyal readership and consistent subscription fees, some newspapers have developed their own distribution networks. *Gazeta de Sud*, a local newspaper in Oltenia, managed to distribute 40 percent of its subscriptions through its own distribution network.

*“Many of the media institutions are not businesses themselves, but are sustained by other businesses.”*

Private distribution companies also disseminate printed materials. They have a decent network and tend to operate in a fair manner with their customers. The private distributors have their own kiosks and do not receive state subsidies. Even Rodipet is experiencing financial problems due to the lack of government subsidies.

Overall, Romanian media are not profit-generating businesses. In an overcrowded market, with a public that has little buying power, media outlets struggle to survive. Media owners with other businesses use funds from other ventures to keep their media operations afloat. A panelist explained, “Many of the media institutions are not businesses themselves, but are sustained by other businesses.” Most of the local newspapers are not economically viable, but businessmen sustain them as tools to facilitate business deals, especially when public money is involved. Many local politicians set up newspapers to improve their image. These publications are rarely read and carry very little weight with a suspicious public.

As subscriptions account for just a small part of newspaper circulation, newspapers cannot count on steady sales revenue from that source. To boost subscription rates, newspapers offer big discounts, which further cripple overall sales revenue. One panel member mentioned that “the newspapers are overwhelmed by the discounted prices of subscriptions that are largely subsidized by the editors.”

Advertising also provides a financial source for Romanian media. However, the advertising market has declined along with the overall economy. In 2000, advertising agencies spent only 7 euros per taxpayer, compared with 49 euros in Poland, 83 euros in Hungary, and 238 euros in Germany. Therefore, advertising revenue does

not represent a consistent source of income for the media sector. Nevertheless, there are many active international advertising agencies in Romania. In fact, 80 percent of advertising revenue comes from international agencies. Preference is given to large national media outlets, while the local media are often neglected. According to the International Advertising Organization, of the \$21 million in advertising targeted at print media, \$18 million of it went to national newspapers.

National radio and television stations have three sources of funding: state subsidies for transmission, subscriptions, and advertising. Subscriptions to state media are compulsory for all owners of radios or televisions, regardless of viewing or listening preferences. Subscriptions each cost \$1 per month and are charged to the electricity bill of the individuals who own radios or televisions.

No state subsidies target private media. Still, state subsidies are given to publications representing the 18 national minorities recognized in Romania and to some cultural magazines.

Market research is not an established tradition for Romanian media, even though polling companies offer this type of service. The research is often very expensive, so many media outlets cannot afford to buy their own data. Newspapers offer polls and ask their readers to fill in questionnaires, but the results can hardly be seen as professional. Foreign media companies like Ringier, Bertelsman, Romanian Publishing Group, and VNU-Hearst conduct market research and continue to regularly rate their products based on public interest.

The Romanian Audit Bureau of Circulation (BRAT), founded in 1998, is an independent, nonprofit organization that works with accounting firm Deloitte & Touche. Many advertising agencies insist on a certificate issued by BRAT as a precondition for any advertising contract. So far, BRAT has audited 173 publications. Assisted by the Center for Independent Journalism, BRAT conducted a National Readership Survey, the first in Romania conforming to international standards. Initial results were announced in October 2002. Since then, 54 journals have been paying for the valuable survey data. These 54 publications represent 70 percent of print media advertising, an encouraging signal regarding the study's reliability.

A few years ago, several multinational companies reached an agreement to set up a unique rating system for broadcast media. After some initial difficulties, two different rating systems emerged. Some interpreted this situation as positive because it generated competition.

However, due to the broadcast law adopted in 2002, the government will allow the CNA to select a single rating system. Some MSI panelists considered this to be government interference. "The state is making the rules of the game. The government will interfere in the TV monitoring process and won't allow the industry to self-regulate."

Market research for radio is in its infancy. A polling institute, IMAS, started conducting research in hopes of capturing the radio broadcast market. However, the radio market is divided and pulls in only 4 percent of total media revenue from advertising. Therefore, a national research system patterned after the print media would be difficult to realize. Furthermore, the data issued by various firms are perceived to be biased. When the head of IMAS was appointed by the government to manage the local government reform, this stirred up controversy regarding the objectivity of the institute's work.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Romania Objective Score: 2.44/4.0**—There are more than 40 media associations in Romania, including publishers, broadcasters, journalists, editors, distributors, and others. Some of the groups are professional associations, while others are trade unions. The associations operate at the national and local levels,

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



and some support niche media issues. The Romanian Press Club (CRP) is one of the most influential associations. The CRP started as an elitist, exclusive club for media owners, publishers, and media directors. More recently, the CRP has accepted editors, but editors are not yet well represented. According to the CRP, more than 200 individual journalists are also members. This statistic is met with derision by some panel members. One panelist said “the claim that the CRP represents all journalists and owners is absurd.” Members are active in lobbying the government to improve business conditions for the media industry, especially taxation. Consisting of the top executives from the most important media firms, the CRP enjoys good visibility and tries to pass as the only representative of the media community in Romania.

Many local media editors have founded other associations to serve local media. The Association of Local Newspaper Editors, based in Brasov, and the Association of Editors in Cluj are prime examples. These groups try to promote the interests of their members, but have less influence due to their smaller membership base.

ARCA represents Romanian broadcasters. This association does not deal with editorial matters, but with technical and business issues. ARCA was successful in influencing the government to open more frequencies to private broadcasters. The Foundation for Independent Radio is an organization that represents 60 small radio stations from all over Romania. The Foundation attempts to give the local radio stations a voice in a market dominated by big national networks.

There are many journalists’ associations, but most of them are low-profile or ineffective. A panel member said that for journalists, “there’s nowhere to look for support when you feel threatened.” Another panelist mentioned that efforts to provide minimum protection to journalists had only been made beginning in 2001. The Association of Romanian Journalists (AZR), and other organizations that function as branches of other local NGOs (SUD-EST Regional Centre for Journalism) exist, but they do not cooperate on key issues.

The strongest associations are actively involved in issues such as journalism standards, journalists’ protection, and job benefits. The Association for Promoting and Protecting the Freedom of Expression (APPLE) runs a program called FreeEx in cooperation with the Media Monitoring Agency (MMA). The program monitors cases of attacks and harassment against journalists. The Society of Romanian Journalists (SZR), an affiliate

of the International Federation of Journalists (IFJ), provides members with legal assistance and support.

In December 2002, 25 media organizations agreed to join an initiative of common action called the Convention of Media Organizations in Romania (COM-ROM). The consortium aims to promote more favorable legislation for media, a healthier business environment, and attempts at self-regulation. It also seeks to connect the Romanian media to the international media. More associations and trade unions have already requested to join COM-ROM.

Trade unions were created to represent national radio and television stations, but few exist in the private sector. Some of the existing trade unions managed to obtain basic benefits, such as salary negotiations, for their members. Over the past year, a joint program run by the SZR and the IFJ fostered the growth of trade unions that service private media. These unions aim to improve journalists’ work conditions.

There are numerous human-rights NGOs that work in cooperation with the media community to secure the freedom of speech. The Romanian Helsinki Committee is particularly active in this field. The Romanian Helsinki Committee and the Center for Independent Journalism are the local partners for the “Democracy in Practice” program, coordinated by London-based Article 19 and funded by the European Commission. This project aims to improve freedom of information legislation and to reduce the illegitimate use of defamation laws. Other NGOs active in the field of freedom of expression include Pro Democratia, the Foundation for the Development of Civil Society, the Romanian Academic Society, and Transparency International–Romania. Lately, business associations have started to become interested in freedom of information issues and how to cooperate with media associations to access information.

Twenty-four journalism programs operate within state and private universities across Romania. The average number of students per class is 60, so too many “licensed” journalists flood the market every year. Unfortunately, journalism education does not meet professional standards. The programs are mostly theoretical, and the faculty is rarely composed of active journalists. One panelist stated, “The majority of the professors have never taught before. Good journalism schools have actual journalists teaching, but the number of these schools is limited.” Students receive little hands-on training, even though they participate in “practical training” every year in professional newsrooms. Mean-

while, the media market can absorb only a small fraction of the graduates, while the rest “sell themselves” to public-relations or other communication-related jobs. For example, the Mediapro conglomerate started its own journalism school. Students gain practical training within the network and are then hired within the Mediapro group.

Journalism students have opportunities to study abroad. However, Romanian students are not well informed of the exchange opportunities. In other cases, programs ask applicants to support themselves, which limits the number of the eligible candidates. Unfortunately, the self-supported journalism students are not always the best or the most deserving. And some of them prefer to work for international media or to continue their education abroad rather than return to Romania.

After the closing of the BBC School in June 2001, the Center for Independent Journalism (CIJ) remained the only short-term journalism training provider. CIJ provides courses for journalists and journalism stu-

dents, but also for students in related fields like economics and law. The Center also provides targeted assistance to media outlets. Most of the courses are taught by quality local journalists as well as by visiting professionals from abroad. Courses in news production for radio and television, investigative reporting, and photojournalism are in high demand.

Regarding print media distribution, the main printing facility is still state-owned, despite attempts to privatize it. A group with strong connections to local branches of the party in power control the printing press. Newspapers have adapted by importing newsprint. In some cases, the imported product is cheaper than the indigenous one. Although broadcasting transmitters are also state-controlled, satellites make broadcasting far more independent. Cable television distributors are private and distribute a large variety of channels, including national television. Internet providers are also independent.

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## PANEL MODERATOR

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# SERBIA

## INTRODUCTION

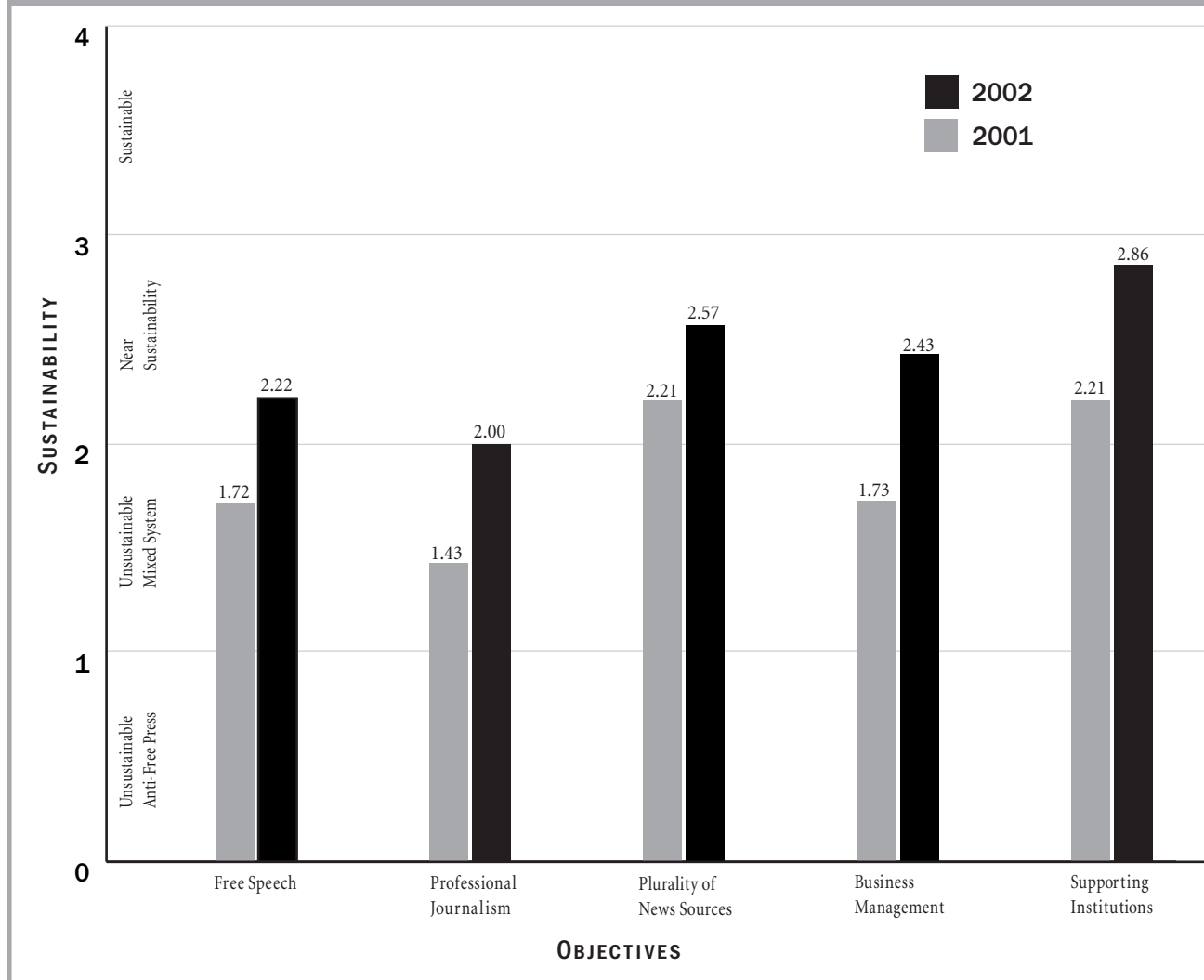
Serbia's new authorities pledged to pass new media laws in their first year of office, but by fall 2002 only one new law was passed, the Broadcast Act, and even that law had not yet been enacted. In July 2002 the Serbian parliament adopted this law, the first of three acts to replace the draconian legislation that Slobodan Milosevic's regime put in place in the 1990s, amid fights between independent media and the authorities. The task of drafting the Broadcast Act had been entrusted to journalists and media lawyers, but the Serbian government significantly amended the proposal before introducing it to parliament.

This government intervention changed the composition of the Broadcast Agency Board, the media regulator, in such a way as to reduce the presence and influence of nongovernmental organizations (NGOs) and independent members. It also increased the ruling parties' hold over the agency. The new Broadcast Act was nevertheless acclaimed by both local journalist associations and European organizations such as the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). It was seen as dramatically better than what Serbia had previously had. Covington & Burling, a Washington, DC-based law firm that has assisted with media legislation across the region, felt that Serbia had missed the opportunity to adopt a truly professional regulatory approach to frequencies. The firm felt that there was a very real possibility that the Broadcast Agency Board could be beholden to whatever party was in power at the time the board was constituted.

The Broadcast Agency Board was to be elected by the middle of September, but no appointments were yet made in November 2002. The Board is to set out a strategy of electronic media development, but one important tool for implementing this strategy, the federal Telecommunications Act, has yet to be put in place. The Federal Ministry of Telecommunications has been working in relative obscurity on a "Plan of Frequencies for Serbia." The need to synchronize federal and republic legislation signals trouble ahead, as Montenegro has long overtaken all federal prerogatives in this field, while Serbia fully depends on federal decisions. It is a mystery how the telecommunications issue is to be dealt with in the future joint state of Serbia and Montenegro. The Public

*Although the legal protections for free speech exist on paper, the general public does not appreciate this protection.*

## SERBIA-MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

Information Act is to follow. Its first drafts promised to remedy many of the flaws of the infamous Public Information Law, but legal analysis shows that it still allows unnecessary government involvement in the media.

## OBJECTIVE 1: FREE SPEECH

**Serbia Objective Score: 2.22/4.0**—The panel group appeared less optimistic about legal protections compared with one year ago. It is now two years after the election of a new Serbian government. The post-revolutionary pace of media reform disappoints Serbian media, as significant progress remains to be made in the areas of legal protection of free speech and protection of journalists. Broadcast media legislation continues to be a matter of public concern. The group agreed that media law is now more important because it is now seen as a requirement for admission to the European Union. Additionally, political and social attitudes need to change to ensure progress of legislation and the development of respect for free-speech rights and access to information.

A Serbian media attorney in the group expressed his feeling that the current constitutional provisions are

more or less harmonized when it comes to the protection of free speech. The group agreed that the discrepancies within the Constitution are not significant and are in line with Western standards. The media laws, however, leave much to be desired. Members of the group felt strongly that although the legal protections for free speech exist on paper, the general public does not appreciate this protection. Some felt the public simply does not believe that such freedoms can exist. It was pointed out that the same constitutional regulations existed before the October 2000 overthrow of the Milosevic regime. One participant said we have greater fears than hope in this area, and a participant from the previous year said her expectations had failed as far as legal reform was concerned. There was much discussion on the proposed Broadcasting Act that was put forward by journalists. There was also general disappointment that the government had watered down the adopted version and then been slow to implement the changes. The group agreed that the media were free but that legal reform is still needed.

The licensing of broadcast media as fair, competitive, and apolitical received a low mark, as the group was unanimous in expressing its feeling that the situation is bad. One broadcaster called the new Broadcast Law “mutilated.” With some 600 radio stations and 300 television stations, it was felt that economic survival would be a luxury for only the wealthy broadcasters. There are many wild stations, said one broadcaster, who complained that the chaos of nonregulation has resulted in some stations’ receiving licenses through political connections. There is much suspicion about how stations are given licenses, and the group felt this would not disappear until media regulators actually started to work. The new Broadcast Law establishes such a regulatory agency, but it has yet to be implemented. One person questioned how it is possible for some stations to get licenses when there is currently no active agency with the authority to issue licenses.

While the government continues to develop plans for a workable licensing system, stations that were anti-Milosevic often do not have the resources of the previously pro-Milosevic stations to compete for licenses. There was also fear that when the Broadcast Agency does begin to function, it will oversee some 30 telecommunications inspectors who are the legacy of the previous regime and do not possess the technical skills to do their jobs. They are used to an anti-independent media mentality, and as one participant said, they will obstruct implementation of the new law. An example of

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party must prove falsity and malice.
	Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

the nature of the current system can be seen in the case of ANEM and B92. Two years ago, they had requested a moratorium on new licenses for six months so stations could prepare for a licensing system. Two years later the moratorium is still in place. As a result, anybody can pick a frequency and start broadcasting. This leads to serious interference problems, some of which are politically motivated.

*“We are more taxed now than under Milosevic; how much is a deliberate attempt to muzzle the press we don’t know,” said one member. “Our press tax rate is the highest in Europe, and yet our readers are the poorest.”*

“We are more taxed now than under Milosevic; how much is a deliberate attempt to muzzle the press we don’t know,” said one member. “Our press tax rate is the highest in Europe, and yet our readers are the poorest.” One newspaper publisher pointed to recent tax increases as the cause for a 30 to 40 percent drop in circulation because people cannot afford his paper. He reported that the decrease in circulation resulted in no new revenue to the state despite the tax increase. Since the question addressed fairness of the tax structure, the group reached consensus that the taxes were fair because the media taxes were the same as taxes on everything else. The group agreed that Serbia meets most aspects of tax fairness but that a message needs to be sent to the government that some taxes for the press should be lowered. As one participant put it, “the situation concerning taxes is worse than in Milosevic’s time.”

Despite great hope a year ago that the new authorities would show their support for protection of journalists from physical intimidation and violence, the group felt that there had been little progress. The moderator mentioned the unsolved Mafia-style assassination of publisher Slavko Curuvija, who was gunned down in April 1999. Apparently hopes that the new government would fulfill its promise to solve this murder have faded, yielding the lowest-possible rating and no objection from any group member.

There was some disagreement among the panelists about whether state-owned media received pref-

erential treatment over independent media. Although the group agreed that the new Broadcast Law did not give preferential treatment to one or the other, some felt that if the state funds a medium it can influence that medium. “Can politicians influence broadcasting? Yes, they can,” said one member. Most felt that the media in Serbia did not seem to be under the influence of the state and that there was editorial independence for all. There was agreement that in general private media were more professional and faster in their delivery. One magazine publisher said there was one positive development in the recent elections: “We were left in peace!” Research results by systematic media monitoring sponsored by IREX clearly showed that the objectivity of media in the recent pre-election period was high.

Libel remains in the criminal code and not part of the civil code. One person cited a study showing that some 200 journalists are facing libel lawsuits under criminal law. Although they agreed that the possibility of jail sentences exists under the current system, they also felt that journalists would not be imprisoned. They said that recently only one journalist had received probation and that fines seemed to be the norm. The group felt that the currently prevalent test for libel was not whether statements were false but whether were they offensive.

It was pointed out that while there was no law on access to information, there have been no reports of restriction to information by all media. However, several felt that many journalists simply did not know how to find information or how to use the Internet and that the issue has not yet received attention.

The group agreed that entry into the journalism profession is free and unrestricted.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Serbia Objective Score: 2.00/4.0**—Significant progress remains to be made in journalistic quality and professional standards in Serbia. While there are examples of high-quality reporting in most media, there are even more examples of the opposite. The panel also pointed to differences in quality by geographic region. State-owned media were described as poor. Many of the problems of quality were seen as being directly related to the poor economy throughout the country.

Few facts are checked or verified in the Serbian press, and reporting is often unbalanced. Poor pay and commercial influence were noted as reasons for a lack

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).

of professionalism. “We had a bakery who cancelled their ads as soon as we reported bad news about them,” said one publisher from southern Serbia. Another broadcaster said his station’s sales manager blocked unfavorable news that would hurt his advertisers. Standards were seen as low, and the cancellation (or threat of cancellation) was viewed as a form of blackmail that caused self-censorship and lack of effort to report fairly and professionally.

The Union of Independent Journalists of Serbia (NUNS) adopted a code of ethics in early 2001 that is in line with world standards and largely accepted by Serbian journalists. However, many working for the state-owned media are not NUNS members. Some journalists still fear losing their jobs by reporting on sensitive issues, and self-censorship remains. It was the consensus of the group that journalists were covering key events and issues better than a year ago.

Journalists are still not well paid, and the door for corruption remains open. A recent survey showed the average wage for reporters was between \$33 and \$267 per month. Journalists believe this is a “catastrophe,” one panelist said. This low pay encourages many journalists to accept money from politicians and businessmen to broadcast or write favorable news.

News and information programming is readily available to citizens through a variety of sources. But

there is also a lot of what one panelist referred to as “political chatter” involved in news and public-affairs programming. TV Pink was cited last year as an example of entertainment overshadowing news and hiding its past as a pro-Milosevic station by offering flashy news with little substance; however, the group felt that entertainment programming generally does not overshadow news.

Many media are now reaching satisfactory technical conditions after deprivation under Milosevic. Many media that received favoritism under Milosevic are among the best equipped (Pink, BK) but are not typical of Serbian media. This advantage helps them retain a competitive edge over independent media that are now trying to catch up. B92 and ANEM member stations were mentioned as examples of operations that were catching up, but like many independent media, they are doing so largely because of donations. The state broadcaster, RTS (Radio Television Serbia), remains in poor technical condition.

*Poor pay and commercial influence were noted as reasons for a lack of professionalism. “We had a bakery who cancelled their ads as soon as we reported bad news about them,” said one publisher from southern Serbia.*

Quality niche reporting has not reached an acceptable level and has changed little since last year. There are, however, efforts to increase niche reporting through projects of several media outlets. There is at least one magazine covering economic issues (*Ekonomist*), but few broadcast programs explain economics on a regular basis. This magazine is also working to train local media in covering economics and business. Other social issues (education, health, and so on) are not covered on a regular basis or by reporters assigned to cover these subjects. Local media cover local news but not always in an in-depth or consistent manner. Investigative reporting exists and is conducted by some larger media, but there is not a significant amount of longer investigative stories or serials. Beta news agency has started an anti-corruption project that encourages investigative reporting, and Vreme has implemented a training program for investigative reporting.



### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Serbia Objective Score: 2.57/4.0**—Last year, the report indicated that in order to understand the media picture in Serbia with so-called independent media on one hand and media that operated as part of the Milosevic propaganda service on the other, the inherited situation must be considered. Some public media are operated on state budgets or partial state budgets and are considered independent with little or no government control. Some private stations have close ties to the government and are not considered independent. The degree of independence varies in each situation and sometimes cannot be determined because of a lack of transparency. Transparency is an indicator rated as zero last year and only slightly higher this year.

The discussion group was quick to note that there is a difference between rural and urban areas of Serbia concerning the plurality of public and private news sources. They said there was a reluctance to distribute papers and magazines to rural areas where only a few copies can be sold. In general, broadcast media are free for the consumer, but papers and magazines are costly in this poor economy and for the generally poorer rural citizens.

Access to the media is not restricted. The media are openly available to all but are not affordable for all.

One participant said that only one-third of the population can afford to buy a newspaper. The panel agreed that there are no restrictions on the importation of foreign papers and broadcasts, but the problem remains that sellers will not import newspapers that readers cannot afford to buy. There are several cases of private stations rebroadcasting the BBC and VOA. Indeed, the state broadcast service RTS was even rebroadcasting the BBC on a daily basis. Other foreign services are available in the language appropriate to the locale. The Internet operates unhindered, but the Telecommunications Ministry reports that less than 3 percent of the entire population has access. Some studies have shown that five people read the average newspaper before it is thrown away. This study was cited in last year's discussion. This situation results from a poor economy, which makes it difficult for people to afford newsprint, satellite, and Internet access.

*Access to the media is not restricted. The media are openly available to all but are not affordable for all. One participant said that only one-third of the population can afford to buy a newspaper.*

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

The panel indicated that the media largely reflect the political spectrum but that the long-term status of this situation is unclear, given the relatively short period of time since the fall of Milosevic.

News agencies' abilities to gather and distribute news brought about comments that the two leading independent agencies in Serbia—Beta and FoNet—do a good job of collecting, writing, and distributing news. There was some concern that the agencies were able to provide their services in part due to grants and that the service would suffer if this form of revenue were not available. Therefore, the long-term future of news agencies remains uncertain.

Independent broadcast media do largely produce their own news programs, but they are not always independent of owners' interests. "Ownership influences the quality of news, and often a political link is seen," said one panel member. Pink and BK television, both operations that fared well under the protection of the previous regime, were cited as examples of media that do produce their own news but with a tendency to

promote owners’ interests. Many independent papers and broadcasters do produce significant amounts of their own news—and with editorial independence.

*Independent broadcast media do largely produce their own news programs, but they are not always independent of owners’ interests. “Ownership influences the quality of news, and often a political link is seen,” said one panel member. Pink and BK television, both operations that fared well under the protection of the previous regime, were cited as examples of media that do produce their own news but with a tendency to promote owners’ interests.*

Nobody—citizens, the government, or the media community—knows who owns much of the country’s media. A municipal broadcaster pinpointed a new problem: “We have a new development in the big cities of Serbia—radio stations that are owned by big local companies. This is a relic from Milosevic’s time, when companies under his party’s control were ordered to invest and finance local radio stations and programs. In the next period, when licenses will be extended according to new law, these company radio stations will have the advantage of better financial and political position. This is in principle a danger for independent journalism.” In another area, BK and Pink were both labeled as conglomerates that leave the public with no way to determine ownership. The public register of ownership remains a device used to conceal, rather than reveal, ownership. This is done to hide political influence and foreign ownership. The register allows registration for nominee holders of media property. The group felt that mechanisms for transparency based on the rule of law should be established in order to reduce political influence.

Minority-language publications and broadcasts were seen as widely available and accessible where significant numbers of minorities live. Non-minority

audiences have little interest in minority media or news, and there is little sharing of minority news with non-minority publications.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Serbia Objective Score: 2.43/4.0**—The group reached agreement that the supporting firms for publishers have improved over the past two years. One newspaper director noted that the situation has changed: printers do not ask for advance payments, and distributors no longer obstruct publishers. However, it was also pointed out that the big public or state-owned chains of newsstands are still stalling with their payments to publications and that distributors are not working to help the papers. Everything needs to be paid in advance to distributors, and the publisher must bear all costs. Distribution of print media is not legally regulated. There was a call for newspaper publishers to organize themselves to seek better regulation of the distribution system.

Overall, print media revenue suffers from a lack of subscription-based revenue, and this was cited as a major problem for Serbian newspapers and magazines. Subscriptions were described as rudimentary, and the state Postal Service monopoly was blamed for slowing the development of subscriptions by imposing high delivery charges for unreliable service. Small mailboxes

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

in apartments were mentioned as another subscription problem; the papers stick out of the box, making it easy for them to be stolen. One publisher said that after a seminar with postal authorities, the publishers concluded the Postal Service had neither the attitude nor the capability to help.

A marketing specialist reported to the group that there is a great deal of advertising agency support for the media but that a great disproportion exists between the big media and the small media. Television was cited as receiving 75 percent of the entire country's advertising money, leaving the rest for print and radio. Unskilled professionals in the smaller media operations were seen as being unable to compete against the media giants for this agency support. A municipal media house operator from Pirot said that in September of this year, his

*An unstable Serbian economy was blamed for making it impossible to make a profit or do any financial planning. Most felt prospects are better now than two years ago but said many media cannot rely completely on commercial conditions. They must depend on grants for survival. "Under Milosevic, the independent media could not get advertisers from state enterprises, but now we can," said one member.*

television operation received 67 percent of the advertising revenue, 21 percent went to his newspapers, and his radio operation (which has double the audience of television) received a scant 8 percent.

Panelists felt that the percentage of operating funds earned from advertising revenue is beginning to fall in line with accepted commercial standards. BK and Pink television were both labeled as being from different models and as having a head start on most others. An unstable Serbian economy was blamed for making it impossible to make a profit or do any financial planning. Most felt prospects are better now than two years ago but said many media cannot rely completely on

commercial conditions. They must depend on grants for survival. "Under Milosevic, the independent media could not get advertisers from state enterprises, but now we can," said one member. One municipal broadcaster said that at the current revenue level there could be no guarantee of sustainability even if privatization were successful. Another participant said, "Independent media have a better outlook than in 2000, but no bigger income."

There are many gray areas concerning independent media and government subsidies. Some municipal broadcasters are considered independent. However, they continue to receive municipal assistance, and some independently owned operations are widely perceived as receiving special treatment for political favors. A television manager outlined the example of the city of Nis, where he said the city municipality is partly budgeting for the most popular private local television stations. He described the stations as basically small-scale TV Pink-type operations. He said local politicians want their messages delivered with high ratings and that they have struck some kind of agreement with station owners to cover local government activities. At the same time, the city municipality owns its own television station, but it has considerably lower ratings. According to provisions of the new law, all media should be privatized in four years. One participant said, "We have a country-specific situation here. Most ANEM members are in public ownership depending on the municipality budgets, but they are considered independent because they are members of ANEM. This is a contradiction per se. They are, according to law, public companies but live from government budgets."

Panelists agreed that market research did exist but that it was used effectively only by those with funds to afford it and then have it interpreted. One research specialist explained that the big stations have analysts to use the information and money to buy research in television. He pointed to stations such as Pink, BK, and B92. The group felt that research is too expensive for most, and there was a call for more trainers to introduce research into practice. While some radio and television operations were able to pay for and use market research, it was the feeling of the group that print media did not have easy access to such research and few skills in using it. One newspaper editor said, "The real circulation of print media is completely unexplored territory here. We can't afford a special budget for research."

There was wide agreement that reliable and independent broadcast ratings and circulation fig-

ures are being produced. The Strategic Marketing & Media Research Institute was named as an example of a research firm that was developing rapidly. “We don’t trust anybody else,” said one participant. Other researchers were described as unskilled, and reporters were blamed for not being skilled enough to describe results to their audiences. Television was cited once again as being the biggest beneficiary of market research. It was mentioned that People Meter research is now being introduced in parts of Serbia. The discussion group agreed that although good research is available, it is not affordable and widely used.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Serbia Objective Score: 2.86/4.0**—Supporting institutions for independent media are approaching sustainability and received a higher score compared with the 2001 analysis. NGOs play a vital role in transition to a market economy. They provide support while media learn to operate by new standards and to survive in a newly evolving economy.

Trade associations are seen as a positive force in Serbia. Several of the major trade and professional organizations did exist before the regime change of two years ago but can now focus on basic issues of relevance to their membership. A survey of 800 journalists gave high marks to the Independent Journalist Association

of Serbia for defending the profession and reporters’ rights, but only average marks were given for helping reporters increase their salaries. There is inconsistency in the defense of journalists’ rights by associations. But with membership in professional groups increasing, the concerns and wishes of the profession are being heard by the associations.

*Although the biggest channels of print distribution remain in state hands, all channels are open and accessible. “Street sales are legalized, and everybody is pretty equal nowadays,” said one newspaper publisher.*

NGOs are considered an asset to the support of free speech in Serbia. However, it should be noted that Serbia has no law on NGOs, so they operate in a gray zone. At present, foreign NGOs cannot register to function in Serbia. Although they function with little or no government hindrance, they have no legal basis for existing and therefore little or no protection. A proposed new law on NGOs calls for all foreign donations to be channeled through the state government, which poses dangers to the independence of NGOs and media outlets.

There have been some minor improvements in the area of quality journalism degree programs, but the programs remain weak overall. The only major institution able to provide training in journalism is the Department of Journalism of the Faculty of Political Sciences, University of Belgrade, but it remains destitute as a state-run institution. The group expressed the opinion that Serbia has restrictive laws on state-run education institutions. In the private sector, the companies dealing in education for media and otherwise have been booming for a few years, but members felt such operations have no accepted standards. However, the independent Novi Sad School of Journalism was mentioned as an example of a successful, well-run, private school. Training is now largely financed or run by donors. The group felt that state-operated media was now in the greatest need of journalism training.

Compared with the 2001 Media Sustainability Index, there was a remarkable change in how the dis-

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

cussion group ranked the restrictions on sources of newsprint and printing facilities. One publisher said the situation is now very liberal, newsprint is cheaper than in many other European countries, and there is a huge supply, with good payment conditions. It was said that printing houses are using commercial criteria and that there is no more political pressure. Others mentioned that many printers are completing their privatization, thus minimizing political influences.

The discussion on restrictions of media distribution channels found the group divided between good for print and not so good for broadcasting. The print representatives reported that the distribution system has improved, that there are more private distributors, and that discrimination is very rare. Although the biggest channels of print distribution remain in state hands, all channels are open and accessible. "Street sales are legalized, and everybody is pretty equal nowadays," said one newspaper publisher. The biggest chains of kiosks are owned by printing and publishing companies and are formerly state-run operations. The publishers felt these chains still prioritize their own publishers, but as far as print is concerned the group was willing to give the top rating to this indicator.

Broadcasters, on the other hand, were not pleased with the radio and television distribution system. They said that in many cases the system remains under state control. They also said that the crucial issue is to transform control over the strategic infrastructure from the state broadcaster (RTS) to the private sector. The broadcasters felt that municipal broadcasters will have to privatize according to the new Broadcast Law, which will leave little space for private operators to exist. A good Telecommunications Law could regulate this, but it is still a very chaotic, state-controlled field. Members reported that many transmitters, broadcast towers, transmission sites, and antennas are RTS-owned. They complained that it is often necessary for private broadcasters to enter into four separate contracts to use these facilities, and as one member put it, "RTS charges too much; they are ripping us off." An attorney said, "RTS, as the state broadcaster, has a monopoly over broadcast hardware and is in a position to enormously charge their own competition." Broadcasters also complained that equipment confiscated under the previous regime has not been returned and that fines have not been repaid.

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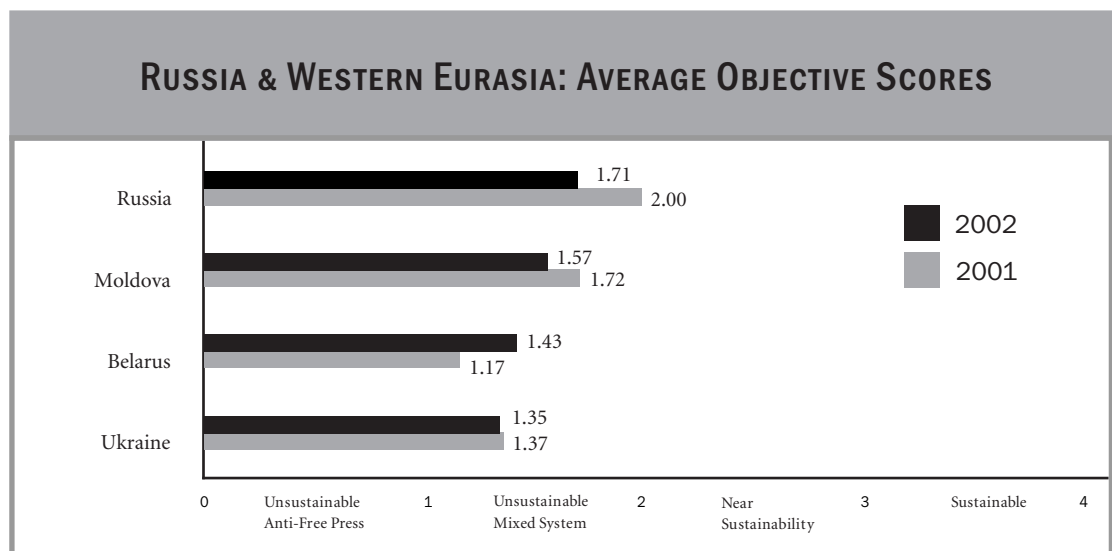
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# RUSSIA & WESTERN EURASIA





# BELARUS

## INTRODUCTION

The past year has not been easy for Belarus. A bitterly contested presidential election left the authoritarian leadership unchanged, the opposition demoralized, and the press scarred by confrontation with the government. More than 15 months after the September 2001 elections, the effects are still rippling out. On Dec. 16, 2002, the editor of an independent weekly was sent off for two years of restricted freedom for material he had published during the September 2001 campaign. The material implicated President Alexander Lukashenko in theft of government resources. Two other journalists are also serving time for insulting the leader.

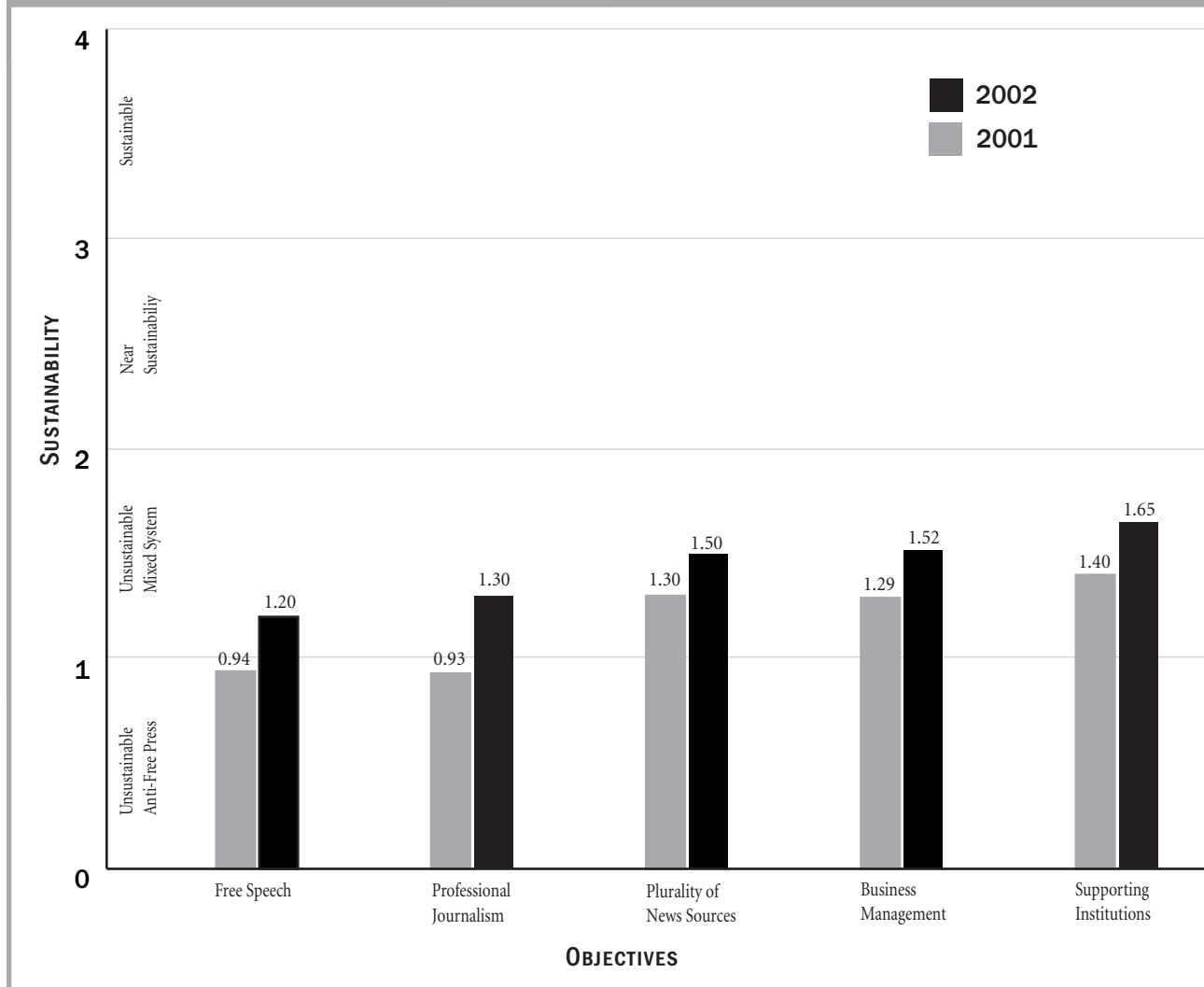
The economy has actually worsened. Lukashenko's rash election promise that he would raise the average wage to \$100 has all but bankrupted the state. An outmoded technical base is no longer able to provide the sophisticated technical goods for which Belarus was known in Soviet times; the population is aging, as the best and the brightest leave to pursue opportunities abroad. Repressive laws and exorbitant taxes stifle internal development, while a hostile investment climate blocks overtures from outside the country.

As relations with Russia deteriorate, Lukashenko's paranoia seems to increase. The much-publicized deportation of a prominent Russian lawmaker in October 2002 is witness to the Belarusian president's weakening grip on reality. As March 2003 local elections approach, the government's hold on the media is tightening. Newspapers have been closed, and others denied registration.

It would seem a strange time for optimism. Nevertheless, an objective analysis of the situation shows that, in the media at least, things are improving. While the outside environment may not be any more conducive to a professional, independent media than it was a year ago, journalists have, to some extent, learned to work around the limitations imposed from above. This has led to a broadening of the information base, and at least a glimmer of hope that Belarus will at some point catch up with its near neighbors to the West.

*While the outside environment may not be any more conducive to a professional, independent media than it was a year ago, journalists have, to some extent, learned to work around the limitations imposed from above.*

## BELARUS-MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

## OBJECTIVE 1: FREE SPEECH

**Belarus Objective Score: 1.20/4.0**—This objective reflects solid progress over 2001, when Belarus received a score of less than 1. While the government has not been eager to guarantee the norms of free speech specified in the Constitution, journalists have become more savvy about exercising their rights. The higher score is indicative that Belarusian journalists have become more aggressive about defending themselves and less intimidated by government harassment.

The Constitution of Belarus contains all the required norms for protection of free speech, and Belarus is a signatory to international laws as well. But enforcement is far from uniform, and violation of constitutional guarantees is more the rule than the exception.

Since the 2001 Media Sustainability Index (MSI), the state has stepped up its attacks on the independent media, violating its own laws with regard to a newspaper that had been too outspokenly critical of the president, and revoking the registration of another with very little basis in law. But public outrage at these and other, more minor violations has not been great. In many cases the coverage of these issues is limited, and the public generally does not seem to care a great deal about the fate of

a few journalists who are perceived as overly “radical.” Belarusian society remains conservative and almost painfully polite—it is considered a breach of good manners to attack even the most corrupt politician.

Still, journalists are becoming more aggressive about defending themselves, as witnessed by the well-orchestrated campaign to publicize the fate of the three journalists convicted under a criminal law protecting the president from insult.

There has been some positive movement in the area of licensing; while it would be an overstatement to say that the procedures are fair and competitive, respondents seemed to think that the procedures are less restrictive than previously. Certainly preference is given to state media, and the threat of losing a license has kept most independent electronic media fairly quiescent. But some of the more egregious infringements have been remedied. Channel 8, which had its frequency yanked in January 2001, is now back on the air, and there are no pending proceedings against any other broadcast outlets.

Very little progress can be recorded in this area. Independent media are at a dire disadvantage vis-à-vis the state. Tax burdens are heavier, print media pay exorbitant fees for distribution and printing, and licensing requirements can be used to keep out any media outlet the state does not support. These mechanisms were used to close one newspaper in November 2002, and the financial burdens imposed have led to the demise of nearly a dozen others in the past year. If anything, the situation is deteriorating as the economy continues to decline.

Crimes against journalists are still fairly rare in Belarus, compared with some other former Soviet republics. But journalists are subjected to harassment, especially in the supercharged atmosphere of a political campaign. During the presidential elections and their aftermath, clashes between journalists covering street demonstrations and the police were frequent. Journalists may be detained, harassed, or even beaten in the course of their work, but arrests, imprisonment, and death are extremely rare. Two prominent cases come to mind: Dmitry Zavadsky, a cameraman for Russian station ORT, disappeared one year ago and is presumed dead; and Pavel Sheremet, an ORT journalist held for more than two months by the Belarusian government in 1997. Zavadsky’s disappearance and presumed death led to the prosecution and conviction of those deemed responsible, but the victim’s family do not accept the court results.

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.	



There are few investigative journalists in Belarus, but those who do attempt in-depth reporting on controversial subjects may be summoned to the prosecutor's office or otherwise harassed. One young journalist from a major national daily had to hire bodyguards after writing one of her articles, which explored the reasons for the murder of a regional official.

In no case in recent memory has any state official been publicly reprimanded or prosecuted for offenses against journalists, with the exception of the Zavadsky case, outlined above. The general public is largely indifferent to the fate of journalists harassed by the state. Independent journalists are painted as rabble-rousers or in the pay of foreign governments, and few Belarusians seem to worry about them.

Access to information is a very weak area of Belarusian law, and little progress has been made since 2001. While the law guarantees state and independent media equal access to information, cases of violations are almost too numerous to count. Many regional newspapers have been told outright that the governor's office, or the mayor's office, has prohibited any state structures from giving them interviews or any other kind of information.

This is complicated by the low level of professionalism among journalists. Few are willing to challenge government officials on legal grounds, demanding the information to which they have a right. Many journalists also do not know where to go for information, and this affects independent media more than the state, where information is often readily given.

There is little real independence, in either the state or the non-state media. The state media are directly controlled by the government, and serve the government interests, while the independent media are forced to seek sponsorship to keep afloat in difficult economic times. This means that some nominally independent media outlets serve interests of political parties, which supply much-needed funds; others sell their services to businesses for hidden advertising. Still others rely on foreign donors, often trying to gear their coverage to what they feel the donors will want. All of these factors erode editorial independence.

Belarus has little to brag about in the libel law sphere. As recent cases have shown, criminal libel is alive and well: Three journalists in the past year have been convicted under its provisions and are now serving sentences of one, one and one-half, and two years of restricted freedom. The law also affords greater protection to top officials. The greatest protections of all are

given to the president, who has a special law prohibiting anyone from insulting him.

Criminal libel charges are fairly rare, however; much more common are "honor and dignity" cases, where the prosecution does not have to prove malice, or even falsity. It is enough that the article in question caused "emotional distress" to the one being described. Privacy laws make it difficult to write about public officials at all without opening oneself up to one of these charges. An official can claim emotional distress if his wife is described in unflattering terms, or even if she is described at all.

Public information is available, although not all that easily. Many government officials try to withhold information, and many do not deal at all with journalists from the independent press. As mentioned above, some of the fault lies with the journalists themselves, who do not always know their rights or the best way to go about exercising them. Organizations such as the International Research & Exchanges Board (IREX) have been working intensively with journalists to train them in their rights and in the various ways of getting information, and most respondents feel that progress has been made in this area.

There are no formal restrictions on access to international news. The Internet has made that all but impossible. Most media outlets have access to the Internet; short-wave radio transmits BBC, Radio Liberty, and numerous other sources into the country; and Russian media are readily available (including television). In some parts of the country, residents have access to Polish or Lithuanian television as well.

The problem, as ever, is financial. Many media outlets have access to the Internet but must restrict usage to a few hours a day. Subscriptions to foreign news agencies are almost prohibitively expensive.

Language is a touchy issue in Belarus, where the overwhelming majority of people use Russian as their first language, even while claiming that Belarusian is their mother tongue. But there are no laws promoting or restricting one or the other language at this time: both Russian and Belarusian are considered official state languages.

Solid progress has been made in achieving entry into the journalism profession; at least respondents evaluated the situation much more positively than they had a year ago. Entry into the journalism profession is largely free, and there is little interference by the government in admission to journalism schools. But Belarusian graduates are subject to the official "distribution"

that existed in the Soviet Union: they have to work for two years wherever the government sends them. In practice, most journalism graduates can sidestep this requirement and gain their own employment.

Some events require accreditation, and there have been instances where “opposition” journalists have been denied entry to specific events. In one much-publicized case, a journalist denied entry to a press conference attacked police, kicked out a plate-glass window, and was jailed for three months for hooliganism. But journalists do not require a license; anyone who wants to write and can get published can be considered a journalist.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Belarus Objective Score: 1.30/4.0**—Again, solid progress has been recorded in the area of professional standards. Journalists are better aware of their role and responsibilities as purveyors of information, and the overly politicized tone of many publications has been tamed. Much remains to be done, but the higher rating given to this indicator in 2002 reflects the efforts of foreign trainers who have worked with the Belarusian media over the years.

While several publications still adhere firmly to the “us” and “them” mentality of previous years, much

progress has been made in the areas of fairness and objectivity. This reflects the training efforts of foreign organizations, as well as a recognition on the part of the media that fair and objective information has a better chance of reaching a receptive audience.

It has been an uphill battle, due to the Belarusian polarization of society and a long tradition of subjectivity in reporting.

Journalists, like society, still find themselves split into two camps: “state” and “non-state.” State journalists enjoy some privileges, notably easier access to information and higher pay (state media outlets have a privileged economic status, which allows them to attract and keep the best of the journalists). Those who work in the non-state media often do so either because their professional qualifications are too low to allow them a place in the higher-paid state media, or because they see themselves as freedom fighters waging war against the authoritarian president.

Neither of these conditions makes for a fair and professional media. We are told constantly that “Western” rules of fairness and objectivity cannot be applied to Belarus because the government media do not play by those rules; hence, the independent media must do the same—fight fire with fire. This leads to much ranting and mudslinging on both sides, with the result that the reader often adopts a “plague on both your houses” attitude.

But more and more media outlets are adopting standards of fairness far higher than those that prevailed just a year or two ago. They are adhering to professional standards that are making their newspapers among the most popular in the country. The most prominent are: *BDG* and *Belarussky Rynok* in Minsk, *Intex-Press*, *Gazeta Slonimskaya*, *Brestsky Kurier*, *Vitebsky Kurier*, *Brestskaya Gazeta*, *Novaya Gazeta Smorgoni*, and several others.

For the most part, there is a great deal of “news” in the Belarusian media. While commercial publications do exist, they certainly do not eclipse news.

Given the dire economic situation in Belarus, it would be naïve to think that journalists and editors would be immune from monetary inducements. But the practice of “selling” coverage is compounded by the political situation: political parties and other groups are willing to pay for favorable coverage in their battle with the president, and they do. Hidden advertising is common, and political propaganda masquerading as news coverage is common as well.

Still, the situation is improving. There are very few instances of outright “buying” of journalists, but it

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

is still common for journalists to shape a story to suit a patron.

Ethical standards have been developed by journalists' associations—most notably by the Belarusian Association of Journalists—but they are widely ignored. There does not seem to be a major difference across the media spectrum, either by medium or age.

It is unarguable that, in Belarus's tense political situation, editors and journalists may be loath to tackle extremely controversial themes. Still, the situation is improving dramatically as professionalism increases. As media outlets learn to handle delicate subjects in a fair and balanced way, they are increasingly less vulnerable to state reprisals. It is also indicative of the peculiar nature of Belarus that most respondents equated self-censorship with responsibility, rather than fear. Self-censorship was seen as a positive factor that forced journalists or editors to weigh the consequences of their actions.

Over the past year, many print and electronic media outlets have covered topics that previously would have been unthinkable: strikes, demonstrations calling for the president's ouster, investigation into the disappearances of prominent political figures. Still, when the topic was handled professionally, few negative consequences ensued. In those cases, such as the conviction of three journalists under the criminal libel laws, where the state cracked down, it is at least arguable that the journalists tempted fate by unprofessional, overly politicized, and unsubstantiated accusations.

While the objective situation has not noticeably improved, Belarusian journalists have stopped being afraid to cover sensitive topics. This results in adequate coverage of key events, although there is still a tendency to shade coverage to avoid problems. But, in general, the situation has greatly improved since 2001.

The economic situation in Belarus is, for the most part, extremely bad, and journalists are no exception. Pay scales, especially in the independent media, are so low as to make corruption the rule rather than the exception. This results in selling stories or positive coverage in many cases. It also results in hidden advertisements and endorsements. Many articles that fall under the rubric of news are, in fact, paid for by political parties and groups.

While there is certainly some outflow from journalism into other, more lucrative professions, this does not seem to be a major problem, except in the provinces. In the regions, lower pay scales and a harder life make it all but impossible for smaller publications to attract and

keep qualified journalists. This results in high turnover and lower standards.

Belarus, like Russia, is a country where serious news and literature have long predominated over entertainment. Compared with most Western countries, there is quite a lot of news on television and in newspapers. This does not mean, of course, that the news is always fair and objective, only that the ratio of hard news to entertainment is surprisingly high. There are, certainly, entertainment and advertising publications, but not to the extent that they eclipse the more serious ones.

*While several publications still adhere firmly to the "us" and "them" mentality of previous years, much progress has been made in the areas of fairness and objectivity.*

The problem in Belarus is not so much that there is no information, but rather that the degree of reliability of the information is questionable. Objectivity and fairness are largely absent across the political spectrum.

Belarus is not well developed technically, and this has proven a major problem for the media. Many newspapers have so few computers that journalists have to write their stories by hand, and then have them typed into the office computer by a typist. Digital cameras, laptops, Internet access, digital recorders, and other accoutrements of a modern newsroom are largely absent. In television, where technology is king, this lack is especially keenly felt. In several media outlets, the lack of a vehicle has made news gathering problematic—especially, again, for television.

Distribution is another major problem. Most newspapers are distributed through the mail system, at all but prohibitive cost. Belarus would need major investment to create an alternative distribution system, but so far funds have not been available.

Donors have gone a long way to plug the gap, but there is still some way to go before Belarus has the technical means to produce high-quality news.

Niche reporting exists, but not on a very high level. This is due to deficiencies in the education process (the journalism faculties are fairly old-fashioned and Sovietized, with not too much emphasis on niche

reporting) and constraints in the society. Investigative journalism is frowned upon, especially coming from the independent press. There are several business papers, but without the kind of depth that one would see in the West. Political reporting is often on the level of propaganda, although some exceptions do exist: there is some very good analysis in *Belarusskaya Gazeta*, a national weekly, and fairly good political reporting in *BDG* and *Belarussky Rynok*.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Belarus Objective Score: 1.50/4.0**—Most Belarusian citizens can afford newspapers, and television is widely available. The two main Russian television stations cover the entire country, with the third Russian station, NTV, covering major cities. Belarusian National Television covers the entire country, and there is a network of independent broadcasters in the regions.

The problem is that Russian television covers very little Belarusian news and Belarusian Television is controlled by the state, so there is little plurality of viewpoints available to most television viewers. There is a system of independent regional television, which provides some relief. The situation has been improved

in the past year by the addition of a second state channel, ONT, which provides more professional and slightly less biased news to the public.

In radio, the main state channel blankets the country in a cable system known as Radio Tochka (Point Radio). There are good FM music stations, and their news coverage is surprisingly complete and daring, a pleasant improvement over last year.

There are independent newspapers on both the national and regional level, and those who want to can buy whatever newspapers they wish. Economic considerations do play a role: whereas in Soviet times people could afford multiple newspapers, now many stick to just one or two. Also, the state has used economic levers (such as print and distribution costs) to make independent newspapers much more costly than their state competitors.

Obviously, those in cities will have access to a greater variety of sources than those in remote rural regions. There are villages and collective farms where very little independent news is available. Given the expense of distribution, many independent publications cannot afford to spread their resources over a very wide area, and independent radio and television do not penetrate into some areas.

The Internet is not widely used, although the number who use it is growing. According to a poll last year, fewer than 10 percent of Belarusians have ever used the Internet, and only a small minority of those say they use it regularly. Universities provide access, and a system of resource centers throughout the country is also helping to alleviate the dearth of Internet services. But for the next few years, the Internet will not be a major factor in Belarus.

Belarus has remarkably few restrictions on access to foreign news sources. Short-wave radio is readily available, the Internet is not blocked (although not, as yet, widely used), and cable television (including CNN or BBC World) is fairly inexpensive. In the capital, many subscribe to cable television, while in the regions this number drops. There are no legal restrictions on listening to or reading foreign news. But economic factors do combine to limit the influence of foreign news on the population. Far from everyone can afford cable packages, and Internet access is also limited by cost.

State media are unfailingly biased in their coverage, controlled as they are by the government. In an election period, such as Belarus underwent in 2001, this bias amounts to wholesale attack on any opposition, or any alternative viewpoint at all.

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

There are no “public” media in the Western sense. There are state media and independent media. While many independent media outlets, such as regional television and newspapers, are more or less nonpartisan, there are some independent news sources that mirror the government’s bias. A national, independent daily such as *Narodnaya Volya* has no more integrity or credibility than the state newspaper, despite its “democratic” billing. It uses the same techniques of innuendo and mudslinging as the worst of the state media; only the targets are different.

Independent news agencies, such as BelaPan and Radio Racyja, exist in Belarus. Radio Racyja is functioning more and more as a news agency. BelaPan is not cheap, but programs to provide it to regional newspapers have made it fairly affordable to the independent press. BelaPan is used widely. Racyja is becoming more well-known and is occasionally cited even in the state press. The level of reporting in BelaPan is adequate, and improving. Media Fact, a new agency built on the Russian Interfax model, is also gaining in popularity.

The situation in broadcast media is improving dramatically. A loose network of 21 stations is producing quality regional news. While this is not as extensive as one could hope—some air their own shows no more than once or twice weekly—the quality and quantity of independent news is considerably higher than one year ago. Radio is also becoming much more daring in news coverage, which significantly improves the information sphere.

Media ownership is not concentrated in a few conglomerates. Media ownership is nominally transparent, but there are cases where the real owners may not be apparent. In the case of government outlets, this is not a problem: everyone understands who “owns” the outlets and what that means for credibility (surveys show that independent news sources are more widely believed than state-owned ones).

But with private media outlets the situation is more complex. The information is supposed to be transparent, but often is not. Rumors abound that one or another of the big dailies—such as *BDG* or *Belarusskaya Gazeta*—are backed by Russian capital. Other newspapers are rumored to have ties to state organs. These rumors can have a negative effect on the papers’ credibility, particularly regarding the sensitive issue of union with Russia.

In television, as well, ownership can be a thorny issue. City governments looking for some levers of control over independent television sometimes buy

in through shell companies, or subsidiaries, to make their participation less apparent. So far, there are few conglomerates in the country, and none controlling the media.

Most Belarusian media outlets do provide coverage of social issues, and are not often hampered in this by the state. The real problem is lack of training in social-issues reporting. Another problem is the resistance of official sources to giving statistics that may paint a negative picture of the country.

Belarus is a fairly homogenous country, although there are some religious differences that cause problems. The government has been cracking down on “sects.” This sometimes results in harassment of activists in this sphere, although journalists have been writing about this freely.

There are some minority-language media, and their existence is legal. There are some Polish-language newspapers in the Western regions.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Belarus Objective Score: 1.52/4.0**—This represents a significant increase over last year’s score, and is especially startling in the face of Belarus’s sinking economy. In large part this is due to greater professionalism on the part of media outlets, and to the training

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.



of organizations like IREX, which have taught them to be self-sufficient.

Printing and distribution are sore points with the Belarusian media, tying up considerable capital and causing enormous political ill will. In general, there seem to be enough reasonably priced printing facilities available through the state network, and this is the resource that most editors use. Even the most openly oppositionist newspaper in the country, *Narodnaya Volya*, is printed at the state publishing house. But editors of independent newspapers feel vulnerable to political pressure, fearing that the state publisher can refuse to print them if they attempt to publish controversial material. There is one independent publishing house in Minsk, Plutos, but it cannot handle the volume necessary; nor can it print broadsheets. The other independent publishing house, Magic, lost its printing press in a scuffle with the government over penalties for the Soros Foundation, which donated the press.

With distribution, the situation is worse. There is almost no house-to-house distribution in Belarus outside of the mail system, which is a state monopoly. The tariffs are extremely high, adding up to 200 percent to a newspaper's subscription price. Editors of independent papers say that they are being penalized by higher tariffs. Their newspapers are assessed distribution costs up to three times higher than those of the state-subsidized press, and they claim that their money is going to subsidize the cost of distributing the state papers.

There are some fledgling independent distribution systems in place—two out of the capital and several in the regions. All are associated with a newspaper or a newspaper network, such as BelKP Press. BelKP Press publishes *Komsomolskaya Pravda* and distributes it and several other papers to central points in the regions. Intex-Press, in Baranovich, has launched a house-to-house delivery system in its region and is now expanding. *Novaya Gazeta Smorgoni* has its own distribution system, as does *Brestsky Kurier*. These have helped to relieve the burden, but much remains to be done.

Still, there is positive movement in this area; the outlook is not quite so bleak as it was a year ago.

The sources of media financing are varied indeed, but not all of the sources contribute to better-run, independent media outlets. With the economy in ruins, Belarus has a very limited advertising market; in addition, low market-oriented culture makes it difficult for media professionals to take advantage of what opportunities there are. Advertising quotas also complicate the

picture. Advertising cannot top 30 percent of newspaper space in a newspaper that is not registered specifically as an advertising paper, and enterprises cannot spend more than 2 percent of their revenue on advertising.

Subscriptions and kiosk sales account for up to half of revenue; prices are kept artificially low by state regulations, and in some cases newspapers lose money by raising circulation. The other half of revenue is supplied by advertising (in some cases this is less, down to 30 percent), but revenue earned by sales and advertising covers barely half of a newspaper's expenses.

In television, managers supplement their income with private messages, such as birthday greetings. For many regional stations, these are the main source of income.

All of this makes the private media vulnerable to pressure from a variety of sources. Political parties and businesses can buy space and favorable coverage in newspapers. Foreign-aid organizations do what they can to help, but their assistance often creates even more of a dependent mentality in their recipients. This mentality makes the recipients more reluctant to go out and drum up their own financing, which increasingly politicizes the press. Media recipients see the aid as payment for coverage and try to please their "patron."

At this point, many of the national papers are partially dependent on donors for survival, while the regional press is unable to develop without outside help. Television is less tied into this world, because much less donor money has gone into independent television, and only those outlets that have found the means to survive are still extant. Radio seems to be fairly profitable. It has lower production costs than television and generates more advertising revenue.

Still, there has been progress. As donor money decreases, media managers are becoming more skilled in manipulating those resources that remain. While it is still quite difficult to make money in media in Belarus, it is being done. Many independent newspapers and all non-state television stations are turning a profit.

All signs point to a boom in the advertising market in Belarus over the next year, although it remains to be seen how much of the money will find its way to the independent media. Most media managers have little idea of how to work with advertisers, and it is a struggle to get them to develop media kits of generally reasonable price lists. Still, the picture is much rosier than it was a year ago. Revenue is increasing for both television and print, and more and more outlets are able to support themselves through advertising.



Advertising revenue in Belarus is too low. This has to do with the state of the economy and the level of state interference in the media industry. The state sells advertising on the state channels at minimal prices (sometimes as low as \$25 to \$50 per minute), making it difficult for smaller regional stations to make enough to support themselves. Subscription sales are declining as the government monopoly on distribution causes rates to rise. There has been some progress, but this is still a sore point for Belarusian media.

Given the level of polarization in Belarus, it is completely out of the question for independent media to receive government subsidies. There are completely state-run media, completely subsidized media, and media that are not tied to the state. This attribute does not make sense for Belarus. Panelists have no choice but to give it a perfect score, which will skew the overall objective score.

There are market-research firms in Belarus. One of the major ones, Novak, did a large project for IREX in 2000 and is carrying out a series of smaller ones in 2002–2003. But the services of such organizations are beyond the means of most media outlets. So, other than occasional projects like IREX’s, they rely on amateur, in-house methods of determining what their customer wants.

In general, the same problems that plague the media in other spheres affect them here. For those media outlets that have to rely on themselves, contact with their consumers is important. And they will try, however imperfectly, to tailor their product to their clients’ demands. For those media outlets that rely on donors, such information is less important; they tend to decide themselves what their readers want, and to give it to them regardless.

Circulation figures are suspect because Belarusian papers are just as liable as others to inflate their figures to impress advertisers. An audit by the state Press Committee in 2001 resulted in a lowering of stated circulation in many national newspapers.

The situation is more complicated with broadcast because there is no independent means (such as printing receipts) for assessing viewership. Media outlets rely on ratings agencies, such as Novak (above), and they often cannot pay for the services of a professional. They rely on amateur, in-house phone surveys or make estimates based on the number of telephone calls they receive to place private ads. In general, this is not a major factor in broadcast policy.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Belarus Objective Score: 1.65/4.0**—There are embryo organizations such as Fund of Regional Editors and Publishers (FREP) and the Television Broadcast Network (TBN), which unites regional television managers, but these organizations do little to provide members with benefits or collective bargaining power.

FREP organizes projects such as Plus TV, a color supplement that provides members with an attractive television program, and also sells advertising. It works with foreign organizations to arrange seminars. FREP also works with international donors to buy paper at bulk rates to distribute to members.

TBN buys programming collectively for members and tries to unite regional stations in news exchanges and other projects, but many stations do not seem to have reaped many of the benefits.

In general, this is a weak area. While there has been some improvement, much work remains to be done.

The Belarusian Association of Journalists (BAJ) unites independent journalists and attempts to protect their rights through lobbying, legal advice, and professional training. But BAJ’s resources are not sufficient to address the myriad problems facing Belarusian journalists, and the matter is further complicated by personality clashes and other internal squabbles that limit the organization’s effectiveness. BAJ is also seen by some

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

as too politicized, which keeps some more mainstream media managers from joining.

Human rights groups such as Charter 97, the Belarus Helsinki Committee, and BAJ keep an eye on violations of press freedom and publicize them. These groups exist throughout the country, and journalists have access to their help when needed.

The problem is that the Belarusian government does not pay much attention to these groups, so their watchdog function serves largely as a signal to the West, rather than a curb on government excesses. Still, the sector is growing, which provides moral support to journalists in trouble.

There are degree programs, but by and large they do not prepare journalists for the challenges ahead. Journalism degrees abroad do not help much because the language tends to be a barrier, and most programs that sponsor students for study abroad report low return rates. There are more than enough media outlets to absorb the graduates. The problem is the reverse: there are not enough qualified journalists to go around, with many of the best leaving the profession because of economic concerns.

There are numerous short-term training opportunities, mostly run by international agencies. Training in everything from the very basics of journalism to ethics and management is needed. Many Belarusian journalists have never had any formal training. The most popular courses tend to be in computer-aided research, Web design, and other technical fields. But there are still not enough quality training opportunities for those who want and need them.

There are two private printing facilities, but there are problems with one of these. A large number of independent newspapers print in government-owned facilities, which makes them vulnerable to political pressure.

Distribution has also been described elsewhere. Kiosks are government-owned and can be selective in the newspapers they sell or hide. Some transmitters are in private hands, but the government controls licenses. Access to the Internet is in government hands. There have been no attempts to restrict the flow of information so far, but the government monopoly ensures that any financial rewards find their way into government coffers.

## PANEL PARTICIPANTS

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## PANEL MODERATOR

### ***Andrei Vardomatsky***

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# MOLDOVA

## INTRODUCTION

There have been some positive developments in Moldovan media during the past few years. However, most members of the discussion panel and other media observers criticized the lack of sustainable and well-managed independent media. With the Communists' advent to power, the media sector has been subjected to growing administrative and legal pressures aimed at establishing control over it. Despite the fact that the country is starting to harmonize its legislation with international standards, and despite some positive decisions of the Moldovan Supreme Court regarding defamation and libel, the implementation of these good intentions so far remains an issue. "Journalists are liable to become victims of abuses, as the new, recently passed criminal code includes jail sentences of up to five years for libel and defamation," believes Justice Minister Ion Morei.

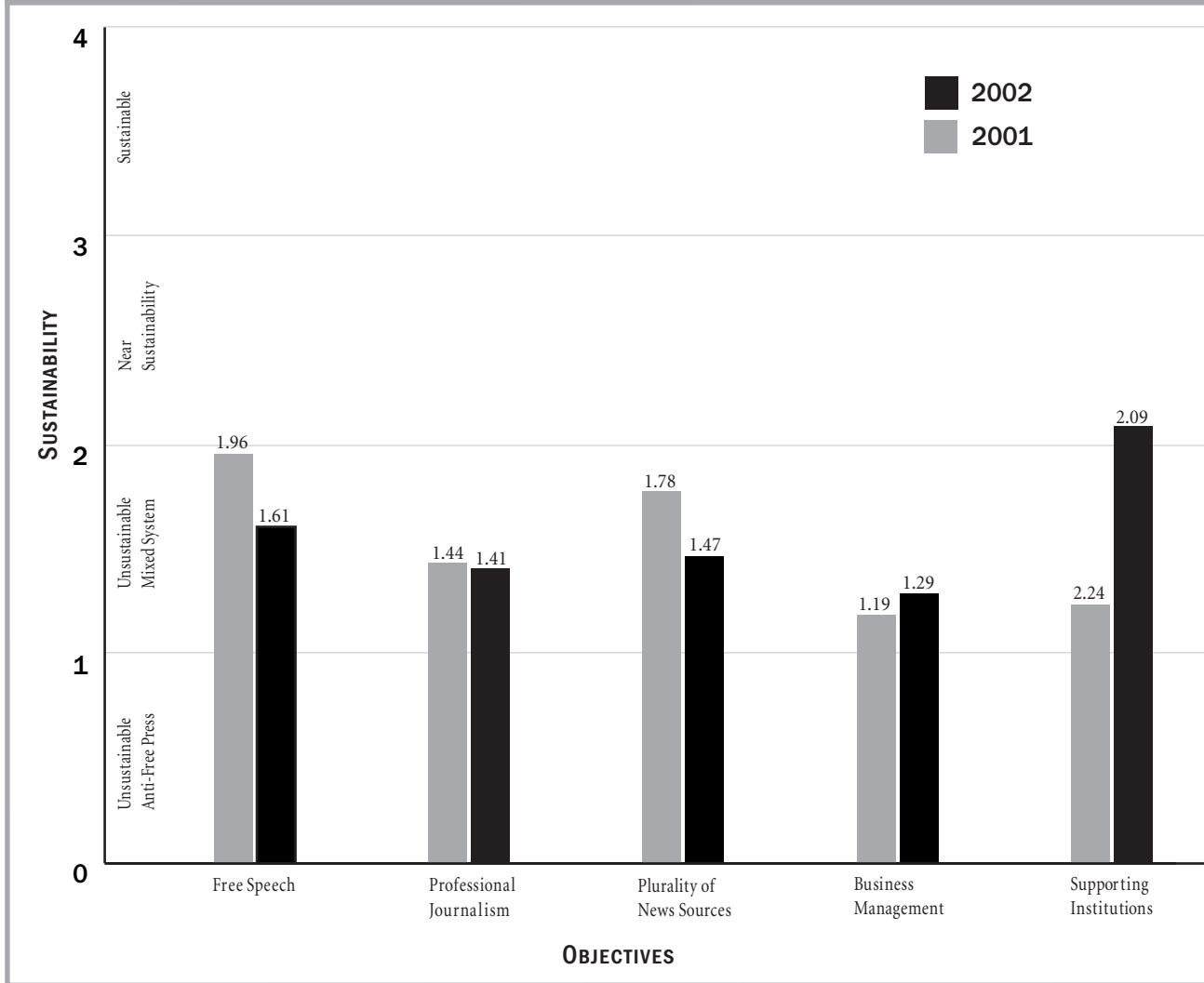
Panel members criticized the absence of editorial independence in the media, particularly in the state-funded media. The media sector is comprised of state-owned, party-owned, and commercial outlets. Many of them depend on outside funding and allow editorial interference from government, political parties, or businesses.

The reasons for the lack of independence are many: lack of revenues and the difficulties in securing capital; self-censorship; lack of good management; and the absence of a dynamic advertising market that could lead to profits through honest competition. Nonetheless, panel members commented that there are a few examples of truly independent papers and broadcasters in the country. Despite the fact that good, professional broadcast programming and writing exist in Moldova, panel members gave a very low rating to the journalism practiced in Moldova—even though trust in the media is growing.

While access to information is not legally obstructed, it is a financial burden both for media outlets and consumers, especially in the regions outside the capital. Papers are delivered with a few days' delay, and the state distribution network remains a monopoly; however, private distributors are emerging. State-run television and radio provide the most accessible nationwide sources of information, although a few other radio stations cover the entire, or two-thirds of, the territory.

*Panelists felt that "media people are more comfortable when they are under somebody's wing. This mentality needs to be changed quickly; otherwise we will have no independent media."*

## MOLDOVA—MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

International radio stations are accessible everywhere, and local papers exist in all the regions. Internet access in the regions is simply unaffordable. Printing services providers are diversifying, but there are still state-owned printing houses.

Participants in the discussion mentioned that media coverage is quite distorted and biased during elections. Basically, many media outlets turn into mouthpieces for political parties, and there are attempts on the part of officials to pay for favorable articles in the most popular papers. Another negative tendency that the panel participants mentioned is the fact that journalists are unwilling to work together to defend their interests; on the contrary, they tend to disagree on many issues, making it more difficult to mobilize and form trade-media associations.

## OBJECTIVE 1: FREE SPEECH

**Moldova Objective Score: 1.61/4.0**—The Constitution of Moldova guarantees freedom of expression and the right to information. According to the Constitution, “mass media are not subject to censorship.” However, since the adoption of the Constitution in

1994, the democratic principles proclaimed by the basic document have, to a large degree, remained unimplemented. Enacting free-speech principles was discouraged by state authorities, who enacted a set of laws obstructing the freedom of expression.

Although hesitantly, some efforts are being made to ensure compatibility of domestic law (and the way it is being enforced) with European standards on freedom of speech. The last ruling by the Supreme Court of Justice (June 19, 2000) on how courts should apply legislation in cases of freedom of speech violations was considered an important step toward enforcing constitutional provisions. Accordingly, the Supreme Court reiterated the constitutional provision, which says that “if there is a discrepancy between the international human rights pacts and treaties (to which Moldova is a party) and domestic legislation, international regulations will take precedence.” This ruling explains how to enforce the legislation on the protection of people’s honor, dignity, and professional reputation. This mainly concerns provisions in the Civil Code (Articles 7 and 7.1). The Supreme Court of Justice ruled that the lower courts should apply international legislation directly (e.g., Article 10 of the European Convention on Human Rights) rather than continue applying domestic laws, which often contradict the Constitution and are incompatible with international laws. In legal terms, Supreme Court rulings are not binding for the lower-instance courts, but, as a tradition, they are usually applied.

The new Civil Code of the Republic of Moldova was passed on June 6, 2002. Article 16, which refers to the “protection of honor, dignity, and professional reputation,” largely kept the provisions of the old civil code; however, several articles are in a position to be much more damaging to the press than those in the old code, thus aggravating its situation (e.g., the cancellation of the cap on monetary compensations for moral damages). Furthermore, the new criminal code of the Republic of Moldova contains several provisions questionable in terms of potential impact on the freedom of expression.

Employees of the state-owned company Teleradio-Moldova staged several protest actions, including a large-scale strike, at the beginning of 2002 against censorship at the company. The Parliamentary Assembly of the Council of Europe reacted by passing Resolution 1280 (2002) in April 2002 regarding the functioning of democratic institutions in Moldova. The Moldovan parliament then found itself constrained to pass a law ensuring the transformation of Teleradio-Moldova into

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party must prove falsity and malice.
	Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.



a public institution. However, the new law (passed on July 26, 2002), through its stipulations on the appointment of the company's principal deliberating body, fails to ensure its independence and actually leaves it at the mercy of the authorities. The Council of Europe gave a negative assessment of that law, and through its Resolution 1303 (dated Sept. 26, 2002) has called on the Moldovan authorities to amend it during the fall 2002 session. The experts have qualified the measures taken by the authorities concerning the status of the state broadcaster as "pretended transformation" of the institution into a truly public one.

Hidden censorship occurs in a number of ways, depending on the creativity of officials. For instance, if the editorial policies of certain media are inconvenient to some officials, such media are subjected to frequent inspections by tax authorities. Authorities also use pressure on businesses supporting inconvenient media; the pressure forces such businesses to stop their sponsorship or to condition their support on political considerations.

The panelists believe that cases of abusive application of the media law have included: the closure in late 2001 by the Attorney General's Office of the *Kommer-sant Moldova* newspaper due to that periodical's "publishing of articles in a position to endanger the security of the state"; the withdrawal of the broadcasting license of the national television channel Stil-TV; the wrongful suspension by the police of the *Accente* newspaper through the seizure of the October 10 issue, and of the entire database, which was being stored on the premises of the newspaper. The *Accente* newspaper had become one of the most annoying publications for the authorities and certain political circles through its scandalous revelations and investigations into cases of corruption among senior state officials.

Radio and television broadcast licenses are issued by the Broadcast Coordinating Council (BCC), as stipulated by the Law on Broadcasting. The BCC is composed of nine members, with the government, the president, and the parliament each electing three of the nine members. According to the broadcast law, licenses are issued on the basis of several criteria that must support "the plurality of opinions, equality in the treatment of participants, the quality and diversity of programming, free competition, domestic broadcast productions, and the independence and impartiality of broadcast programs." According to Article 34 of the BCC bylaws, "the council will take into account the following: a) the interests of listeners and viewers; b) the need to protect national

interests, promote cultural values, provide programming related to different social groups..." These legal criteria are considered vague and provide fertile ground for arbitrary distribution of licenses.

*Panelists mentioned that "the new draft civil and penal codes seem to be tougher on media than the previous codes. They allow some corrupt judicial bodies to use the articles protecting the honor and dignity of officials to revenge against journalists; when defamation cannot be proven, the legal procedures turn into harassment."*

The BCC has yet to develop a clear concept for the development of Moldovan broadcasting. Panel members criticized the BCC for unfair and random license distribution and especially for its lack of reaction to the failures of some outlets to meet requirements on the basis for how licenses were granted. They agreed that "the criteria were good; problems appeared after the licenses were issued." Many radio stations obtained licenses but later limited their activity almost entirely to rebroadcasting foreign stations, mostly from Russia. Licenses are being issued in the absence of a broadcasting development strategy. Other panelists mentioned that the BCC decisions favored the ruling party, as BCC members were selected based on their loyalty to the Communist Party.

Although there have not generally been many crimes against journalists, the authorities did not express any desire to deal with cases of violence against journalists. Members of the group expressed their concern with the growing number of cases in which journalists are charged with "accepting bribes." These cases are not unique. On Dec. 7, 2001, two journalists were detained on accusations of "demanding bribes"—Grigore Teslaru, head of public relations at the Tighina County Council, and Tudor Rusu, editor in chief at the *Faclia* weekly. The sentences have yet to be handed, and the journalists are being investigated while free (after having spent 30 and 15 days, respectively, under arrest). TVM presenters Larisa Manole and Dinu Rusnac, who

were part of the strike committee against censorship, were dismissed under the pretext of “staff rotation.”

Journalists continue to be held responsible for libel and defamation, albeit the number of cases is falling. Panelists mentioned that “the new draft civil and penal codes seem to be tougher on media than the previous codes....They allow some corrupt judicial bodies to use the articles protecting the honor and dignity of officials in revenge against journalists; when defamation cannot be proven, the legal procedures turn into harassment.” Libel remains a criminal offense, punishable by prison terms of up to five years.

A general note made by most observers is that Moldova still practices excessive state control over public information. In May 2000, the parliament passed the Access to Information Law, which stipulates that any individual legally residing on the territory of Moldova may request any kind of information or document from public authorities or institutions without giving a reason. Article 7 specifies that “no restrictions will be imposed on freedom of information unless the provider can prove that the restriction is warranted by law and is needed to protect legitimate rights and interests and for reasons of national security, and that the damage done to such interests will be larger than the public interest in learning such information.” The law prescribes that the individual whose legitimate right or interest is damaged by the information supplier may challenge the supplier’s actions either in or outside the courts.

Although this law was adopted two years ago, officials continue to turn down journalists’ requests. Sometimes they satisfy information requests officially, presenting information that cannot be used or charging a fee for the service. It also happens that journalists use unverified information that they obtain from confusing sources.

Media access to international news and sources of information is not restricted. The only real barrier is the limited financial capacity of citizens and media outlets alike. That being said, it is worth mentioning that the Communist authorities have ordered, under various pretexts, the suspension of the broadcasting of the public television channel TV Romania 1 and Radio Ekho Moskvu, the latter being famous for its programs critical of the Russian government. Recently, a Communist MP, chief of the parliamentary commission for national security, accused Romanian channel PRO TV and its branch in Chisinau of “advertising violence and sex.” “Don’t be surprised if one day we shall demand PRO TV to close,” he warned. Asked by BASA-press,

the BCCs chairman said that PRO TV met all international broadcasting standards; however, the next day he changed his mind and issued a declaration “against the culture of violence in TV programs.”

Authorities in Moldova have not imposed restrictions on media professionals entering the profession beyond accreditation. Foreign journalists are required to receive accreditation from the Ministry of External Affairs, which is not difficult to do. Accreditation does preclude freelancing, as both Moldovan and foreign journalists must be affiliated with a certain media outlet.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Moldova Objective Score: 1.41/4.0**—Good professional reporting in Moldova exists, but so does biased, unprofessional journalism. A few journalists produce objective, analytical articles and programs, checking facts and using multiple sources. While the state-run press engages in propaganda campaigns, the independent media are currently witnessing an increased leaning toward social reporting. In a recent opinion poll by the Centre for Sociological, Political, and Psychological Analysis and Research (CIVIS), commissioned by the Institute for Public Policy, media were

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).

ranked second after the church on the credibility scale (with 79 percent and 58 percent, respectively). Nevertheless, the newspapers, radio, and television do not always distinguish between information and opinion. Improved education would help: more than two-thirds of the broadcast managers in Moldova, for example, do not have a suitable education. Improved access to information is also needed: about 60 percent of journalists see the access situation as unsatisfactory, according to a December 2002 opinion poll by IMAS.

*Opposition parties have practically no access to Teleradio-Moldova (TVM). In contrast, journalists from independent media cover major events and issues more thoughtfully. Panelists noted that “commercial newspapers and stations are sometimes more accurate in their coverage and closer to the interests of a lot more people.”*

There has been much debate among journalists on ethical standards and the need to enforce them. The debates culminated in the adoption of a Code of Professional Ethics in May 2000. Among other things, the Code requires a clear distinction between information and opinion; journalists should use only information that they think is reliable, and which is based on sources they know. The presentation of such information should be impartial; journalists should not receive, either directly or indirectly, any kind of compensation or fees from third parties for the publication of any kind of information or opinion; they should respect the privacy of individuals. The provisions of the Code of Ethics are not observed in full. Moreover, the November 2002 IMAS poll showed that 26 percent of the journalists polled were not sufficiently familiar with journalistic codes of practice, while 76 percent insufficiently followed the provisions of the Code adopted in 2000. Thirty-four percent of the respondents admitted that they occasionally accepted tasks incompatible with professional principles.

Journalists tend to stray from ethical standards, especially during elections, when most media outlets

fall into political camps. According to the IMAS opinion poll, 85 percent of the respondents believe that journalists in Moldova give in to “considerable political partisanship to the detriment of free journalism principles”; the main reasons cited are the precarious economic situation of media outlets and journalists (48 percent) and the lack of conditions for an independent press (29 percent). The same poll shows that 35 percent of the journalists responding do not feel safe from threats or pressure related to their professional activities, and 60 percent feel they are only “partially” protected.

Self-censorship is practiced both among state-run and private media employees. Self-censorship is high among private media because the owners expect their employees to abide by taboos or, alternatively, to take an exaggeratedly critical stance toward targeted figures, organizations, or political parties.

In their reporting, many journalists simply announce major domestic and international events without a follow-up or an in-depth analysis; they very rarely follow up on issues of major importance, such as privatization and economic reforms, the activities of nonparliamentary parties, or social problems. The state-owned company Teleradio-Moldova (TVM) covers events from the viewpoint of the governing party; newscasts start with reports on the country’s top political figures. Opposition parties have practically no access to TVM. In contrast, journalists from independent media cover major events and issues more thoughtfully. Panelists noted that “commercial newspapers and stations are sometimes more accurate in their coverage and closer to the interests of a lot more people.”

Competition has brought the salaries of journalists employed by both state-owned and private media closer together, at about \$50 to \$100 per month. However, salaries are not a function of merit; rather, they depend on media owners and their connections to businesses or political parties. Journalists are often forced to look for extra income and thus disregard some of their professional principles. Extra pay comes mainly from political advertising sold by outlets, but also from paid services offered to political parties during elections. Some private owners hire journalists for a trial period of one to three months, only to refuse to employ them afterward and without paying them for the time worked.

Most private radio and television stations have their own broadcast equipment, including transmitters. The state-owned company TVM and several private radio stations, including a number of foreign (Russian)

ones, use the services of the state-owned Radiocomunicatii Company. TVM faces serious technical problems. More than 70 percent of its equipment is physically old and technologically outdated. Private broadcasters do a better job at balancing their revenues and expenses, but only a few foreign radio stations can afford to invest in equipment upgrades (HitFM, Russkoe Radio, Serebrenanyi Dojd', ProFM, Radio Contact, and so on).

Investigative journalism “does not quite exist,” as panel participants put it. Nevertheless, there have been a number of successful attempts in this area in the Association of Independent Press (API). Investigative stories subject journalists to many risks that are considered unjustified relative to the expectations of consequences from the publishing of investigative reports: authorities take no action in response to the revelations in the press. Also, media outlets cannot afford the higher costs of producing investigative pieces.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Moldova Objective Score: 1.47/4.0**—In 2002, 180 newspapers and magazines were published in Moldova, of which about 100 had national circulation and 80 had local circulation. About 20 percent of the national ones were partly funded by the state, political

parties published around 15 percent, and the rest were under private or corporate ownership. There are about 115 private local radio and television stations. Several radio stations cover about 70 percent of the country (Chisinau municipality’s Antena C; the private stations HitFM, Russkoe Radio). Apart from public television Moldova 1, Russia’s public television ORT and Romania’s TVR 1 have national coverage. Political parties do not own radio or television stations.

People can freely access domestic or international media outlets with no political, legislative, or technical barriers, but financial resources limit their access. In August, however, the authorities suspended the broadcasting of TVR 1 under the pretext of technical problems, only to quote financial reasons later. Also under the pretext of financial issues, the rebroadcasting of the Moscow radio station Ekho Moskvyy was suspended. A family can afford—in the best of cases—to subscribe to or buy just one publication. According to a recent poll commissioned by the Independent Journalism Centre, about 44 percent do not read the papers at all, and 20 percent read “less than once a week.”

Moldovan citizens have access to global radio stations, such as the BBC, Voice of America, Radio Free Europe/Radio Liberty, and Radio France Internationale, which broadcast on FM or UHF frequencies. Moldovans also have access to a number of international television stations: the French TV5 is rebroadcast by a local station, while other stations such as CNN can be accessed via cable operators. Radio and television stations from neighboring countries are also accessible. TVR 1 and ProTV originate in Romania; Channel 1 is rebroadcast from Ukraine; local stations rebroadcast Russian radio stations; Moscow-based television stations are rebroadcast entirely or partially (ORT, RTR, RenTV, NTV, TV6, and so on); and local editions of Russian newspapers are also available. Western newspapers disappeared shortly after their introduction on the market due to their high prices, although they can still be found in some places with limited availability, i.e., embassies.

In contrast with Chisinau municipality, where at least theoretically there are a great number of sources of information, in most rural areas the situation is completely different. Many villages have no kiosks, radio programs are not regularly transmitted, and only one or two television channels are accessible. Power cuts are frequent, further contributing to the dire situation. Many people are deprived of basic information, even from local sources. The press arrives in villages after delays of up to one week, when the information

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



is already outdated. In kiosks, vendors can go as far as displaying newspapers depending on preferences, including linguistic and political ones, rather than on sales. Many owners complain that their newspapers are being hidden or stored in hard-to-see places.

A growing variety of news agencies can be found in Moldova. The monopoly of the government-owned agency Moldpresa has been undermined in recent years by about 10 new private agencies, of which BASA-Press, Infotag, Infoprim, Flux, Interlic, and Deca-press have established themselves on the market.

Independent radio and television stations in Moldova contribute only partially to the diversification of information. A large proportion of independent radio and television stations (40 percent, according to BCC’s division for licensing) is concentrated in two districts—Chisinau and Balti. Most of these stations rebroadcast foreign programs mainly from Russia and, to some extent, Romania. The amount of original programming is insignificant and consists mainly of entertainment. The share of newscasts (three to five minutes every hour or half-hour) is minimal, and the news items seem to be selected randomly. There are exceptions, such as ProTV Chisinau, TVC 21, Radio Antena C, Radio Nova, Radio Contact, Radio ProFM, ORT Moldova, NIT, BBC, and Free Europe (which launched a one-hour information program called “The Hour of Moldova” a year ago), as well as some radio stations outside Chisinau. These stations usually have special newscasts and analytical shows, as well as their own news-gathering staff. The news they broadcast concerns national events.

Media in Moldova are not transparent about their ownership and funding sources. This is especially true of private newspapers. The public is not informed about some radio and television station ownership, especially those with some significant impact on the country’s political life (e.g., ORT Moldova and Vedomosti TV). The ownership of mass media is often the subject of sensational disclosures during elections. There is a tendency of media concentration, especially in broadcasting.

Media in Moldova are doing a poor job of covering the wide spectrum of society’s interests; they give preference to politics and allow insufficient space for the coverage of social issues. For instance, one rarely sees stories on social assistance, disabled people, abandoned children, or the trafficking of women. There are, nonetheless, some positive shifts of emphasis from the political to the social in such independent news-

papers as *Jurnal de Chisinau*, *Timpul*, *Ekonomicheskoe Obozrenie*, and *Novoje Vremea*.

Of the existing publications with national circulation, 69 are in Romanian (about 65 percent of Moldova’s population is ethnically Romanian) and 30 are in Russian. The ratio of circulation in Romanian and Russian is, however, about equal. Ethnic minorities—Ukrainians, Gagauzi, Bulgarians, and Jews—publish their own newspapers. The press in the Transdnestrian region and the Gagauz autonomy is published predominantly in Russian. There is also a linguistic disproportion in the broadcast media in favor of Russian.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Moldova Objective Score: 1.29/4.0**—Media in Moldova are largely unprofitable. Advertising agencies and the ad market are not developed; there are not enough experienced media managers; and the Soviet-type understanding of media as a propaganda tool rather than as a business still persists. Panelists felt that “media people are more comfortable when they are under somebody’s wing, which will take care of the money, and they will work without any concerns on how to finance their own paper. This mentality needs to be changed quickly; otherwise we will have no independent media.” The absence of business traditions prevents an orientation toward profit-making. Media

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

outlets rely only partially on commercial revenues and are continually looking for subsidies.

The state continues to own the Press House (a complex conceived as the national media center), Moldpresa (a national press distribution network), the subscription system (which is operated via the state-owned Posta Moldovei), and the network of ground transmission of radio signals (which is managed by the state-owned Radiocomunicatii). The state sets the prices and collects fees for rent, printing, distribution and sales, communication services, and transmission of radio signals. The quality of printing work is very low, and the lack of money makes the graphic appearance of many papers quite poor. Because of the state monopoly, “fees for press distribution are very high and sometimes amount to 60 percent of a newspaper’s price.”

In the past five years, 115 radio and television licenses have been issued. Panelists noted, “Relations between the press and the commercial structures, the press and political parties, the press and the state are not well defined; a mentality of business relations does not exist.”

After the parliamentary elections in February 2001, there was a tendency toward stronger state control over press, including support for the new state-owned district periodicals. An amendment to the press law was passed that bans the funding of media by foreign governments, with the exception of cultural newspapers and magazines. This amendment primarily targeted the Romanian government, which was financially supporting an opposition newspaper.

There are some exceptions: these are media businesses that managed to become self-sustainable after some initial help from Western donors. They are able to do that by using young talent and adjusting their products to the real needs of the market. These businesses include BASA-Press; Infotag; *Ekonomicheskoe obozrenie*, a Russian-language business newspaper; several local newspapers; several small printing houses; and some small distribution networks.

Media operations in Moldova depend on individuals rather than on market development and trends. Market-research services, promotion, and sales develop very slowly. Advertising revenues have been an increasing share of income in the past five years; however, the increase has not been enough to propel the dynamic development of media. It is difficult to assess the real size of the advertising market due to its lack of transparency. Panelists noted, “Companies are cautious in

investing in advertising even if it is rational from a business viewpoint, and a good analysis of the advertising market is needed.”

Newspapers and magazines, especially private ones, rely mostly on subscription revenues. This is typical of national publications such as *Flux* and *Saptamana*, which lead in terms of national circulation. Newsstand sales are increasingly important to papers with small circulations. Papers owned by political parties receive additional subsidies from them. However, many sources of financial support for media outlets remain unknown. Such media are usually labelled as pseudo-independent. The government does not subsidize independent media outlets. For the past few years, parliament has exempted printing services from value-added tax (VAT). Although this was done to support the press, only the printing houses benefited.

*Panel members mentioned that after the Communists came to power, opposition newspapers experienced a considerable drop in advertising volume. Some businesspeople admit that they are afraid to place advertisements in the opposition newspapers.*

Advertisers have become disappointed in the efficiency of media as advertising carriers. Agencies have often frustrated advertisers’ expectations through inadequate media planning. Some agencies made use of pseudo-surveys that featured distorted findings and exaggerated the popularity of their preferred media partners. One example is the Comcon agency. For this reason, some companies (Voxtel, Moldcell) do not trust advertising agencies and carry out their own research.

Panel members mentioned that after the Communists came to power, opposition newspapers experienced a considerable drop in advertising volume. Some businesspeople admit that they are afraid to place advertisements in the opposition newspapers. They have received indications in the form of “recommendations” to place adverts with state-run media. A preferential regime is being created for the state media.



Panelists mentioned that advertising has other shadowy aspects and opportunities for corruption. Employees who make the sales can tap advertising revenues that come through agencies. There is an established practice of obscure, fraudulent transactions between advertisers and the media that compromises the functioning of the market. Certain rates are common: cash is often returned to the people who administer advertising budgets. Also, panel members believe that newspapers enjoy differing shares of ad revenues depending on whether the papers are in the Romanian, Russian, or Gagauz language. If tax inspectors observe that a certain company places advertisements in newspapers, they immediately check on the company. Some companies refuse to place ads in papers so as not to attract the attention of tax officials.

In Moldova it is rare to have credible market surveys that could help media adjust their products to the public interest and serve as a basis for attracting advertisers. There are no independent media-monitors. Some surveys do appear, but only sporadically; even then, they are conducted internally by wealthier papers such as the Russian-language newspaper *Komsomolskaia Pravda v Moldove*. It is suspected that the surveys these papers produce include data that are very likely to have been fabricated on request from interested media.

The consequences are grave: there is a void of information crucial to the development of strategies, marketing plans, and commercial methods. The market could be surveyed by media outlets jointly, but the atmosphere of mutual opposition precludes finding a common solution.

As there are no credible market surveys, self-generated circulation and audience ratings are often used in the dialog between media and advertisers. Circulation figures are often inflated. Consequently, advertisers enter business partnerships with media under two particular conditions: when their prospective partners are unquestionable leaders in the advertising market, or when the advertisers share political or other sympathies with certain media.

Panelists concluded that in terms of market research, “we are still at the beginning.” Information about circulation can, in theory, be obtained from printing houses or distribution companies, but they usually refuse to release this data, claiming that it is a commercial secret.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Moldova Objective Score: 2.09/4.0**—The main organizations that represent the interests of private media owners are the Association of Independent Press (API), which was founded in 1997 and currently includes two news agencies and 13 independent newspapers, and the Association of Electronic Press (APEL, founded in 1999). APEL includes 22 radio and television stations, production studios, and professional studios. These associations face some problems because of the lack of solidarity among media owners: many owners have political affiliations or are funded from abroad. The political affiliation is less noticeable in broadcasting, but financial dependence on foreign founders and the tight competition in the fledgling market prevent broadcasters from joint work. There has also been recent talk of a new trade association, Pro Media, which includes a series of government-affiliated publications, radio stations, and television stations. So far, Pro Media challenged the existence of censorship at TVM. It has also presented the Council of Europe with an anti-strike declaration that supported the Communist government.

A more active involvement of media associations in the legislative process characterized 2002. In total isolation from civil society, legislative and governmental bodies draft laws and bills that appear “overnight and that nobody has heard of.” APEL has launched a

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

project for the improvement of the legal framework governing the electronic press. As part of this initiative, APEL drafted an alternative public broadcasting service law, which suggests a democratic mechanism for oversight by civil society of the work of public radio. The draft received positive comments from the Council of Europe (CoE). Having studied the CoE recommendation to use the draft developed by APEL, Communist authorities adopted the draft law developed by the office of President Vladimir Voronin.

About 30 nongovernmental organizations (NGOs) currently work in the area of mass media, but only about one-third of them actively support the independent media. Their activities focus on improving media legislation, the free circulation of information, ongoing training of journalists, and the protection of journalists' professional rights. Panelists mentioned that attempts have been made during the past year to set up media groups/organizations favorable to the government (e.g., the Association of Professional Journalists, founded by the editors in chief of governmental newspapers). Among the professional associations in Moldova are the Union of Journalists (UJM), which developed from a Soviet-type professional organization to an NGO, and some journalist associations specializing in such areas as agriculture and sports. The conditions in Moldova have led to solidarity of journalists along corporate lines, rather than the creation of efficient mechanisms and structures for the protection and legal support of journalists, for the protection of their social and civic rights, or for the protection of their professional activity. Panelists noted that Moldova currently lacks a strong trade union that would unite old and new practitioners of the profession around new principles.

The creation in 2002 of the Moldova Media Working Group (MWG) under the Stability Pact for South-Eastern Europe provided new opportunities for the funding of media reform projects. The group has developed a list of priorities in the reform of the Moldovan media sector, keeping in mind that a democratic relation between the press and the body politic has yet to be established. The public, like the authorities and the political parties, has yet to internalize the need and advantages of a free press.

In cooperation with UJM, API, the Committee for Press Freedom, APEL, and the journalism faculty of the Moldova State University, the Independent Journalism Centre (IJC) has organized since 1999 a "Press Freedom Week" to raise public awareness of the need for a truly independent press. In Chisinau, as well as in

the regions, the NGO Acces-Info is running a project for the implementation of the law on access to information.

The monopoly of the Journalism and Communication Sciences faculty of the Moldova State University was broken last fall through the inauguration of a journalism faculty at the Free International University of Moldova, a private higher-education institution. Future journalists can also study at the specialized faculties of the Universities in Comrat and Tiraspol. The insufficiency of practical courses at the State University remains an issue because of the lack of money to attract experienced journalists from Moldova and abroad to teach at the faculty.

*A more active involvement of media associations in the legislative process characterized 2002. In total isolation from civil society, legislative and governmental bodies draft laws and bills that appear "overnight and that nobody has heard of."*

IJC, UJM, API, and others organize short-term professional training. In 2000 alone, IJC organized more than 20 training courses and seminars for journalists on a wide variety of topics: agricultural reporting, social reporting, reporting for the ordinary citizens, reporters' investigations, journalism ethics, investigative journalism, online journalism, and so on. During such courses journalists are taught more hands-on skills. IJC also offers journalists the use of its library, which contains Western journalism-related literature. IJC also publishes textbooks for journalists (*Social Reporting, Journalism for the Ordinary Citizens, Reporters' Investigations, Dig Deeper and Aim Higher*), as well as an analytical bulletin that tackles problems of the Moldovan media. Panelists criticized the fact that despite the many courses, their impact remains small.

In Moldova, there are no restrictions other than financial ones regarding the supply of newsprint, which is provided both by state-owned Universul printing house and by several private suppliers. The problem is that there is only one private printer in Chisinau (Prag 3). A second printer could not survive economically due

to the small circulation of newspapers. Most local newspapers are printed by privatized printing houses, which were part of the Communist Party's publishing network during Soviet times. The *Cuvantul* newspaper in Rezina managed to buy its own printing house. Panelists agreed that there were no problems with paper suppliers.

The state continues to hold a virtual monopoly over the distribution system throughout Moldova. This hampers the development of the independent press. Private newspapers are in no rush to set up their own distribution networks due to the lack of funds. However, there have been initiatives to set up alternative distribution companies, such as the recently created Omnia press. It does not yet cover the whole of Moldova, just Chisinau. State company Moldpresa holds the monopoly in Chisinau, owning all (about 200) kiosks in the capital.

Internet access is offered exclusively by private providers (about 15 in all), the largest being Megadat,

Zingan, Relsoft Communications, and MoldInfoNet. They all use Moldtelecom's network of links, which is still owned by the state but is now slated for privatization. There are no legal restrictions on Internet use for journalists and the general public, and the fact that Moldova ranks among the lowest users of the Internet is due largely to the inability of people to pay for the services (an Internet connection costs an average of \$7 per month). According to data from the International Telecommunication Union, Moldova has about 60,000 Internet users (i.e., 1.37 percent out of a population of 4.3 million). Panel members criticized the fact that Moldtelecom remains the only operator that provides Internet access. It charges local providers for the use of its networks, which does not allow local providers to implement a flexible pricing policy. At the same time, Moldtelecom functions as an ordinary provider, offering lower prices for connection compared with private competitors.

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# RUSSIA

## INTRODUCTION

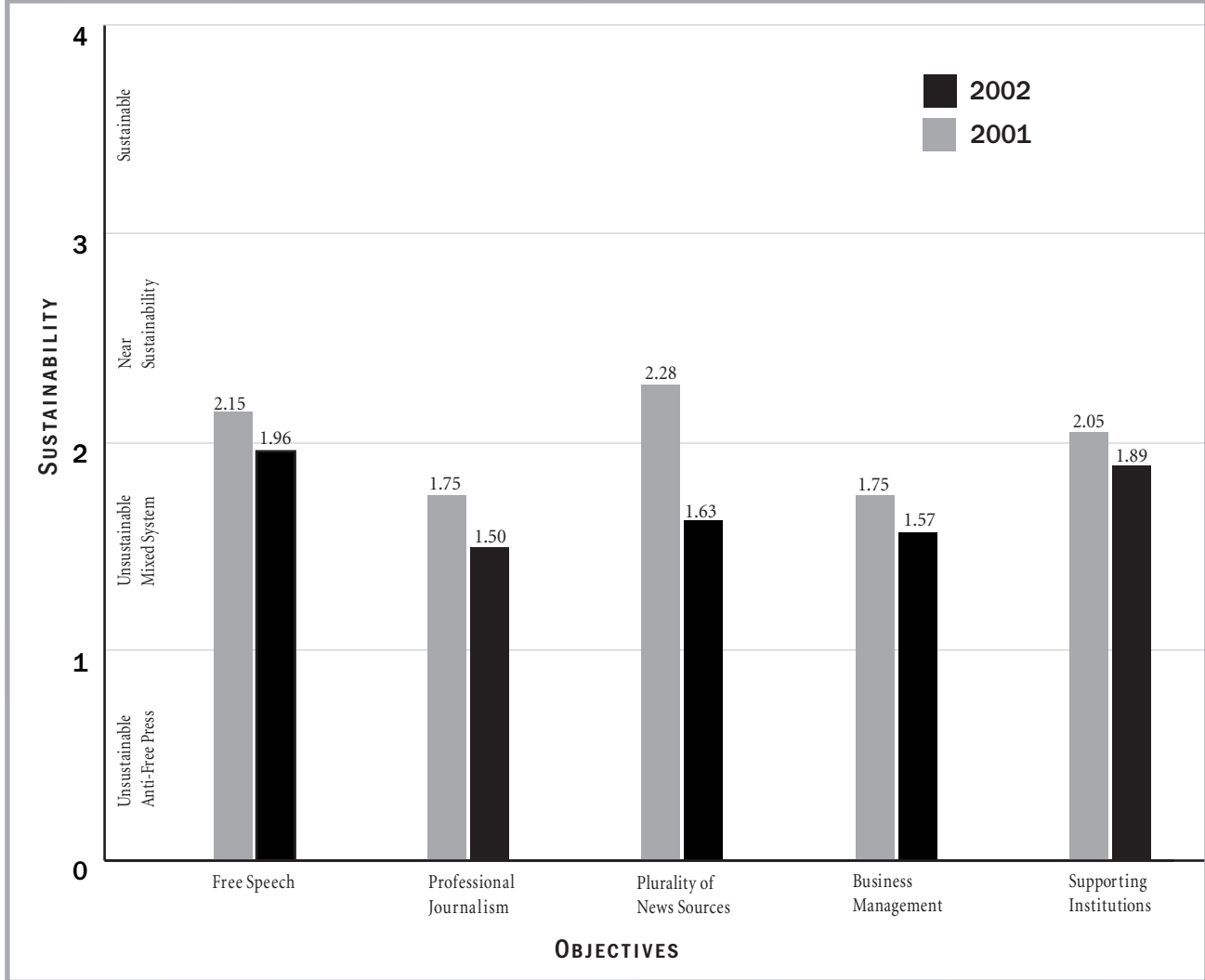
Two opposing trends are currently evident in the development of Russian mass media. On the one hand, an increasing number of media companies (television, radio, and print) are attempting to become normal businesses. They are working to improve their management and content, increase advertising sales, become more economically viable, and, consequently, become more independent in providing information to their audiences. Moreover, the government has repeatedly declared its willingness to assist the media in business development and to change media legislation accordingly. Through its minister, Mikhail Lesin, the Press Ministry states that it is ready to gradually cede its regulatory functions and withdraw from the media market. The media community is attempting to consolidate in order to speak with the authorities with a stronger voice and to lobby necessary changes in media legislation and other industry reforms. In July 2002, the directors of major newspapers, information agencies, television channels and radio companies, advertising agencies, and Internet companies established an Industrial Committee for the Media with the objective of promoting these reforms and lobbying industrial interests.

On the other hand, there is a growing threat to press freedom. In November 2002, both chambers of the Russian parliament passed several amendments to the Media Law and to the Anti-Terrorism Law, seemingly prompted by the hostage crisis in Moscow and by the continuing anti-terrorist action in Chechnya. These amendments barred the media from disseminating information that could, at least in the evaluation of the authorities, potentially endanger anti-terrorism actions or disclose tactics of anti-terrorism forces. Advocates of media independence were concerned that broad applications of these amendments could lead to harsh limitations on free speech, and especially on the coverage of military action in Chechnya. After President Putin vetoed the amendments, they were resubmitted for further discussion by both chambers, and a committee of media executives publicly promised “self-regulating” steps. There were also some pessimistic forecasts that the revised Media Law now being debated in the Duma might be less liberal than the current one.

*As one panelist said, “Public information is equally inaccessible for state-run and private media.” The difference is only that state-run media do not try to obtain this information, while independent media might make such attempts.*



## RUSSIA-MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

*“Both governmental bodies and large private corporations are putting pressure on the media at every turn,” said one participant. “This becomes obvious, as a rule, when a media business is poorly managed and therefore turns to ‘sponsorship’ money—be it direct subsidy or other forms of support.”*

Despite all the guarantees provided by the Constitution and the Media Law, mass media in Russia still experience serious threats. Some take the form of physical attacks on journalists. On April 29, 2002, for example, a man with a silencer-equipped automatic pistol shot dead Valery Ivanov, the 32-year-old editor of the independent *Tolyatti Review* newspaper, as he left his apartment in that southern industrial city. Although there were witnesses and promises of an intensive investigation, by year’s end no arrest had been announced. The Monitor service run by the Glasnost Defense Foundation reports 18 murders, 55 assaults on reporters, and 19 attacks on editorial offices from Jan. 1 to Oct. 31, 2002. Panelists claim that law-enforcement agencies do nothing to protect journalists’ rights, and consequently that such crimes remain unpunished. Panelists also noted that these crimes, instead of making the public feel indignation, rather tend to provoke suspicions that journalists are themselves related to the criminal underworld.

More frequently, the threat is a mix of political and economic pressure, and media outlets are particularly vulnerable when the alternative revenue sources from advertising and circulation are not well developed and newspapers are not financially well managed. “Both governmental bodies and large private corporations are putting pressure on the media at every turn,” said one participant. “This becomes obvious, as a rule, when a media business is poorly managed and therefore turns to ‘sponsorship’ money—be it direct subsidy or other forms of support.”

This pressure is especially strong in the case of national television channels whose coverage extends to the entire Russian territory. One can speak of a certain plurality of voices in Moscow despite the media’s general political loyalty to the Kremlin. But smaller

Moscow television channels and radio stations that criticize the authorities are not being retransmitted in the regions for technical or political reasons. There are also not many truly independent media outlets in Russia’s regions, although there are certainly some examples. The majority of regional media reflect the political or financial interests of local power groups. Regional journalists and editorial offices are pressured, directly or indirectly, if they try to expose governmental or business corruption. Neither the state nor industry associations nor the courts provide media outlets or individual journalists with any real protection. “It’s not good or bad media laws that create problems in Russia, but the fact that laws are not enforced or applied, or applied and enforced selectively and inconsistently,” said one panel member.

## OBJECTIVE 1: FREE SPEECH

**Russia Objective Score: 1.96/4.0**—All panelists say that in Russia one has to differentiate between assessing the rights of expression and freedom of speech provided for in legislation and the Constitution, and assessing established practices of enforcing these provi-

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.	

sions and public attitudes toward these rights and their violation.

Article 29 of the Constitution of the Russian Federation and the Mass Media Law of 1991 contain all the necessary principles guaranteeing freedom of the press and access to information. Panelists agree that Russian legislation guarantees freedom of speech and is entirely consistent with the principles of democracy and international human rights standards. Unfortunately, the existing legislation does not specify clearly enough procedures for enforcing the aforementioned principles.

Panelists voiced concern that new media law being drafted in the current year is less liberal than the current law. One of the key reasons for this concern is the prevailing public attitude toward this problem. Public-opinion polls demonstrate that the population is critical or cynical about the mass media and at least appears willing to see access to information and dissemination of information via mass media limited. According to a poll conducted by the Public Opinion Foundation in November 2002, soon after the hostage crisis in Moscow, more than half of Russians (54 percent) believe that Russian mass media need governmental censorship, while just 22 percent of the respondents disagree with that statement. In the same poll, 36 percent of respondents said they believe that authorities should decide which information about crisis situations can be disseminated through television, radio, and newspapers; 31 percent of respondents believe that such decisions should be made by journalists; and 23 percent of respondents think that decisions should sometimes be made by journalists and sometimes by authorities. The Duma's amendments to Article 4 of the Mass Media Law and to Article 15 of the Anti-Terrorism Law, apparently instigated by the media coverage of the hostage-taking, also have provoked grave concerns because of the possibility of overly broad application. President Putin vetoed these amendments in December, but the discussion continues in the Duma.

Application of legislative provisions that guarantee freedom of expression is in a very sorry state. There is not enough trial practice in defending freedom of the press, nor are enough lawyers proficient in media law and its application. Courts are sometimes used as an instrument to pressure the media, rather than as a mechanism for just resolution of disputes, a situation aggravated by the lack of independent media to provide a window on judicial processes.

Legislation or government decrees govern the broadcast licensing process. These regulations are somewhat deficient and often allow for arbitrary inter-

pretation by law-enforcement agencies. Broadcasting licenses are issued by the interdepartmental Federal Licensing Committee, which is closely connected with the Media Ministry. Television broadcasters maintain that as a rule, despite the administrative control of the Ministry, licenses are issued strictly in agreement with established procedures and awarded to the strongest bidder. When the government has a political stake in national television channels (such as in the case of ORT or TV-Center), problems with issuing or prolongation of licenses might be politically motivated. But for regional television companies, members of the Licensing Committee who represent the government and those who are independent experts appear equally interested in assisting independent and viable television businesses. Still, regions are not immune to licensing problems for political reasons, as in the case of radio stations seeking to retransmit the forcefully independent Moscow radio station Ekho Moskvyy.

Panelists maintain that tax privileges for media outlets are gradually being removed, and media therefore are becoming equal market players and equal taxpayers. Privileges on profit tax were abolished in 2002. Privileges on value-added tax (VAT) for broadcasters were abolished entirely, and privileges on VAT for print media were replaced by a reduced 10 percent rate. At present, distributors of print media are to receive this tax break indefinitely. On Dec. 31, 2002, President Putin extended by two years (until Jan. 1, 2005) the term of the tax break for editors, publishers, and providers of advertising services. While some media see the elimination of tax privileges as an infringement of rights, others argue that it would make the media equal with other companies as taxpayers, forcing a more businesslike approach by media. There is an interesting example of a large and successful publishing house, AltaPress in Barnaul, which last year became the largest taxpayer in the well-developed industrial region of Altai.

Media laws do not provide for additional tax breaks or privileges for the state-run media outlets outside of the subsidies that ownership brings. State-run media or media that are somehow connected with the local authorities have clear material advantages, compared with private media, because they are funded from the government budget while being able at the same time to sell advertising.

Articles 129 and 130 of the Criminal Code establish responsibility for libel and personal insults. However, plaintiffs seldom sue journalists for libel because it is difficult to prove malicious intent in court, and trial

practice for such cases is underdeveloped. From January through October 2002, the Monitor service reported 31 cases of action for libel brought against journalists. Such cases are frequently decided in favor of a plaintiff by lower courts because they are located in the same regions where plaintiffs, generally government officials, reside. However, decisions are frequently reversed on appeal, so in the end there are very few cases of criminal prosecution of journalists.

Much more frequently, journalists are prosecuted for “violation of non-property rights,” i.e., for moral damages and damage to the business reputation according to Article 152 of the Civil Code. Lawyers who took part in the discussion estimate that about 6,500 such complaints are filed yearly, about 80 percent of them are heard in court, and in about 70 percent of trials the decision is made in favor of plaintiffs. This law leaves the sum of compensation for moral damages to the discretion of the court, and in practice, this amount can bankrupt a newspaper. Panelists state that virtually every independent newspaper has some experience of defending itself in court on these charges. As one result, investigative journalism becomes a dangerous genre, and newspapers stop working in this direction.

Journalists are rather ignorant in legal matters. Editorial offices generally do not know their journalists’ rights or how to defend themselves in court. To make matters worse, many charges are provoked by the low professional standards of reporters and editors. They leave themselves open for legal challenge for moral damages when they distort quotes, print unverified information, mix facts and opinions, make sweeping statements, or use judgmental language.

Panelists stated that public officials in Russia do not have a developed culture of accountability and sense of responsibility for disclosing public information and giving journalists easy access to such information. “It doesn’t even enter public officials’ minds that they are supposed to serve the public and supply the public with information,” said one participant. Journalists, in turn, often do not know how to defend their rights to this information effectively, on the spot or in court. “No one is really held accountable for violating the rights of citizens and journalists to information,” said one panel member, and consequently access to such information in the public interest can easily be severely impeded.

The media nongovernmental organization (NGO) community has attempted to encourage the Duma to take up the issue of access to information, but so far there has been no revision to the law. Although

the Mass Media Law of 1991 obligates public officials to answer media requests, the law is not enforced in practice and workable mechanisms for facilitating this flow of information are rarely in place. As one panelist said, “Public information is equally inaccessible for state-run and private media.” The difference is only that state-run media do not try to obtain this information, while independent media might make such attempts. Many panelists also believe that discrepancies between the Media Law and other legislation—such as the election law, anti-terrorism law, local legislation, and government orders—frequently result in limiting access to information and press freedom.

*Panelists state that virtually every independent newspaper has some experience of defending itself in court on these (moral damages for “violation of non-property rights”) charges. As one result, investigative journalism becomes a dangerous genre, and newspapers stop working in this direction.*

Although there are no legislative barriers to media independence, it is difficult to call many existing media outlets truly independent. Regional media outlets may fear jeopardizing relations with the local governments that have many tools for putting pressure on them. As an example, one panelist described how a governor ordered phone calls to all of a radio station’s possible advertisers, warning them that if their commercials aired on the station, tax authorities would audit their businesses the very next day.

There are no limitations in Russia on access to foreign media. Many journalists use the Internet, although it can be expensive or difficult to access in more remote regions.

Panelists report no legal limitations on becoming a journalist. There are no limitations on membership in trade associations and professional organizations imposed by the government. It happens, however, that governmental bodies or companies invite to their events only certain media companies and can deny

accreditation, attendance, and permission to film or tape these events to other media companies.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Russia Objective Score: 1.50/4.0**—According to the panelists, the quality of media coverage differs widely among the various publications, television channels, and radio stations. Some national television channels, newspapers, and radio stations provide high-quality coverage, but the standard of journalism across the country generally remains very low. Common mistakes among Russian journalists include mixing facts with personal opinions, not knowing their audience and its needs, and one-sided or biased coverage. Frequently journalists give a superficial rendering of events and include unverified information. These problems, according to panelists, stem from the lack of high-quality professional education and training, as well as the lack of an established professional culture.

The dearth of quality coverage in such areas as politics, economics, local news, and health care results mainly from the fact that journalists do not specialize in these areas. Some journalists are well-known professionals in one of the areas, but there is no general trend toward developing journalistic specialization.

On paper, there are numerous ethics codes, including the Code of Professional Ethics for Russian Journalists passed by the Union of Journalists, the declaration passed by the Moscow Charter of Journalists, and regional media organization initiatives such as the Guild of Court Reporters program called “Clean Pens.” But in reality, very few reporters or publishers follow these standards. Panelists believe that this is because few journalists truly understand that ethics are inseparable from professionalism. Unfortunately, they report, journalism has become a corrupted profession. Both national and regional media publish features, interviews, reports, and even news that is paid for by the source but not clearly marked as sponsored. In the majority of cases, these stories are published not at the private initiative of a journalist, but are controlled by the management and produced jointly by the editorial and the sales departments. Many media managers do not see this as a problem and consider it an acceptable source of revenue for a media outlet. And reporters do not see the difference between journalism and promotion/advertising. Such practices undermine media credibility and inhibit the business development of media companies because hidden advertising eventually proves to be inefficient. Another problem is the dependence on political advertising—both open and, of more concern, the hidden advertising masked as news. For many media companies, national and local election campaigns can be compared to the tourist season in Florida, when media earn enough to last them through many months and even years until the next round of elections.

Panelists note that media coverage has become more cautious in the bad sense of the word. Media managers and reporters are afraid to lose their licenses or run into trouble with authorities, and consequently they avoid controversial or “hot” issues. Sometimes reporters are limited in their choice of topics by editors or media owners who censor stories because they want to be careful not to offend local authorities, advertisers, and influential political or financial forces. Panelists believe that such issues as Chechnya or terrorism might soon become closed topics for Russian media altogether.

Reporters’ very low wages magnify the problems of self-censorship, “paid” stories, and low professionalism. Salaries comparable to world standards are typical for a very small number of national television channels, commercial radio stations, and print publications. On average, journalists across the country are paid

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).



minimally, in some cases in the range of \$75 to \$150 a month.

Entertainment programming today clearly prevails over news. This reflects a general world trend but also indicates that Russian society is tired of politically biased and partisan news, especially used as an instrument of struggle between political and business factions. According to the latest Gallup survey, the total audience of general-interest and business weeklies in Russia declined in 2001 and 2002, while the share for entertainment publications grew. Likewise, television ratings of feature films go up, and ratings of news and political commentary programs go down. The National Association of TV and Radio Broadcasters' survey of audience preferences on the Internet in 2001 also showed that the top two places belong to entertainment and leisure and computer games. At the same time, polls conducted by media research companies and by the media show that most audiences are interested in news about such areas as social issues, education, and health care and want to follow events happening in their cities, regions, and the entire country. In polls, respondents invariably choose such categories as news, education, crime, and reports from zones of conflict. Polling data collected in the Review of Media Surveys in Russia 2002 compiled by the Monitoring.Ru research group, International Confederation of Journalists' Unions, and the Expert Analysis Center of Media Research Eurasia-Media show that television audiences place news programs at a close second place in terms of viewing preferences, with 70 percent listing movies and 68 percent listing news. Radio audiences also place news (55 percent) in the second position to music (68 percent). Press audiences put news first (54 percent). At the same time, news and information programming on the radio take just 20 percent of overall air time, according to panel participants. It is clear that audiences want information on social, political, and economic issues, but panelists maintain that the media today do not offer quality products that can satisfy this need and develop it further.

Panelists say that news-gathering and production technology are not responsible for low quality in Russian journalism. Many media outlets are equipped with modern technology that is quite efficient and comparable to the world standard, although the situation is better for broadcasters than for newspapers. Many regional television companies have upgraded their very outdated equipment to the most advanced digital technologies. Media development today doesn't require technological upgrades but training reporters to work

with new technologies and the professional development of journalists on the basis of new technologies. As for information-delivery technologies, today most towers, antennae, and transmitters of television signals are outdated, but their upgrade requires substantial capital investment. Few regional newspapers own their own presses.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Russia Objective Score: 1.63/4.0**—According to the panelists, both private and governmental news media sources of information are available to the Russian public. Federal television channels and newspapers mostly cover national news, and regional media concentrate mainly on local events and issues. The reasons for this division are: a) that local media do not want to compete with national media, instead pursuing local news in demand by local audiences; and b) access to video covering national news and to the federal news-wire services is too expensive for most regional media.

Some media subscribe to news-agency services, including Western wire services. There are more than 1,000 national and regional news agencies in Russia. The two largest ones are state-run ITAR-TASS and RIA Novosti, suggesting a monopoly of sorts held by the state in the area of news services. The largest private

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



news agency, Interfax, concentrates on economic and business information, and there are other agencies focusing on business information, such as RosBusinessConsulting and Economic News Agency. However, most regional media find national newswire services too expensive and rarely use them. Regional print media do not use newswire services efficiently because of a lack of skills or editorial management, one panelist said, but they also complain that these agencies do not provide a complete picture of the country and do not include information from regions that “are not the source of ‘hot’ political news.” Regional television companies cannot afford to buy footage from foreign news services or national channels and generally do not find this footage very relevant for their own newscasts. All regional television newscasts focus on local coverage.

Regional media actively use a number of regional information agencies, such as UralInform (the Urals), SibInform (Siberia), and KamaPress (Tatarstan). Some regional news agencies are independent. Others, however, depend on local governors and do not cover events that reflect poorly on these officials; they also fail to cover the activities of opponents. A wide number of newswires are available on the Internet (Lenta.ru, Gazeta.ru, Accumulator Novosti), including information agencies focusing on political news (Agency of Political News, www.apn.ru), crime coverage (Criminal News, www.cry.ru), regional events (Agency of Regional News www.regions.ru), or environmental issues (Agency of Ecological News, www.battery.ru).

Panel members said that the government does not limit Russians’ access to information sources. Rather, the government prefers to try to influence the information sources themselves as opposed to crudely interrupting television or radio broadcasting or confiscating a print run. Access to information today is limited more acutely by economics or poorly developed infrastructure. For example, newspapers and other periodicals may reach villages late because of delivery problems; some territories may be out of television or radio coverage; or radio may not function because wires or poles need replacement. Many rural areas are reached by only one or two national television channels. Another problem is that high subscription prices make periodicals unaffordable to lower-income populations, especially in villages, where residents also may not own televisions or radios. Internet access is available in larger cities; small towns may not have the necessary technological resources. According to the data provided by Public Opinion Foundation in 2002, 8 percent or 8.8

million Russians use the Internet. Cable television is not widespread yet, even in larger cities. Only a small part of the overall Russian population can afford to buy computers, pay for Internet access, or subscribe to cable television.

*Despite being funded by tax revenue, “the state-run media are servicing the interests of their founders (government bodies) instead of fulfilling the public-interest function,” according to panelists. The panel members maintain that these state-dependent media outlets form the majority among regional media, although there certainly are examples of independent stations and newspapers.*

There are no legal limitations in Russia on accessing Western publications, radio, or television. In reality, though, this access is limited by high subscription or retail prices and by the fact that few people have the necessary command of foreign languages.

According to panelists, in addition to the national media owned by the government and promoting official views of the state, numerous regional media outlets in one way or another depend on local budget funding or privileges provided by local authorities. Consequently, these regional media outlets promote the interests of local political factions or officials. Each faction of public officials in each region (governor, mayor, and so on) has its own newspaper and/or television channel. Despite being funded by tax revenue, “the state-run media are servicing the interests of their founders (government bodies) instead of fulfilling the public-interest function,” according to panelists. The panel members maintain that these state-dependent media outlets form the majority among regional media, although there certainly are examples of independent stations and newspapers.

Panelists noted that among non-state media companies, the ownership structure is not transparent. Generally, one can easily guess who are the main owners from the tone of news coverage provided by a

given media outlet. But actual information about media owners, especially in the regions, generally is closely guarded and not accessible to the public. There is little tradition of media companies with strong but separate business and news departments or of the owner’s opinion being isolated on the editorial page. Rather, stations and publications tend to reflect directly the interests of the owners (politicians or entrepreneurs), form part of the local power structure and support a certain political or economic faction, or sell to different factions depending on the situation. Only very few Russian newspapers today realize that lobbying special interests eventually will result in the loss of credibility and readership and ultimately harm their business. Those newspapers that do, however, present a multitude of points of view and can be called “independent.”

Some media publish and broadcast in the national languages of peoples living in Russia or in foreign languages. According to Russian Book Chamber data, in 2001 in Russia there were 213 newspaper titles and 176 magazines published in languages other than Russian. Newspapers in national languages help to preserve the culture of various small ethnic groups and, according to panelists, serve as “declarations” of sorts. In the case of larger nationalities, such as Buryats or Udmurts, newspapers published in their national languages are mainly state-run and reflect governmental interests. Panelists maintain that the real interests and problems of ethnic minorities in Russia are underrepresented by either national or local mass media.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

**Russia Objective Score: 1.57/4.0**—Development of the print press market infrastructure differs significantly from region to region. Overall, in today’s Russia there are 200 subscriptions to print publications per 1,000 people. (In the 1980s, the ratio was 1,200 subscriptions per 1,000 people.) The overall number of copies sold through subscription is 32.1 million, which is 40 percent of the total circulation. According to the Russian Ministry of Communications, 7,071 titles were offering subscriptions in 2002. The press distribution market is controlled by the Rospechat company, whose share of the subscription market is 50 percent. Its distribution/delivery system generally is considered rather inflexible and inefficient. The closed corporation Agency for Subscription and Single-Copy Sales holds 25 percent of the market. The Interregional Subscription

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.

Agency is the third major player on this market. It is widely agreed that the system of distribution and delivery today presents a significant obstacle to the development of print media. Therefore, more companies are trying to develop their own delivery systems, although the great distances and poor roads in Russia still seriously hinder these efforts.

The federal government still owns most printing facilities able to print newspapers with large circulation. Their equipment quality and performance generally fall below modern standards. In most Russian regions, letter presses are still in use. There are, however, a few regional markets with private printing establishments, and some of these are leasing presses. State-run printing establishments in these markets—Barnaul, Tomsk, and Novosibirsk, for example—also begin to operate more efficiently, presumably in response to the competition. Buying new printing equipment requires large capital investment, and consequently the overall situation with printing facilities improves very slowly. Media assistance efforts have not focused on infrastructure development, although there are some isolated examples.

Media revenue structure—not including government subsidies—depends on the economic level of a given market and on the type of publication. Retail sales are the main source of revenue for the “yellow” press and tabloids. In the urban areas where the advertising market is well developed, most newspaper revenue will

come from advertising sales. There are even examples of general-interest newspapers that are distributed for free and live entirely on ad revenue, such as a newspaper in Obninsk. In the regions with few small businesses and a weak advertising market, the main source of newspaper revenue comes from retail sales and subscription. As noted previously, there are few truly financially independent general-interest newspapers, and most complement their income from advertising and circulation with state or factional subsidies, benefits, and privileges. “Media try very hard to increase their revenue from advertising sales, but in reality many regional media survive thanks to local subsidies and benefits and breaks provided by local governments,” one panel member explained. Frequently these revenue sources play a significant role in newspaper budgets, but they are difficult to estimate. Overall, panelists state that the revenue structure of print publications is not transparent and that it is very difficult to make accurate assessments.

*The level of growth depends on the media category: television advertising is expected to grow 85 percent, radio 27 percent, and print publications 26 percent (23 percent for newspapers and 31 percent for magazines). Media professionals believe the gap between television and print is so wide because agencies try to sell television ads first, giving leftovers to other media.*

Data about the Russian advertising market also are not exact. The overall volume and structure of the market have to be estimated based on expert opinions and measurements of several regions and big advertisers. According to the Expert Council of the Russian Association of Advertising Agencies (RARA), the advertising market in Russia continues to grow rapidly. Estimates for the first nine months of 2002 are: television advertising market volume, \$560 million; radio, \$50 million; print publications, \$400 million—including \$140 million for magazines and \$260 million for newspapers (including free advertising “shoppers”). Overall, the

advertising market in 2002 should grow 50 percent in comparison with 2001. The level of growth depends on the media category: television advertising is expected to grow 85 percent, radio 27 percent, and print publications 26 percent (23 percent for newspapers and 31 percent for magazines). Media professionals believe the gap between television and print is so wide because agencies try to sell television ads first, giving leftovers to other media.

Those media outlets that try to develop as businesses are beginning to realize the importance of market and audience research. National television channels and radio networks do their own audience research. Regional media also are starting to study their customers and advertisers. They do phone interviews, mail questionnaires, organize focus groups, survey consumer preferences, and study advertisers active in their markets. According to the Monitoring.Ru research company, 30 percent of Russian newspapers do not study their readership at all; 30 percent of newspapers analyze letters to the editor and invite readers to their editorial offices; 20 percent distribute questionnaires to their readers; and 20 percent rely on surveys and focus groups in defining their editorial and advertising policies. The *Krestyanin* newspaper from Rostov-na-Donu, for example, has developed interesting techniques for surveys and readership research. However, few research companies located in the regions inspire the trust of either media outlets or local and national advertisers.

Ratings of television channels, radio stations, and print publications are measured selectively. Only larger media companies and advertising agencies can afford to subscribe to these measurements. Very few regional media use data provided by national companies, commission research, or use their proprietary methodology because most regional media cannot afford their prices.

The Gallup Media company holds the leading position in media measurement and research, despite the fact that both media and advertisers harbor serious doubts about the validity of Gallup methods and accuracy of results, especially concerning regional media. However, Gallup Media offers advertising agencies convenient service “packages” and substitutes for necessary but nonexistent common standards of media research. In general, the media research market is tainted by lack of trust in research data provided by national and regional research companies. According to one panelist, “everyone knows that ratings are easily bought and sold.”

For newspapers, circulation audits still are uncommon. Actual circulation numbers of Russian

publications can differ substantially from declared circulation, but there is no circulation auditing service universally recognized by publishers and advertisers. The National Advertising Service, established in 1998, certifies circulation for 153 publications as of November 2002 (compared with 33,948 titles registered in 2002). Publishers complain that the National Circulation Service’s prices are high and results not objective. Panelists note that there is a growing need for circulation audits and active media community discussion about developing a circulation auditing service either on the basis of the existing one or by establishing an alternative service that will be objective, affordable, and impartial.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Russia Objective Score: 1.89/4.0**—A whole range of industry associations for television and radio broadcasters and publishers exists in Russia. Those seeking to be Federation-wide include the National Association of TV and Radio Broadcasters (NAT), the National Association of Publishers (NAP), the Guild of Publishers of Periodicals (GIPP), the Union of Journalists, the Media Union, and the Union of Publishers and Distributors of Print Products (SIRPP). Regional publishers and journalists have associations of their own, such as the Association of Regional Press Executives (ARS-Press), regional Unions of Journalists, and the recently announced Association of Regional Inde-

pendent Publishers. The many differences among and between regional and national mass media outlets manifest themselves, among other ways, in the fact that no one trade association really unites them and represents their common interests.

None of the panelists were able to name an association whose lobbying efforts on behalf of the industry could be called proactive and efficient. National publishers associations are seen as controlled by a few large companies. Consequently they are viewed, correctly or not, as lobbying on behalf of these companies and have proved unable to gather substantial membership among Russian publishers in order to represent common interests of the industry. Defense of factional interests and the overall passivity of existing associations also results in ineffective promotion and lobbying for the entire media industry’s needs. In July 2002, several CEOs of the largest national broadcast and print media, information agencies, trade unions, and advertising agencies created an Industrial Committee, whose main objective is to lobby the government. Panelists believe that it is too early to assess results of this committee’s activity, but the relative lack of regional media involvement and the presence of government-linked members have raised concerns. Panelists mentioned several examples of efficient lobbying on behalf of the media in the regions and cited a few cases of resulting changes in regional legislation. These cases occur in regions with a sufficiently developed media community, where authorities are open to cooperation with the media.

Panelists believe that none of the trade associations defends journalists in relation to their employers. The Union of Journalists sometimes acts on behalf of journalists, but these actions are few and far between. Plans for creating a labor union for journalists still remain as plans. Panelists say that some regional branches of the Union of Journalists are more proactive than the Moscow headquarters and play a significant role in those regions.

According to the panelists, one organization with activities defending freedom of the press that bring results is the Glasnost Defense Foundation. But they say that today’s Russia clearly needs more activity in terms of protecting free speech, journalists’ rights, and the media than various NGOs can currently offer.

There are several active media assistance NGOs in Russia. Internews-Russia, the Press Development Institute (PDI), and the Foundation for Independent Radio Broadcasting (FNR) work in the field of professional training and advocacy. (Panelists representing

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

these organizations refrained from assessing their own work or commenting on their colleagues during the discussion.) Media representatives said that training seminars offered by Internews, PDI, and FNR are highly regarded by the media community. The Zvereva School in Nizhny Novgorod and the BBC School in Ekaterinburg also were mentioned. Panelists agree that the media-development situation in Russia requires so much work that neither commercial organizations nor NGOs offer enough to satisfy the need for training of media professionals. In addition, they said, the high level of demand for media assistance provided by NGOs will not decrease for a long time. That is partly due to the fact that most regional media generate low revenue and cannot afford to pay for training. Top management also is beginning to realize that other media professionals—such as ad representatives, distributors, and designers—need training as well.

*Panelists mentioned several examples of efficient lobbying on behalf of the media in the regions and cited a few cases of resulting changes in regional legislation. These cases occur in regions with a sufficiently developed media community, where authorities are open to cooperation with the media.*

Panelists maintain that demand for professional training from NGOs stems in part from the very low level of education provided by journalism schools, especially in terms of modern independent journalism

and media management. Undergraduate and graduate studies have very inflexible structures and the curricula are being improved too slowly, not yet satisfying the changing demands of the media community.

Panelists believe that the shortage of locally offered professional-development services seriously impedes the development of media professionals, since few regional media can afford to invite good trainers to the regions or send local journalists to Moscow. Some NGOs believe that it would be expedient to develop a structure of regionally based training centers and to train local trainers. Consequently, they would be able to train and consult regional media locally, offering less expensive and more accessible services. The Press Development Institute, a Russian NGO primarily funded by the United States Agency for International Development through an IREX-implemented program, follows this model and has five regional offices outside of Moscow coordinating programming for their areas. In addition, at least one independent media company is pursuing plans to develop an onsite training center for its region.

Although printing presses in most places belong to the government, panelists did not mention cases of preferential treatment of governmental media at the expense of private newspapers. The main factor inhibiting newspaper development is the inefficiency of printers, rather than their political bias.

The same factor characterizes distribution and delivery of print media to consumers. Newspapers suffer from inefficiency and irresponsibility of some newspaper retail sellers and intermediaries. Delivery of television signals is under complete government control. Even though transmitters and towers can be privately owned, transmission and broadcasting are rigidly controlled by state supervision and by the Ministry of Communications.



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# UKRAINE

## INTRODUCTION

Ukraine's transition to a more democratic system continued to be problematic in 2002. The Kuchma regime's critics accuse it of involvement in large-scale corruption, bankrupting the Ukrainian economy, abuse of office, and hindering democratic development. The regime was also widely condemned for alleged arms sales to Iraq.

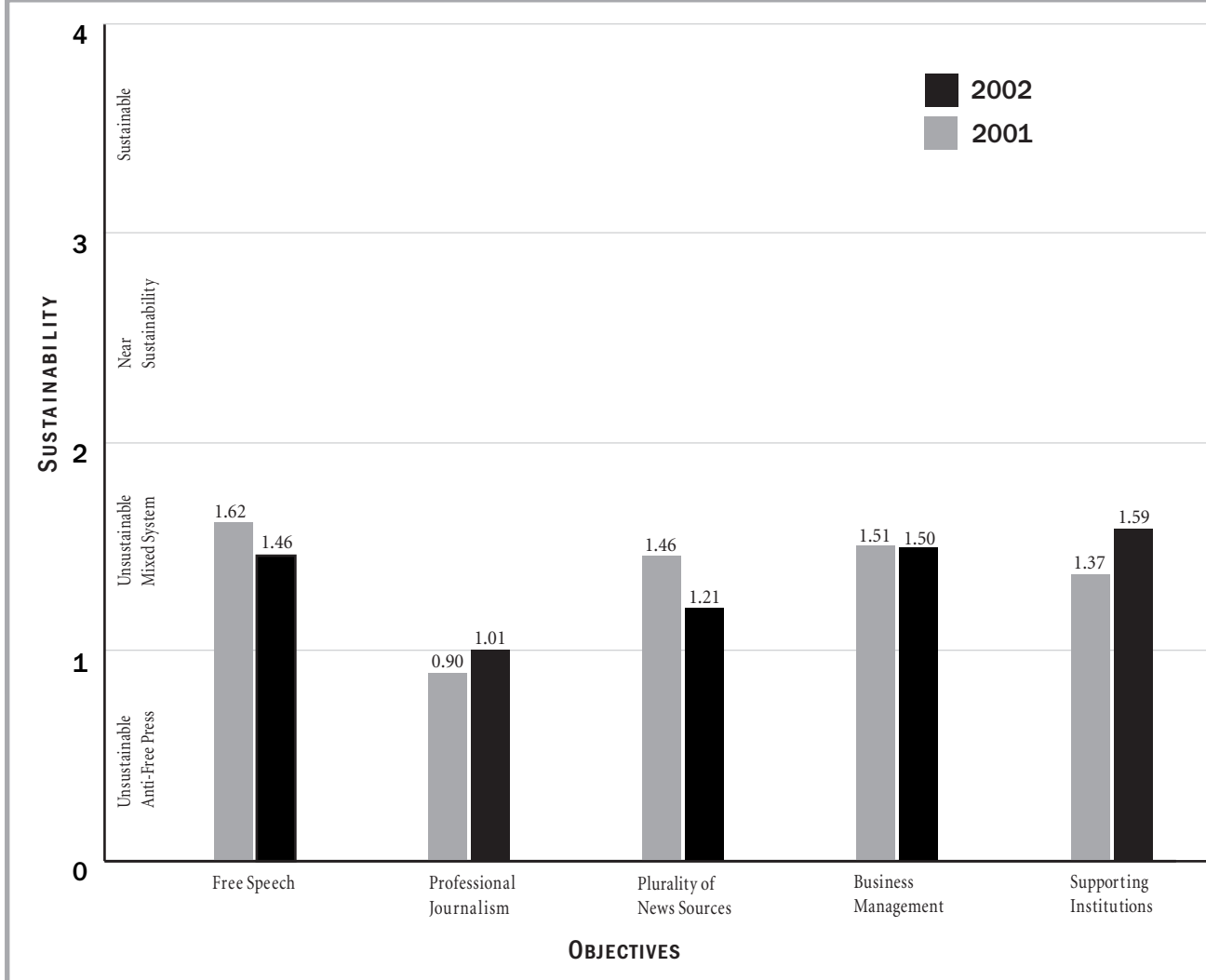
As in many former Soviet countries, on paper Ukraine appears to conform to many European and international standards of freedom of expression. However, in practice the Ukrainian government has continued to harass independent media and journalists through administrative measures (for example, tax inspectorate investigations and fire codes). Broadcast media are susceptible to intervention through unclear licensing procedures. Moreover, state-owned media continue to receive preferential treatment through subscription subsidies, printing privileges, and distribution through the state postal system. At the same time, physical threats against journalists have continued, and none have been thoroughly investigated and reported, leading to self-censorship.

Many regional and Kyiv-based journalists are familiar with the tenets of fact-based and objective journalism. While there have been improvements in Ukrainian journalism, overall most Ukrainian news coverage tends not to be fair, objective, or well-sourced. As evidenced in the parliamentary campaign period in early 2002, most Ukrainian journalists and media outlets made little effort to cover all the candidates and parties fairly. As a result, media coverage throughout the election period was one-sided, with minimal coverage of substantive issues.

On the business side, some media outlets in Ukraine are making more concerted efforts to operate on sound business and management principles. The state continues to control newspaper distribution and has maintained its monopoly on printing and broadcast transmitters. Although newspapers and broadcasters do receive money from advertising revenue, the practice of receiving money from sponsors—who are involved in the editorial content of the media outlet—is still widespread. Such sponsorship further inhibits the growth of true journalistic integrity at newspapers and stations throughout the country.

*Panelists also mentioned that there is advertising censorship in the Ukrainian media, which means that advertisers get positive coverage, and can even mean that any negative news about an advertiser would be quashed.*

## UKRAINE-MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

## OBJECTIVE 1: FREE SPEECH

**Ukraine Objective Score: 1.46/4.0**—On paper, Ukraine generally conforms to European and international norms of freedom of expression. Those rights are enshrined in the Constitution and laws and in international agreements to which Ukraine is a party. But the reality is quite different. Most panelists noted the Ukrainian government’s profound lack of respect for and enforcement of free-speech laws. Some laws contradict each other and allow the authorities to pick and choose laws to use against media. The so-called Telephone Law—through which government officials intercede to influence court decisions—is still very commonly used. Government officials frequently file suit or take other harassing steps against the media to try to intimidate them and limit negative coverage or even neutral coverage; anything other than adulation and respectful, positive coverage is anathema to the government.

On the positive side, the panelists lauded the creation of a nationwide cadre of knowledgeable defense lawyers who are practiced in media law thanks to the efforts of multiple donors and organizations such as IREX, Internews, the Association of Newspaper Pub-

lishers, and the National Association of Broadcasters. Panelists also said the media law seminars provided by IREX for trial and appellate judges have helped to even the playing field somewhat, as the media now tend to win more cases than in the past. Panelists also pointed out the trend toward collective action by journalists, through formal or ad hoc organizations including new journalists’ unions, a strike committee, and an ethics commission.

The participants said Ukrainians in general do not become greatly upset by, or take action against, abuses of freedom of speech and media, even though the public understands that censorship exists and journalism is an extremely dangerous profession. “The society does not react on the facts of abuse and even does not recognize the value of freedom of expression,” said one panelist.

A licensing procedure for broadcast media remains murky. The National Board on TV and Radio Broadcasting, which issues the licenses, remains politically dependent on the presidential administration. Panelists pointed out, however, that the presidential administration denies that licensing is political or that the process is abused. But participants agreed that very often the decision-making is geared toward the business or political interests of oligarchs, rather than based on open and honest competition between applicants. License issues also are used as a tool by the government to control stations’ news coverage policy. Stations that are too independent can find getting a license renewal problematic, one panelist said, citing as an example the popular station Studio 1+1.

There are no taxes aimed solely at the media, and it is no more difficult to start a newspaper than any other business. Nevertheless, the media are closely scrutinized by a host of controlling authorities, including tax officials, health officials, the fire service, and the police. The panelists mentioned that the ease of a media start-up depends on its political orientation and sponsorship—with nongovernment-aligned media facing a much tougher time. Broadcast media are in a more difficult position, because they need two licenses—one for a transmitter and one for frequency. “The vendor of guns needs only one license, but television and radio need two!” said one of the panelists. Panelists mentioned unreasonably high licensing costs as another barrier to start-up of broadcast media outlets.

The state-owned media receive preferential treatment in various ways, including printing privileges, favorable rates for buying newsprint, renting state-

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.

owned offices, distribution through the state postal system budgetary allotments, use of state resources, and so on. One panelist mentioned that Golos Ukrainy, the newspaper of the Ukrainian parliament, will receive \$400,000 in subsidies for subscriptions this year. Many state media also receive preferential treatment in the way information is distributed, because they can be counted on to follow the government line in reporting information. There have been several instances in which local government administrations have refused to give accreditation to private newspapers because the local administration already had its own newspaper. State-owned media in the provinces are totally controlled by local administrations, with editors usually appointed by direct or indirect decision of the administration.

*According to a poll by the Ukrainian Centre of Economic and Political Research (the Razumkov Center), 78.7 percent of the people in Ukraine consider journalism a dangerous profession. But panelists also mentioned that authorities use means other than violence to punish journalists seen as troublemakers. Use of the criminal-justice system is not uncommon.*

There have been numerous attacks against journalists in recent years, and none of them has been successfully investigated and resolved. There are still not as many such attacks in Ukraine as in other countries, such as Russia, but the number is large enough to make journalists fear for their safety. Consequently, they censor their reporting, which is, after all, usually the purpose of such attacks. The panelists mentioned a wide range of crimes against journalists: murder, violence, and harassment toward the journalist or the family members. According to the Barometer of Freedom of Speech, a monitoring project of the Institute of Mass Information, 2002 saw four Ukrainian journalists killed, three arrested, and 27 beaten or harassed. Some panelists, however, cautioned against accepting such numbers at face value, and said that exaggeration might actually be weakening the efforts of campaigners for free speech

and the safety of journalists. Although it is true that several journalists were killed or attacked in 2002, there is little, if any, evidence in many of those cases to show a link between the journalists' work and the violence visited upon them. However, all panelists agreed that there are undisputed cases of attacks on journalists and other media representatives. One example: during the spring 2002 parliamentary and local election campaigns, an unknown assailant threw acid in the face of Tatiana Goryacheva, editor of the independent newspaper Berdyansk Delovoy. The investigation into the crime was without result, which is the norm in cases of violence against journalists.

"The state. . . doesn't want to protect the journalists in cases of crimes against them," one panelist said, then citing the statement of the Interior Affairs Minister, who said in 2001 that 90 percent of all journalists' death resulted from the journalists' heavy drinking and alcoholism. The Minister also said that the journalists, when investigating corruption and organized crime, deliberately risk their lives and that the only assistance police could give them would be to provide them with guns—a proposal that numerous journalists have embraced and lobbied for.

According to a poll by the Ukrainian Centre of Economic and Political Research (the Razumkov Center), 78.7 percent of the people in Ukraine consider journalism a dangerous profession.

But panelists also mentioned that authorities use means other than violence to punish journalists seen as troublemakers. Use of the criminal-justice system is not uncommon. One example came from a small, independent newspaper in Yevpatoria, Crimea, that published a series of articles about abuses of law committed by officers of the UBOP (an anti-organized crime unit). Shortly thereafter, the paper's editor (and the articles' author) was arrested by UBOP on suspicion of having ordered a contract murder. The journalist was released after several days in jail and after strong protests by the journalism community and human-rights nongovernmental organizations (NGOs). Once again, panelists praised the growing level of solidarity among journalists, saying it has at times been the only reason that officials have not been able to punish journalists wrongly or otherwise run roughshod over the media and their rights. Another way of punishing journalists is to have them dismissed from their jobs—either directly, for state-employed journalists, or through pressure on private publishers and station managers. Despite Ukraine's myriad problems, though, panelists did stress that the

situation in Ukraine is markedly better than in numerous other countries such as Iran, Iraq, or Colombia.

Libel law has changed in Ukraine in the past two years, largely due to the efforts of IREX ProMedia's legal program. The LDEP lawyers convinced Ukraine's Supreme Court to issue instructions to lower courts to give public officials no more protection than everyday citizens in libel cases. These instructions also oblige the courts to base their decisions on the European Human Rights Convention. This is a recent development, so it remains to be seen how effective the directive from the high court will be. Truth is not an absolute defense to libel accusations in Ukraine, and invasion of privacy is a troublesome area that often replaces libel as a tool used by public officials against the press; Ukraine's privacy laws are very—in fact, restrictively and ridiculously—strong. The panelists mentioned that in some cases in which judges have filed lawsuits against the media, court decisions might well be based on solidarity among judges, rather than on the evidence in the case. A judge in Kirovograd won a judgment of several million hryvnya in libel actions against television stations and newspapers after he lost a parliamentary election race.

There are constant problems for the media and public in gaining access to government information and data. This is partly societal—Ukraine still holds the Soviet mindset that information is to be guarded, rather than released. It is also the case because clear instructions do not exist regarding release of information, although the law says government information is, generally, to be considered open to public inspection and access. This is partly because information is not stored in systematic and easy-to-access manners in many departments and agencies. And partly it is because bureaucrats fear the consequences if they release something that later causes displeasure among their higher-ups. Discussing the issue, panelists agreed that access to information is the subject of bargaining between authorities. Media, in order to curry favor and thus be able to obtain information, have to censor themselves in their coverage of government agencies. Sometimes officials displeased with coverage retaliate by limiting the access of those journalists; the officials refuse to release information, or they refuse or rescind accreditation, as was done in the case of *Alubika*, the only newspaper in Alupka. The local administration refused to give accreditation to journalists from the privately owned newspaper because of what they called its “non-objective coverage of the government administration.” To overturn that decision, the courts took nine

months, during which the local government refused to release any information. Similarly, the Internet news site *Ukrainska Pravda* was denied accreditation to attend briefings by the prosecutor general.

Panelists also pointed out, though, that journalists very often do not seek information beyond press releases and comments from press officers at various government agencies. When lawyers and media assistance organizations have urged journalists to assert their rights to open government records, the journalists have declined to pursue such cases, saying they do not want to rock the boat and invite retaliation.

*Broadcast media are in a more difficult position, because they need two licenses—one for a transmitter and one for frequency. “The vendor of guns needs only one license, but television and radio need two!” said one of the panelists.*

Journalists have unfettered access to international news, if they can afford it. There are no government restrictions on access to such information. Foreign news agencies, newspapers, and broadcasters report from Ukraine and make their information available in Ukraine. Though few media outlets in Ukraine subscribe to international news agencies, many do receive international news reports through the Internet, and foreign news programs are available on many cable-television systems in Ukraine, albeit in their original language. One panelist did point out, however, that in provincial areas the media have fewer technical possibilities, as well as much less money. Often their only source of international news in Ukrainian is DINAU, the government-owned Ukrainian news agency, which provides filtered information. Because much international news is in English, German, or other languages not known by most Ukrainians, a language barrier to receiving international news also exists. Ukrainian media regularly send reporters abroad, and some newspapers and national broadcasters have correspondents or stringers in important foreign capitals.

No restrictions or licenses are imposed on journalists, and anyone can become a journalist. However,



journalism education in the universities—though a popular and growing field of study—remains stagnant, suffering from underfunding, poor curricula, and an overabundance of older, Soviet-style instructors with little or no practical journalism experience, especially in the post-communist era. Journalists working for state media generally receive higher salaries and pensions than those working for private outlets. By law, state media journalists receive salaries equivalent to those of other public servants. This salary discrepancy sometimes leads to hard feelings and to journalists at private media outlets jumping to state media. Some private media, however, are increasingly profitable and are able to match, or even exceed, salaries paid at state-owned media outlets with which they compete. Salaries tend to be considerably higher in Kyiv than in provincial cities, and this had caused a large inflow of journalists to the capital from those cities.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Ukraine Objective Score: 1.01/4.0**—Many journalists both in the provinces and in Kyiv are familiar with Western-style, quality, fact-based journalism, and have sufficient skills to practice it. Unfortunately, the more important the media outlet, the less possible it is

for its journalists to adhere to these standards. Although there have been improvements, particularly in provincial media, it cannot be said that most Ukrainian news reporting is fair, objective, and well-sourced. It is far more common for a story to be based on one information source, rather than seeking out corroborating—or conflicting—sources of information. Besides one-sided news stories, one often sees content influenced more by opinion than fact. As one panelist said, the goal of many Kiev journalists is to write beautifully, rather than professionally. A taste for sensationalism—both among journalists and readers—leads media outlets to publish entertaining, but tasteless and frequently inaccurate, information designed to titillate rather than inform.

In the parliamentary election campaign period in early 2002, most media outlets and journalists made little effort at, or pretense of, covering all the candidates and parties fairly. Instead, coverage was very one-sided, with media outlets touting either the opposition bloc or, more commonly, the pro-presidential parties. There also was minimal coverage of substantive issues, with most stories instead focusing on political squabbles and personalities. The losers in all this were the reader, viewer, and voter. However, there were some bright spots. Lured by money from the International Renaissance Foundation (IRF), several television stations hosted candidate debates in which they agreed to offer airtime and identical conditions to all candidates. (However, when the IRF first offered the grants, they found no takers, as television stations all said their internal political restrictions would make it impossible to offer airtime to candidates the stations’ backers opposed.) And nearly 30 newspapers published, a week before election, a non-partisan voters’ guide that focused on issues rather than personalities. The guide was funded by IREX ProMedia and produced in partnership with the Ukrainian Newspaper Publishers’ Association. Other outlets, on their own, strove for impartial and complete coverage and succeeded, despite being subjected to severe pressure from governmental and political forces. It was stressed during the panel discussion that the majority of media are founded and run as political projects and not as means to inform the public.

There are no generally accepted codes of ethics for Ukrainian journalists. There has, in the past year, been a laudable attempt by a group of journalists (led by numerous well-known and well-respected journalists) to create such a code, but it has not caught on widely for several reasons. One of the fundamental issues is that many journalists would reject such a code because,

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

in difficult economic times, the money they receive under the table to write articles commissioned by their subjects is an important part of their overall income, and they do not see any way to survive financially as journalists without such extra payments. “It’s useless to adopt the law, if there are no morals,” one panelist said. The fact that journalists are working unethically and in favor of one or another political force also weakens any solidarity among journalists, since they often find themselves on opposite sides of political fences, or are ordered by their political paymasters to attack or deride each others’ work.

*As one panelist said, the goal of many Kiev journalists is to write beautifully, rather than professionally. A taste for sensationalism—both among journalists and readers—leads media outlets to publish entertaining, but tasteless and frequently inaccurate, information designed to titillate rather than inform.*

As long as media outlets are run as tools to enhance an owner’s or backer’s political or business standing—rather than as businesses themselves, designed to inform the public while making a profit—it seems impossible that ethical standards will take root among journalists. After all, when the publisher or station owner orders unethical behavior or slanted coverage, a journalist does not have a realistic option of hiding behind a code of ethics to which the publisher or owner does not subscribe.

Self-censorship is rife in the Ukrainian media. In a poll conducted by IREX ProMedia’s legal program, a large majority of editors said they practiced self-censorship on a regular basis, primarily out of fear. One panelist mentioned that there has been a return to “Aesopian” language in news stories, wherein the news coverage has a hidden sense to avoid outright censorship, and audiences are expected to “read between the lines.” But there are also cases of outright censorship. Since autumn, authorities tied to the ruling elite have been sending to national media—and, via regional

and local government administrations, to provincial media as well—so-called *temniks*, which are lists of events with often detailed instructions about coverage or noncoverage of particular events. According to the survey by the Ukrainian Centre of Economic and Political Research (Razumkov) in October 2002, 46.4 percent of the people in Ukraine said they thought that censorship definitely existed in Ukraine, while 27.2 percent thought censorship existed “to some extent.” Because so many newspapers and broadcast stations, particularly in Kyiv and in some of the larger cities, are owned or otherwise controlled by political interests or oligarchic business clans, journalists know that writing articles against the interests of those owners or patrons could cost them their jobs. The same is true at the state-owned newspapers and stations.

Journalists do cover most key events, but not always in a professional, thorough, or objective manner. Governmental coverage is very heavy but often not comprehensive or critical. And some events simply are not covered. The most notable recent example was opposition protests that drew thousands in Kyiv—but had limited coverage by the national television channels or newspapers (except those papers funded by and loyal to the opposition). That event also was noteworthy in that every television station was taken off the air simultaneously as the first large protests were beginning, and remained off the air for several hours during the day. The government said this was for scheduled maintenance, but such blackouts—which do occur occasionally—have never, since independence in 1991, affected more than one station at a time. The protests got minimal coverage, and the unprecedented blackout even less.

Pay levels for journalists are abysmally low, as they are for most Ukrainians. But that is probably irrelevant, as the amount of money available for buying media outlets and influencing news coverage is obscenely high. The pay system used at most newspapers gives reporters a very low base salary, supplemented by a small payment for every story printed. Officially, journalists and editors are poorly paid, even with those per-article honoraria, but that official pay is frequently supplemented with an under-the-table, untaxed sum larger than the official pay. While that gives many in the industry enough money to live on, it makes them dependent on the owner to write or print what is wanted, or face the threat of losing the larger part of one’s income, with no recourse, as the payment has been made illegally.

Most television stations do have news programming, though; of course, most of their airtime is taken up with entertainment programming. Radio news is, however, scant. Panelists also noted that the amount of time that television stations are devoting to news is decreasing. One national television channel, Novy Kanal, recently announced it was cutting its evening news slot in half—from 30 to 15 minutes—citing financial considerations. In this particular case, the financial considerations may well be genuine since the station is fairly well managed financially. However, some journalists at the station said the cut was due to political pressure and censorship.

*As long as media outlets are run as tools to enhance an owner’s or backer’s political or business standing—rather than as businesses themselves, designed to inform the public while making a profit—it seems impossible that ethical standards will take root among journalists.*

Technical facilities for broadcasters have improved quite a bit in recent years and are thoroughly modern in most places. All national stations have excellent, up-to-date equipment, as do some regional stations. However, one panelist mentioned that equipment for live and on-location reporting is lacking at regional outlets, thus keeping private regional stations from moving up to the next level of quality and service.

Newspapers, too, have upgraded their equipment in many cases. Printing presses in most regions are still of low quality (and usually government-owned), but more and more new, color-capable presses are being installed each year by private newspapers that are using profits, loans, or other financing to pay for the presses and generate income for the outlets.

There is niche reporting in areas such as business and sports. Successful newspapers devoted to those topics exist. But most newspapers and broadcasters do not have beat reporters who specialize in coverage of areas such as education, local government, the environment, and so on. Kyiv is an exception to this, but even

there, such beat reporting is not the norm. Investigative reporting is weak. Panelists agreed that it is an unaffordable luxury for most local newspapers to have investigative or beat reporters.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Ukraine Objective Score: 1.21/4.0**—There is a wide range of news sources in Ukraine, but media generally do not provide citizens with reliable or objective information. If anything, the country has too many media outlets, spreading the available advertising and sales revenue too thin and making it difficult to win market share and earn enough money to be profitable. Nonetheless, that does not necessarily mean that pluralities of views are available in any given market. Often, because media control belongs to the state and oligarchs closely allied with the ruling elite, the people cannot receive a broad range of different points of view. Television, especially, is under such tight political control that there is often little difference between what is aired on competing stations.

Access to media outlets is generally not restricted, but that is of little import when the available media outlets cover the news selectively and poorly. The primary news source for most Ukrainians is television,

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

and the only television channel with complete coverage of Ukraine's territory is the state-owned UT-1. Private channels reach nearly all parts of the country, though, and there are local stations in all areas of the country.

There are numerous daily and/or weekly newspapers in every oblast center. However, panelists agreed that there is a shortage of sources in rural areas, where there is often little newspaper penetration, and even less coverage of local issues. There are some rural areas where the only source of information is state-run cable radio or state television's UT-1. Near the borders, the channels of neighboring countries often are easier to receive than Ukrainian channels.

Although many news sources are available in Ukraine, few are objective and reliable. Readership and subscription lists have dropped dramatically over the past decade as the purchasing power of most people has been eroded by inflation and economic dislocation. One result is that people who used to read several newspapers, which could give them information and opinion from different points of view, now can afford to buy only one newspaper.

A broad spectrum of political views generally is not aired on most television channels, and not very frequently in newspapers. Each media outlet tends to have and present its own political viewpoint, though some stations and papers do strive for objectivity. Readers or viewers wanting plurality of views can sometimes get that by reading multiple newspapers or watching the news on several channels, but most people do not have the time or money for such luxury.

Internet access is possible mostly in urban areas, and about 5 percent of Ukrainians have regular Internet access, according to several sources. For the rural population, though, Internet access is much scarcer because of high costs, poor phone lines, and lack of computer equipment. That is changing somewhat as more Internet centers, either commercial or public (such as the US Embassy's program to wire public libraries), come into operation. Many newspapers and broadcasters, unable to afford commercial wire services, take news from various Internet sites and print the material, so that the Internet news sites do reach a broader audience. Internet news sources are generally no more reliable in objectivity than are other Ukrainian media. Many of them provide an opposition viewpoint, and while that does mean a counterpart to the pro-presidential media, it does not make them objective, independent, or accurate.

International media are available, but the language barrier is a very high one, as is cost. A copy of an

international (excluding Russian) newspaper can cost up to \$5 in Kyiv or other major cities, whereas they are entirely unavailable elsewhere. Libraries generally do not carry foreign newspapers. Newspapers from Russia are widely available. Many major Moscow newspapers publish Ukraine editions, which include some local news but are largely reprints of material first published in Russia. International television channels are available only through cable television or with a satellite dish, both of which are beyond the financial reach of millions of Ukrainians. Even those who receive foreign news channels such as BBC, Deutsche Welle, or CNN, however, usually cannot understand them, as they are not translated into Ukrainian or Russian. Panelists mentioned that broadcasting the local-language services of Western broadcasters such as BBC or VOA can cause displeasure of government authorities and result in licensing or other problems for the companies broadcasting those programs. EuroNews is transmitted in Russian, but only a tiny fraction of the country can receive it. In the west of Ukraine, many people receive Polish television and radio and can understand it. In the east and in Crimea, the only regular foreign media available is from Russia. Panelists agreed that a recent decision to require additional licensing for stations rebroadcasting foreign programs is an attempt to limit people's access to the international news.

*There is very little transparency in ownership of media outlets. Panelists mentioned that the foreign owners want to remain unknown because foreign ownership of broadcast companies is limited by law to 30 percent.*

There is no public television or radio—in the Western sense—in Ukraine. State-owned media are exceedingly partisan and serve the interests of the government and president. An effort to start a quality independent news radio station has been largely unsuccessful so far, with the station available only via Internet or on the fringes of broadcast band at a frequency that most radios cannot pick up. State media is government-controlled and makes little pretense of impartiality or inclusiveness in news programming, especially during

high-pressure periods such as election campaigns. The predominant figure on state television is the president, whether he has done anything newsworthy that day or not. Panelists mentioned definite improvements in television coverage of nonpolitical issues such as education and cultural affairs.

There are private news agencies, though the independence of many is questionable, as there is little or no transparency in ownership of the agencies. The biggest—Interfax-Ukraina, UNIAN, and DINAU—all have political allegiances to President Kuchma. Many media outlets bypass the regular news agencies—for which they would have to pay to subscribe—and instead rely on free Internet news publications for their wire copy. This gives broader exposure to the Internet news sites, which often are less politically controlled than other media, but the outlets using them pay scant attention to the reliability of the information, which is often suspect. Foreign news agencies such as AP, Reuters, Agence France-Presse, and Deutsche Presse Agentur all have journalists in Ukraine and provide coverage of the country, but they have few subscribers among Ukrainian mass media (though many outlets do steal the agencies’ output from the Internet and use it without payment or permission). Some panelists said the domestic news agency situation is in crisis at present, with quality decreasing because of lessened competition after new managers took over UNIAN and, by all accounts, began softening and censoring news output, and the death, apparently by suicide, of Mikhail Kolomyiets, founder and head of the Ukrainski Novyny agency.

Broadcast news is generally produced in-house by stations, though there are some cooperative arrangements and fledgling exchanges and networks. Many stations have political talk shows, but few regularly have experts from different political backgrounds, and few put resources into investigative journalism or other news projects that would shed light on topics of interests to viewers. Broadcast news stories tend to rely on single sources, and those sources are most often governmental. Recently, it has been difficult to spot any differences between the news broadcasts of state or private national channels. Local news is different, though private stations in provincial cities usually serve the business or political interests of the owner, while government-owned stations serve the interests of local government officials or the presidential administration. Many local radio stations have their own news programs, but often they have no reporters; the news is simply rip-and-read, for one or two minutes every few hours.

There is very little transparency in ownership of media outlets, especially in Kiev and among national newspapers and broadcasters. Panelists mentioned that the foreign owners want to remain unknown because foreign ownership of broadcast companies is limited by law to 30 percent. Political and business clans have bought or otherwise acquired control of virtually all influential media outlets on the national level, and are doing so increasingly on the local and regional levels as well. However, a number of independent, privately owned newspapers and broadcasters do not shield their owners from public knowledge.

Most broadcast news is in Ukrainian, and newspapers are widely published in Ukrainian as well as Russian; however, for national media, Russian-language papers are dominant. There are small minority-language papers, television programs, and radio programs, often supported by the state, for the Bulgarian, Romanian, German, Jewish, and Crimean Tatar communities, among others. But the panelists mentioned that the state has no definite policy concerning development of ethnic-minority media.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Ukraine Objective Score: 1.50/4.0**—More than 15,300 printed media are registered in Ukraine. About 7,500 are local publications, and more than 2,600 are

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



nationwide newspapers. Many of them, however, appear sporadically, if ever, and hundreds or thousands of registered titles are simply that—registered titles, but never published. Nonetheless, there are a huge number of media outlets, which makes it difficult for any given media outlet to generate enough money through advertising and circulation to support itself and turn a profit.

Although some media outlets, particularly local and regional ones, are doing more and more to operate on sound business principles, this is still probably not the norm in Ukraine. Though national newspapers and television stations claim profitability, a cursory look at their revenue and expenses makes those claims unlikely (though this is far more true of newspapers than television stations, because television does have a far larger share of advertising market than do printed media). In the regions, government media managers often run their outlets as businesses—to enrich themselves, not the government that owns the outlet. Many local governments close their eyes to the situation as long as the outlets remain loyal. Otherwise, they act. This happened in Simferopol, where government officials became dissatisfied with the coverage of the government in the news on state-owned television. In retaliation, they claimed that the station managers had been pocketing ad revenue instead of turning it over to the station. That was, in fact, the case, but it had gone on for years with the tacit approval of the government officials—as long as coverage of the government was to their liking.

Newspaper distribution remains controlled by the state: Ukrposhta (state postal service) delivers subscriptions to home mail boxes (which also belong to Ukrposhta; as in other countries, other delivery agencies are not allowed to put anything in the boxes), and Ukrdruk controls most press kiosks and single-copy distribution. Both organizations have the possibility to interrupt distribution of newspapers that are seen as disloyal or troublesome to the local administration or authorities in general. But this power to disrupt also extends to papers that try to arrange their own distribution systems. Only a small handful of papers currently fully control their own circulation and distribution. There also are problems with the financial and management practices of the Ukrposhta and Ukrdruk. Both take advantage of their monopoly to charge high rates for their services, and both are slow in passing along to newspapers their share of revenue. In Chernigov, Ukrposhta kept money paid (in advance) for subscriptions for six months, causing one local paper to go bankrupt.

Ukrposhta's pricing is not transparent. According to parliament member Sergiy Pravdenko, a former editor of *Golos Ukrainy*, Ukrposhta's profit in 2002 was 1.2 billion hrivni (about US\$240 million), and many newspapers complained that they were cheated. It is difficult for newspapers to tell exactly how much revenue they should get, because the post office refuses to give subscriber lists to the newspapers. This also is detrimental to the papers' efforts to conduct marketing or market-research programs, and makes it virtually impossible for them to tell who is, and who is not, reading their product.

*Panelists repeatedly mentioned the abnormal business situation for media in Ukraine. Most of the national outlets, and many regional ones—whether print or broadcast—are owned or controlled by political and oligarchic business forces that see the media not as businesses, but as political tools.*

During the past year, several private distribution agencies were created in Ukraine: Courier Distribution Service, Blitz-Press, and so on. But mostly they work with the foreign press and deliver subscriptions to offices, not to homes. Attempts to arrange mailbox delivery for homes have largely failed. When such a plan was begun in Lviv, Ukrposhta prohibited the delivery company from putting newspapers into mailboxes, because they were not being delivered by the post office.

Some newspapers do distribute their papers through private systems of kiosks or at other retail outlets, and many also sell papers at a discount (but usually for cash, not credit) to individuals who then hawk the papers on the street.

In many regions, the government also has a monopoly on the printing of newspapers. The state-owned presses are antiquated and generally cannot provide quality printing at reasonable prices. And because state-owned newspapers are printed at below cost, private papers are charged higher rates to cover losses. But as more and more private newspapers buy their own presses—and make additional money by printing dozens of other titles on the presses—the situation is changing.



About a dozen national and local newspapers have bought their own presses in recent years. The private printing presses are profitable; in fact, they frequently subsidize the newspapers that own the presses.

Advertising market in Ukraine in 2001		
Average advertising revenue (millions \$)	TV	\$50.9–60.4
	Print	\$38.1–42.6
	Outdoor	\$19.2–21.8
	Radio	\$3.76–4.14
	Internet	\$0.04–0.06
Source "Marketing and Advertising"		<b>Total \$112.0–129.0</b>

Newsprint is not monopolized entirely, but it is relatively expensive, compared with other countries in the region. Instead of a monopoly, there appears to be a cartel, with several businesses controlling the entire market and thus being able to keep prices artificially high by regulating supply. Government control over the import of paper, as well as government tax policy, increase the price and allow the state to give preferential treatment to the state newspaper; it sells paper to the state newspaper without requiring it to pay import duties.

The state also has a monopoly on transmitters and related services. Even if a transmitter formally belongs to the station, only one state-owned company has the right to use it and arrange for transmission. That also is a source of pressure, because stations can be shut down at the touch of a button.

Although newspapers receive money from advertising and circulation revenue, and broadcasters receive money from advertising, quite a few of both types of outlets continue to have sponsors who provide infusions of cash to keep them going. Needless to say, there is always a quid pro quo, and the independence of such media outlets is extremely doubtful. One of the panelists mentioned that there is a tendency to hide the

sources of revenue and real figures to avoid taxes, and that diversified sources do not mean that a project is successful.

There is no standard—in Ukraine or worldwide—for what percentage of a newspaper’s revenue should come from advertising. In Ukraine, there is a huge difference in that percentage at various newspapers, ranging from 100 percent advertising to almost 0 percent advertising. The full range of newspapers can potentially meet costs or even show a profit.

There are many advertising agencies, both local and international, in Kyiv and other cities of Ukraine. There is most definitely an advertising market, and all kinds of goods and services are freely advertised. The advertising market has been growing rapidly, especially in broadcast and outdoor. There was estimated growth of about 55 percent in the total advertising market for 2002 over 2001 in Ukraine.

Print media receive about 30 percent of the total advertising pie, but, as more and more newspapers rely on research to convince advertisers that their money would be well spent, that percentage is growing. This is far more true of regional than Kyiv newspapers. The television ad market revenue is mostly concentrated in Kiev and shared between Inter (30 percent), 1+1 (30 percent), and Novy (30 percent). The rest is shared among hundreds of local and national stations. One panelist mentioned that there is a system of kickbacks for ads and that only big television stations can afford it. Panelists also mentioned that there is advertising censorship in the Ukrainian media, which means that advertisers get positive coverage, and can even mean that any negative news about an advertiser would be quashed. One of the panelists mentioned that local media have difficulty attracting business from major ad agencies, mostly because of low circulations and impoverished audiences who are unattractive to advertisers, and because specific demographic information about readers is usually unavailable.

The basic research and data needed to help support the business viability of media, such as readership profiles, broadcast ratings, and newspaper circulation figures, are nonexistent or generally unreliable. There are exceptions. For example, the Ukrainian Newspaper Publishers’ Association (UNPA) conducted readership research at the beginning of 2002 for its member publications, which are using the data to adjust their content and advertising strategies.

More and more media outlets are using market research, though many do not have the money (or the

knowledge) to commission reliable, valid research. Instead, many outlets rely on their own research, which often is unreliable. But in many cases, and especially for determining reader interests rather than attractiveness and usefulness to advertisers, that research is better than none at all.

Panelists repeatedly mentioned the abnormal business situation for media in Ukraine. Most of the national outlets, and many regional ones—whether print or broadcast—are owned or controlled by political and oligarchic business forces that see the media not as businesses, but as political tools.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Ukraine Objective Score: 1.59/4.0**—The Ukrainian Association of TV and Broadcasters unites about 100 members, and the UNPA includes 90 newspapers with a circulation of 5 million copies. There is also the Association of Cable Broadcasters. Formed within the past two years, these associations still do not represent the majority of the nation’s mass media outlets. (And they are not necessarily trying to; the UNPA, for example, accepts only those applicants that meet its definition of independent.) Additionally, representation of Ukraine’s journalists is, for all practical purposes, nonexistent within any current organization. The Union of Journalists has one faction, and a variety of other entities represent other factions; however, several organiza-

tions claim, without merit, to represent all Ukrainian journalists. There are some local associations that do serve the interests of members, including a few oblast chapters of the Union of Journalists. In recent months, there has been a spurt in the creation of new organizations on the local level that call themselves journalists’ unions, with an effort being made to create a national organization as well. These organizations aim for better pay and working conditions for journalists, protection of journalists’ rights (including what they say is their right to write what they want, rather than having editors or owners dictate the content of their articles), and freedom from government censorship and pressure. It is so far unclear whether these organizations will be able to significantly impact the situation in Ukraine.

The broadcasters’ association and publishers’ association do represent the interests of their members and try to do so in an effective and professional manner. Each has had successes, but neither has been without setbacks. Because of the large role of media and media outlets in politics in Ukraine, coupled with the general inability of the parliament and government to achieve almost anything of substance, lobbying efforts through the parliament and government have not been especially effective. However, the associations have succeeded in getting their views across to those bodies and to the general public through lobbying and education/PR efforts.

A large—and seemingly growing—number of NGOs are supporting free speech, free press, free journalists, and human rights. However, the bona fides of some of those groups are suspect, and in the past actions that have been designed or presented as freedom of speech efforts have transmogrified into partisan political movements and demonstrations. There are quite a few NGOs, both local and national, that do yeoman’s work to support freedom of speech and press. Several human-rights organizations look at free speech and free press as part of their wider portfolios. According to one panelist, a lot of them are in the larger cities and confine their activities to that city or oblast. Many NGOs receive support from foreign governments or international organizations, but more and more of them are trying to stand on their own feet. Panelists mentioned the active work of the Kharkov human-rights group and the Institute of Mass Information (which is affiliated with the international group Reporters Sans Frontières).

The level of journalism education in Ukrainian universities remains pitifully low. One problem is that the curriculum is closely controlled by a small group

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

of administrators and professors who do not appear to be very interested in reforming that curriculum. Thus, courses in such areas as media management, media business, advertising, media ethics, and other topics remain scarce, and individual journalism schools do not have the authority to offer such courses, at least not within the prescribed journalism curriculum. Another problem is that teachers and professors of journalism are largely the same people who were teaching the courses in Soviet times: their basic beliefs, teaching methods, and teaching materials have not changed along with the country. They frequently had little practical journalism experience even in that system, and have none in the market-oriented, free, and open system that has been developing since. The third problem concerns journalism departments created since Ukraine became independent in 1991. They often lack trained and professional teachers and make up for that lack by “importing” teachers from other departments, even if they have little understanding of or interest in journalism and media. The poverty of the universities is a massive problem. State universities have little or no money to upgrade or modernize facilities, equipment, and teaching materials, including basic textbooks. Private universities have more income—they charge tuition fees averaging US\$1,000 to \$1,500 per year. But the admissions and payment system is not transparent or fair, and usually the payment of money does not translate into a university’s developing modern facilities and equipment.

Journalism students and graduates say frequently that they have acquired most of their useful professional knowledge and skills outside the classroom, by learning

on the job. A sizeable percentage of Ukrainian journalists do not have a journalism education at all—and it is generally impossible to tell by their performance which have a journalism school diploma and which do not.

*The level of journalism education in Ukrainian universities remains pitifully low. One problem is that the curriculum is closely controlled by a small group of administrators and professors who do not appear to be very interested in reforming that curriculum.*

Informal and continuing education are in better shape, as they are not controlled by the universities or the Ministry of Education. They tend to have more modern, forward-looking curricula, often designed by and for working journalists of the current day. Because they are often financed by foreign governments or international NGOs, they also do not have the same funding problems as the universities. However, there still are not enough good Ukrainian trainers in journalism and media business (although the number is rising each year), and there are never enough informal and continuing-education training programs to meet the need. Both the publishers’ and broadcasters’ associations have offered training, often in conjunction with other partners.

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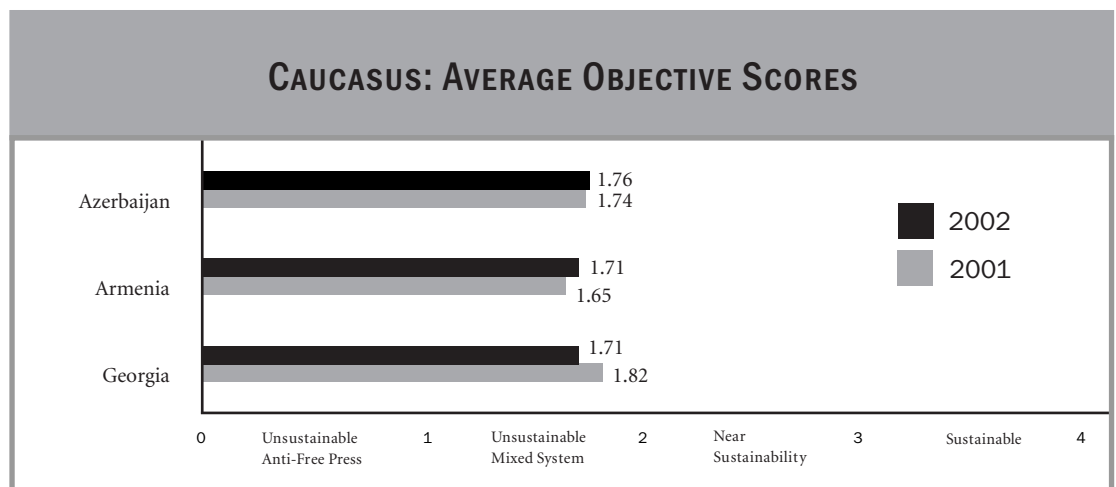
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# CAUCASUS







# ARMENIA

## INTRODUCTION

Armenia has experienced continued growth and political stability in 2002, and the news media reflect this overall trend. There have been no major changes in the print news media, but the number of publications and the frequency of publication have expanded.

Political parties, wealthy individuals, or the government continue to control newspapers, dampening what is generally an atmosphere of free speech. The loss of broadcast licenses for the country's most popular non-state television station and an independent television news service has thwarted the growth of electronic independent news sources.

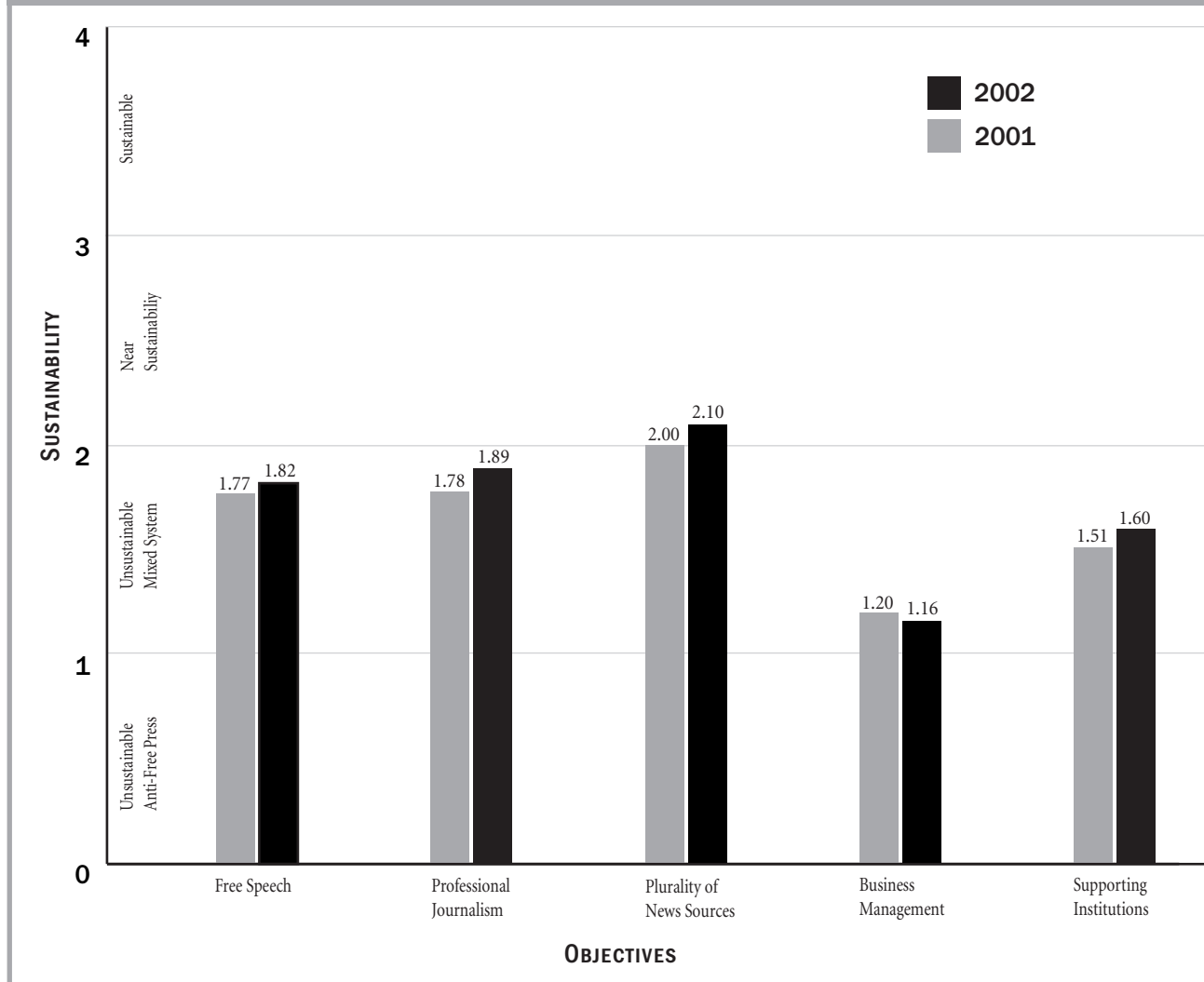
Poverty, emigration, and corruption continue to dominate Armenian life. These factors hinder the progress of Armenia's planned democratic and constitutional reforms, which are a condition of its acceptance into the Council of Europe. Virtually all news media are owned by political entities, the government, or special interests. Thus, the news media generally fail to objectively present issues of public and social importance, thereby failing to have a democratic influence on government policy and decisions.

Because Armenia is currently in an eight-month election cycle that includes local, presidential, and parliamentary elections, key national issues have been pushed to the recesses of consciousness among the news media: a peaceful settlement of the Karabagh conflict, which remains elusive; conclusion of a trial of those arrested in connection with the 1999 slaying of eight high-ranking officials in the National Assembly; and ongoing corruption in the privatization of state enterprises. The election period has also demonstrated government attempts to control the press and limit the freedom of speech.

Progress has been made among some news media in responding to social needs, while others remain closely linked to the political and power elite. The reader continues to be the loser. Liberal print, publication, and freedoms of expression continue to be widely accepted norms.

*Panelists remarked that "poverty is a form of blocking the news because no one can afford to buy a newspaper. People cannot afford to pay for television or the Internet."*

## ARMENIA-MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

## OBJECTIVE 1: FREE SPEECH

**Armenia Objective Score: 1.82/4.0**—The panelists generally agreed that although the Constitution guarantees freedom of speech, the freedom is often restricted through threats, intimidation, and pressure. One might say that Armenia has freedom of the press, but not an independent press. It is generally known that various wealthy and politically powerful individuals control the vast majority of the press, either through direct sponsorship or subtle threats and intimidation. The intimidation can come in the form of visits by tax officials or anonymous calls.

In one notorious example more than a year ago, the secret police made and circulated a videotape depicting the editor of the leading opposition daily having sex with an unidentified woman. The tape led to the editor’s divorce. In November, photos taken from the tape, now nearly 18 months old, were reproduced on the front page of a small, relatively unknown weekly. The editor is convinced that the Armenian secret police—probably the only people in Armenia capable of this act—did so at the behest of the minister of defense, the true power behind the president.

Not so ironically, the same editor had a popular talk show on a television station named A1 Plus (A1+), which lost its broadcast license in spring 2002. Considered a relatively independent station, A1+ lost its license through a new licensing procedure that was approved by parliament and signed into law by the president. Procedures for issuing the new licenses were followed precisely in an open and fair process. However, the law gives the president the power to appoint the board members of the licensing panel, allowing him to “stack” the panel in his favor.

*There is freedom of speech; there is no freedom of press.*

Journalists also have been attacked. The most dramatic incident involved Mark Gregorian, who generally contributes to foreign publications and writes noncontroversial analytical pieces. Why he was attacked remains unanswered. At the time, he was researching an article about the shootings in parliament on Oct. 27, 1999, which are also unresolved. The trial is still ongoing. Gregorian said he had uncovered no new information and was writing about the lack of any conclusion in the trial of the alleged killers.

Such incidents, though they may not be classified as “attacks” on the media, have the direct effect of creating a climate of uncertainty and intrigue—if not outright fear. The situation has improved to some extent. As one panelist stated, “In recent years less violence has been committed against journalists. Pressure on journalists was transferred to the court, so that courts punish journalists. Libel is punished both by criminal and civil codes. Two journalists have been charged under the criminal code, but neither of them was sentenced to prison.”

The legal climate and freedom of information are two areas of concern. However, some progress has been made in the legal area. Occasional lawsuits against some of the more yellow press are becoming more frequent. In the past year, the editor of *Armenian Times* was sued by a ranking official who had been called an “idiot” for allowing Armenian Airlines to degenerate and have some of its European flights cancelled by European airports who refused to allow the planes to land. The editor had asked, rhetorically, “how these idiots” get into such positions of power. The official proclaimed, “I am not an idiot,” and filed a criminal libel suit. But other edi-

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.

tors attempted to join the suit and said that they, too, wanted to know how such idiots got into high government positions. The suit was eventually dropped.

While the editor was clearly irresponsible, the offended public official took the issue to court rather than into his own hands—a sign of progress.

Freedom of information remains one of the most difficult problems because of the lack of any law specifying what is public and what is not public information. Current law dictates that government secrets, in the interest of national security, are not public. Commercial secrets are similarly off limits. But the lack of any specific law or rules and regulations defining state secrets and commercial secrets gives great latitude to government employees and elected officials in determining what is and is not public information.<sup>1</sup> The result is that journalists and the public at large are left at the mercy of the government’s whims as it decides what information they can receive. And given Armenia’s Soviet heritage, the government tends to interpret all information as “government secrets,” and businesses refuse to answer business questions, claiming “commercial secrets.” According to one panel participant, “There are no legal regulations precluding media from access to public information, but since most information is not public, it is given out based on arbitrary decisions.”

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Armenia Objective Score: 1.89/4.0**—Journalism in Armenia is a mixed bag at best. Unfortunately, because there are so many poorly written newspapers and badly trained or untrained journalists, the overall quality of journalism has dropped below what are generally accepted standards of quality. This is reflected in a statement by one of the panelists: “There are some good journalists, but on the whole, few have any standards.”

Essential to the problem is that no truly independent newspapers exist in Armenia. Each has a sponsor, who expects certain points of view to be expressed or obvious in all articles. This also results in self-censorship by journalists, who understand that they must write in certain ways in order to keep their

<sup>1</sup> Editor’s note: A draft law on freedom of information has been prepared by a working group consisting of government and NGO representatives. The law was adopted by the National Assembly and awaits further review.

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).

jobs. A panel member explained that “the goal of the journalists in the country is not to provide objective information, but to support the point of view of the publication’s sponsor. For the journalist to make the sponsor of the publication happy means keeping the editor happy. This situation prevents free and independent journalists from working free of influence.”

Another factor is the simple organizational structure. Armenian newspapers have few, if any, mid-level editors. In all American and in most European newspapers, mid-level editors do most of the true editing work. Top editors should be managers and decision-makers and should rarely do “line editing.” Top editors will read stories before newspapers go to press, more so to know exactly what was written than to exercise any control.

In Armenian newspapers, however, usually only one or perhaps two editors have total control over stories. Because it is physically impossible for one person to edit an entire newspaper, especially a daily, the editors usually either accept or reject a story as written. This means that stories may vary in quality simply because editors lack the time to review bad stories and have reporters rewrite for clarity or accuracy.

Perhaps the most glaring problem is the widespread practice of “ordered articles.” Also called indirect advertising, these stories are paid for or “ordered”

by political figures or by anyone who has money. They are often poorly written and obviously not true or clearly biased. Because journalists know they are supposed to write what they are told, they care little about the literary quality.

This prompted one journalist on the panel to say, “Ethical standards exist, but few journalists follow them. We can see how our colleagues break them. Most journalists are guided by what they can get away with.” In Armenia, they can get away with a lot.

*“Ethical standards exist, but few journalists follow them.”*

Progress is being made, however, to establish a professional code of conduct for all working journalists. The Armenian Union of Journalists approved a code of ethics in December 2002, but not all newspapers have adopted it. Other media organizations like the Asparez Journalists’ Club, the Association of Investigative Journalists, and the Yerevan Press Club have also adopted ethical codes. Some of the panelists predicted that “every newspaper will soon have its own code of ethics,” and this has been prompted by the fact that “right now there is no difference (indications) between paid articles and unpaid articles.”

Journalists are very conscious of the influence of the rich and powerful on free expression and free speech. One panelist said, “When a newspaper gets money from a businessman, it will not offend him.”

Armenia’s poor financial situation is reflected in the financial situation of newspapers. Editors and journalists say they must accept money for articles in order to survive, and that they hide this income from predatory tax officials. “Many newspapers have two sets of books, one for themselves and another for the tax office,” one panelist said.

The financial situation in the regions is much worse because most villagers live at subsistence levels. “The regional press is very limited in terms of finances,” one panelist said. The lack of training in the regions is often pronounced. “In small newspapers, there are very few specialists. But in the larger ones, there are those who specialize in topics. Partially, there are newspapers that follow standards of professionalism. But this is not always true of the regions,” the panelists agreed.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Armenia Objective Score: 2.10/4.0**—Armenians generally have access to a wide range of news sources in all mediums: print, radio, and television. Print media outlets in Yerevan are kiosks and street tables that provide a range of publications printed in Armenia and Russia. Russian-language publications, including glossy fashion magazines, are widely available, as are the major Russian newspapers, which normally arrive many days late.

Foreign-language publications, such as American or European newspapers and magazines, are available. However, they are very expensive and available only by subscription. English-language publications include the *International Herald Tribune*, *The Financial Times*, and the European editions of *USA Today* and the *Wall Street Journal*.

According to an IREX/ProMedia survey, however, less than 5 percent of citizens use newspapers as their primary source of information. The second-lowest source is radio. Radio is a popular form of entertainment, and Armenia’s wide variety of stations reflect a broad range of musical tastes—from traditional music to European, American, and Russian pop. Radio is undoubtedly the least politicized of any information or entertainment medium. News and information are provided daily from around the world in Russian and

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



Armenian, and in French from a French-language station. According to the survey, about 10 percent of the population regularly listens to radio.

The most popular medium by far is television, which is viewed by 85 to 90 percent of the population. Television is considered the primary source of news, information, and entertainment. Armenians have free access to about a dozen television channels, about half of which are Russian. The local stations are state-controlled, and the independent ones are heavily influenced by their owners, who quite often belong to the country's power elite.

*Panelists also agreed that “all of the press and television are connected to business and politicians, and divided among them. Only radio is not political. Everybody knows who the television stations belong to, but print media is harder to detect because the ownership changes. The owners of the stations also own businesses which they advertise. Some newspapers are financed from the same source.”*

As mentioned earlier, the country's most popular television channel, A1+, lost its license last year when the broadcast law was changed and new licensing procedures were followed. This generated much antipathy toward the panel that made the decision and prompted accusations that the government was attempting to control the news media. Few of the local stations do any original programming, and few depend on advertising for financial independence. Rather, they are heavily subsidized.

Panelists agreed that “when a television station loses its license, it is a form of censorship. Lots of foreign channels, mostly Russian, are available.” Another added, “In the past, the government has interfered with the Internet when they blocked pornography sites. The Internet is expensive here, more so than in other countries.”

Panelists also agreed that “all of the press and television are connected to business and politicians, and divided among them. Only radio is not political. Everybody knows who the television stations belong to, but print media is harder to detect because the ownership changes. The owners of the stations also own businesses which they advertise. Some newspapers are financed from the same source.”

Information availability in the regions differs greatly from that in the capital, Yerevan. Poverty is so extensive in the regions that few people can afford to buy print media. Therefore, the regions receive no newspapers because of low sales and the high cost of delivery. At a result, regional communities are poorly informed. Panelists remarked that “poverty is a form of blocking the news because no one can afford to buy a newspaper. People cannot afford to pay for television or the Internet, and very few have computers.”

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Armenia Objective Score: 1.16/4.0**—Generally, newspapers and other media outlets are not managed as businesses simply because they do not need to be. Editors and station owners get most of their money from private—and therefore controlling—sponsors, from circulation sales, and from ordered articles.

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.

Because newspapers and other media outlets do not compete in a market environment, they are not managed as profit-driven businesses. When an editor or owner needs an infusion of cash to pay bills, he or she simply appeals to a sponsor. The sponsors or owners may change without any notice or fanfare, and this is revealed only in the particular slant of the news that may or may not be presented.

*Because newspapers and other media outlets do not compete in a market environment, they are not managed as profit-driven businesses.*

As a result of this lack of financial independence, the editorial independence is also lacking. This does not mean, however, that all media are totally biased. Most newspapers and news media outlets attempt to present themselves as unbiased and independent, but they generally fall into two camps: pro-government or opposition. Newspapers such as *Aravot* (Morning), *Haykakan Zhamanak* (Armenian Times), and *Iravunk* (Right) are supported strongly by opposition forces, and their news reflects their backing.

Government-owned and/or pro-government newspapers include *Respublica Armenia* (Republic of Armenia), *Hayots Ashkar* (Armenian World), and *Golos Armenii* (Voice of Armenia), a Russian-language publication.

*We (newspapers) live by the principle “just survive.”*

Middle-of-the-road newspapers, which are also the most progressive financially, include *Azg* (Nation) and *Novoe Vremya* (New Times). Of all of these, *Novoe Vremya* has made the most strides to becoming financially independent, although its content does indicate some pro-government leanings. Most independent media are on their own financially. According to a panelist, “The subsidies given by the government to the independent media are so small that they can be considered symbolic. Some even refuse to take them, and the subsidies have no influence on the content of the media.”

Again, there is a huge disparity between media in the regions and in Yerevan. The financially successful *Tsyke* (Dawn) newspaper in the northern city of Guimri relies heavily on its sister television channel, which is owned by the same people. But in general, regional newspapers are dependent on government support. “There is no advertising to be had in the small towns because they are so poor,” panelists agreed. “If each *marz* (region) has its own printing press, it would help. We (newspapers) live by the principle “just survive.”

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Armenia Objective Score 1.60/4.0**—Professional news gatherers are supported by various international and local organizations that provide a wide range of training opportunities. Armenia has an extensive nongovernmental organization (NGO) community, and many, if not all, NGOs provide training. Perhaps the most important are IREX/ProMedia for the print media sector and Internews for the electronic broadcast sector. Each provides regular training in all aspects of the profession.

In addition, there is the Yerevan Press Club, which is funded by the US Department of State, as well as the Open Society Institute and other international donor organizations. There is also the National Journalists Union, which, with the help of the OSI and Yere-

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

van Press Club, also provides training and programs. In addition, the Caucasus Media Institute, funded by the Swiss government, provides regular and long-term training and journalism programs, primarily for the print media.

*“Most international organizations are providing lots of short-term training,” the panelists agreed. “The most effective programs are in cooperation with international organizations. Local organizations learn from international organizations.”*

But additional training in specialized areas is also provided by organizations such as the World Bank and the International Monetary Fund, the United Nations Development Programme (UNDP), and the Organization for Security and Cooperation in Europe (OSCE). The OSCE works closely with the Council of Europe, which also provides occasional programs focusing on freedom of press issues. The American Bar Association (ABA)/Central and East European Law Initiative (CEELI) project of the ABA provides frequent programs related to freedom of press issues and the judiciary.

“Most international organizations are providing lots of short-term training,” the panelists agreed. “The most effective programs are in cooperation with international organizations. Local organizations learn from international organizations.”

One complaint that is often heard from local editors is that “the level of training at universities is not

good enough. It is not satisfying. It would be better if our expectations were higher,” one panelist said. The level of journalism taught at the universities is very low because professors are generally unaware of modern journalism. Few professors have actually worked as journalists themselves.

The panelists enjoyed the mix of organizations that offer training and development. “Local organizations know our local psychology and needs,” one said. “International organizations can provide technical assistance. It’s very valuable to come into contact with people from other cultures.”

Panelists agreed that printing facilities were adequate. The United States Agency for International Development (USAID) helped finance an alternative printing plant to the Tigran Mets (the main print house), which is partly state-owned and was the only printing plant in the country for a while. “There are several print facilities, so there is competition and the government can’t be very influential,” the panelists said. However, some argued that “many small print houses are privately owned, but you can still feel the political pressure.”

Most consider distribution to be the weakest part of the newspaper business. However, the state monopoly distribution business is being privatized. This has created a competitive market within which new and small distribution companies can open.

“Most newspapers have no dealings at all with the post office and sell all their newspapers through the kiosk system,” the panelists said. In the regions, contractors deliver newspapers. For example, in one region, a contractor sells newspapers from door to door. It is very effective, because circulation is low in small towns.

## PANEL PARTICIPANTS

***Gretta Grigoryan***

Editor

*Zangezoor* newspaper, Goris

***Nora Hakobyan***

Women's Republican Council (NGO)

***Anahit Haroutiunyan***

*Ditord* magazine

***Pap Hayrapetyan***

Editor

*Sevan* newspaper

***Vahan Ishkhanyan***

Investigative journalist

***Anahit Norikyan***

Deputy-Editor

*Kumayri Banvor* weekly

***Sarah Petrossyan***

Leading journalist

***Artur Sahakyan***

Investigative journalist

*Iravunk* newspaper

## PANEL MODERATOR

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IREX/Promedia, Armenia

## OBSERVER

***Maya Barkhudarian***

USAID Mission, Armenia



# AZERBAIJAN

## INTRODUCTION

The Law on Mass Media, accepted by the parliament of Azerbaijan in 2000, guarantees freedom of speech, access to information, protection of journalists' rights, and government support of independent media. Overall, the rule of law in Azerbaijan, and legislation regarding freedom of speech and access to information, are harmonized with the standards of the Council of Europe. In reality, however, legal protections for the freedom of speech are hardly implemented. The regional areas, in particular, have a more difficult task in enforcing media laws.

On a positive note, the police and the courts have not been as aggressive in prosecuting journalists as they had in the past. In general, the authorities adhere to the law, due in large part to the active role of journalism associations and the public. These groups have brought the attention of the Council of Europe to various incidents in which journalists' rights have been violated.

At times the media law lacks clarity in addressing concepts such as ethical standards, slander, and the freedom of information. This ambiguity leads to legal proceedings between government authorities and journalists. Freedom of speech is highly thought of in society. However, the absence of an independent judicial system is a huge barrier to the protection of journalists' rights.

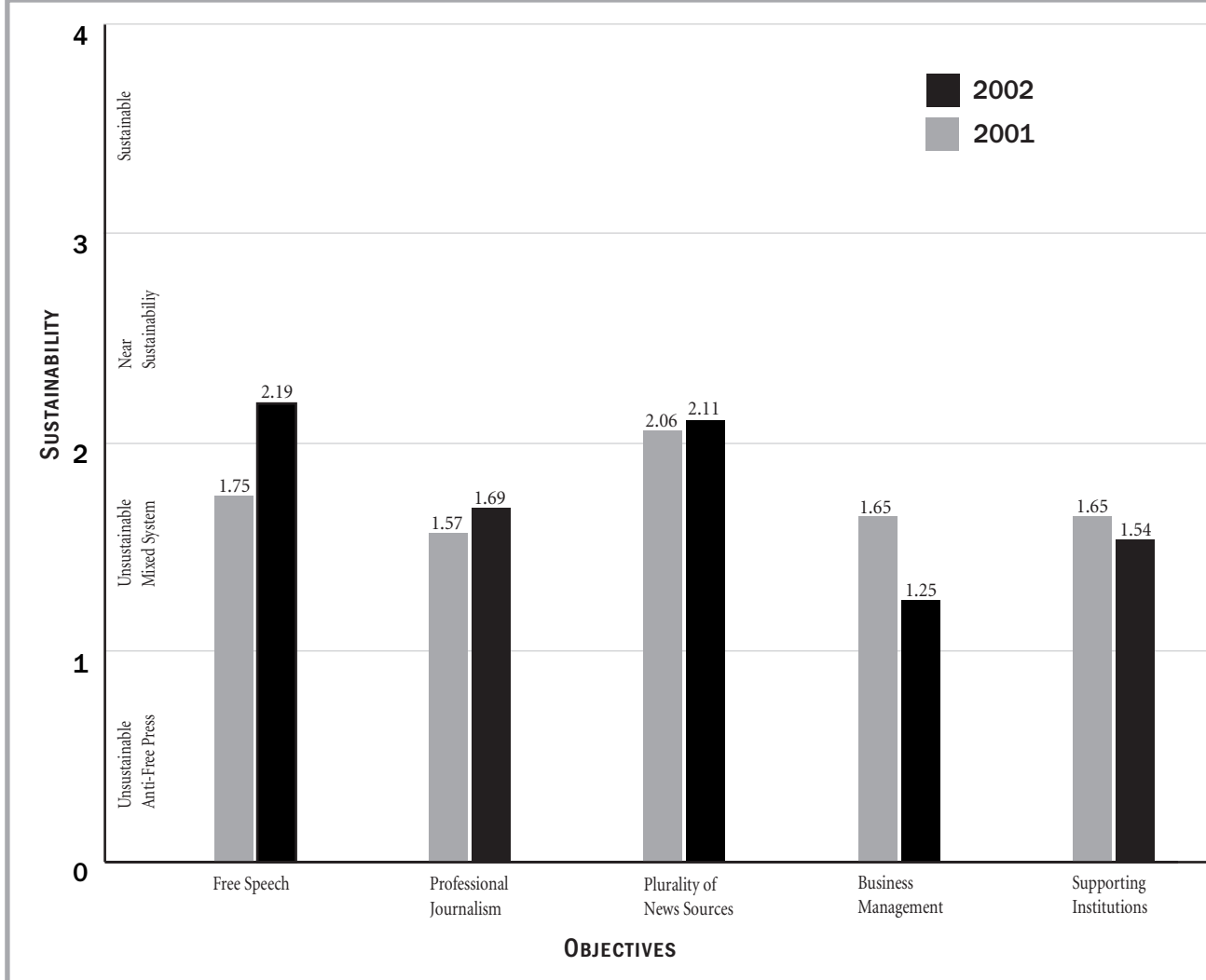
The Ministry of Information and Publications was dissolved on April 19, 2001, and media censorship was halted soon thereafter. The task of issuing licenses to television and radio stations then fell to the Ministry of Communications. With assistance from the Council of Europe and local media and legal experts, new draft laws regarding licensing and broadcast regulation are being prepared. There is the hope that after the acceptance of these laws, licensing will be a fair and competitive process, instead of one based on political influence.

More than 200 newspapers are published in Azerbaijan, but only 20 of them are published regularly as dailies and weeklies. There are two state television channels, four private television stations, and nine regional television stations. Among the foreign frequencies in Azerbaijan are two official Russian television channels, and two Turkish television stations.

*Since there is no independent judicial system, it is impossible to judge how media freedoms are being enforced. It is particularly difficult in the regions, where local authorities and tax officials exert their influence on independent media.*



## AZERBAIJAN—MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2–3:** Independent media approaching sustainability

**1–2:** Significant progress remains to be made; society or government is not fully supportive

**0–1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

The quality of journalism in Azerbaijan does not meet international standards. Regional media outlets have significant difficulties in this area, compared with those outlets in the capital. Areas of specific concern include the freedom of speech, the lack of modern technical equipment and Internet access, poor professionalism, and the absence of an advertising market.

Unfortunately, most of the print media in Azerbaijan cover political events such as the legal disputes and scandals of political leaders. These newspapers focus far less on social development, ecology, conflict resolution, education, gender, migration, and health. Even less attention is given to the professional growth of journalists, to advertising and distribution management, and to using market research. Additionally, investigative journalism is rare in Azerbaijan. Most journalists cannot afford to devote significant time to investigative reporting, and there is also the risk of threats and arrest from the authorities.

Despite some economic growth in Azerbaijan and the development of local business, independent media have suffered from a decrease in advertising profits. Advertising revenues for media have dipped because of the low purchasing power of the population, and the influence of political and business interests on the advertising market.

The low level of professionalism among journalists and the weak management skills of media managers negatively influence the image of the professional journalist in the eyes of the public. This reaction does not motivate citizens to buy newspapers.

Professional training in Azerbaijan is underdeveloped. The courses conducted by organizations like Internews and the Open Society Institute (OSI) emphasize television journalism and are generally short-term sessions. Little significant work is done to develop the professional skills of print media. The panel proposed urban-rural journalist exchanges and training literature written in the official and minority languages of Azerbaijan. Both practices would be greatly helpful in developing a core group of print journalists, particularly because journalism instruction in schools and universities does not meet the international standards.

The institutions that support independent media in Azerbaijan are active and well organized. Nongovernmental organizations (NGOs) are able to mobilize protests to call attention to violations of the journalists' rights. Yet, despite the activity of media

organizations, they are still in their early stages of development. For this reason, the support network for journalists' labor and professional rights is still weak.

## OBJECTIVE 1: FREE SPEECH

**Azerbaijan Objective Score: 2.19/4.0**—Parliament passed the Law on Mass Media in 2000. The legislation complies with international norms by guaranteeing freedom of speech, access to information, protection of journalists' rights, and support of independent media. The Azerbaijan parliament ratified the European Convention on Human Rights—including Article 10, which guarantees freedom of speech and other media freedoms. The ratification of the Convention was one of the conditions of Azerbaijan's acceptance into the European Union (EU). In February 2001, Azerbaijan was accepted as a full member of the Council of Europe.

In August 1998, President Aliyev signed a decree that removed the state censorship of print media. On May 7, 2001, the President's Office created a special working group tasked with modifying the media law

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party must prove falsity and malice.
	Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

in order to provide information to the media community.

Since there is no independent judicial system in Azerbaijan, it is impossible to judge how media freedoms are being enforced. It is particularly difficult in the regions, where local authorities and tax officials exert their influence on independent media. In 2002, President Aliyev met with a group of businessmen to open a dialog with the private sector in hopes of fostering small and medium business growth and creating more favorable tax conditions for the development of regional businesses and media outlets.

Investigative journalists do not feel as if the law protects them. Journalists can be openly accused of breaching the media law by violating ethical standards or committing libel or slander. Slander is dealt with in both the civil and criminal codes. However, the media law does not provide detailed definitions of these concepts, so it is difficult to predict the outcome of related legal decisions. Often the fate of accused journalists is left to the decision-making abilities of individual judges. Journalists lose about 60 percent of their cases because of their own lack of professionalism. Sometimes their reporting on political leaders is not based on sound research or good sources.

According to Article 19 of the revised Law on Mass Media passed in February 2001, the activity of media outlets can be halted only by the ownership or by a court's ruling. This revision differs from the Law on Mass Media passed in 2000, in which a media outlet that has lost three times in court could be closed. All state organizations have structures that deal with accreditation, and they have the right to deny accreditation to any journalist.

On April 19, 2001, the president of Azerbaijan signed a decree that dissolved the Ministry of Information and Publishing. After the ministry was closed, censorship of the media was canceled. The Ministry of Communications then began licensing broadcasting media, but did nothing about print media licensing. Licensing processes have not been neglected in the parliament. Experts from the Council of Europe and local media experts have drafted legislation dealing with the Freedom of Information Act (FOIA), licensing, and public broadcasting. On March 14, 2002, the government announced the formation of an independent licensing organization for electronic media.

The formation of a public television station according to European standards is proceeding slowly. The government has stated that one channel will remain

state-run, while another will become a European-style public channel with an independent board.

Although the licensing of television and radio stations has been suspended, five regional broadcasters were able to obtain licenses previously. These stations are Aygun TV in Zagatala, MTV in Mingachevir, Dunya TV in Sumgait, and Khayal TV and Gutb TV in Guba. The old Soviet style of thinking and the general apathy of some officials hinder these independent television stations' ability to operate. The State Council on Broadcasting was created in January 2002, allowing some regional television stations to get new licenses. Now all television and radio stations have to apply for licenses from this body.

Among electronic media in Azerbaijan, there are two state television channels, AzTV1 and AzTV2; two Turkish channels, TRT and STV; two Russian stations, ORT and RTR; four private television channels, ANS, Space, Lider, and ATV (Azad Azerbaijan); and nine regional television stations. There is also a wide range of radio stations. There are two state radio channels, FM 88 and Araz, and private radio channels such as 102 FM ANS, 104 FM Radio Space, 106 FM Azad Azerbaijan, 107 FM Radio Lider, as well as Russian channels FM 107.7 Radio Europe Plus and Radio Russia. Other foreign stations include Turkish channel Burj FM, Radio Free Europe (USA), and BBC (Great Britain). Voice of America is broadcasting programs on a state-run frequency.

Approximately 10 news agencies operate in Azerbaijan. The panel noted that the most professional agency is Turan. There are more than 200 newspapers in the country, but only 20 papers are issued on a daily or weekly basis.

The media industry has seen some recent improvements. In March 2001, the parliament passed a law exempting media from customs duties. Due to outcry from media organizations, the Council of Europe and the public, the police, and the courts do not subject journalists to as much intimidation as in the past. Journalists now have significantly more freedom to do their jobs, particularly compared with the period from 1992 to 2001, when journalists were arrested, beaten, and barred from reporting certain events.

There is a long list of abuses committed against the independent media in Azerbaijan. According to information from RUH, 150 incidents of violence against journalists were reported in 2001 alone. In July 2001, broadcaster ABA was closed due to alleged tax violations, and its equipment was confiscated. For the

past two years, four of the nine regional television stations were closed for a variety of dubious reasons. On Aug. 7, 2001, the editor of the newspaper *Milletin Sesi* was arrested for publishing an article describing the corruption in the former chairman of the State Committee on Property's administration. The newspaper *Etimad* was closed for printing articles discrediting the head of Muslim Clergy of Azerbaijan, Sheikh-Ul-Islam Allahshukur Pashazadeh.

In October 2000, 40 journalists were dispersed by police during a demonstration against the government reprisals of journalists demanding media reforms. During the second demonstration in December, 26 journalists were beaten, and one was hospitalized.

After the well-publicized meeting between the media community and the president in which he was dubbed the "Friend of the Media," immediate results were seen. Some of the cases against journalists were thrown out, fines were dropped, debts to the state-run publishing house were forgiven, and customs duties were cancelled. The process of issuing credits to media outlets also began. However, many believe the credit system is not transparent and influenced by political interests.

Although custom duties on importing media supplies have been cancelled, media in the regions still have serious financial problems. These problems stem partly from low profit levels from newspaper distribution, and partly from the public's low purchasing capacity. Many do not want to buy a newspaper for 1,000 manats (20 US cents). The advertising market is dominated by business and political interests that squeeze the profit margins of independent media.

According to some independent journalists, there are elements in the country that want to bring about the ruin of independent media. For political reasons, many businesspeople do not advertise in opposition media outlets even if their daily circulation rates are higher than the state newspapers. Independent media do not receive the same government subsidies that the state outlets do. A small number of opposition media have difficulties printing editions through state and private publishing houses due to political pressure.

The transition to the Latin alphabet has adversely affected the financial position of many Azeri-language newspapers. These newspapers have lost one-third of their profits and have lost elderly readers, who find it difficult to learn a new alphabet.

In general, journalists are more constrained in gaining access to information by their own lack of pro-

fessional skills than by the media laws. Some journalists rely on the financial support of political or business interests to supplement their salaries. This reliance is reflected in the objectivity of their work. In some cases, the management of media outlets influences the appointment of an outlet's editors.

The panel noted that there are increasingly fewer reliable news sources. Every year there are fewer independent media outlets—particularly broadcast—as the government seeks to consolidate its power over the media. In the opinion of one panelist, media outlets can maintain their independence through good management. Media is on the way to true independence. If questions regarding advertising, distribution, and editorial influence can be addressed, there is hope.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Azerbaijan Objective Score: 1.69/4.0**—There is a distinct lack of independent newspapers in Azerbaijan. Political influence directly affects the objectivity of many newspapers, as the owners are often swayed by political and business interests. Although many journalists recognize an ethical code, not all actually follow the common ethical standards. For the most part, each newspaper and broadcaster has its own internal ethical

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

code. Most recently, media organizations in Azerbaijan have prepared a media code of ethics, to which a number of newspapers have signed on. Ethical principles related to media will be included in a new law on public broadcasting.

Independent newspapers such as *Echo*, *Zerkalo*, and *Ayna* try to present their coverage professionally by using good sourcing from experts, government officials, and third parties. There are a number of other independent newspapers that report on social and human-interest issues. However, these newspapers are poorly financed and do not get consistent support from international donor organizations. The absence of an advertising market means that some papers can be published only once or twice a month.

There are not enough international donor organizations that provide technical support to print media. Newspapers, particularly in the regions, greatly need computers, faxes, copiers, and accounting software. For example, one independent regional newspaper, *Mingachevir Ishiglari*, publishes information on civil initiatives and NGO resources in the regions. This paper has had difficulties in obtaining technical equipment and with printing its editions far away in Baku. Despite support from Internews and the US Embassy in Azerbaijan, the newspaper still struggles to cope.

Although self-censorship among journalists and editors is a common practice, professional journalists at leading newspapers are able to maintain fair and objective coverage. However, regional newspapers and television stations have far more difficulty maintaining independent coverage. At regional broadcasters, even the slightest criticism of local authorities could result in the loss of access to information. For example, journalists from the Ganja Support Center of Independent Media, a group supported by Internews, reported on the electricity shortage in the city of Ganja. The report described how the blackouts hindered the ability of many hospitals to treat injured people. As a result of the report, several heads of medical institutions were removed from their posts, and journalists were forbidden to film in hospitals.

Another problem for journalists in Azerbaijan is the lack of well-sourced reporting. The absence of authentic and well-checked information gathered from primary sources often results in sensationalist reporting that attracts readers at the cost of providing unreliable and subjective journalism. In many cases, this type of reporting leads to legal action against the journalists.

The development of professional journalism is negatively influenced by several factors. First, the professional preparedness of the graduates of journalism universities is weak. Second, people involved in managing media businesses do not have media experience or significant knowledge of the industry. And finally, media employees' low salaries create opportunities for corruption and instances of brain-drain as journalists leave the country in search of higher wages.

*Newspapers essentially prefer to focus on political scandals and sensationalism, rather than on important themes such as social problems, education, health, and other civic issues.*

The salaries of most journalists, with the exception of television journalists, remain extremely low. Low wages induce some journalists to write custom-made articles for the highest bidder. Another result of poor wages is the exodus of journalists abroad. The most professional journalists attempt to leave the country by finding work in Russia, Turkey, the United States, or Great Britain.

It is necessary to note that few media outlets produce their own programs and publications highlighting human-interest stories that could draw readers' attention. Newspapers essentially prefer to focus on political scandals and sensationalism, rather than on important themes such as social problems, education, health, and other civic issues.

Not many print media outlets actively use multiple distribution channels and PR to sell their papers. In Azerbaijan, two organizations are used to distribute newspapers: the public-service Gasid and an independent service called Gaya. Both distribute newspapers via kiosks and small news agents.

There is very little overlap of media coverage among the urban and regional media outlets. In the regions, the population is poorly informed about events in the capital city. In Baku, the society has very little knowledge about current events in the regions.

The panel agreed that the print media are in dire need of training and technical help to improve the professionalism of journalists in Azerbaijan. Training is needed to improve the overall quality of journalism, to



develop business-management skills, and to instruct journalists in the use of the Internet.

A variety of international organizations are active in media training. Internews provides training to improve the professionalism of television journalists; it also holds investigative journalism competitions. The Open Society Institute in Azerbaijan supports local media organizations by helping them publish educational brochures and by conducting training in Baku and the regions. This training focuses on instructing the journalists in how to work with NGOs, civil society groups, and journalistic networks. The US embassy in Azerbaijan also supports training in educating journalists about media legislation. The Eurasia Fund promotes local media organizations in drafting effective media legislation and in developing the stability of media. The International Center for Journalists (ICFJ) operates media training and exchange programs that are available to journalists from the broadcast and print media. These programs work to develop a broad range of media-related skills, from business management, to professional skills, to journalistic ethics, to advertising and distribution.

The panel agreed that there are not nearly enough journalists who specialize in niche topics such as civil society, gender issues, and conflict resolution. There are even fewer investigative journalists who can professionally present a story and address the problems of a changing world—issues such as refugee crises, internally displaced persons (IDPs), and repatriation.

Training is important for journalists, but it must begin at the university level. Journalism courses are offered at the Baku State University, at the private university Khazar, and at a number of other educational institutions. However, the teaching techniques and training materials do not meet international standards for journalism instruction. For example, admission to the journalism programs does not require applicants to have a preliminary interview. This process leads to the influx of untalented or uninterested students into journalism schools.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Azerbaijan Objective Score: 2.11/4.0**—Most media outlets specialize in local and national themes. Yet in many parts of the capital and the regions, vulnerable groups cannot afford to buy print media. Only income-earning people in the regions have the means to

#### Multiple news sources provide citizens with reliable and objective news.

##### Plurality of News Sources Indicators

A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.

Citizens' access to domestic or international media is not restricted.

State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.

Independent news agencies gather and distribute news for print and broadcast media.

Independent broadcast media produce their own news programs.

Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.

A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

buy newspapers. Pensioners, refugees, and the poor in the cities and villages have no money for newspapers. In the Azeri capital, people can find local and foreign printed editions. Again, the question remains whether people can afford them.

The population has access to the Internet in Baku and in the regions. In the regions, however, bad connections and high Internet access fees decrease overall usage rates. Journalists and the public have experienced difficulty in finding and disseminating information.

Independent media outlets in Azerbaijan attempt to provide objective coverage of the government, the opposition, and civil society. To the greatest degree possible, this is accomplished by broadcaster ANS, newspapers *Echo* and *Ayna*, and periodicals *Turan* and *Trend*. In Azerbaijan, news agencies print political, economic, and social bulletins; prepare analytical and sociological reviews; and distribute materials to media organizations, businesses, embassies, and international organizations.

If necessary, a person can find out who owns media outlets. Local and international experts are involved in maintaining the transparency of the media industry and in providing equal opportunities for new entrants into the media sector.

In Azerbaijan, there are a myriad of newspapers published that represent minority groups. For example,



newspapers cater to Slavs, the Lezghin, Jews, Talishs, Tatars, Kurds, and others. However, these papers can have serious financial difficulties. Due to the low circulation of these newspapers and the lack of advertising opportunities, the minority papers are forced to rely on state aid or grants. The state provides some financial help, but it is not enough. Furthermore, there are not enough journalists specializing in minority issues such as culture, history, and social rights, so those outlets that do survive struggle to provide quality reporting.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Azerbaijan Objective Score: 1.25/4.0**—Azeri newspapers are currently experiencing serious difficulties in print production. The state and private publishing houses demand high prices, and the cost of paper has also increased. Additionally, some opposition newspapers refuse to patronize certain private publishing houses because the newspapers do not want to damage their relation with the ruling political elite.

After the meeting between media representatives and the president, some debts owed by media outlets to the publishing house Azerbaijan were forgiven.

The financial difficulties of newspapers, the lack of business-management skills in the media industry, and the inefficient distribution network have led to the rise of “reket journalists.” Such journalists threaten to

produce negative reporting unless they are paid by the organization or company they have targeted. During 2002, some reporters were taken to court for practicing reket journalism.

Print media regularly use advertising agencies, of which there are more than 40 in Azerbaijan. According to Article 13 of the Media Law, print media are allowed to derive no more than 40 percent of their income from advertising, and broadcast media no more than 25 percent.

Protectionism, and not healthy competition, can result from the battle for advertising revenue. However, this competition can also motivate independent broadcasters to search for creative programming ideas and improved business practices.

The independent press does not receive state grants, except for children’s editions and literary publications.

Local media make little use of marketing research and other data that would help them provide more professional reporting and serve as government watchdogs. There are very few market research organizations operating in Azerbaijan. Those that exist do not always use the most professional methods to obtain their results.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Azerbaijan Objective Score: 1.54/4.0**—The Union of Journalists in Azerbaijan carries out various meetings, seminars, and competitions in support of journalists in Azerbaijan. However, it is still too early to gauge whether the union is capable of protecting the labor and social rights of journalists.

Local NGOs such as Yeni Nesil and RUH work to protect the rights and interests of journalists in Azerbaijan. These groups seek to improve media legislation and expand media freedoms. There are a number of government-sponsored organizations. The Association of Journalists is a network of journalists that promotes civic education. Journalism NGOs in Azerbaijan—such as Free Person, the Association of Women Journalists, and the International Eurasia Press Fund—carry out various training programs for journalists on issues ranging from social and legal topics to communications. However, much of the work of these organizations is short-term and depends on the support of international donors.

The panel underscores the importance of professional media training, especially for print media. Basic

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.

<b>Supporting institutions function in the professional interests of independent media.</b>	
<b>Supporting Institutions Indicators</b>	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 private, apolitical, and unrestricted.
	Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

and advanced training should be conducted in Baku and in the regions by skilled trainers in the areas of business management, basic journalism skills, niche reporting, and legal comprehension. There should be an effort to print training materials in the Azeri language, and to stimulate professional journalism through small grants and short-term exchanges with other countries.

The level of journalism instruction at universities does not meet international standards. There are no new textbooks and few opportunities for practical internships and hands-on learning.

Due to assistance from international organizations, journalists get the opportunity to produce independent television programs, publish newspapers, participate in training, use modern technologies, improve media legislation, and develop journalism networks and partner with journalists from other countries.

## PANEL PARTICIPANTS

### *Shahin Abbasov*

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Eho newspaper

### *Aflatun Amashov*

Chairman  
Journalists' Protection Committee, RUH

### *Fuad Babayev*

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Space TV

### *Halida Bagirli*

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Lider TV

### *Gulnaz Bagvanova*

Editor in Chief  
Mir TV

### *Rovshan Hajiyev*

Editor in Chief  
Azadlig newspaper

### *Elchin Huseynbeyly*

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### *Hayal Tagiyev*

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## PANEL MODERATOR

### *Elchin Sardarov*

## OBSERVER

### *Nigar Mamedova*

Country Director  
IREX/Azerbaijan



# GEORGIA

## INTRODUCTION

Slightly larger than the state of West Virginia, the former Soviet republic of Georgia is home to approximately five million people. Still divided as a result of armed ethnic conflicts in the early 1990s, the country remains extremely vulnerable to geopolitical events. Georgia has been enjoying financial and moral Western support since its very first days of independence. In the past decade, Russia's position as the regional power has substantially weakened in the South Caucasus region. However, through various political and economic means, Russia still exercises significant influence over the state of affairs in Georgia.

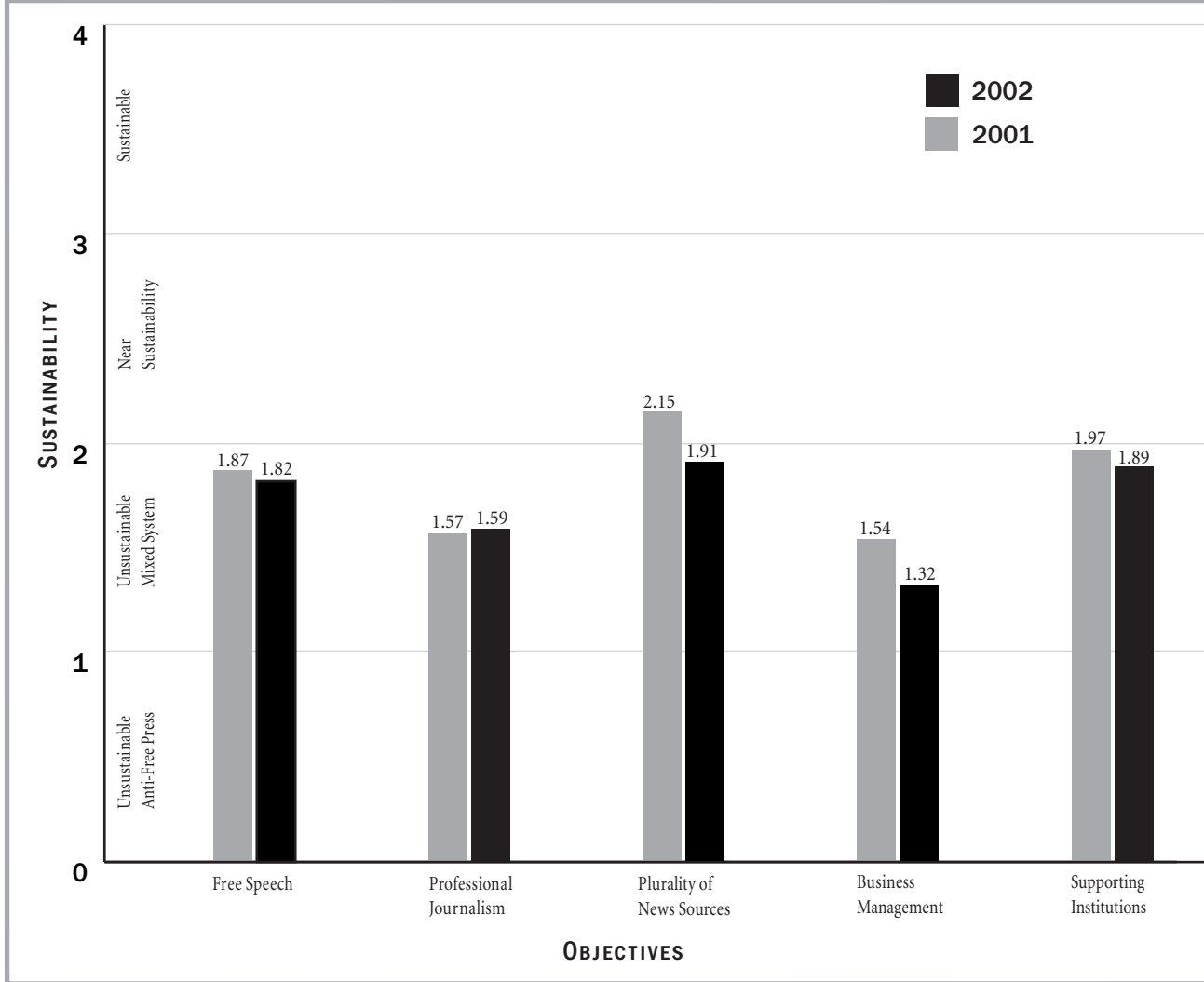
Relations between Russia and Georgia, never exceptionally neighborly, have worsened during the past year. Georgia has been concerned about Russia's inflammatory role in regional ethnic conflicts. The Russian authorities have not addressed the fate of thousands of internally displaced persons (IDPs). Furthermore, Georgia has continued to resist Russia's request to prolong the mandate allowing several Russian military bases to be stationed in Georgia. Disputes over the alleged training grounds of Chechen militants in the mountains of Georgia led to the bombing of Georgian villages by Russian aircraft. Russia expressed outrage at the deployment of American military instructors to help Georgia train its troops for anti-terrorist operations. Meanwhile, Georgia's energy sector has continued to depend heavily on gas and electricity imports from Russia.

Georgia's internal politics were no less worrisome over the past year. Rampant corruption has become a heavy burden for Georgian democracy. The governing elite, which lost in recent local elections, launched a blunt campaign against political opponents before parliamentary elections.

Many of the above events have had a negative impact on media development. The low purchasing power of the population, the burdensome tax regime, and the underdeveloped advertising market and inefficient distribution system are all factors that have discouraged circulation growth. There are other discouraging trends. For example, only

*In Georgia, the public perception is that politics is the primary news source. Some panelists considered the lack of social-issue reporting as one of the greatest flaws of Georgian journalism.*

## GEORGIA—MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

an estimated 5 percent of the population can afford to buy newspapers weekly. Although the supply of electricity has improved in the capital, Georgia’s regions still suffer from power shortages. The press distribution system is state-owned, and the private distribution systems are struggling to survive. Also, the major national television channel still has not transformed into a public broadcasting station. Therefore, the state of Georgian media raises more questions than hopes.

Free media are still considered one of the best achievements of the nascent Georgian democracy. However, Georgian journalists have more obstacles to overcome than they did a few years ago. Journalists have to be more vigilant about improving their professionalism, and they must be aware that legal guarantees work better in theory than in practice. Many media outlets are over-dependent on benefactors’ support, and corruption continues to spread through the media sector.

Despite all the shortcomings described above, the media sector is slowly but surely moving forward by fits and starts. The number of ethical and qualified professionals in the media field is increasing. The Caucasus School of Journalism and Media Management graduated its first class. And the Rustavi 2 media group launched a serious daily named *24 Hours*.

## OBJECTIVE 1: FREE SPEECH

**Georgia Objective Score: 1.82/4.0**—The Media Sustainability Index (MSI) panel agreed that constitutional provisions along with the Law on Press and Mass Media guarantee freedom of speech. However, these laws are not fully enforced. Economic and political pressures often circumscribe press freedoms. It should be noted, however, that this situation has slightly improved in the past few years. Furthermore, Georgian society highly values the freedom of speech and vigorously defends it in cases when such freedoms are abused.

For more than two years now, the Georgian National Communications Commission has been in charge of controlling broadcast licenses. The Commission is free from political influence, and the broadcast industry is generally satisfied with the work of the regulatory body. The Commission has dealt with a number of confusing issues regarding the broadcast industry. Several years ago, the former broadcast regulatory organization awarded many broadcast licenses. However, the licensing process was highly corrupt, and

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.

many of the frequencies overlapped. Up to 20 television licenses were issued in Tbilisi alone, and there was no outlined procedure on how to revoke the licenses. As a result, the Commission temporarily halted the licensing process. So, for two years new licenses were not issued, and previously awarded licenses were not revoked. The Commission has since developed new regulations and will soon resume the licensing process. It is important to note that the political forces behind the stations that originally won bids for licenses were very diverse. As a result, a broad spectrum of opinions was represented in broadcast media.

The media sector operates with the same conditions for market entry as other industries in Georgia. In general, there are neither special exemptions nor restrictions for media. Media even enjoy slightly better tax treatment from the government. For example, printing is exempt from value-added tax (VAT). On the other hand, flaws in the tax law negatively affect media development.

This issue regarding crimes against journalists provoked disagreement among the panelists. Some believe that journalists are treated like any other citizen of Georgia, meaning they are not well protected by the state. Other panel members felt that journalists are



protected better than the citizens. Some panelists believe that journalists protect themselves by leveraging their social status and personal contacts in order to get by.

Crimes against journalists are not as common in Georgia as they used to be, even though a journalist from Rustavi 2 was murdered and the Odishi television station was raided by police in the past year. In fact, the media environment has been improving since 1996. Before 1996, journalists were frequently subject to physical intimidation. Currently, journalists often receive verbal threats, but these threats rarely translate into concrete actions. It is now more common for those upset by media coverage to seek revenge by blackmailing the journalists held responsible.

*Crimes against journalists are not as common in Georgia as they used to be, even though a journalist from Rustavi 2 was murdered and the Odishi television station was raided by police in the past year. In fact, the media environment has been improving since 1996.*

There are no public media in Georgia that operate independently of government influence. State media outlets enjoy special treatment, as they are given exclusive access to information and exclusive rights to state advertising. State media are heavily influenced by the government. The management is appointed by the government, and editorial policy is therefore subjective. In addition to the direct funding state media receive from the government, they also enjoy indirect subsidies like rent-free office space. Even though laws do not permit the local government to directly finance local television stations, this situation can often occur in the regions. Local administrations directly award contracts to broadcasters based on political affiliation, regardless of whether the station has the proper license. Some local governments account for state media reporters' expenses in their official budgets.

Some panelists consider the accreditation process for media representatives to attend government meetings to be discriminatory. It is especially difficult for journalists from the regions to gain access to government information.

Georgian law distinguishes between two types of libel. Under the civil code, the defendant must prove the truth of the allegedly libelous information. Under the criminal code, the plaintiff must prove the falsity of criminal charges. Although lawsuits are rarely filed under the criminal code, one recent example is a case against the newspaper *New 7 Days*. The plaintiffs were high-ranking officials from the Ministry of Interior of the Abkhaz Republic. The court found no evidence incriminating the journalists, and the case was closed. In most cases, public officials sue the journalists for damage to their honor and dignity. Such cases are considered under the civil code, and the journalists must prove that the information they broadcast or published was truthful. So far, no financial sanctions have been imposed on media, with "60 Minutes" of Rustavi 2 the lone exception.

The General Administrative Code represents a step forward for freedom of information legislation in Georgia. In the code, the government legally recognizes its responsibilities to provide public information. Non-governmental organizations (NGOs) and journalists are using this pioneering legislation to hold the government accountable for sharing key information such as budgets. While influential media obtain the information more easily, regional newspapers find existing bureaucratic barriers rather difficult to overcome. According to the law, state agencies should appoint spokespeople responsible for efficiently handling public information requests. In practice, it is very difficult to obtain public information without approval from the head of the agency. If journalists pursue the information, they will often be able to obtain it, but the process is time-consuming. Access to information depends too much on the personal connections and professional status of the journalist. In general, reporters rely on second-hand versions of public information.

Government does not restrict access to international news and news sources or the re-printing and re-transmission of such information. Up to 20 percent of the population has access to some kind of foreign news source. Media management, however, cannot always secure Internet access for its employees due to financial and technical constraints.

Entry into the journalism profession is open, and the government does not control journalism education. Journalists do need special accreditation to cover parliamentary sessions and government meetings. Sometimes access to specific events is limited, although more influential media gain access more easily.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Georgia Objective Score: 1.59/4.0**—Because media outlets are in the hands of opposing political forces, some plurality of opinion does exist. Unfortunately, sloppy reporting is the rule rather than the exception. Many journalists do not verify information or cross-check sources. The boundaries between fact and opinion are blurred. Journalists do not always pursue both sides of the story. There are, however, several media outlets that follow the basic rules of good reporting.

Although Georgian media professionals have been engaged in discussions about national ethical standards for years, no such code has been created. Some media outlets operate with their own internal codes. This also means that some media outlets do not permit their reporters to participate in paid trips and study tours.

Corruption is widespread in the media industry, although some media outlets have better reputations than others. Both editors and reporters accept money and gifts in exchange for favorable coverage. There are no official party publications in Georgia. In other words, it is not clear which publication represents which political ideology.

In general, self-censorship is a common practice in Georgian media. One reason for self-censorship is that media outlets try to maintain good relations with

advertisers, who are considered a precious resource. Media outlets cannot afford to oppose their benefactors' political agendas. To avoid such conflict, journalists try to work for media outlets that have political convictions similar to their own. Another cause of self-censorship is the lack of clearly defined responsibilities in the form

*The panelists identified another cause of self-censorship as “the small-town syndrome.” In this case, regional journalists find it difficult to report objectively because the local people they are reporting on are their relatives, friends, and neighbors.*

of written contracts. A major flaw of the Georgian labor law is that hiring can be based on oral agreements. This creates a sense of instability and vulnerability in the media industry, as many media employees are afraid of losing their jobs. The panelists identified another cause of self-censorship as “the small-town syndrome.” In this case, regional journalists find it difficult to report objectively because the local people they are reporting on are their relatives, friends, and neighbors.

Georgian editors sometimes prevent reporters from covering certain issues, mostly due to political reasons. In 2002, broadcaster Rustavi 2 created a public uproar by airing information about the movements of Chechen militants in the mountains of Georgia. Although other stations were also aware of the situation, they consciously decided not to broadcast the story. Sometimes the government itself restricts or limits access to certain information. Nevertheless, traditional periodicals are published in minority languages, and journalists do report on events in conflict zones.

The differences in pay vary by media outlet but diverge particularly for media professionals in the capital and the regions. Media outlets offer higher wages in urban areas. However, journalists sell articles to politicians and businessmen more frequently in Tbilisi than in the regions. As a rule, broadcast journalists earn more than their print counterparts. Employees of independent media earn more than state media professionals. Journalists with low wages are often forced to change occupations.

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).

All media lack the technical facilities and equipment at all stages of the production process. The lack of equipment is especially pressing in the regions, where even tape recorders are sometimes considered a luxury.

Niche reporting is in the very early stages of development in Georgia. Reporters and editors rarely possess the knowledge and experience required for issue-specific reporting.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Georgia Objective Score: 1.91/4.0**—The state television channel has the largest coverage area in Georgia, while major independent television stations cover only the capital. There are smaller independent television and radio stations in almost every region. These stations not only produce and broadcast their own programming, but also re-broadcast programs from the capital-based stations. Between 60 and 75 percent of print media distribution and sales take place in Tbilisi. Circulation of all newspapers does not exceed 100,000 copies daily. Not all of the papers that are printed are actually sold.

A wide variety of media are available in the capital. Local print and broadcast outlets, as well as state television and radio channels, are available in the

regions, although electricity outages limit public access to broadcast media in these areas. Cable networks are more developed in Tbilisi. The Internet is a scarce resource in the regions. It is difficult to say exactly how many have access to Internet in the regions, but probably only the elite. There are Internet cafés in the regions, but Georgians do not go to Internet cafés to receive news. Instead, they go to use e-mail or chat rooms. It is estimated that up to 10 percent of the population has Internet access nationwide. However, less than 1 percent of the population uses the Internet as a source of information in the rural regions.

There are no legislative restrictions on access to domestic and international media, but there are financial and technical constraints, especially in the regions.

Georgia does not have public media yet, as the government closely controls the non-private media outlets. The state media is biased and devotes most of its coverage to the government and the ruling political forces. However, the state media outlets pay more attention to educational and cultural programming than do private media.

*Georgia does not have public media yet, as the government closely controls the non-private media outlets.*

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

In general, the panelists were satisfied with the work of news agencies in Georgia. However, managers would like to receive better-quality products from local news agencies. Subscriptions to foreign news agencies are expensive, though still affordable for the larger outlets. The local news agencies charge reasonable prices for their services.

All independent television stations produce their own news programs. These programs differ from each other and from the state news programs. However, the ownership of media outlets definitely influences content. The legal ownership of media outlets is often documented. However, the actual identity of the owners is not always known to the public, or even to the media community.

In Georgia, the public perception is that politics is the primary news source. Some believe that there is little market demand for nonpolitical information, while others believe that although such demand exists, the media do not choose to cover those issues. Some

panelists considered the lack of social-issue reporting as one of the greatest flaws of Georgian journalism.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Georgia Objective Score: 1.32/4.0**—The distribution and printing services generally offer equal services to media outlets. These companies are mostly privately owned and can even be profitable. Media outlets are more or less satisfied with the quality of distribution and printing services, although printing facilities charge a lot because they rely on expensive imported materials. Printing facilities are especially expensive in the regions, so regional newspapers are often printed in the capital.

Major income sources of private media come from ads, sales, subscriptions, and sometimes grants. Media outlets in the capital receive most of their advertising opportunities through advertising agencies. There are no advertising agencies in the regions. Advertising agencies provide only 1 percent of advertising in the regionally based media. Advertisers can influence editorial policies and content. Given the underdeveloped ad market, local media outlets cannot afford conflicts with their advertisers. The Law of Georgia on Advertising passed in February 2002 imposes specific guidelines for advertising in the media, further hindering efforts to draw significant ad revenue from the media sector.

There are many advertising agencies in Tbilisi. While some media managers are satisfied with these agencies, some believe that advertising agencies could be more effective. For example, the agencies should be able to draw more businesses into the advertising market. At the same time, media professionals are not skilled in using advertising opportunities to their advantage. Also, advertising agencies are more interested in the television industry, a more lucrative market.

*There are many advertising agencies in Tbilisi. While some media managers are satisfied with these agencies, some believe that advertising agencies could be more effective. For example, the agencies should be able to draw more businesses into the advertising market. At the same time, media professionals are not skilled in using advertising opportunities to their advantage.*

In Georgia, newspapers heavily depend on sales and subscriptions. Revenue from advertising is limited and not in line with international standards. Newspapers are expensive. Because the buying power of the Georgian population is extremely low, newspapers cannot derive more revenue by raising newspaper prices further.

There is no transparency regarding government subsidies for independent media. Subsidies are not used to help the development of independent media, but rather to circumscribe it. The state often grants advertisements to selected media without announcing an open tender.

Some media outlets attempt to use existing market research, but most media outlets are inexperienced in the use of such research. Several independent research institutions produce ratings, but broadcast media managers do not fully trust the data. Managers complain that the methodology used by these institutions is not transparent or reliable. Some believe that political actors and media outlets influence the results.

<b>Independent media are well-managed businesses, allowing editorial independence.</b>	
<b>Business Management Indicators</b>	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.

Circulation figures are not available, and the tax codes do not encourage transparent business practices. For example, there are no independent audit bureaus in Georgia to monitor media.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Georgia Objective Score: 1.89/4.0**—There are several associations of publishers and broadcasters registered in Georgia, but they are not active and do not provide real services to their members. Media owners rally to lobby the government only when their corporate interests are endangered. For example, owners lobbied the government for a VAT exemption and more favorable tax rates on advertising. Such cooperation among media is temporary. As soon as the problem is solved, media owners go about their own business.

There are some journalism organizations that support professionalism, but they are not membership-driven and are not capable of seriously benefiting journalists. There are no trade unions to support journalists' rights.

There are several human rights and media-related NGOs who efficiently advocate for freedom of speech in the country. They serve as watchdogs for press freedoms. These NGOs are active in urban and regional centers, and actively cooperate with media outlets. These organizations are closely involved in legislative

reforms. For example, a group of NGOs drafted laws on freedom of the press and freedom of expression that are currently being reviewed by the parliament.

*Media owners rally to lobby the government only when their corporate interests are endangered. For example, owners lobbied the government for a VAT exemption and more favorable tax rates on advertising. As soon as the problem is solved, media owners go about their own business.*

There are many local journalism schools in Georgia, both state and private, and in urban and regional centers. Although the schools vary in quality, none of them can meet international standards, with the exception of the Caucasus School of Journalism and Media Management. Teaching methods are outdated, and qualified journalism teachers are few, especially in the regions. There are too few practical training programs for young journalists. Georgian students can get university degrees in journalism abroad, but such opportunities are rather limited.

Many short-term journalism training programs are available, but almost all of them are donor-supported. Such programs are often repetitive and reflect the priorities of the international donor organizations rather than the needs of Georgian media professionals.

The sources of newsprint and printing facilities are in private hands and are not influenced by the government or political parties.

Some channels of media distribution like kiosks remain in the hands of the state. At the same time, several alternative channels of media distribution are available. Neither state nor private distribution networks are fully functional. Newspaper distribution networks are more or less developed in the capital and in the regional centers of western Georgia. However, these networks do not cover much of eastern Georgia. Newspaper distribution is quite expensive, as papers must pay up to 25 percent of the newspaper cost to ship their product.

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



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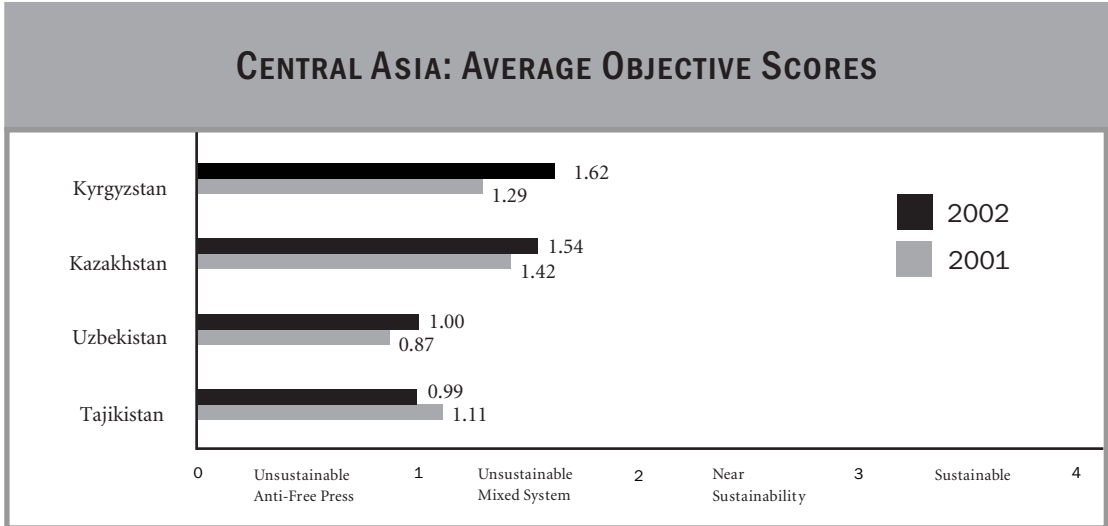
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# CENTRAL ASIA





# KAZAKHSTAN

## INTRODUCTION

While independent media in Kazakhstan have aided the country's progress toward democracy after 11 years of independence, the media sector is far from sustainable. On the positive side, a certain degree of press freedom has developed, despite the fact that governing institutions have not rid themselves of the stringent management methods of the past. There are notable occasions when media have acted as "the fourth power," and even the staunchest opponents of democratic reforms have been forced to contend with the independent media on some issues. There are independent publications and television and radio stations that have the capacity to serve as a source of alternative news, and there are examples of excellence in journalism.

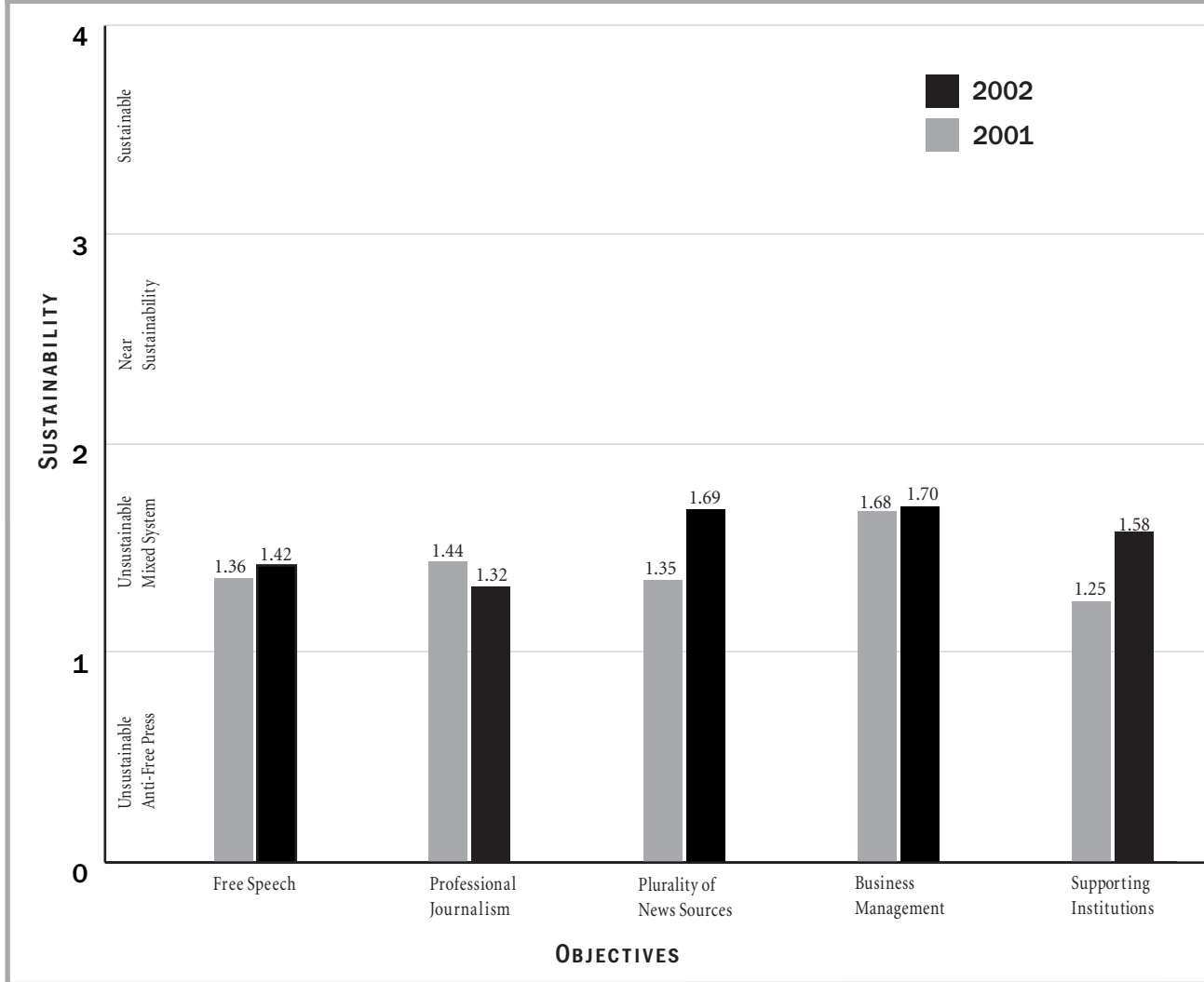
However, independent media still face a number of obstacles in Kazakhstan. While some non-state media outlets have emerged, publications or broadcasts containing content contrary to the interests of the ruling individuals and entities have been suppressed and individual journalists have been persecuted. State authorities have also exerted increasing pressure on the independent media sector in order to protect their power and to contain public criticism of their policies and practices. Through the adoption of restrictive amendments to the existing media legislation or outright censorship and persecution of journalists, the state has been effective in controlling public access to information.

Another machination used to maintain the state monopoly on information is support for the ownership of major media outlets by the presidential family. With President Nursultan Nazarbayev and his immediate family controlling the majority of media interests, outlets deemed loyal to the opposition have, for the most part, been eliminated or forced underground. State-owned or -affiliated advertising agencies and printing plants have lists of undesirable clients with whom they will not work. Censorship is banned by legislation such as the Constitution and the Law on Media, which guarantee the freedom of speech in the nation. However, the state is still able to restrict information to protect national security or state secrets.

Instances of journalists being beaten and taken into custody for allegedly having committed crimes are still taking place. This affects the

The notion of earning a profit is practically nonexistent in Kazakhstani media, since tax legislation forces media to operate at a loss in order to avoid the high corporate income tax.

## KAZAKHSTAN-MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

*Note: The 2001 scores for the four Central Asian countries in this MSI have been modified from last year's report to more accurately reflect benchmark data compiled by IREX and USAID in 2001.*

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

behavior of publishers and journalists concerned about their security and the threat of closure of their publications. Such political pressure, coupled with economic instability, results in editorial staffs and journalists that often practice self-censorship out of fear of punishment or persecution. To compound this problem, a considerable portion of the population does not have opportunities to regularly receive objective and reliable information.

Despite the abundance of private publications, their circulation is not widespread. Moreover, private publications are not always independent, and opposition media are notable for their one-sided coverage of events. The private publications use unverified information to attract readers. Yellow journalism is becoming a norm in Kazakhstan.

## OBJECTIVE 1: FREE SPEECH

**Kazakhstan Objective Score: 1.42/4.0**—Panel participants believe that despite the fact that the Constitution and the Law on Mass Media defend the freedom of speech in theory, it does not mean that it is defended in practice. Authorities' unwillingness to enforce free-

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.

dom-of-speech legislation unfortunately means that people are afraid to express their opinions. Government inaction also hinders the public's ability to obtain information from multiple alternative sources, to criticize the government or public figures, and to question government decision-making.

In recent years, many normative acts and amendments to the Law on Mass Media have been adopted that restrict the freedom of media. Today, the legislative framework for the media sector is only in its formative stages. Many normative acts such as the Code of Administrative Legal Relations and the Civil Code actually limit the freedom of the media.

The government keeps licensing under tight control. The practice of conducting tenders for radio frequencies in 1998–2002 has shown that the procedures for ensuring fair distribution of radio and television frequencies do not exist. The licensing of television and radio broadcasting is controlled by two ministries, the Ministry of Culture, Information and Public Affairs, and the Ministry of Transport and Communications. Since licensing is subject to the interests of the authorities, a truly competitive licensing process is not possible. Licenses are in no circumstances granted to companies affiliated with the opposition. The Law on Licensing clearly declares that obtaining a broadcasting license is a public and transparent process, but reality indicates otherwise. Several broadcasters in Temirtau and Karaganda (TV 29, TKT, 31st Channel–Karaganda, 43rd Channel, and so on) have rebelled against the government's unfair licensing practices through court proceedings.

The notion of earning a profit is practically nonexistent in Kazakhstani media, since tax legislation forces media to operate at a loss in order to avoid the high corporate income tax. Therefore, the media are not financially transparent. For newspapers, advertising profits are usually the main source of income (at least 80 percent), whereas subscription and other income sources constitute the minimum. Electronic media owners are now exempt from the radio frequency fee, and tax and value-added tax (VAT) rates tend to vary depending on the owner.

Judicial protection of the media is provided for in principle, but is generally ineffective because the judicial branch is only nominally independent of the executive branch. The number of legal actions directed against media is growing rapidly, and the number of claims against journalists is increasing as well. There are precedents for the criminal prosecution of journalists. If



an independent media outlet comes forward with criticism of government officials and state structures, the outlet is subject to intimidation and potential closure. For example, the television stations Irbis in Pavlodar, TV Tan in Almaty, and newspapers *The Evening Atyrau* in Atyrau, *Vremya Po*, *Delovoye Obozrenie Respublika*, *Respublika*, and *Sol DAT* all underwent varying degrees of political pressure. Journalists themselves are often persecuted, as was the case with G. Ergaliyeva, I. Petrusheva, N. Abliazov, E. Bapi, J. Dospanov, B. Makimbay, and others. The arrest and trial of journalist Sergei Duvanov is one of the most prominent examples of this type of persecution. Duvanov, who wrote and published a series of articles critical of the Nazarbayev administration, was tried for rape in 2002 amid intense international criticism and a widely held belief that the charges were politically motivated.

As media have been increasingly suppressed, journalists have realized that they are unprotected against such attacks. Moreover, crimes against journalists are becoming more frequent, and the nature of these crimes is becoming more sophisticated and cruel. Such crimes include attacks directed against the association Rifma, Sergei Duvanov, journalists from the television station Irbis, and others. These crimes against journalists are not causing any palpable public reaction because the authorities are trying to conceal this information, and the cases remain largely unsolved. The pressure on investigative journalists is exerted not only by the government authorities, but also by business interests. As a result, the number of analytical materials and investigative reports has declined significantly.

The repression of media by law-enforcement and taxation authorities, as well as by other local government bodies, is growing. As competition between business interests intensifies, and as the government struggles to control the private sector, the media are often victimized. Until the state realizes that journalists perform a crucial civic duty by informing the population, and at the same time jeopardizing their personal safety, crimes against journalists will continue to take place.

To compound the problem, journalists often put themselves in a vulnerable spot by publishing or broadcasting content that is often not fact-based, objective information. The Kazakhstani public today is no longer outraged at freedom-of-speech violations because unprofessional or unethical journalism remains a problem in light of laws that mandate the criminal liability of journalists for libel.

Socially significant information is unavailable to a vast majority of people. In theory, journalists are in a privileged position, as they can obtain and disseminate information as they choose. However, in practice, journalists are bound to the ownership of their media outlet, directly affecting their ability to obtain information or accreditation.

The state limits access to varying sources of information. It has restricted the re-transmitting of foreign television programs and maintains control of Internet access. On the other hand, regional journalists and media seldom use the Internet to obtain local news or other resources. Very few journalists use the Internet because of the high access costs.

Laws on national security, state secrets, commercial secrets, and others limit access to information. Government press services also attempt to limit the access to information in some cases, or to benefit by granting access to information in other cases. Journalists of state-run media have privileged access to government officials. Independent journalists struggle against such restrictions but have not yet unified to demand greater access to information.

There are no restrictions on entering the journalism profession, although there are serious deficiencies in the quality of education and the availability of professional faculty members.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Kazakhstan Objective Score: 1.32/4.0**—It is the panelists' opinion that although journalists verify their information, there are still shortcomings in presenting information objectively. There is a growing emphasis on objective reporting, but it is often adversely affected by the media owners and government authorities. Journalists cannot use all of the available sources due to understaffed editorial offices and weak logistical planning. Commercial topics in the media are balanced with actual news, but the news often contains hidden advertisements. Journalists seldom reflect varying viewpoints on an issue. While today's newspaper articles and radio and television reports are getting better, the competition in the media market dictates the necessity of improving journalism standards.

Unethical reporting features prominently in the media of Kazakhstan. There is no code of ethics to guide the practices and behavior of Kazakhstani jour-

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).

nalists. Made-to-order coverage of events in exchange for bribes or gifts remains a common practice, and is encouraged both by business and political interests.

Self-censorship is a common phenomenon, even in the opposition media. It is not even a question of the fear of being fired, or working under pressure from the publisher/editor. Instead, self-censorship is based on a falsely construed notion of “the team.” Journalists are afraid to let their teammates down. Journalists also avoid “hot” issues in order to avoid any possible legal claims against them. The same fear applies to the editors. Self-censorship is quite widespread, especially when government officials, political figures, and prominent businesspersons are involved. Self-censorship is also extremely prevalent since there are many unjust court decisions against media. Legislation makes journalists vulnerable, as they are held criminally liable for libel, and are obliged to prove their innocence in civil court.

There are no specialized journalists in local outlets because the news staffs are very small and the talent pool is quite shallow. This is especially obvious in the regional media, where fierce competition forces journalists to write about crime in the morning, sports in the daytime, and medicine in the evening. The professionalism of regional journalists is poor, resulting from low education standards, the lack of a practical

journalism program, and the absence of schools for the advanced professional development of regional journalists.

Events are covered selectively. First of all, journalists refrain from investigating high-level corruption. The personal lives of the president’s family and leading entrepreneurs and politicians are off-limits, as well as activities of the secret service. In some cases, journalists were banned from covering a certain topic, and then fired. Important events receive better coverage in large-scale national media.

In recent years, journalists’ salaries have increased, but they are still low compared with business wages. Most journalists in the regions make less than \$100 per month, which is not considered to be a good salary. Therefore, journalists generally prefer to work for the press services of companies and state agencies, as well as for advertising firms and other businesses. There is a salary gap between the state-run and private media outlets, but the state-run media pay more heed to labor legislation and other social guarantees. The income discrepancy between the print media and television in the private sector is not so significant. Journalists are forced to sell their publications to politicians and businesspersons more often than not.

Entertainment often supplants the news. News programs comprise no more than 10 percent of broadcasts, whereas the entertainment programs, especially television shows, make up almost all of the television programming on some channels. The news that is produced by private media focuses on local, national, and world issues. This tradition results from a relatively well-educated public. A considerable part of the urban population can afford to buy private newspapers, as the average wage amounts to approximately \$135 per month. The rural audience has more difficulty buying newspapers and other publications, while Internet and satellite television are accessible to only a small percentage of the population.

In big cities there is no shortage of technical resources. Practically all the established newspapers are computerized and have their own computer centers. Regional media are quite another matter. The level of technical equipment of most television stations in small towns is extremely poor. This discrepancy results in a significant difference in the quality of the media in Almaty versus rural media. In fact, various media are accessible in big cities. As for the rural areas, citizens have few available news sources. They have neither Internet nor telecommunication lines.

There is no independent news agency in Kazakhstan.

In the panelists' opinion, electronic media have always been and will always be controlled by the state, as maintaining the airwaves is a valuable resource.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Kazakhstan Objective Score: 1.69/4.0**—While there are quite a few information sources in Kazakhstan, they cannot accurately be called diverse. The majority of information sources are state-owned and pro-government. Opposition media are persecuted, the authorities hamper the distribution of their productions, and opposition websites are blocked. Access to foreign electronic media is restricted by law. There are virtually forbidden topics, like criticizing the president. Not only the state-run media, but also a considerable number of independently owned media solely reflect the government interests. The actual ownership of most media is carefully concealed, with owners belonging to the ruling elite.

There are minority-language newspapers, but they do not have any considerable effect on public opinion. The issues of national minorities are raised only in a positive light. The management of these publications

is lacking. In the regions, several minority-language newspapers are state-funded, although these outlets would not survive as sustainable businesses without the state subsidies.

Regional media generally present information mostly about local events. Rural citizens have access to more than one source of local information, including regional television, newspapers, and radio. Access to broader information is more problematic, and the ability to obtain information is more limited for regional residents than for metropolitan area residents. Perhaps, the media industry itself is not ready to satisfy a broader audience. However, considering the way the local authorities limit the information the independent media obtain, one can conclude that the regime itself is not interested in a diverse media landscape.

*While there are quite a few information sources in Kazakhstan, they cannot accurately be called diverse. The majority of information sources are state-owned and pro-government.*

Legislative efforts have not settled the issues of transparency of media ownership and the monopolization of the media market. Media ownership is not transparent. The public knows what belongs to whom, but not from official sources. Neglecting these issues could significantly hinder the development of the media industry in Kazakhstan.

Today the state-run media, especially newspapers, express the interests of their owners. But there are some exceptions. For instance, *Khabar* represents many political forces. But in the regions, the local authorities dictate their will to the directors of the regional newspapers. Journalists are still rather afraid to openly oppose government policies. Even though citizens talk a great deal about politics, it is just superficial information that is exchanged. Very little time is given to educational and cultural programs.

The state-run public media serve the particular interests of the authorities and the business circles closely connected with them. For example, the statements and materials of the Otan party and the Civil party are regularly published, whereas the opposition Ak-Jol party gets practically no coverage by the state-

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

run media. The editors and publishers of such media closely follow the directives of the government, and are quite biased in their coverage. Opposition groups are denied access to such media. One of the advantages of the state-run media is that official documents are regularly published. State authorities also give consideration to educational and cultural programs.

Independent television and radio broadcasts are available, but mostly in big cities. The independent television and radio stations produce their own news, including featuring local and national events. Television stations in the regions produce independent news programs, but not all media can access them.

Special editorial offices have produced the independent news programs by electronic media for quite a long time. At the same time, these media also have an opportunity to use various information agencies, including foreign press.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Kazakhstan Objective Score: 1.70/4.0**—The economy of Kazakhstan is strong enough to allow media to operate as sustainable and profitable businesses. However, the presence of media owners and managers with significant political influence creates unfair competition.

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

The structures supporting the media, such as printing plants, television towers, distribution networks, and newsstand networks, exist as commercial enterprises and are rather self-sufficient. State influence is exerted only when those media-related firms oppose

*Advertising affects all aspects of the media's activity, since the advertising market is not very developed, and the loss of even one advertiser might adversely affect the financial status of the media market.*

the government agenda. The number of these “media support structures” is low, and they are practically monopolies in the regions. The distribution of print media is extremely expensive. Distribution can increase subscription costs by more than one-third. This high price serves as an obstacle to media development. In recent years, retail distribution has also become an instrument of political pressure on some media. Kazpochta and Kazbaspasoz have monopolized the market. The few privately owned printing companies that do exist are experiencing severe government pressure. Independent regional printing firms like in Aktoyuy and Kostanay lack customers, because most media clients prefer state-owned printing plants in order to avoid conflicts with the government. To develop the media industry, it is necessary to increase the number of printing plants, distribution networks, newsstands, and so on.

The technical resources and management of the media-supporting structures leave much to be desired, although small improvements are taking place. On the whole, the publishing business is profitable. There have not been many bankruptcies of such companies, except for when some of them were closed down by the authorities. There are both private and state-run electronic media in Kazakhstan, and private broadcasters continue to obtain state funds through a system of government contract work.

Advertising proceeds are one of the main income sources of the non-state media. Contacts with specialized advertising agencies are widespread. Fair competition for advertising does not exist, however. The

quantity of ads depends on the political and financial power of the media owners.

A considerable part of “non-state” media are funded through government contract work. The distribution of state contracts depends on the publication’s degree of political reliability. Many non-state media are funded by so-called foundations, which belong to certain oligarchs. Therefore, these foundations serve the interests of their sponsors.

The regional media in most cases have several income sources such as product sales, advertising, subscription, PR, and aid from patrons. It is difficult to estimate how much advertising accounts for in total profit for media. There are media whose main income is derived from subscription, the prices for which have considerably increased. For media funded by oligarchs, advertising and subscription income is not important. But on the whole, advertising income amounts to practically 100 percent of the income for most media. This allows them to sell their products at prices below their production cost in order to gain market share. Advertising affects all aspects of the media’s activity, since the advertising market is not very developed, and the loss of even one advertiser might adversely affect the financial status of the media market.

Although the advertising market’s volume is already rather sizable, it still cannot match the level of developed countries. Moreover, advertising agencies work first with the state-controlled media, and secondly with private media. The agencies do not work with opposition media at all. It is difficult to assess the amount of advertising in television programs, but time restrictions are allotted to on-air advertising, as well as to advertising sections in newspapers. Advertisements make up 20 percent of the total on-air broadcasting.

The advertising market in the regions is underdeveloped. There are neither technical resources nor professional personnel, although large-scale media concerns, as a rule, have their own marketing companies. Conducting market research is a necessity for the regional media. However, due to the absence of marketing services or agencies in the regions, such data remain inaccessible to regional media and most media cannot conduct it themselves. However, the first attempts at market research have already been made in southern and eastern Kazakhstan.

Most of the media are forced to randomly prepare their reporting through guesswork. Not many media can afford such research.

Compiling television ratings is very expensive. It is important to note that the agencies conducting mar-

keting research are not always independent. Meanwhile, circulation numbers are unreliable, and the ratings are often tailored. There are no specific circulation services or rating agencies.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Kazakhstan Objective Score: 1.58/4.0**—At present, the number of professional associations and human-rights organizations that support media is growing. However, more are needed, and many of the existing groups have been created by the authorities. In essence, they imitate nongovernmental organizations (NGOs). One such organization is the Union of Journalists of Kazakhstan. This union is the only legally registered national trade union of journalists and is headed by former state functionaries who favor the government. This union has not yet shown it is an influential force, and most journalists are not members of this union.

On the other hand, there are good examples of more effective organizations such as the International Foundation for Protection of the Freedom of Speech, Adil Soz, the Center for Legal Assistance to the Media, the Foundation for Journalists in Distress, and the Atyrau Center for the Promotion of Democracy. These organizations provide legal assistance and consulting, conduct professional development of media employees through training and seminars, and participate in work

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



groups that review legislation. However, they remain fragmented and tend to lobby the authorities on behalf of their members rather than seeking to protect general corporate interests.

There are also international organizations that support the media. As a result, the professional level of journalists is gradually improving. However, private organizations, primarily media distribution channels, are controlled by the family of N. A. Nazarbayev.

A variety of training is available for media professionals, although training opportunities in the regions are still inadequate. It is necessary to establish specialized training centers that would function on a long-term basis with the participation of local and foreign specialists. Otherwise, the training simply cannot involve enough journalists, especially those from the rural areas. Locally operated training centers are also

needed. So far, training is conducted mainly by international organizations.

The issue of professionalism training is one of the major issues for media today. There are 18 university journalism programs in the country, but the lack of media professionals indicates that the graduates are poorly prepared. Most of the advanced professional training of journalists is conducted by NGOs supported by foreign donors. At the higher-learning institutions in the regions, the instruction and resources available to students are very poor.

In fact, with such poor training offered by the journalism departments, practically no one wants to work as a journalist. And since the media outlets do not offer placement opportunities to the graduates, the level of professionalism suffers all the more.

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Women's Resource Center, Uzbekistan

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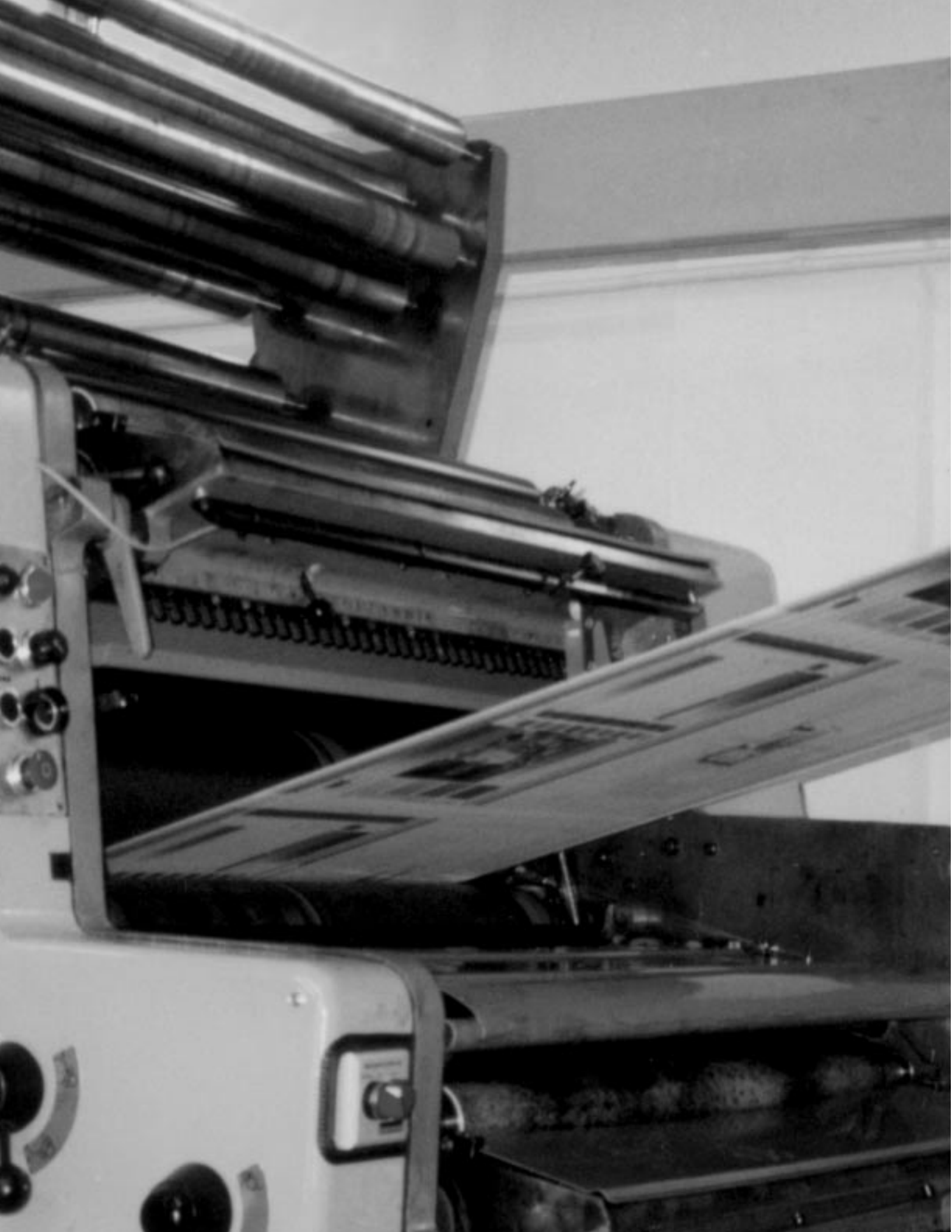
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# KYRGYZSTAN

## INTRODUCTION

There has been some development of the independent media sector in Kyrgyzstan since its independence. Despite the fact that economic reforms lag behind the rate of democratic development and business management still bears traces of planned economics and Soviet bureaucratism, authorities are forced to take into consideration the issues raised by the media. Many private publications provide alternative viewpoints, and opposition media carry on, despite their vulnerability to state interference. The governing authorities' tolerance of opposition and media actions is weakening, however.

The political situation in Kyrgyzstan has been growing less stable since 1999, and politicized attacks against the press have increased. Persecution of journalists takes place, generally in the form of legal actions against individual journalists and media outlets. Journalists have also been physically harassed.

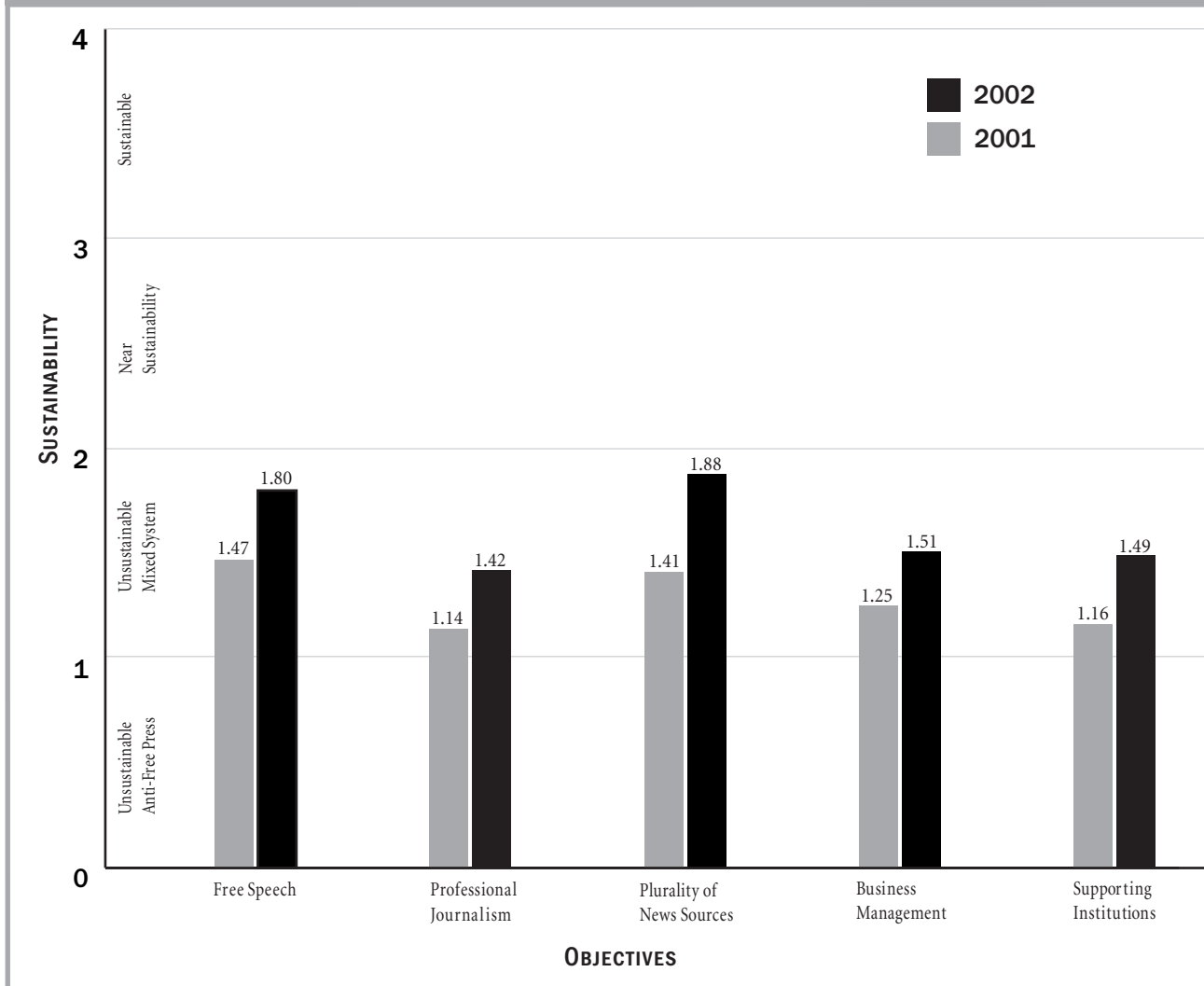
The authorities have realized the omnipresent role of the media in the political life of Kyrgyzstan. Nevertheless, attempts to seize media businesses in order to control political processes do occur in Kyrgyzstan. The president and his immediate family control several media outlets. Some of the media businesses in Kyrgyzstan are profitable, and media conglomerates are already being formed.

*The power structures (except the parliament) have many options in refusing to provide information to the media.*

## OBJECTIVE 1: FREE SPEECH

***Kyrgyzstan Objective Score: 1.80/4.0***—The Kyrgyz Constitution guarantees the freedom of speech in the country. In addition to the Constitution, three basic laws regulate the work of the media. These are the Law on the Mass Media, the Law on the Guarantees and the Freedom of Access to Information, and, lastly, the Law on the Protection of Professional Activity of Journalists. In reading the laws, one can say that a legislative framework for the functioning of the media has been created. This framework approaches international standards at face value. However, the bulk of the laws was adopted long ago and is often not adequate for the present-day situation. Furthermore, these laws contain many

## KYRGYZSTAN—MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

*Note: The 2001 scores for the four Central Asian countries in this MSI have been modified from last year's report to more accurately reflect benchmark data compiled by IREX and USAID in 2001.*

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

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loopholes that enable violations both by the media themselves and by the rest of society. These violations are directed against the independent or, as the authorities call them, opposition media. In reality, not all the laws are observed, and they often strike against the steadfast resistance of the authorities and the bureaucratic state system.

Examples abound when the authorities try to restrict the publication of certain print media. For instance, in early 2002, the Uchkun Company, a state-owned printing operation, refused to print the paper *Moya Stolitsa* after pressure from President Akayev. Observers agree that this restriction was due to content that the president found offensive. Having passed through the court system, *Moya Stolitsa* resumed its printing in late May 2002. There are many other “auxiliary” instruments for oppressing media freedoms, but violations of the freedom of speech do not provoke any particular indignation within the Kyrgyzstani community.

The Media Sustainability Index (MSI) panel indicated that although the Constitution and other laws do offer free-speech protections, dissidence is suppressed. The media’s access to information is also limited. The power structures (except the parliament) have many options in refusing to provide information to the media. The authorities do provide information in limited amounts, but such dissemination is primarily to serve their own interests. State-run media are given information, but in a limited form and only for creating biased materials. Public information is theoretically accessible by practically all journalists, but authorities impose their own limitations. In this respect, journalists are largely ignorant of their rights and responsibilities. Access to international news and the Internet is also limited, primarily by high costs. The middle class and the wealthy have such access without any limitations.

The State Agency for Communications (SAC) issues licenses for television and radio on the basis of the resolution of the State Commission on Radio Frequencies (SCRF). The Law on the Postal and Electrical Communications guarantees equal conditions for obtaining licenses for uniform categories of licensees. However, the licenses are not issued on an equitable basis, as the priority is still given to the state-run media. Also, the structure of the state commission and its operations so far do not indicate it is a transparent and objective body. Licenses are often granted and then taken away for no apparent reason. According to observers, licenses

are awarded based solely on loyalty to the authorities. The selection process itself is strictly classified, and the results of competitions are not commented on in any way. No objective criteria are applied.

According to the tax system, media are an equal participant in the goods and services market. However, the rate of the value-added tax (VAT) for the media (20 percent) is extremely high. By comparison, the VAT amounts to 10 percent in Russia. For quite some time it has been necessary to exempt the media from the VAT, as was the case in Russia. In addition, the authorities use tax penalties as additional tools of pressure on the media. There are other tax policies that indicate media are being discriminated against. Taxes such as the retail sales tax and the advertisement tax apply only to the media. Furthermore, the management of the State Antimonopoly Committee complicates the work of the media to a great extent.

Journalists are persecuted for reporting that criticizes the government. They are persecuted especially severely for criticizing the head of state. Courts follow the directives of the state, and legislation encourages the courts to exert economic pressure on the media, to the point of bankruptcy. The “libel” issue also remains very dangerous for the media. The number of claims against

<b>Legal and social norms protect and promote free speech and access to public information.</b>	
<b>Free Speech Indicators</b>	Legal/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 the offended party must prove falsity and malice.
	Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

the media is so high that media outlets can be ruined through exorbitant fines. Libel convictions based on the law are not infrequent. Most often government authorities file an action based on this article. This prosecution is the main instrument of pressure upon journalists. It is a favorite weapon in the state's struggle against outspoken journalists and publications.

Although physical harassment of journalists is increasingly uncommon, journalists do not feel protected. Libel is used as an effective means of pressure and is a principal reason why so little investigative journalism is practiced. Additionally, the public does not support the journalists' cause.

Journalism as an occupation is accessible. Once basic registration is obtained, the media market can be entered freely.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Kyrgyzstan Objective Score: 1.42/4.0**—Many panelists felt there was regression in the quality of journalism caused by self-censorship, the lack of adequate training, and a lack of technical and material resources. Objectivity and reliability are evident in only a few outlets. This is due to the lack of training in basic journalism, the controlling influence of political interests, and

the fact that many media are intimidated by the threat of libel. On the whole, more professional journalists are working at the Bishkek newspapers, while regional outlets lag behind.

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There are no institutes of higher education in the country that provide high-quality journalism education. For the most part, journalists have to be retrained by their outlet when they receive a job. International donors provide much of this training. Upon graduation, journalists' knowledge of acceptable work conditions, the media legal framework, proper equipment, and the rules of conduct and ethics is primitive, fragmentary, and unreliable.

There is no accepted and practiced journalism code of ethics in Kyrgyzstan. The Ethical Conduct of Journalists code was completed by the Union of Journalists and an association named Journalists. However, the overriding issue is the confrontation between the state-run and independent media; therefore, there is no basis for common journalistic ethics.

Journalists' salaries are very low, as is the case with the neighboring Central Asian republics. Low wages lead to opportunities for corruption among journalists and contribute to the low prestige of the profession. Articles are paid for, and turnover is high among journalists. Poor salaries have also led many journalists to seek jobs in foreign agencies, where, if nothing else, they have an opportunity to use the Internet or foreign publications. This process drains talented journalists away from the domestic media. State-run media offer lower salaries, leading to a lack of talented journalists. This trend does not bode well for improvements in the state media system.

The political leanings of publications and broadcasters and their dependence on the will of media owners lead to self-censorship. The courts, which can

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).

strip the journalist of everything, contribute to the dominance of the state authority.

Browsing through the television programs of local companies, one can surmise that entertainment programs do not overshadow news programs. However, this does not reflect on the quality of the news programs.

The lack of proper technical facilities exhibits another instance of how the country’s poor economic state negatively affects media. Under such conditions, the primary source for buying proper technical equipment is international donors. The overall dearth of resources deprives journalists and media outlets the opportunity to develop professionally and economically, especially in the regional media.

The Kyrgyzstani media does not pursue specialized reporting such as investigative, economics and business, cultural, and health reporting. Several factors contribute to this: the lack of effective journalism training in basic journalism; self-censorship and low pay, which discourage niche reporting; the lack of financial resources for certain in-depth reporting; and the lack of an effective means for the public to demonstrate its interests in such reporting (focus groups and market research).

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Kyrgyzstan Objective Score: 1.88/4.0**—Kyrgyzstan has a relative diversity of information sources, although media are more limited outside of Bishkek. This diversity does not always mean that the sources available are high-quality or reliable. Access to local and foreign media is determined by the financial status and the location of the public. Independent agencies collect an adequate amount of information about local and foreign events. Although independent television and radio broadcasters are non-state outlets, they can still be divided into two groups: presidential (belonging to the president’s family) and private. The position of the presidential media parallels the policies of the state. Private media are attempting to pursue their independence despite pressure from the government authorities.

The state-run media (especially government media) solely serve the interests of the president and the government. State media also participate in the harassment of the independent media. The state-run media rarely use information from independent agencies and usually present pro-government information, which

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

is far from being objective. Glaring examples of the intervention of a large-scale family (i.e., presidential) business in the management and editorial activities of a media outlet are evident with the *Vecherniy Bishkek* (The Evening Bishkek), television/radio company KOORT, NBT, Ala TV, and others that belong to President Akayev’s son-in-law, Mr. Toygonbayev.

The law of the Kyrgyz Republic allows media to report in the languages of national minorities. There are no known cases of persecution of journalists who write on the subjects of national minorities, but such information sources are scarce. A limited number of sources, such as Azattyk Radio and the newspapers *Achym*, *Moya Stolitsa*, and *Respublika*, provide reliable information on these issues. State-run media are subjective and tendentious.

All together, the state-run and independent media do reflect the whole political spectrum of the nation. National issues are covered most often by the capital city’s media. Regional media specialize in local events. However, approximately 10 to 15 percent of the population can afford print publications. The residents in the outlying districts resort to television or radio. In most of the rural territories, there are no information sources except for the KTR channel.

With the emergence of the independent media, reliable information has been provided on various



events. For example, when the Aksy events<sup>1</sup> took place in 2002, the majority of the population received the information from the independent media. In all fairness, it should be noted that sometimes these media exaggerated the facts. The state-run media also attempted to cover the Aksy events. However, since they wrote only about one side of the events, most people did not trust them. Nevertheless, independent media, such as they are, increasingly provide the public with reliable and objective news.

There are two competing information agencies: the state-run Kabar agency and the private agency, AKIpress. However, the media cannot afford to buy information from them due to financial hardship. Information agencies do not set any limitations on distributing information. Regional media use only the publicly available information from these agencies.

In southern Kyrgyzstan, local media prefer to produce their own local news. In this region there are two independent radio stations, four independent television channels, and one weekly newspaper that regularly issue news.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Kyrgyzstan Objective Score: 1.51/4.0**—As a whole, media in Kyrgyzstan have a long way to go in developing their business skills. Supporting institutions

do not operate professionally, nor do they abide by standard business principles. Independent media are not profitable businesses; they are profitless or even money-losing organizations. This financial struggle is due to a weak economy, poor business-management skills, politically controlled or influenced printing and distribution systems, and politically influenced advertising.

There are instances of well-managed media in Kyrgyzstan.

There are instances of printing houses preventing the publishing of certain non-state newspapers. For example, Uchkun restricted the printing of newspapers *Moya Stolitsa*, *Tribuna*, *Respublika*, *Agym*, and others when the state demanded it. Other printing plants and publishers are working in accordance with the existing legislation. For the most part, they are professional and self-dependent. Most printing plants operate without subsidies. However, some, such as Uchkun, are clearly state-controlled and operate to support their political agendas.

Although data are scarce and unreliable, the panel believes that advertising constitutes up to 70 percent of total revenue for media. The independent, private press does not receive any state subsidies. Nevertheless, the independent media are largely dependent on current politics for their business success. The more criticism an outlet directs at the state, the more problems it will face. For example, large-scale businesses will not advertise with these media in order to maintain good relations with the authorities. The authorities purposefully work with the advertisers to maintain this pressure. Therefore, truly successful independent media are hard to find, but pro-government private media can and do make a profit.

Such publications as *Slovo Kyrgyzstana*, *Kyrgyz Tuusu*, *Erkin Too*, *KP in Kyrgyzstan*, and *Rossiyskaya Gazeta* receive state subsidies.

<sup>1</sup> Editor's note: In January 2002, parliamentary deputy Azimbek Beknazarov was arrested and imprisoned on charges that most believed were trumped up. In response, there were mass protests in Boz-Piek, Kerben, and Aksy. Protestors even blocked the main Bishkek-Osh highway. The Akayev administration and the local militia responded with real brutality, and five protestors were killed and several more injured.

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.

Distribution is limited. Only organizations like the Kyrgyz Basmasoz and the Bishkek Post Office have a system of distribution throughout the entire country. Such monopolization is a substantial instrument of influencing the print media. In the regions, private regional distributors disseminate approximately 80 percent of the publications.

Circulation figures and audience measurement data are not reliably produced. Some publications knowingly overstate their circulation numbers. Observers believe that *Vecherniy Bishkek*, whose circulation is declining rapidly, has misrepresented its circulation statistics.

Due to the small volume of advertising, there are few large-scale advertising agencies and ratings agencies in the country. It is impossible to call the advertising market independent, but it functions to a certain degree. Advertising agencies do business with selected media. The volume of advertising in general is shrinking, so media’s ability to earn ad revenue is shrinking accordingly. Overall, advertising agencies poorly support the country’s advertising market.

Marketing research is barely conducted. The media are unable to sponsor serious marketing research on their own. Marketing research on media does not encourage the improvement of the quality of information or engender public confidence. Since only one or two services conduct such research in the country, the results are not considered very reliable. Publications are rarely informed of the ratings results or provided with the skills and tools to use the research that is conducted. As a result, the ratings of television and radio programs are not always objective and reliable.

The lack of good managers, advertising professionals, and marketing experts is apparent in Kyrgyzstan. Therefore, media, including larger media outlets that traditionally benefit from the presence of agencies, have relied on their own abilities to secure advertising. Additionally, the lack of reliable ratings and circulation figures has meant that the market has not been pushed to develop. Media are deprived of a basic asset in selling their product—the knowledge of their audience.

There are instances of well-managed media in Kyrgyzstan. For example, the broadcasting company Piramida, as well as independent newspapers *Aalay*, *Agim*, and others are cited as pursuing commercial opportunities professionally. Special emphasis is placed on advertising, since it can bring enormous profits. While Piramida gives up to 30 to 40 percent of its broadcasting time to advertising, some of the independent

newspapers, such as *Vecherniy Bishkek*, allot almost 50 percent of their pages to advertisements and classifieds. These outlets have made a big push to be profit-generating businesses, which allows them to be independent. Since advertising often becomes the main source of the media’s income, media managers are pressured to increase advertising at any cost.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Kyrgyzstan Objective Score: 1.49/4.0**—The supporting institutions for media are limited in Kyrgyzstan. Frequent attempts have been made to found a journalism trade union. However, because of the division of the media industry into state-run, presidential, and private outlets, a union has not been formed. Although professional associations poorly support the protection of journalists’ rights, initial steps have been taken to improve in this area.

A number of professional associations are working in the interests of journalists in Kyrgyzstan. The public association, Journalists, monitors freedom-of-speech violations, asserts the rights of journalists, and publishes data on the website of Olga Panfilova’s Center of Extreme Journalism (Moscow). The Bureau for Human Rights and Law Compliance in the Kyrgyz Republic and the Foundation for Journalists in Distress are also active. The Association of Publishers and

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

Booksellers of the Kyrgyz Republic has been founded and is gaining ground. Human-rights organizations are present and protect the rights of the media and journalists. However, these organizations are hindered by the weakness of the courts in prosecuting violations. Among these organizations is the Organization for the Security and Cooperation in Europe's (OSCE) Bureau for Human Rights, the Human Rights Committee, the Foundation for Journalists in Distress, and the newly founded Trade Union of Journalists of Kyrgyzstan. Several organizations specialize in supporting freedom of speech and independent press, but their activities are in the development stages.

Internews and the Olisky Resource Center conduct short-term and practical training for electronic media. However, such training is dependent on international donors and cannot rely on the poor institutional infrastructure of Kyrgyzstan for support. Additionally, the knowledge gained from such training is rarely applied in practice, as journalists face opposition from editors and owners. Journalists engage in self-censorship and fear persecution if they are too provocative.

In Kyrgyzstan, journalism is taught at nearly every liberal-arts college or university. Whether the quality of training of future reporters is good enough is another matter. The panelists believe that the training is conducted professionally only at the Kyrgyz-Russian

Slavic University, the American University of Kyrgyzstan, National University, and a few other institutions. The rest simply do not compete.

Journalism training in the regions leaves much to be desired; the facilities are outdated, and there is a shortage of media specialists. For example, the Kyrgyz National University has always educated print journalists, but it pays little attention to the training of television and radio journalists. Therefore, most of the graduates prefer to work for newspapers and magazines.

Newspaper printing is largely state-controlled, led by the near monopoly, Uchkun. An overwhelming majority of newspapers are forced to use state-controlled printing plants. Since the political situation has a considerable influence on a printing plant's operations, the media cannot be sure of reliable printing. As detailed in previous sections, Uchkun has ceased to print independent papers for political reasons.

State-owned Kyrgyzbasmasso and the Bishkek Post Office, as well as private distributors, conduct media delivery. A large share (up to 80 percent) is distributed by private individuals like pensioners and young people. Large-scale distributors disseminate only 20 to 30 percent of print media. However, the larger companies have national reach. Therefore, the state maintains control over national distribution.

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*Moya Stolitsa*

*Marat Tazabekov*

AKIpress

*Kalibek Zhakinbekov*

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# TAJIKISTAN

## INTRODUCTION

Social and political events in Tajikistan, especially the civil war that followed the country's independence, had a dramatic impact on the nation's media. During the period before the civil war, the media became an instrument of the competing parties. In the opinion of most journalists in Tajikistan, media were at least partially responsible for the antagonism that was perpetuated before the war. In contrast, journalists in the post-conflict period are deliberately restricting their reporting on certain issues, fearing that their coverage of controversial issues could contribute to another conflict. While journalists strive to cover the most important issues, they also try to maintain a social balance and not "draw the fire to themselves." Meanwhile, minimal direct state censorship exists, but self-censorship is flourishing. Panel participants pointed out examples of self-censorship based on their own experiences.

The legislative framework for the freedom of speech has been established, but it is somewhat archaic. The main obstacle to the sustainable development of media is the poor state of the economy. Newspaper and magazine circulation numbers are very low, and all but one national and regional newspaper are weeklies. Newspapers are published in Tajik and Russian for the national audience, as well as in minority languages.

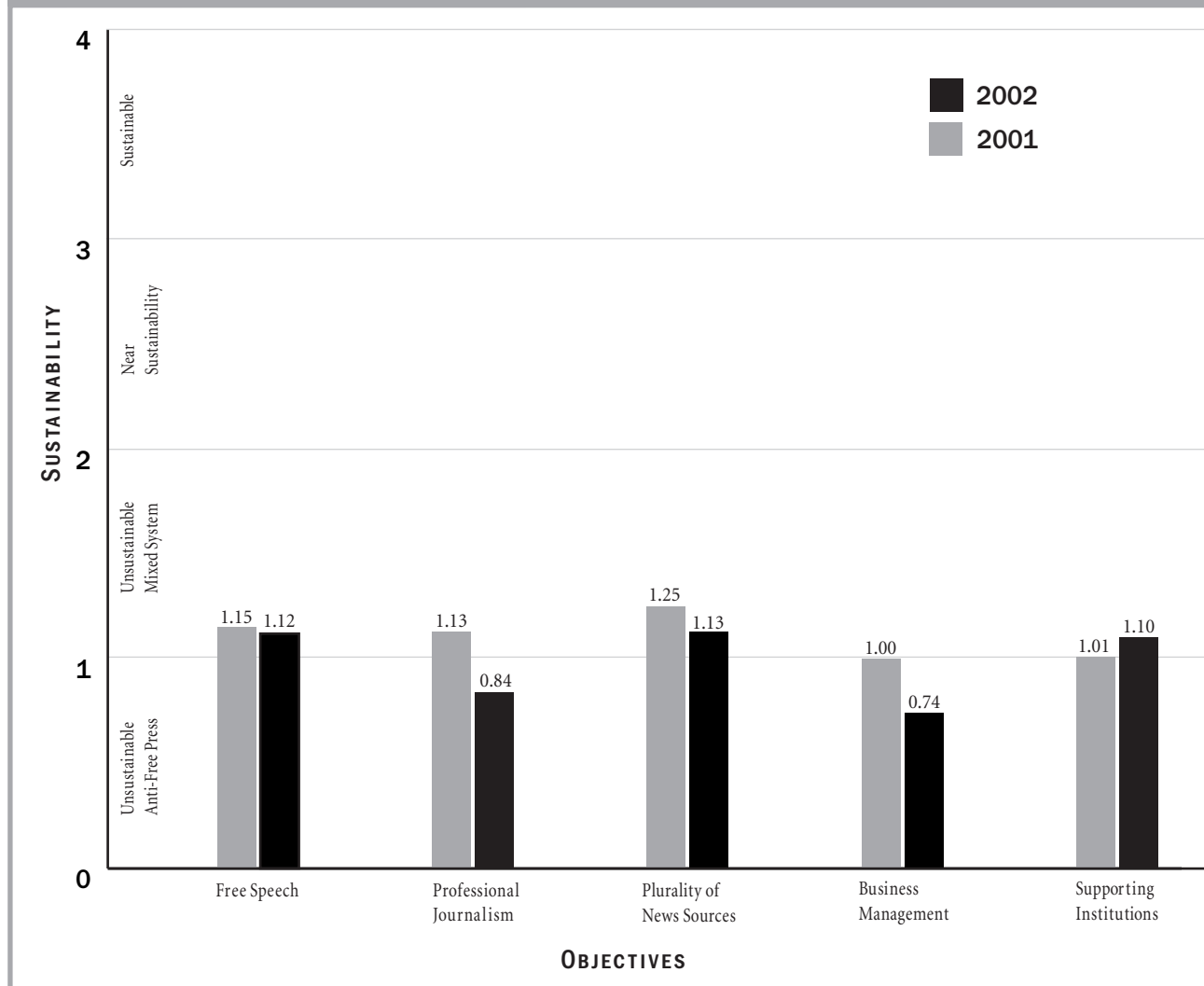
A multitude of print media, including privately owned special advertising publications, political propaganda, and religious publications, exist in Tajikistan. In recent years, independent television stations and radio stations have emerged with the support of international donors.

The panelists expressed their concern about a range of problems in the media sector. For example, the media lack technical resources and professional journalism training. Furthermore, the shortage of quality printing facilities and limited opportunities for professional advancement hinder media development. The panelists were also concerned that low living standards in Tajikistan do not allow citizens greater access to media. Additionally, the extremely low salaries of journalists and the poor working conditions in many media outlets do not attract qualified candidates to the industry.

*Although media laws and the Constitution guarantee freedom of speech and there is no official state censorship, the dangers of practicing journalism in Tajikistan impose real limits on press freedoms.*



## TAJIKISTAN-MEDIA SUSTAINABILITY INDEX



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**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

## OBJECTIVE 1: FREE SPEECH

**Tajikistan Objective Score: 1.12/4.0**—Tajikistan was the first former Soviet republic to adopt a Law on the Press after the dissolution of the Soviet Union. Freedom of speech is guaranteed both in this law and in the Constitution of the Republic, which contains a special article on freedom of speech. In addition, media laws such as the Law on the Press and Other Mass Media and the Law on Television and Radio Broadcasting have been adopted. But these laws do not fully function because they are difficult to implement. Although Tajikistani society greatly needs the freedom of speech, in practice this freedom is rarely demonstrated. In fact, foreign media—and to a far lesser extent, the independent media in Tajikistan—are the best source of objective information.

Although media laws and the Constitution guarantee freedom of speech and there is no official state censorship, the dangers of practicing journalism in Tajikistan impose real limits on press freedoms. So far, government officials do not trust the independent media and keep them from obtaining information. In Tajikistan, nine laws regulate media activity. According to the panel, all of them—excluding the Law on Televi-

sion and Radio Broadcasting and some articles of the Law on the Press and Other Media—meet international standards. But these provisions do not clarify the implementation of these laws in any detail, leaving journalists unable to stand up for themselves.

Some media laws are subject to harsh criticism by independent journalists, human-rights groups, and international organizations. According to the head of the Department for Media Affairs of the President's Office, Mr. Abdumannopov, "the Law on the Press and Media has become very antiquated. It was adopted 12 years ago and does not account for many aspects of the media's activities, such as advanced technologies and the Internet. The Law on Television and Radio Broadcasting is also considered imperfect, especially the part dealing with the licensing of independent TV and radio channels." According to Djunaid Ibodov, a lawyer representing the international organization Internews, the process of issuing broadcasting licenses has been monopolized. The broadcast licenses are issued by the Committee for Television and Radio Broadcasting, which is not interested in developing a competitive media environment.

Freedom-of-speech violations do not presently cause any palpable public indignation, since a civil society has not yet taken shape in the past five years after the civil war. Such violations do not spur Tajikistanis into action because the general population is uninformed about such transgressions and their implications.

Thus, legal and public regulations exist, but in practice they do not function effectively enough. If the media report on government policies, media protections are ignored. A recent trend features nongovernmental organizations (NGOs) bringing key issues to the attention of the government, in the absence of media coverage. A special constitutional law is necessary for the successful implementation of media laws. Such legislation would thoroughly outline the functions of the journalists and the obligations of the government bodies in providing access to information.

Journalists often lack access to information. The law does not detail further steps for those cases in which journalists are denied information.

One of the most burning issues is the fair issuance of broadcasting licenses. The licenses are issued by a quasi-secret commission made up mostly of government officials with specific media interests. Therefore, the commission would not benefit from issuing licenses to potential competitors. Licensing is not a transparent process. Therefore, it is necessary to establish an inde-

Legal and social norms protect and promote free speech and access to public information.	
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	Libel is a civil law issue; public officials are held to higher standards, and the offended party 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.

pendent body for issuing licenses in a fair and open manner. The Committee for TV and Radio Broadcasting of the Republic controls the issuing of television and radio broadcasting licenses in Tajikistan. Over the course of many years, the committee did not issue broadcasting licenses to private radio stations such as Asia+ and NIC. Only after intervention by President Rakhmanov were these radio stations awarded their licenses. In defiance of all the regulations, the licensing commission has been denying licenses to independent private stations for years in order to avoid competition.

*According to the head of the Department for Media Affairs of the President's Office, Mr. Abdumannopov, "the Law on the Press and Media has become very antiquated. It was adopted 12 years ago and does not account for many aspects of the media's activities."*

The tax structures are the same for media as for other market participants. Because the media serve an important social function, this seemed unfair to some panelists. It also does not take into account common practices elsewhere in the world, where media have a more beneficial tax structure.

More than 20 journalists have been murdered in recent years, and not every murder case has been closed. Journalists do not feel safe, as cases of persecution and reprisals are frequent. According to data from the Foundation for Commemoration and Protection of Rights of the Journalists of Tajikistan, 80 journalists have perished in Tajikistan within the past 10 years. Meanwhile, only four criminal cases regarding the murders of journalists have been solved. There are other cases in which journalists were blackmailed and threatened for covering certain issues. For example, panelists mentioned a case in which a female journalist who was covering a legal event was repeatedly blackmailed and threatened. As a result, she not only quit her job, but left the journalism profession altogether.

There are many cases where journalists are dismissed for covering sensitive issues. For example, the Tajik journalist Savlatkhoshi Khovari was fired for his coverage of the problems regarding Sariazsky

Lake. Therefore, many journalists choose not to cover controversial topics—a common form of self-censorship. Various threats directed against journalists are frequent. However, media cases are rarely brought to court because journalists and their accusers give no credence to the judicial system.

The Tajikistani media do not always have access to important information. Such information is often obtained from foreign media and the Internet. However, it is difficult to find no-cost access to international sources such as the Internet, satellite broadcasting, and foreign publications. Internet access is mainly offered by commercial providers who charge high fees for their services. Fortunately, the number of international and local organizations that provide free Internet access is growing. Today many media tap the resources of their Western colleagues for news. Access to international information is limited for most journalists in Tajikistan, especially those in the regions. Access to information is also particularly limited for independent media.

The criminal code contains an article on libel, but it is written in such a way that any undesirable information published by the media could be interpreted as libel. Because they exercise caution, no journalists have been accused of libel.

Only one law, the Law on the State Secret, limits access to information. Article 162 of the Criminal Code clearly states that obstruction of the professional activity of journalists to any extent should be punishable. In practice, this is not the way it works. The law covering the press states that when information is denied, an appeal must be submitted to the authorities twice in written form. Only then can the issue be brought to court. To avoid this process, journalists procure information via alternate sources.

State-run print publications have special privileges. For example, the state-run printing plant Sharki Ozod gives state publications a 50 percent discount. Newspapers such as *Jumkhuriyat*, *Sadoi Mardum*, *Narodnaya Gazeta*, *Khalk Ovozi*, and *Payemi Andoz* all benefit from these privileges. In one case, the leadership of the Ministry for State Income and Revenue and Duties instructed all the tax authorities in the nation to force businesses to subscribe to a state publication.

The state-run print media have preferred access to the most significant information. State-owned publications are directly funded by the state, and government institutions and officials watch the subscription process closely. The management of the state-run

media is usually appointed by the officials, and these media have no difficulties obtaining accreditation.

The journalistic trade is not very popular among young people. Parents do not want to see their children become journalists because the profession is dangerous and underpaid. The government does not in any way control entry into the journalism departments of colleges and universities; nor does it dictate a specific curriculum.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Tajikistan Objective Score: 0.84/4.0**—Journalism in Tajikistan is not always fair and is often unreliable. Although journalists attempt to verify information as best they can, subjective reporting still occurs due to the lack of professional skills throughout the media sector. With political parties influencing media coverage, multiple opinions of two or more parties are difficult to find. Journalists mainly reflect the official viewpoint and do not take an objective stand on key issues. Political commentary that might contradict the government viewpoint is practically nonexistent. There are instances when journalists tried to write objective articles, but they were suppressed. Only a few publications offer objective reporting. However, alternative

political views are not evident in television and radio broadcasting.

*The population's low purchasing capacity limits public access to media. Only about 20 to 30 percent of the population can afford to buy newspapers.*

Socially significant information is equally inaccessible to all journalists. Government authorities do not often willingly assist the independent media. Journalists have a very difficult time obtaining information from the government. The public finds out about most important events primarily from Western radio broadcasts.

A Code of Ethics for journalists in Tajikistan has not yet been adopted. An association of journalists, NANSMIT, has drafted a Code, but it is not yet complete. As a result, media have established their own ethical standards. In other words, although there are no clearly defined ethical standards, journalists try to adhere to certain basic rules.

Journalists practice self-censorship, so editors and publishers generally do not have to restrain their employees themselves. During and after the civil war, a great number of journalists were killed, and many were forced to leave the country. With this recent history as a reminder, journalists are far more prone to exercise self-censorship, despite a low level of government censorship. Journalists in Tajikistan are also forced into self-censorship to protect their colleagues. There are no guarantees for their safety.

The state-run media today have more access to government information than private media. On the other hand, independent media are better equipped than the state-run media and receive support from international organizations. Independent media managers are not appointed by politicians. Unfortunately, certain journalists have been paid for made-to-order reporting, showing that independent media are not completely independent. Many media outlets do not cover important issues for fear of persecution, but some independent publications are willing to take risks.

Journalists in Tajikistan operate in a difficult environment. They earn extremely low salaries, prompting many to leave the profession or produce made-to-order

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).

news. Information is obtained after significant delays. Only the salaries of journalists who work for international media outlets are relatively high. So far there is no specialization in the journalism community. Most publishers and journalists try to earn money on the side by supplying information to foreign media. Because of the authoritarian nature of the existing regime and the corruption of the authorities, investigative journalism covering subjects such as corruption, the illegal drug trade, and assassinations are taboo.

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The lack of technical resources at state-run media translates into poor-quality reporting. The equipment at many state outlets has become obsolete. Journalists in the regions, as well as in Dushanbe, have no access to computers. More than 80 percent of the capital city's journalists do not know how to use a computer, not to mention the Internet.

Entertainment programming dominates state-run television. This situation is even more unbalanced in the regions, where music and dancing are popular. News programs are mainly official news broadcasts. However, independent television stations are attempting to diversify their programs by including more and more objective information in their programming. This information is supplied by the Internet.

Unfortunately, there are no specialized journalists in Tajikistan who could cover a specific subject like economics. Media outlets do not have the technical or financial means to hire staff for niche reporting. In fact, each editorial department generally consists of two to three people who are forced to cover multiple topics.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Tajikistan Objective Score: 1.13/4.0**—Regular public sources of information in Tajikistan are available only for the select few. For many Tajikistanis, the most accessible media are state-run television channels. Poor newspaper circulation and the poor performance of the postal services limit access to print media. Access to television is also limited due to the lack of electricity in the provinces. Those who can afford to buy private newspapers draw a significant regular salary. But not all journalists are able to buy the newspapers of other publishers. In Tajikistan, there is no daily paper. The purchasing power of citizens is low, so print media cannot afford to publish dailies.

The number of media outlets in Tajikistan has grown, particularly in the capital. According to the Ministry of Culture, 250 media entities have been registered. Private and public television and radio channels have emerged. However, the quality of news available nationwide has not improved. The media do not fully cover national events. Instead, they recycle the same sources of information, the same news, and the same presentation style.

There are various state-run and public sources of information such as official press centers, government committees, and several data analysis centers.

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



The press is almost inaccessible to rural residents, due partly to the fact that many postal workers have been laid off in rural and even in urban areas. Therefore, the only accessible media for rural audiences are television and radio broadcasts, although only for limited periods of time due to power outages. Even with electricity, these residents can only tune in to the one state-owned television channel, TVT. Some villages in Tajikistan are so remote that they do not even have access to television.

The government does not obstruct access to the Internet and foreign media. However, there is no cable television service in many rural and urban areas. The government has not yet made any attempts to restrict access to international publications or Western news on the Internet. A number of Internet providers offer easy, unobstructed access in Tajikistan. In comparison with previous years, Internet access has become more widespread, especially in the capital city. However, most residents and journalists cannot afford to use the Internet on a regular basis. Internet cafés are also expensive. Access to Western information, mainly via the radio, is not limited. Of the foreign stations, most of the population can access only the Russia channel. Western print media are rarely distributed, as there is no state-run distribution channel.

The independent media do not receive any state subsidies, although local authorities sometimes contribute to particular outlets.

All media in the capital city attempt to cover world events, although newspapers are issued on a weekly basis and international news is often outdated by the time of distribution. Circulation numbers are low, since only a few residents can afford to buy a paper even once a week, especially in the regions. News sources in the provinces are insufficient, and the readers have no choice of publications. They simply read whatever falls into their hands.

Independent information agencies such as Asia-Plus and Verovur provide information to all media throughout the republic. The state has monopolized some of the print and electronic media, and the authorities have limited the media's access to information by filtering news to the journalists through government spokespersons. Although there is no close cooperation among media, there is a certain selection process in how information agencies disseminate news to print publications. In short, the independent media are often forced to buy important information or resort to other sources.

The law on the press does not allow preferential treatment of the state-owned media. But, in reality, this provision is not observed. Moreover, all media managers, except those from the independent press, are appointed by politicians or on the recommendation of government bodies.

*The law on the press does not allow preferential treatment of the state-owned media. But, in reality, this provision is not observed. Moreover, all media managers, except those from the independent press, are appointed by politicians or on the recommendation of government bodies.*

Ownership of the media is transparent. Newspapers list their ownership structures, and the public is aware of who owns which outlet. Tajikistanis largely choose their publication based on this criterion.

Tajikistan does have minority-language media, as permitted by law. These media are accessible to everybody. At present, due largely to the country's leadership, the national minorities' interests are not curtailed in any way. In theory, minority groups could issue their own publications without government interference. The Russian-language press operates nationwide. Newspapers are published in six languages: Tajik, Russian, Uzbek, and Kyrgyz, with some materials in English and Persian-Arabic scripts. The government does not discriminate against journalists who write on minority issues.

By the panel's estimate, only 8 to 10 percent of the overall population can afford to buy print publications. According to our observations, the government of Tajikistan does not restrict accessibility to Western news. A network of satellite antennas that allows access to international information has tripled in size within the past two years.

Only Asia Plus, Samoniti TV, and Poytacht produce their own programming. They are public stations that do not produce any news. Rather, they retransmit news from Euronews and Mir, as well as news from Iran. Independent news agency Asia-Plus supplies informa-



tion only to its affiliated newspaper and radio stations. The leading media conglomerates in Tajikistan are the newspaper concern Charkhi Gardun, consisting of six newspapers; the public association Asia Plus, comprised of a news agency, a radio station, and a newspaper; and Tochikiston, made up of six newspapers.

Independent television and radio broadcasters produce their own programming, and they feature their own local news. Independent agencies such as Verorud, Asia-Plus, Charkhi Gardun, and Spekhr produce their own news. Only one radio station, Asia Plus, produces its own programs and news.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Tajikistan Objective Score: 0.74/4.0**—There are practically no business structures that support the media in Tajikistan. Pochtai Tochikiston serves as one of the few distribution channels. Newsstands are inefficient, and the media have so far been unable to establish an alternative distribution channel. Print media are mostly disseminated by individual distributors. One publisher prints practically all the national publications. There is virtually no network of private printing plants in the country.

Businesses associated with media, such as printers and distributors, operate inefficiently and unpro-

professionally. The resources of these companies are in short supply. To date, the Ministry of Culture claims that more than 225 periodicals have been registered. Although *Sodom Mardum* and *Djumkuriyat* are issued three to five times a week, other media, mainly private papers, are published only once a week. Therefore, it is very difficult to talk about the effectiveness and efficiency of media when information is out of date by the time the newspaper appears in print.

One of the biggest problems experienced by Tajikistani media is the lack of independent printing plants. All newspapers are printed at the only major printing plant, Sharki Ozod, which is under state control. Therefore, Sharki Ozod can refuse to print some newspapers or delay their printing as it sees fit. It uses old equipment and operates far from its full capacity. The distribution of print media in Tajikistan is largely ineffective, as deliveries are often delayed. In reality, the wealthier customers are given preference.

Print media outlets earn their money mainly through circulation and subscription, as well as via advertisement and international donor aid. State and local publications are funded by the Ministry of Culture and Press. The advertising industry is in the initial stages of development, and is not a major force in the media sector. On the other hand, advertising constitutes up to 90 percent of broadcasters' total income. This means many independent media are forced to raise money on their own. The advertising market is only starting to develop, and fledgling advertising agencies are taking an active part in it.

Much of the data regarding circulation and ratings are inaccurate. Furthermore, advertising and marketing research are poorly conducted. Some improvements have occurred, however. For example, Asia Plus radio is obtaining advertising orders from small businesses. For the most part, however, private media are funded by international donors and increasing advertising revenue. Many newspaper editors believe that subscription makes it a lot easier for their papers to survive.

Subscription to state-run media has become compulsory. Many newspapers survive based on these required subscriptions.

Private media are forced to be self-sufficient. They have to generate advertising and must also look to international organizations as sponsors for certain projects. Television advertising leaves much to be desired. Most ads appear unprofessional, and commercials are never updated. Stations can replay ads for years without any changes. As a result, stations have difficulty attract-

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.

ing new advertisers. Independent newspapers are not interested in subscriptions, because certain risks are involved.

*Businesses associated with media, such as printers and distributors, operate inefficiently and unprofessionally. The resources of these companies are in short supply. To date, the Ministry of Culture claims that more than 225 periodicals have been registered. Although Sodom Mardum and Djumkuriyat are issued three to five times a week, other media, mainly private papers, are published only once a week. Therefore, it is very difficult to talk about the effectiveness and efficiency of media when information is out of date by the time the newspaper appears in print.*

Small-scale digital printing plants are gradually emerging, and they are already starting to compete both in the quality and quantity of products. In the oblasts (regions), there are no large-scale modern printing plants, while the small-scale plants have a limited capacity. Materials necessary for publishing are bought with cash, so publishers are vulnerable to exchange-rate fluctuations.

Marketing research is rarely conducted, and ratings are not compiled at all. Newspapers or television stations occasionally try to determine ratings on their own, but the resulting data are often subjective. The research center Zerkalo (Mirror) attempted a ratings study for print media, but since this center lacks any competition, there is no way to compare the quality of its work. Zerkalo did at one point publish its ratings of local publications. However, these studies do not play a key role because they are not used to help determine possible readership. Overall, ratings and other data are not important, because the notion of supply and

demand is still nonexistent in the industry. The main concern for media is simply to issue the publication.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Tajikistan Objective Score: 1.10/4.0**—In Tajikistan, the professional associations that protect journalists' rights are not active enough and are not well established. Although there are no associations representing publishers and television and radio broadcasters, there are organizations that attempt to protect the interests of the media. For example, the Union of Journalists of the Republic of Tajikistan, and NGOs like 4-ya Vlast (The 4<sup>th</sup> Power), Armugon, and Social Partnership are all active in the media community. The association of journalists, NANSMIT, is also active. While the so-called Union of Journalists is nominally existent, it does not fulfill its mandate of supporting and protecting the interests of the media and protecting the rights of the journalists. The union is not considered to be a viable source of assistance for journalists.

The operational level of NGOs in Tajikistan is extremely low, and there is no established link between the NGOs and the media. The Foundation for Commemoration and Protection of Rights of the Journalists of Tajikistan is just getting started, but in general, supporting institutions are lacking.

Trade unions mostly represent the interests of private media owners. There are also international

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

organizations that conduct freedom-of-speech research, analyze media issues, and protect the interests of the journalists.

*At present, the professional training of journalists at local institutions of higher learning is the weakest link in the nation.*

There is no national association of publishers and radio and television broadcasters. In recent years, the rights of independent media have been protected only by NANSMIT, which also lobbies the government in support of journalists' interests. This association is experiencing significant growth. In Tajikistan, human-rights organizations such as the Foundation for Commemoration and Protection of Rights of the Journalists have been active since 1996. However, there are practically no NGOs that would support the media regarding freedom-of-speech issues.

All of the aforementioned NGOs conduct seminars and legal studies, and are not restricted in doing so. Training is mainly conducted by international organizations, and participants are largely journalists working for private media. Training of journalists working for electronic media is mainly conducted by Internews. But it is not enough. One needed change should be the qualitative improvement of instruction at the journalism departments of colleges and universities. Practical training is extremely important for beginning

journalism students, but it is not often available. Today there are no non-academic organizations that teach journalists a broad range of professional skills. Nor are there special institutes for advanced learning. Organizations such as IREX and ACCELS provide journalists an opportunity to go abroad and raise the level of their skills.

The level of professional training of Tajikistani journalists is low. Most of the young journalists are not independent. Job placement is difficult for many journalists, and many of the graduates of journalism departments do not seek employment as journalists. Similarly, most of the journalists working at various media do not have journalism degrees. Such journalists are in extreme need of training, but can only participate in that funded by international organizations. Furthermore, the same group of journalists participates in the training sessions, so a majority of "ordinary" journalists have limited access to training. Short-term courses and trainings are conducted by such international organizations as Soros, Internews, OSCE, and Counterpart Consortium, as well as by local NGOs such as the Foundation for Commemoration and Protection of Rights of the Journalists, NANSMIT, the AJT, and Chetviortaya Vlast (The Fourth Power).

At present, the professional training of journalists at local institutions of higher learning is the weakest link in the nation. There are simply no state-funded opportunities for study abroad. Media are able to employ journalism graduates, but the quality of their training is such that they do not stay with their employers for long. Young journalists are also deterred by low salaries. Many try to find other, more lucrative, positions outside of the media profession.

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# UZBEKISTAN

## INTRODUCTION

Operating in the harsh conditions of Uzbekistan, the media environment is experiencing an overall decline in standards, a deterioration of general educational and cultural resources, and an upswing in cultural and political intolerance. Therefore, Uzbekistani media are demonstrating astonishingly steadfast adherence to traditional values that are hindering the modernization of society and leading to further political and cultural isolationism. According to a panel participant, “One of the impediments to the development of openness in Uzbekistan is the strengthening of the traditional societal values which make freedom of speech practically unattainable. For example, Uzbekistani society is closed in that it is not customary to discuss problems. Many issues have been secretly tabooed.” The government may be officially pursuing elements of a liberal media policy, as far as providing a legal framework for media legislation is concerned. However, the laws are not enforced. Moreover, the authoritarianism of the regime “from above” and the conformity of the journalists “from below” make it practically impossible to freely voice thoughts and opinions.

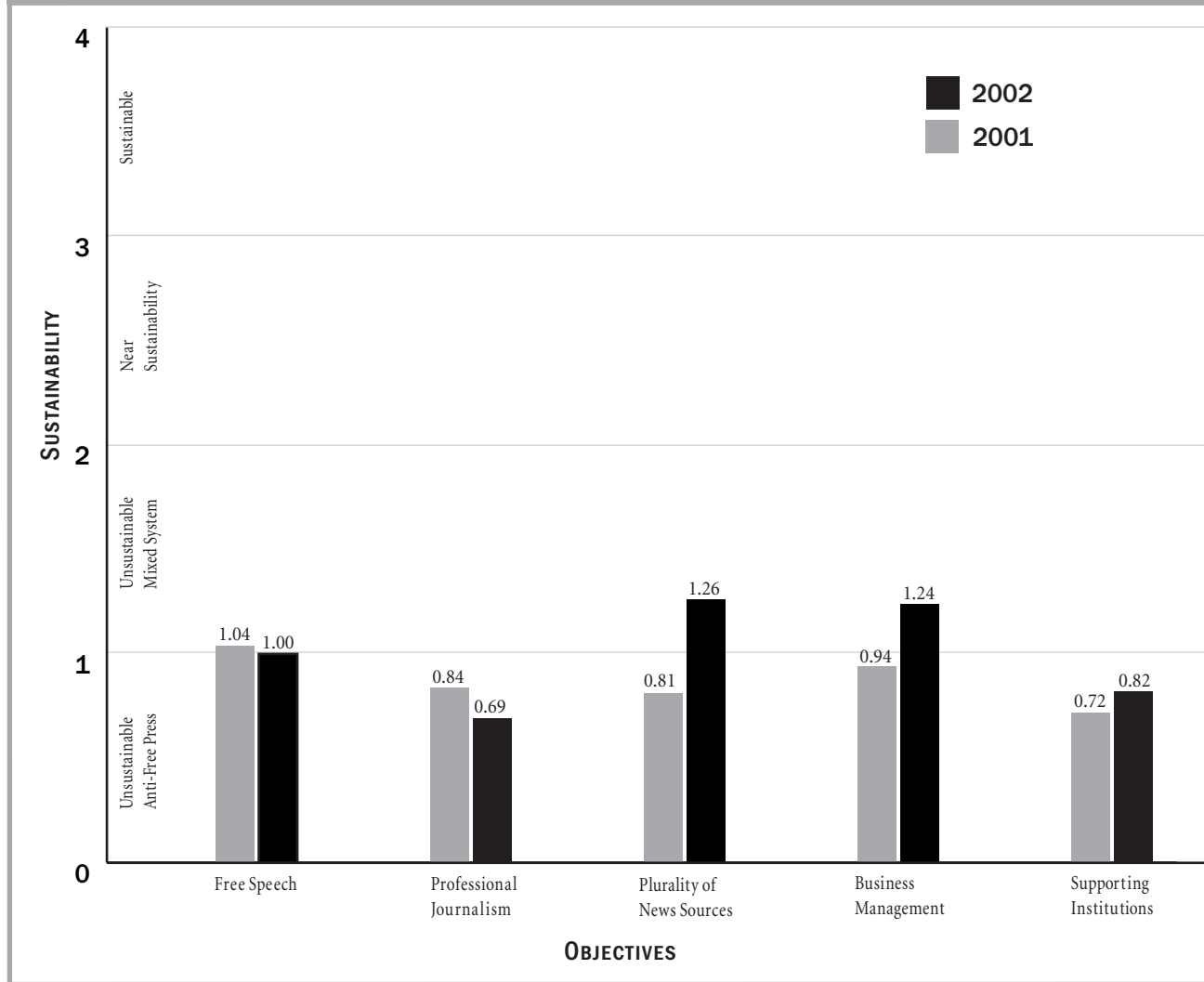
Following the breakup of the Soviet Union, Uzbekistani media carried on many of the traditions of the Soviet media. Despite tremendous growth in the number of publishers, television channels, and radio stations, the public still does not receive varied or socially conscious reporting. Journalists’ access to information is limited because of the reticence of government bureaus and officials. Furthermore, the public is afraid to turn to the mass media to voice concerns about issues that affect their daily lives during the difficult transitional period.

According to data from the National Press Center, 507 newspapers, 157 magazines, four news agencies, and 70 electronic media outlets (television and radio) were registered at the beginning of 2002. Of the 507 papers published, 77 of them have nationwide circulation, 162 have regional circulation, 47 are distributed citywide, 176 have district circulation, and 45 are trade publications. Ninety-four are state-run papers, 63 are public, 50 are affiliated with commercial or religious groups, and 133 are attached to government offices. As for the magazines, 99 are state-owned, 34 are public, and 27 have other ownership.

*Self-censorship is quickly taking the place of official censorship, a trend that stifles the journalists’ desire for the freedom of expression.*



## UZBEKISTAN—MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages 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:

**3 and above:** Sustainable and free independent media

**2–3:** Independent media approaching sustainability

**1–2:** Significant progress remains to be made; society or government is not fully supportive

**0–1:** Country meets few indicators; government and society actively oppose change

*Note: The 2001 scores for the four Central Asian countries in this MSI have been modified from last year's report to more accurately reflect benchmark data compiled by IREX and USAID in 2001.*

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet 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

Printed material is published in Uzbek, Russian, Kazakh, Karakalpak, Tajik, Korean, and Hebrew. The vast majority of publications are issued in the official (Uzbek) language, which is regulated by the Law on the Official Language. The law particularly applies to media in the provincial areas, where Uzbekistanis comprise most of the population. Publications with nationwide distribution are multilingual, with editions printed in Uzbek and Russian.

*According to a panel participant, “One of the impediments to the development of openness in Uzbekistan is the strengthening of the traditional societal values which make freedom of speech practically unattainable. For example, Uzbekistani society is closed in so that it is not customary to discuss problems.”*

Social and political papers include the publications of governmental bodies, political parties, and public organizations (pseudo-nongovernmental organizations [NGOs]). Publications covering cultural issues like education, literature, art, and religion (two papers and one magazine) also exist. The number of economic and trade papers and magazines continues to grow.

The electronic media consist of 25 state-run television and radio stations, 45 commercial television stations, and FM radio stations. The owners of these outlets are a mix of private companies, joint ventures, and individuals. However, the public knows little about who owns the rapidly proliferating FM stations. Most of these stations are based in big cities and cover relatively small territories.

The panel participants admitted that despite the considerable number of public periodicals and the growth of commercial television and FM stations, most media outlets remain under the government’s control. Since most media owners are connected with the government to some degree, they mostly reflect the government’s viewpoint. The same holds true for the publications produced by parties and public organizations. There are no truly independent publications in Uzbekistan. As for the electronic media, broadcasts

mainly feature news taken from the Internet, most of which comes from Russian websites.

The lack of diverse news sources results in public indifference to the press. The main sources of information in rural areas are local television stations or word-of-mouth news in the bazaars. Such news provides varied, but often unverified, information. As a result, Uzbekistanis can know more about events taking place in foreign countries than the events in their own country, town, or district. Issues and problems faced by the nation are not discussed openly. Instead, such topics are internalized, thereby increasing tension among the people and giving rise to the distrust of official information. Meanwhile, the preponderance of entertainment programming that dominates electronic media often serves to annoy the audience.

The Media Sustainability Index (MSI) panelists believe that the term “independent media” does not apply to Uzbekistan. The nation has no public opinion regarding the most important events in the country. In other words, the population lacks a public conscience, so Uzbekistanis are baffled by the changes taking place in their country because they do not receive reliable media coverage.

## OBJECTIVE 1: FREE SPEECH

***Uzbekistan Objective Score: 1.00/4.0***—In Uzbekistan, the legislative framework regulating the media and access to information is rather comprehensive and meets many aspects of international standards. The main problem is that in practice, this framework is either used ineffectively or not at all. There are a number of provisions in the media legislation that contradict each other and the republic’s Constitution. In Article 16 of the media law, the regulatory body’s authority in suspending or closing a media outlet is equal to that of the court. This clause contradicts the constitutional provision. The same problem exists in establishing a media outlet. A number of constitutional amendments allowed for tighter control of the media (such as the amendment on the accountability of media ownership). While the Constitution guarantees freedom of speech, it censors media ownership and management by making the owners as responsible for the reporting as the journalists. It is noteworthy that licenses are issued to media outlets at the city (district), oblast (regional), and republic (national) levels. In other words, if media “behave themselves”—by praising

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/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 the offended party 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.

everything and everybody and covering up the problems—they can appease the authorities who grant them permission to exist. Otherwise, media are stripped of their registration.

The Interdepartmental Commission for Licensing (MKK KM Ruz) is authorized to issue (or grant permission to issue) licenses. Media do not have any taxation benefits. Although the state duties for broadcast licenses remain at a constant rate, they are too expensive for many television stations. State broadcasting channels receive their broadcasting licenses automatically. For example, Uzteleradiokompaniya is automatically given the top priority in licensing because its director is a member of the registering body (the MKK). The same favoritism holds for the print outlets, which formerly belonged to the publishers’ group controlled by the former State Committee for the Press (now the Press and Information Agency). Licenses for broadcasting are issued, but the process depends on the political situation. For example, Orbita TV in Angren was shut down for eight months in 1998 because it aired a program called “The Open Asia,” which contained some critical material about Uzbekistan.

While the civil code contains an article on libel, instances of court hearings regarding journalists

charged with libel are rare. In practice, the courts are subordinate to the authorities.

In Uzbekistan there is no law to regulate the activity of electronic media. Broadcasters are regulated by statutory acts that allow government authorities to do as they please. As a result, opportunities for accessing information are limited. Journalists who openly oppose the state’s actions risk government repression. Journalists have been beaten, media outlets have been shut down, and court judgments have been biased. Due to the latest changes in the law on media, journalists are held increasingly more liable for their work. So journalists avoid conducting in-depth investigations because of the lack of a protective legislative framework and the constant risk of being charged with libel. Journalists are frequently not allowed to publish or broadcast information on a sensitive subject, if it is deemed inappropriate by the editor or publisher. The journalists are under the control of editors, television and radio news directors, and media owners.

*It is noteworthy that licenses are issued to media outlets at the city (district), oblast (regional), and republic (national) levels. In other words, if media “behave themselves”—by praising everything and everybody and covering up the problems—they can appease the authorities who grant them permission to exist. Otherwise, media are stripped of their registration.*

State-run media are given priority access to information, since such outlets are accredited. However, independent correspondents often cannot obtain this same information. Independent journalists, even when accredited, cannot ask too many questions because press secretaries provide state information mainly to the state-owned media.

Prominent business leaders and politicians avoid any kind of communication with the media, but they can still interfere with the media’s work. It is difficult to obtain statistics, facts, or comments from the elites.

Many regional media lack the opportunity to use the Internet because of financial constraints. Information is publicly available on the Internet, but many people simply cannot afford access fees. When contracts with foreign television companies are secured, informational programs can be broadcast throughout Uzbekistan. International news is accessible, but the media cannot publish it in full.

Journalistic ethics are nonexistent, and a code has yet to be developed. The criminal code contains an article on libel, and government authorities use it against the media. Newspapers are often unable to defend themselves against such charges, as the prosecutors and the judges are usually biased toward the state.

The journalism profession is accessible to anyone. The state does not prohibit students from entering journalism universities. However, the competition to enroll in Russian-language programs is greater than for the Uzbek-language programs.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Uzbekistan Objective Score: 0.69/4.0**—When the media report on political events, they largely express the official view. Such reporting is based on official sources, so events regarding high-ranking officials are

not fully covered, and reliable political information does not reach readers. Access to international information is limited by the fact that there are no foreign correspondents. The media also publish or broadcast made-to-order reporting, but few commercial groups are interested in this type of coverage. Therefore, entertainment programs dominate television and radio programming. Considering that the quality of news reporting is poor, entertainment programs are increasing in popularity. Journalists do not always verify their data and sources, especially at the regional media outlets. It is very difficult to obtain information from state authorities. As a result, news coverage is subjective, and competing viewpoints are rarely included. Media outlets and journalists share one common, government-approved position.

Under these circumstances, journalists’ professional standards are very low. Even though the number of print and electronic media is growing, many of the new outlets are staffed by people from rural areas where basic education is poor. Some journalism students from rural areas admitted to having read newspapers and magazines on very rare occasions. This lack of exposure to news is partly due to the ailing library system, and partly because newspapers infrequently reach rural areas.

Corruption exists within the ranks of journalists. Many reporters write made-to-order articles, and some are forced to procure advertising information, because television stations are unable to hire special advertising agents. In many state-run media outlets, the “Soviet” code of conduct for journalists is still prevalent. Journalists do not gather opinions from competing parties when covering a number of social or political issues.

Poor resources at universities in Uzbekistan make it difficult for journalism faculties to offer good instruction. The lack of foreign-language skills (including Russian, which used to be a key source of information in the Soviet era) further handicaps journalists at every stage of their careers. In fact, many of the instructional books in Russian have been discarded over the past few years. It has become increasingly difficult to overcome traditional values in order to adopt modern, democratic ideals if the current Uzbek-language print and broadcast media are the gauge. This mindset, accompanied by the lack of educational resources, presents serious obstacles to the education of journalism students in Uzbekistan.

Self-censorship is also a problem due to the lack of legal protections for journalists. Self-censorship by journalists is intensifying as government officials

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).

continue to exert pressure on the media sector. News programs are subjected to censorship to the greatest extent. For example, radio station managers routinely meet with officials who handle media issues in order to learn the current political guidelines. In this case, the main censor of news broadcasting is the radio station’s management itself.

News services in Uzbekistan are hardly free to choose their own material. Non-published directives indicate which websites news services should use, with special preference given to the state-run UzA site. Similarly, some sites are restricted. Therefore, news services are forced to choose from boring official news (including the president’s travel schedule and agricultural news) and livelier international events (airplane crashes and cultural news) taken from Russian websites. According to government requirements, all leading radio stations must record transcripts from on-air programming in a special logbook.

Low salaries and the degree of dependence on the authorities force journalists to write made-to-order articles and accept bribes. Self-censorship is quickly taking the place of official censorship, a trend that stifles the journalists’ desire for the freedom of expression. Therefore, it is not a question of journalistic ethics; instead, journalists follow a traditional journalistic code. Journalists avoid controversial issues, unless there is a “request” from the authorities. For the most part, the press strives to present the official, often embellished, news.

Alternative viewpoints are impossible to publish in the local press, since repercussions would be severe. Some well-known journalists are on the payroll of the SNB (National Security Service) and the president’s office. These journalists are willing to incriminate anyone at the request of the state. Despite these obstacles, Internews tried to introduce the Code of Ethical Rules into the journalism community of Uzbekistan.

Most of the independent media in Uzbekistan have very poor technical capabilities for collecting and broadcasting information. Media outlets in the rural regions lack even the most basic equipment. However, state-run media have good technical resources, especially for television stations in the capital. These limitations make it practically impossible to produce talk shows or air live reports.

Niche reporting on specific issue areas is rarely practiced. Media generally do not report on socio-political or economic problems. The consequences of such problems, such as decreasing civil liberties, are

not reported. Meanwhile, the population is generally passive and unwilling to solve social problems. As a result, already-low living standards are deteriorating, and poverty is worsening. A considerable part of the population is operating in the “shadow economy” and has yet to demand legal protections and anti-corruption measures.

Although journalists in the capital do specialize in some areas, local media are severely understaffed and are not able to specialize at all. Economic publications enlist the services of scientists, lawyers, psychologists, and professional managers. Nevertheless, there are almost no highly qualified analysts or commentators in Uzbekistan.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Uzbekistan Objective Score: 1.26/4.0**—In Uzbekistan there is hardly a diversity of public or private media. Four information agencies are in operation, but only Turkiston-Press is somewhat independent. Newspapers are required to buy news from state-run information agencies like UZA, Zhakhon, and the news agency of Karakalpakstan. Turkiston-Press disseminates its information not only through the media, but also to international organizations and embassies. The Internet has provided a vast array of new information

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



sources. Government offices and NGOs have created their own websites, thereby adding to the number of information sources. However, the quality of these sites is not high. Also, the press services of ministries and state bureaus are generally unprofessional and are not reliable sources of information.

Access to local media for most rural Uzbekistanis is very difficult. Many cannot afford newspapers and magazines, much less cable television. The government restricts the distribution of papers and other publications from Russia and neighboring states. The public can buy Western publications only in hotels in big cities, but these publications are very expensive. Satellite dishes used to access Western television channels are expensive, and few Uzbekistanis have the foreign-language skills to understand Western broadcasts.

The state-run media reflect only the government perspective. As a result, these media do not serve the people. The publications produced by political parties and public organizations are hardly different from the state media, both in their content and quality. For a public that is used to difficult economic conditions and a dearth of information, many Uzbekistanis do not seek out better news sources. This trend is demonstrated by the limited number of foreign radio station listeners. The BBC is the most popular foreign station due to its broadcasts in Russian and Uzbek. The Svoboda station, also with Russian and Uzbek programs, is also popular. However, many cannot access foreign radio stations because of the short-wave transmission that is used.

Even the independent news agency Turkiston-Press reflects the state's point of view. Other independent news agencies exist, but they seldom supply any information that differs from the state-supplied information. Uzbekistanis do not know who owns media outlets, and such information is difficult to come by. All media present the same information, so ownership is almost irrelevant. The state monopoly of the media is obvious, and conglomerates are just beginning to take shape.

Independent television and radio broadcasters produce their own news programs, but such programs mostly cover local news or draw heavily from Internet news sites. There is no nationwide independent television or radio channel in Uzbekistan. The state television and radio company operates four channels, predominantly in the Uzbek language. The first channel is Uzbekistan, the second Yoshlar, the third TTV (Tashkent TV), and the last is an international channel. The content and quality of programs on these channels

are equally poor. These programs do not contain any criticism of the government, and there are practically no serious analytical programs. News programs do not feature opposing viewpoints, and all issues are discussed solely from the government's point of view.

Radio stations with sufficient funds produce news programs based on Internet news from foreign sources. Private television stations often retransmit foreign channels, as well as cable channels. A vital issue for radio stations is the volume of Russian-language broadcasting. According to unpublished guidelines, 60 percent of broadcasting should be done in Uzbek, and 40 percent in Russian. However, more people want to listen to music programs in Russian because that music is more varied and popular.

Approximately 45 private television and radio stations operate in Uzbekistan. Due to strict government control, and the fear of losing their businesses, station directors choose not to oppose the main political and business interests. For example, the closing of the private television station ALC and the radio station Moy gorod (My City) for political reasons has shown that the private media are not protected more than the state-run media.

Private FM radio stations transmit in Uzbek and Russian mainly in Tashkent, Samarkand, Bukhara, and the Fergana Valley. All the radio stations differ very slightly from each other in terms of content, but most have a music and entertainment format. Due to the lack of resources, the quality of transmitted programs is very poor.

Although there are minority-language media, they do not address the issues facing their representative communities. Minority-language media are disseminated among the diasporas, but they do not cover a nationwide audience.

Only a small fraction of the population uses the Internet. An estimated 140,000 to 150,000 people use the Internet, with 90 percent of them in Tashkent. Internet access is increasing, contingent only on computer availability. The number of Internet cafés is also growing.

There is no law in Uzbekistan that governs Internet media. Everything related to information technology is regulated by several laws including the Law on Telecommunications, the Law on Information, the Law on the Radio Frequency Spectrum, and the Law on the Protection of Consumer Rights. The Cabinet of Ministers has adopted a number of normative documents related to technology and media. The essence of these



documents is that the state-run enterprise Uzpak holds a monopoly on Internet access. Consequently, the state controls data transmission and dictates its own tariff policy.

Today many print publications have their own websites. Unfortunately, these sites are updated randomly or not at all. The Internet news site Open Tribune was created specifically as a forum for local journalists to publish their materials, without subjecting their work to censorship. One hundred twenty-five websites have been registered in Uzbekistan, of which 15 belong to the media, including UzReport and Elektron-niy Vestnik (Electronic Bulletin).

### OBJECTIVE 4: BUSINESS MANAGEMENT

**Uzbekistan Objective Score: 1.24/4.0**—The decelerated pace of economic reform in Uzbekistan seriously affects the development of the media industry. Since media outlets derive most of their income from subscriptions and advertisements, poor financial conditions damage the efforts of media to become self-sustaining businesses. Income from subscriptions is limited due to the poverty of subscribers. Advertising revenue declines along with overall economic stagnation.

Advertising is the largest source of revenue for media in Uzbekistan. Subscription income is a secondary source. There is an established advertising market, but no common approach that includes the use of ratings, assessments, and other research. Advertising agencies exist, but their efficacy is limited due to the poor economic situation in the republic.

Printing companies are restricted on the specific materials they can print, but they are relatively independent financially. There are state-run and private graphic-arts firms, all of which are under the control of the government. Private media derive income from advertising and subscription, but specific data on such income, as well as circulation numbers, are unavailable. Since advertisers only deal with publications with circulation of at least 10,000, data for local papers are even more difficult to find. On the whole, advertising agencies support the media's advertising market. The media, in turn, promote the entertainment and commercial undertakings conducted in the country. There are private channels of media distribution, which operate with less influence from the state.

Circulation and distribution of local newspapers and other regional publications are carried out by Matbuot, which maintains a de facto monopoly. Matbuot charges up to 50 percent of the publication's cost for distribution. Other distributors need a *krysha* (organized crime patron) in order to obtain a license. The printing facilities are centralized and efficient, but under control of the printing monopoly Shark. Even though numerous private printing plants exist, they are not equipped for newspaper printing. Instead, they specialize mainly in the publishing of booklets and brochures. Private printing firms are not free to choose their own clients.

Media in Uzbekistan profit mainly from advertising receipts. Therefore, almost every large-scale newspaper has its own advertising agencies. However, the advertising market is limited; no goods, no advertising! Most businesses have no means for advertising. Furthermore, there are not enough advertising professionals to staff the requisite number of effective advertising agencies. Profits stemming from advertising amount to 90 percent of the total proceeds for publications, even though ad revenue is restricted to 40 percent of the publications' total volume. Subscription prices are high due to high production costs and taxes, not necessarily due to media managers' desire to make a lot of money.

Advertising agencies are well-established and do serve the media industry. However, they do not comply with international standards, since advertising legisla-

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.

tion indicates that ad revenue should not exceed 40 percent of the media’s total income. Many television and radio stations resort to primitive advertising to generate profit. Such stations use mainly local announcements and greetings to bring in small fees.

Independent media do not receive any state subsidies, but outlets still operate under the influence of the authorities.

Research studies gauging the media’s popularity in Uzbekistan are conducted by the Ijtimoiy Fikr Public Opinion Center. However, many journalists consider it a pro-government organization and regard its ratings skeptically. Furthermore, the ratings are expensive and largely unaffordable for the private media. Ratable popularity polls are conducted when possible, but these surveys are not based on a sound methodology.

Market research is conducted infrequently, and it is done in a limited fashion. No publications have any data on the actual state of affairs in the media market. Since access to such information is costly, obtaining research is not realistic for many media.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Uzbekistan Objective Score: 0.82/4.0**—Associations that support independent media in Uzbekistan are extremely limited. There are no trade unions to represent journalists or broadcasters. A broadcasters’

association is still in the beginning stages of formation. The registration of independent journalistic organizations and professional organizations and NGOs is still a problem. To date, pseudo-NGOs, such as the Foundation for the Press Democratization Support and the National Press Center (and its branches in the provinces), have been registered with the government’s support. Attempts to found independent journalistic organizations have been unsuccessful. Journalists working for foreign news agencies and publications face difficulties in obtaining accreditation from the Ministry of Foreign Affairs.

Another obstacle to developing media associations is the lack of political will in supporting strong media and independent journalists. Many politicians are not interested in journalists’ covering corruption issues, the economy, finance, and political parties. Attempts to found trade unions and human-rights organizations run into resistance from the authorities. Journalistic education is linked to the journalist’s social status. Journalism students have opportunities to improve their skills, but students who can afford further education would rather use their resources on a more lucrative profession. Nevertheless, training is available for journalists.

The Ministry of Justice has suppressed attempts to establish an association of journalists, a union of independent media owners, and other independent journalistic organizations. Consequently, there is no independent group to protect the journalists’ interests. Some organizations provide pro bono legal assistance to journalists, but this help does not solve the overall problem.

The existing human-rights organizations do what they can to help the media, but they do not specialize in media work. Otherwise, the International Center for Retraining of Journalists of Uzbekistan conducts trainings for journalists in the regions on a regular basis.

The university journalism departments mostly teach journalism in a theoretical context, without much practical application. The level of professional education at the colleges and universities is low, since general educational literature and textbooks are in short supply. Recently, donor support enabled the journalism department at the National University to acquire special equipment for outfitting training studios and newspapers.

Internews is one organization that trains the employees of television and radio stations, but this is not enough. An international center for the training of

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

journalists operates with the help of the Konrad Adenauer Foundation. The project Chimera also provides good schooling for journalists. Nevertheless, professional journalism organizations from abroad such as these do not provide sufficient support to the independent press of Uzbekistan. The image of journalists in the country is overwhelmingly negative, as everybody knows that journalists in Uzbekistan are restricted in their ability to report openly.

*Another obstacle to developing media associations is the lack of political will in supporting strong media and independent journalists.*

Trade unions for media are just starting to take shape. There are two government organizations that are supposed to protect the freedom of speech and promote the rights of the media, but they are operating at a level of efficiency even lower than journalism groups in the former Soviet Union.

Uzbekistanis have the opportunity to study abroad with the help of international organizations and the Umid Foundation. However, many people do not want to work for the media, choosing instead to work at donor organizations.

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