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MEDIA SUSTAINABILITY INDEX 2016

DEVELOPMENT
OF SUSTAINABLE
INDEPENDENT MEDIA IN
EUROPE AND EURASIA

MEDIA SUSTAINABILITY INDEX

2016

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



MEDIA SUSTAINABILITY INDEX 2016

The Development of Sustainable Independent Media in Europe and Eurasia

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Design and layout: OmniStudio

Printer: Westland Enterprises, Inc.

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Acknowledgment: This publication was made possible through support provided by the United States Agency for International Development (USAID) under Cooperative Agreement No. AID-OAA-A-14-00093.

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ISSN 1546-0878

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

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

Legal Media Center (Kazakhstan)

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

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



ES&E
EUROPE
& EURASIA

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This year IREX analyzes for what reasons citizens do and do not take a stand when media and those reporting on key issues in their country are under threat.



I am pleased to introduce the latest Media Sustainability Index (MSI) for Europe and Eurasia. The 2016 edition highlights the impact of Kremlin-backed media blitzing the media sectors in neighboring countries and how business interests are a key driver of self-censorship. Last year we reported that in several countries media freedom seems to be more highly valued by citizens; this year we look at why in other countries citizens are not motivated to support threatened media independence. The Executive Summary that follows reports differences and similarities across the region regarding these issues; complete score charts and panelist recommendations to improve media sector performance can be found as well.

The MSI, now in its 15th year, is one of the world's most in-depth recurring studies of media health in the world. IREX developed the MSI to provide an international development approach to measuring media sector performance. Looking beyond issues of free speech, the MSI aims to understand the degree to which news and information from both traditional and non-traditional sources serve its audience reliably.

The MSI measures a number of contributing factors of a well-functioning media system and considers both traditional media types and new media platforms. This level of investigation allows policymakers and implementers to analyze the diverse aspects of media systems and determine the areas in which media development assistance can improve access to news and information that empowers citizens to help improve the quality of governance through participatory and democratic mechanisms.

Findings in the MSI also provide useable analysis for the media and media advocates in each country and region. By reflecting the expert opinions of media professionals in each country, its results inform the media community, civil society, and governments of the strengths and weaknesses of the sector.

The MSI is not possible without a large cast of players. Foremost, more than 200 media professionals from throughout Europe and Eurasia took time from their busy schedules to reflect on their own media sector and provide the thoughtful comments that make the MSI stand out as a media development assessment tool. Discussion moderators and authors from each country organize the MSI and contextualize the panelists' thoughts. Without Lee Ann Grim's dedicated editing and logistical support, this year's MSI would not be reaching you until much later in the year. The United States Agency for International Development (USAID) has been a consistent supporter of the MSI, funding the project from its inception and ensuring its ongoing implementation.

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



Leon Morse
Managing Editor

One of the more surprising results is how anti-foreign-NGO sentiments, commonplace coming from Kremlin-controlled media within Russia, are spreading elsewhere.



Results of the 2016 MSI study for Europe & Eurasia (E&E) show that across the board there was little change. Taken as a whole, the region improved in overall score by 0.01, from 1.85 to 1.86. However, there were offsetting changes underlying this seeming immobility: Objective 1, Freedom of Speech, scores for the region as a whole fell by 0.02 while Objective 2, Professional Journalism, increased by 0.02 and Objective 5, Supporting Institutions, increased by 0.04. Reflecting this, individually, the majority of countries showed little change in their overall score. Five of the 21 countries increased their overall score by more than 0.10, while three decreased by more than 0.10.

The three countries that this year experienced a decrease in overall score—Belarus, Azerbaijan, and Kazakhstan—were ones last year that had showed small but unexpected increases. Last year’s Executive Summary indicated that such increases were unlikely to be part of a larger upward trend; panelists’ scores this year for all three ended up placing the three more or less where they stood in 2014.

A similar phenomenon occurred this year with Tajikistan. Panelists there gave scores that increase the overall score in the country by 0.18 despite the fact that many serious threats to the media sector exist, including government pressure and harassment of critical voices, concentration of media control, poor quality reporting, and difficulty for independent media in raising revenue. Except for Objective 3, Plurality of News, all objectives received higher scores. Reading the chapter text, however, one does not get the impression that much positive is happening to improve the ability of Tajik media to serve as the Fourth Estate.

Why the increase, then? First, it is important to note that Tajikistan’s score still places it in the upper half of the “unsustainable, mixed system” category, which is 1.51 to 2.00. So that is unchanged from last year. Second, the source of the scores is individual media professionals in the country. Of the 12 participating in the Tajikistan study, nine also participated last year. Of the nine returning panelists, six provided higher scores while three provided lower scores in Objective 1. Analysis of other objectives shows a similar pattern.

IREX does not release individual panelists’ scores, as that could unfairly put a panelist under pressure. Further, individual experiences may color how a panelist scores from year-to-year. A traumatic event, such as brutal attack on a small journalist, might result in a short term decrease for the relevant indicator; in the next year the score might again return to where it was previously. Given events in Tajikistan, it is unlikely that increases in score will continue.

The important takeaway is that the longer term score trends and the general score range are key considerations for the user of the MSI, as is contextualizing the scores with the information found in the text. The scores themselves are guideposts; the analysis provided in the text should serve as the foundation for any conclusions underpinning action by advocates or development professionals.

What's Inside the 2016 MSI

Below IREX reports on themes that emerge from many chapters. This year, the question of public support for independent media, the impact of Kremlin-backed messaging, commercial pressure on media content, and reporting on the migrant issue are compared across several countries.

New this year is a summary of panelist and chapter author recommendations organized into several themes: 1) Education Opportunities & Reform; 2) Media Content Development; 3) Legal Support Mechanism; 4) Financial Support Mechanism; 5) Solidarity and Civil Society & Association Support Mechanism. IREX hopes that these will be useful to MSI users and welcomes feedback on their inclusion.

Scoring charts providing all scores for 2016 can be found at the end of this section. Further, the entire history of MSI scores for all regions is available on IREX's website in Microsoft® Excel spreadsheets. See: www.irex.org/msi.

Who's Got Their Backs?

Media professionals and human rights advocates, even with international backing, cannot themselves create space for the high-quality reporting that is the foundation of an information ecosystem that empowers citizens politically and as consumers. This is especially true when an entrenched government—or other forces—do not look favorably upon voices that do not align with their vested interests. A grassroots demand for such information must exist, and citizens must be motivated to defend their right to that information, and by extension defend the rights of those who produce it.

In last year's Executive Summary IREX noted that public stock in media freedom seemed to be on the rise in Albania, Armenia, and Moldova. But such is not the case in other countries. This year IREX analyzes for what reasons citizens do and do not take a stand when media and those reporting on key issues in their country are under threat.

In Croatia, one panelist stated "The public is ready to protect the right to be informed, as guaranteed by the highest international standards." Yet, this may be a reflection of either or both the past and when such rights face a clear threat from an identifiable source that can serve as a common oppositional rallying point. In the 1990s, some 100,000 citizens rallied on Zagreb's main square to protest the revocation of Radio 101's license. Today, without the clear and heavy-handed action of government, another panelist characterized protests in contemporary Croatia as "lack[ing]

a vigor it had before." Another panelist described the reaction to the low-level threats and hassles faced by media professionals today. The chapter notes: "But according to the panelists, the general public feels a certain fatigue regarding threats to journalists. 'In times of a crisis, people are just too preoccupied with their own problems to be actively involved in protesting against "minor" problems of some other professional or social group,' one panelist commented."

In Armenia, panelists also reported a public appreciation for media and information rights: "Still, Armenian citizens value the freedom of speech more and more, with soaring demand for uncensored speech and information." However, one of the panelists there noted that there is room for improvement that is likely to come as the public's media literacy improves.

Yet in several countries, the panelists felt that a number of considerations de-motivate the public when it comes to protecting these rights.

In some cases, it seems to be that the public places a low value on them. A Romanian panelist said, "Part of society is not convinced of the importance of this democratic principle. I cannot explain otherwise the electoral success of various local barons who attempted to control the media in their counties." In Tajikistan, panelists believe that the public is indifferent to violations of freedom of speech. "Citizens do not care that the websites of local media are blocked or what lawsuits are brought against journalists. The panelists felt that the authorities are helped because public opinion has been split for several years: part of the public believes that a free media is very important for society, while another part believes that the media complicate the situation and libel the government."

This sentiment was echoed in Macedonia: "The society, on the other hand, remains conservative, patriarchal and the prevalent nationalist ideology has little understanding for any minority or dissenting opinion. In Macedonian multiethnic and multicultural society, ethnic and social groups expect from the media to protect the interests of the nation or state, and those who support a more open, democratic and inclusive society and protest the abuses and violations of freedom of expression are in minority." The chapter does strike a hopeful note, however: "Panelists did comment that the situation has improved over previous years, especially in terms of growing numbers of people who are discontent and publicly express their dissatisfaction with the overall situation in the country, including in the area of freedom of expression and freedom of media."

Others view threats to media as an affair that is simply a product of political machinations. In Kazakhstan, for

example, one panelist said, “People do not view press as either official or independent press, but instead distinguish between government and opposition press. If media report that a journalist is attacked due to professional activities, the public reaction is, ‘well, it’s the opposition press.’”

However, another panelist from Kazakhstan said, “The public value freedom of speech, but fear makes people silent.” In Azerbaijan, whether fear or frustration is the cause, one panelist noted, “People are inclined to bow rulers rather than laws. The panelist referred to a popular saying: *‘Hökumətə hökumətlik elmək olmaz’* (literally: ‘you can’t behave with the government like a government’ i.e. you can’t argue with the government).”

In Russia, patriotism plays a role: “At the same time, the society and even the journalism community do not place a high value on freedom of speech and media freedom. Many journalists believe that they should protect the interests of the state (that is, of the authorities rather than the country), and engage in propaganda rather than news, commented one of the panelists.”

Another point that has been made in past years is that the media content itself is generally of poor quality. The public therefore does not place value on the fruits of a free media, either from the standpoint of protesting for it or paying for it. Most authoritarian rulers have become much more nuanced in their approach to controlling the media, information, and public discussion—and opinion. It might be hard to rally people around a media outlet like 1990s Croatia’s Radio 101—when they were also protesting against a government that many felt going in the wrong direction. Clearly, however, demonstrating through quality content and tangible results of good quality reporting, particularly investigative reporting, would go a long way toward enhancing the value of that reporting, both economic and from a rights perspective.

Moscow Calling

Politicians in the Kremlin make no secret that they are spending millions of dollars on messaging that supports the worldview, and their larger strategic goals. They do not always, however, promote the fact that other media in neighboring countries are also financed or controlled by pro-Kremlin sources. The combination of transparently pro-Kremlin and opaquely financed, yet bearing compellingly anti-EU and –U.S. messages, work to confuse the information space in many countries and upend both the position of respected domestic journalism and the meaning of quality journalism itself. This leads to a number of issues in several of the countries included in the Europe & Eurasia MSI.

For one, the result is media—both locally controlled and affiliates of Kremlin-backed outlets—spread what panelists describe as propaganda, but perhaps might be better called misinformation. In Ukraine, much of the pro-Kremlin media is plainly labeled as such, and it has created an internal information war. As reported in that chapter, “Based on the monitoring efforts of NGO Telekritika, the professional level of journalists as well their compliance with professional and ethical standards has fallen catastrophically. ‘The information war being carried out by Russia against Ukraine is a powerful factor influencing the current quality of reporting. Journalists are being drawn into this conflict and have started performing a counter-propaganda role, which consequently makes media discourse biased, engaged, and emotional,’ says Diana Dutsyk, executive director of NGO Telekritika.”

In Moldova, media licensing has been compromised to some degree because of expansion of Kremlin media there. In 2015, a member of the broadcast licensing commission was expelled from the Communist Party after he voted with his colleagues to suspend rebroadcasts by television station Rosiia 24. That decision was the result of monitoring coverage of events in Ukraine. However, this was not a signal of a unified policy. One panelist noted, “The [licensing commission] only pretended to fight propaganda because the Russian media group Sputnik broadcasts in Chişinău on the frequency of the radio station Univers FM without a license. We notified the [licensing commission] of this, and their answer was that no station in the country has a contract for rebroadcasting radio station Sputnik from the Russian Federation. Nevertheless, Sputnik radio station broadcasts with no impediments, and the [licensing commission] keeps silent.”

In Bulgaria, some of this media is not so directly linked to the Kremlin. There, one of the panelists pointed out that “2015 marked a deluge of new online media replicating and peddling the disinformation originating from the Peevski media [conglomerate]. The blogger Krassimir Gadjokov has created and is expanding a list of over 75 online sites used to disseminate propaganda for Peevski media and the Russian interests in Bulgaria; these sites frequently quote each other. The sites do not indicate their owner nor their editor, and do not provide contacts.”

The Kremlin’s media also take advantage of the fact that in rural border areas of its neighbors, media coverage is poor and residents have few choices for media. In Kyrgyzstan, panelists said that overall “News from Russian channels continues playing a significant role in forming the public opinion and agenda.” One panelist specified, “In rural areas and small towns, due to the absence of local media and

It might be hard to rally people around a media outlet like 1990s Croatia's Radio 101—when they were also protesting against a government that many felt going in the wrong direction.

limited access to national media, local residents primarily have access to rebroadcasted Russian TV channels.”

One panelist told how Georgian media never travel to certain areas to cover key issues, such as the issuance of Russian passports to local Georgians residing on the border. She also added, “If we consider Javakheti region, I wonder how these people receive any news about this country [Georgia], where they live. Nothing to say about the content diversity... And then they are surprised that people have pro-Russian sentiments.”

One of the more surprising results is how anti-foreign-NGO sentiments, commonplace coming from Kremlin-controlled media within Russia, are spreading elsewhere. In Bulgaria the panelists discussed increasing propaganda attacks against the international NGOs involved in media development. “Some panelists reported that the Peevski media are tracking organizations that receive funds from the America for Bulgaria Foundation, the Norway Fund, and other donor programs supporting the media and are publishing accusations that the NGOs serve external political interests. For example, several print and online media published a list of ‘Sorosoids,’ including the names, pictures, and positions of members of NGOs supported by the Open Society Foundations founded by George Soros.” One panelist said, “The media monopolies are creating an air of suspicion against NGOs, which is hard to disperse.” Another commented, “There is a systematic effort to compromise the public image of the NGOs, which hampers our ability to support high-quality journalism. It’s very unpleasant to know that your actions will be interpreted as a threat to national security or something like that. The media participate in this campaign as well; they selectively extract from [local NGO] reports, take things out of context, and use them for defamatory purposes.”

Business Interests Call the Shots

Panelists from countries throughout Europe & Eurasia have for at least a few years noted the shift from direct censorship to self-censorship. As well, they have noted that this is beginning to reflect not so much an avoidance of angering

the government, but rather annoying important advertisers. Indeed, the Albanian branch of the Balkan Investigative Reporting Network undertook a survey of 120 journalists and media managers there, asking about the main causes of censorship and self-censorship. More than 70 percent of respondents said that journalists avoid covering certain stories and ranked large commercial companies and important advertisers as key sources of pressure.

One panelist there illustrated such pressure with the example of Vodafone, which has refused to buy advertisements in *Shqip* newspaper, he said, in protest over some of the paper’s coverage of that company. In neighboring Macedonia, panelists also pointed at telecoms as a culprit: “It is now more difficult to publish anything against the Telecom or the power supply company EVN than against the government,” one panelist said.

Panelists in Croatia “posed the rhetorical question of when the last time an article critical about the top 10 advertisers had been published.” One panelist said, in reference to coverage of key events, “There are no issues, *aside from the larger advertisers* [emphasis by editor], and no events that editors would actively prevent their reporters from covering.” In addition, Croatian panelists report that “Product placement pieces and advertorials are standard practice. Newly introduced elements in advertising contracts ever more often oblige the media to report positively on the advertiser, or at least to refrain from negative publicity.”

In Bulgaria, the situation has reached a point where untangling business interests and advertising may be impossible in the near-term. “After decades of domination over the advertising market, the companies controlled by Krassimir Gergov have shifted toward the Peevski media group.” One panelist said, “This makes Peevski the man who distributes the advertising money in Bulgaria. This is very visible by the content we can see on the four national channels and by looking at the advertisers and the advertised products.”

Sadly, this situation is an exacerbation of a previous attempt at media capture by business interests. The advertising agencies now controlled by Peevski had once belonged to advertising mogul Krassimir Gergov, who had amassed debt extended by the now-bankrupt KTB bank. That bank had also been extending questionable loans to media outlets as a way to control them.

“The suspicions that the bank had been used to buy media content proved true. Media outlets and publishing houses have been supplied with unguaranteed loans, and it’s shocking that the judiciary is not investigating how that money was siphoned off to corrupt the media. This hasn’t

been limited to KTB; recent publications exposed that *Trud* owes a huge debt to First Investment Bank, and it's not hard to see that the newspaper has been really active in supporting the projects funded by the bank, including a negative campaign against environmentalists who objected to its plans to expand the winter resorts at the expense of wilderness," one panelist added.

However, in places where business and government are difficult to separate for the casual observer, the source of self-censorship is often from the government through businesses. In Macedonia, panelists noted that "The citizens learned from the wiretapping scandal that the media that are part of large corporations are expected to adopt pro-government editorial policies to ensure that the mother companies will win lucrative public tenders, and that a share of the contract should go to the media, for their services in support of government's policies."

Migrant Messaging

Throughout 2015, the plight of refugees leaving conflict and/or poverty in parts of Africa, the Middle East, or Afghanistan made worldwide news. Many of the countries included in the Europe & Eurasia MSI are on the paths many refugees choose between their homes and Western Europe. This issue not only proved to be a test for how governments responded to this flow of people, but also how the media in these countries covered it.

Reflecting the divided media—in terms of both skills and motivation—the issue was often covered in different ways within each country. In Croatia, one panelist used this example to exemplify the lack of balance and depth in reporting. "Let's take the migration crisis as an example. There were two opposite approaches to the issue, but the complexity of the crisis has rarely been reflected." Romanian panelists said an important segment of the media covered the issue mostly negatively, "full of stereotypes, hate speech, and nationalism." However, some alternative media "covered the immigrants' camps, talked to the immigrants, and produced ample, well-documented, and balanced materials."

In Bulgaria, according to one panelist, "The fact that the Patriotic Front signed the agreement against hate speech did not prevent its TV SKAT from using it. Throughout the year, maybe because of the refugee influx as well, there were more hate-speech voices, coming from beyond the usual suspects." However, another panelist noted, "The bloggers and social media activists were very active on issues like the referendum and the refugees, while the mainstream media stayed away from those topics."

In Bulgaria, the situation has reached a point where untangling business interests and advertising may be impossible in the near-term.

Overall, part of the problem of coverage is a result of the lack of a corps of reporters to cover international beats in what are small and poorly funded media markets. In Croatia one panelist said, "Even now, with hundreds of thousands of migrants crossing our borders, a more demanding reader can hardly find any article on international affairs that is not a pure copy/paste of an article published in foreign media. I am not questioning the quality of these 'originals,' but they logically lack the local aspect of the crisis."

Recommendations

This year we asked panelists and chapter authors to provide specific recommendations on ways to improve the performance of their media sectors. In the past, although some recommendations were included in the text, since there was not a logical space in each chapter, these were not included when they came up naturally in panelist discussions.

Below are some of those recommendations based on a few of the recurring themes, with a designation of the country each came from. Many of these have more universal application, however.

1. Education Opportunities & Reform

- Armenia: Many journalism instructors and professors are not acting journalists. If professors were acting journalists they can prepare journalists with up-to-date education.
- Bosnia: Editors should encourage development of skills and expertise of their journalists in particular areas by financing their in-service training programs or at least enabling participation in training programs and independent work during working hours. Also, the international community should support quality trainings for journalists to fill the gap between the university curricula and the contemporary skills required by the media.
- Georgia: Journalism professors and practitioners should form a group of media professionals to support a variety of initiatives. The professionals could work towards producing better research, policy papers, and provide trainings on a number of problematic media issues. Among these are the gaps in journalism education and how to better prepare students for the professional career, professional

unions, and their role in supporting media, public opinion and public attitudes, Internet freedom, and the country's communication policy.

- Kyrgyzstan: There is a lack of media management skills and low professional quality among journalism departments' alumni. New curriculum should be developed and then piloted with the use of a monitoring and evaluation tool.
- Montenegro: Global improvement of unfettered journalism and free media primarily depend on journalists' education and personal capacities. The education of new generations should be more practical and in close cooperation with existing media.
- Moldova: University committees should be created to assess the following opportunities: re-configuration of journalism training formats; training for media managers; launching an ongoing training center for media professionals; and introducing a course on "media sciences" for those interested in learning more about media impact for research purposes. High schools and universities should develop and implement a mandatory course on media literacy as a measure of protection against disinformation, manipulation, and propaganda through media.
- Russia: As media revenue is declining, independent media outlets cannot afford to pay for services, especially training, provided by NGOs. There is the need for more financial support from NGOs to provide free services and trainings to independent media.
- Tajikistan: Further work is needed to conduct training, seminars, and better schooling for young journalists, as they are not learning practical skills. Also, teachers should be trained in the standards for international journalism. Especially concerning is the specialization of journalists. For example, there is only one organization that provides training for journalists who want to work in the sphere of business reporting. It would be better to expose trainers in economic journalism to foreign economic mass media.
- Turkmenistan: The international community (including OSCE) should form a working group to discuss ways to improve professionalism of Turkmen journalists, given the context that Turkmen universities teach journalism students to become loyal only. Specifically, OSCE should consider opening up its professional trainings not only to government-approved journalists but also citizen

journalists as well. OSCE should also consider removing restrictions that it imposes on foreign journalism trainers in terms of what to teach and how to teach. In other words, foreign trainers should not be asked to avoid discussing certain politically sensitive issues during the lectures and trainings.

- Ukraine: Expand available training on media management, economy, and business issues. In terms of economic decline, financial sustainability is crucial for the quality of products and survival of independent media. Regarding more traditional training, journalism education may benefit from new laws on higher education, making universities freer from the central authorities as it relates to developing curriculum. An increase in media literacy among citizens may contribute to counteracting propaganda and increase the demand for high quality journalism.

2. *Media Content Development*

- Bosnia: Promote investigative journalism. Award schemes would provide gratification for journalists engaging in quality, investigative journalism. Print and online journalists and editors should respect intellectual property and attribute republished work of other media in a correct manner.
- Serbia: The focus of media association efforts should be shifted from less important but popular investigation of media ownership concentration to much more serious problem of media content concentration.
- Turkmenistan: Increasing visibility of citizen journalism presence in the country might offer alternative information (while teaching a lesson or two about safety as well).
- Ukraine: In particular, the challenge of creating a public broadcaster is not only to keep it independent from political and administrative influence but re-build the archaic structure of the former state television and create high quality media product attractive for wider audience and covering niches neglected by commercial broadcasters.
- Uzbekistan: The government must abolish censorship and lift taboos, allowing journalists to report on critical human rights issues. Also, the authorities should lift the ban on foreign media outlets operating in the country and unblock their websites, thus creating competitive environment in media market.

3. Legal Support Mechanism

- Armenia: From international donors there is very little legal assistance for journalists/media outlets. It would greatly help the community if they could access legal assistance on a constant basis, and not only when there are legal components in this or that grant.
- Tajikistan: Independent media and individual journalists in Tajikistan should have access to lawyers that are trained to operate on media protection issues. Because most of the media do not have funds for such legal support, it would be nice for donor projects to provide for such units and to support the media in this way. In addition, in-depth training of journalist legislation concerning their rights and the observance of ethical and journalistic standards should be available and current. The low level of legal literacy of some journalists frequently leads to lawsuits against publications and individual journalists.
- Croatia: When it comes to the EU accession and aspirant countries, the legal framework component will soon be a non-issue, due to the formal alignment of their media legislation with the EU standards. But, most of these countries are doing that simply because they are required to in order to start/continue the accession process. But they are not so keen to implement the legal framework once it is formally adopted. For this reason, the implementation and watchdog function is so important.

4. Financial Support Mechanism

- Albania: The Union of Albanian Journalists should create a financial fund to help journalists in the case of strikes or protest against illegal employment with the intention to force media owners to sign individual and collective contracts with journalists.
- Bosnia: Funding for research and investigative journalism should be provided by media managers and through independent funds (mainly granting by international organizations). Also, media owners and editors should motivate journalists to conduct high quality work by offering competitive salaries and adequate employment regulations.
- Croatia: Media outlets in small markets will not be able to survive in the current format (and equally important, keep the quality of the content) on their restricted markets without active government support, be it VAT exemptions,

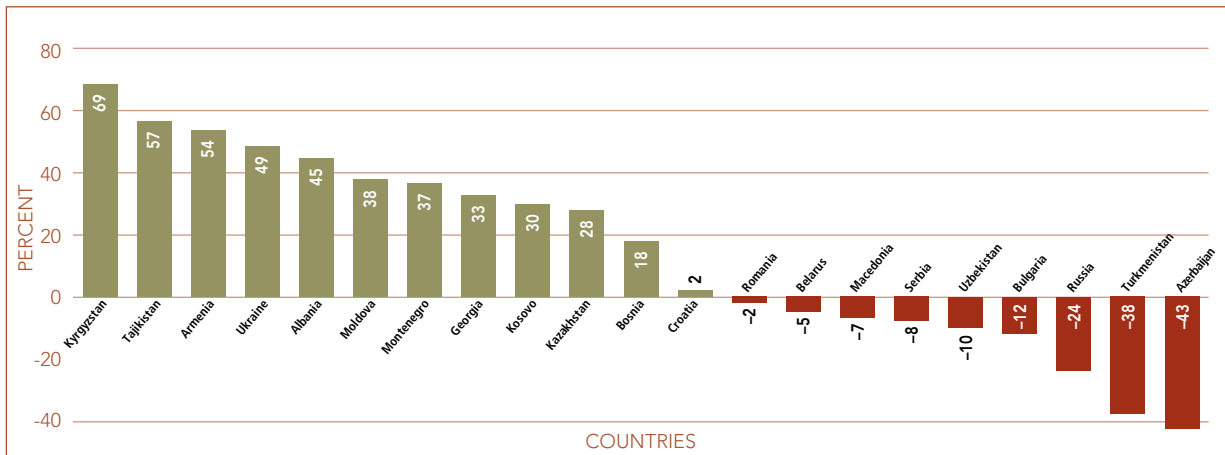
or other tax breaks (lower taxes on journalists' salaries, for example, as in France).

- Tajikistan: There has been an increase in grant programs and tender proposals in which media organizations can take part, such opportunities should continue and even expand.

5. Solidarity and Civil Society & Association Support Mechanism

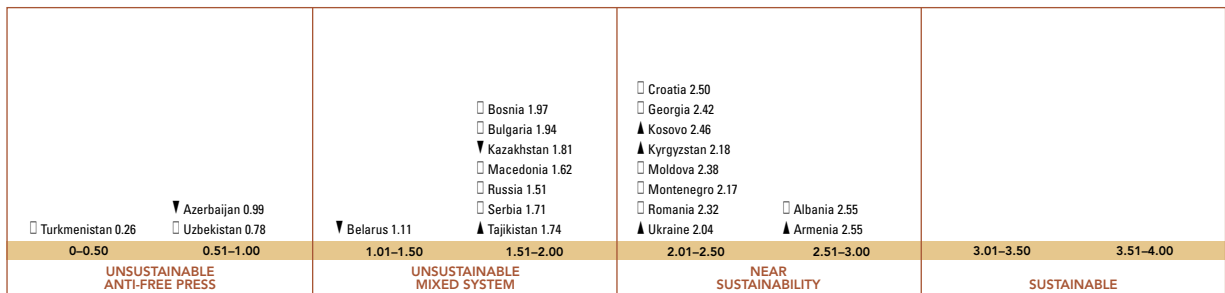
- Bosnia: Civil society, including journalist associations, should closely monitor any proposed changes related to media law, and strongly oppose provisions that are limiting freedom of speech; similarly, implementation of laws protecting freedom of expression should also be closely monitored. Furthermore, governmental bodies should treat all journalists equally and allow access to public events without exceptions. When contrary practices occur, the professional community, civil society, and other relevant actors should express stronger disagreement and support to affected journalists. Moreover, trade unions and professional associations should work more actively to protect journalists' rights and advocate for more efficient implementation of existing laws.
- Kyrgyzstan: One recommendation is to offer long-term programs and projects for media organizations conducting M&E of journalist's rights, freedom of speech etc.
- Montenegro: Create additional funds for support of media associations, which should strongly protect professional reputation and promote idea of free press.
- Serbia: The extraordinary government pressures on media not favoring the ruling coalition needs attention from media associations to improve communications and coordination of action with civil society. Stronger communication with international media organizations is needed too.
- Tajikistan: To ensure the safety of journalists persecuted by the authorities, the creation of a special fund or closer relations with the international human rights organizations that can provide support to journalists and their families is needed. Additionally, international donors should pay special attention to the seriousness of the situation within Tajikistan's media and provide help so that they can maintain their integrity and security.
- Ukraine: The influence of the existing professional journalists' associations, which are partly responsible for self-regulation and protection of journalists' rights, does not sufficiently cover the entire profession.

PERCENT CHANGE IN MSI 2001–2016: EUROPE AND EURASIA



* Data for Turkmenistan is since 2008

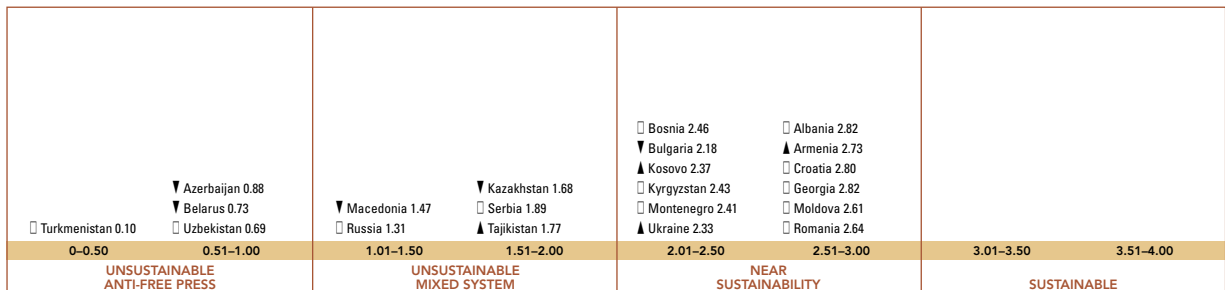
MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

MEDIA SUSTAINABILITY INDEX 2016: FREE SPEECH



CHANGE SINCE 2015

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

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

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

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

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

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

MEDIA SUSTAINABILITY INDEX 2016: PROFESSIONAL JOURNALISM

<p>☐ Turkmenistan 0.49 ☐ Uzbekistan 0.94</p> <p>0-0.50 0.51-1.00</p> <p>UNSUSTAINABLE ANTI-FREE PRESS</p>	<p>☐ Azerbaijan 1.35 ☐ Belarus 1.30 ▼ Macedonia 1.49 ☐ Russia 1.43 ▼ Serbia 1.30</p> <p>1.01-1.50</p> <p>UNSUSTAINABLE MIXED SYSTEM</p>	<p>☐ Bosnia 1.67 ▲ Bulgaria 1.76 ▼ Kazakhstan 1.72 ☐ Montenegro 1.85 ☐ Romania 1.93 ▲ Tajikistan 1.84 ☐ Ukraine 1.86</p> <p>1.51-2.00</p> <p>UNSUSTAINABLE MIXED SYSTEM</p>	<p>☐ Albania 2.49 ▲ Armenia 2.49 ☐ Croatia 2.03 ▼ Georgia 2.34 ▲ Kosovo 2.46 ▲ Kyrgyzstan 2.12 ☐ Moldova 2.31</p> <p>2.01-2.50 2.51-3.00</p> <p>NEAR SUSTAINABILITY</p>	<p>3.01-3.50 3.51-4.00</p> <p>SUSTAINABLE</p>
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CHANGE SINCE 2015

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

MEDIA SUSTAINABILITY INDEX 2016: PLURALITY OF NEWS SOURCES

<p>☐ Turkmenistan 0.22 ☐ Uzbekistan 0.80</p> <p>0-0.50 0.51-1.00</p> <p>UNSUSTAINABLE ANTI-FREE PRESS</p>	<p>▼ Azerbaijan 1.06 ☐ Belarus 1.34</p> <p>1.01-1.50</p> <p>UNSUSTAINABLE MIXED SYSTEM</p>	<p>☐ Kazakhstan 1.91 ☐ Macedonia 1.70 ▲ Russia 1.56 ☐ Serbia 1.84 ☐ Tajikistan 1.85</p> <p>1.51-2.00</p> <p>UNSUSTAINABLE MIXED SYSTEM</p>	<p>☐ Bosnia 2.20 ☐ Bulgaria 2.16 ☐ Kyrgyzstan 2.28 ☐ Montenegro 2.44 ☐ Ukraine 2.11</p> <p>2.01-2.50</p> <p>NEAR SUSTAINABILITY</p>	<p>☐ Albania 2.62 ▲ Armenia 2.76 ☐ Croatia 2.64 ☐ Georgia 2.61 ▲ Kosovo 2.73 ☐ Moldova 2.60 ☐ Romania 2.56</p> <p>2.51-3.00</p> <p>NEAR SUSTAINABILITY</p>	<p>3.01-3.50 3.51-4.00</p> <p>SUSTAINABLE</p>
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CHANGE SINCE 2015

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

MEDIA SUSTAINABILITY INDEX 2016: BUSINESS MANAGEMENT

<p>☐ Turkmenistan 0.23 ☐ Uzbekistan 0.80</p> <p>0-0.50 0.51-1.00</p> <p>UNSUSTAINABLE ANTI-FREE PRESS</p>	<p>▼ Azerbaijan 0.68 ▼ Belarus 0.88</p> <p>1.01-1.50</p> <p>UNSUSTAINABLE MIXED SYSTEM</p>	<p>☐ Georgia 1.83 ☐ Kazakhstan 1.69 ▲ Kyrgyzstan 1.85 ☐ Moldova 1.85 ▲ Montenegro 1.96 ▼ Romania 1.96 ▲ Tajikistan 1.52 ▲ Ukraine 1.57</p> <p>1.51-2.00</p> <p>UNSUSTAINABLE MIXED SYSTEM</p>	<p>☐ Albania 2.11 ▲ Armenia 2.15 ▲ Croatia 2.27 ▲ Kosovo 2.16</p> <p>2.01-2.50</p> <p>NEAR SUSTAINABILITY</p>	<p>3.01-3.50 3.51-4.00</p> <p>SUSTAINABLE</p>
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CHANGE SINCE 2015

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

MEDIA SUSTAINABILITY INDEX 2016: SUPPORTING INSTITUTIONS

<p>☐ Turkmenistan 0.24 ▼ Azerbaijan 0.98 ☐ Uzbekistan 0.66</p> <p>0-0.50 0.51-1.00</p> <p>UNSUSTAINABLE ANTI-FREE PRESS</p>	<p>☐ Belarus 1.31</p> <p>1.01-1.50</p> <p>UNSUSTAINABLE MIXED SYSTEM</p>	<p>☐ Russia 1.86 ▲ Tajikistan 1.75</p> <p>1.51-2.00</p> <p>UNSUSTAINABLE MIXED SYSTEM</p>	<p>▲ Bosnia 2.15 ▲ Bulgaria 2.11 ☐ Georgia 2.48 ☐ Kazakhstan 2.05 ▲ Kyrgyzstan 2.20 ☐ Macedonia 2.18 ☐ Montenegro 2.17 ☐ Romania 2.50 ☐ Serbia 2.12 ☐ Ukraine 2.32</p> <p>2.01-2.50</p> <p>NEAR SUSTAINABILITY</p>	<p>▲ Albania 2.72 ▲ Armenia 2.60 ☐ Croatia 2.75 ▲ Kosovo 2.56 ▲ Moldova 2.55</p> <p>2.51-3.00</p> <p>NEAR SUSTAINABILITY</p>	<p>3.01-3.50 3.51-4.00</p> <p>SUSTAINABLE</p>
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CHANGE SINCE 2015

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

The important takeaway is that the longer term score trends and the general score range are key considerations for the user of the MSI, as is contextualizing the scores with the information found in the text.



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

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

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

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

Scoring: A Local Perspective

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

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

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

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

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

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

I. Objectives and Indicators

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

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

FREE-SPEECH INDICATORS:

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

Objective #2: Journalism meets professional standards of quality.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

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

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

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

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

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

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

II. Scoring System

A. Indicator Scoring

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

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

B. Objective and Overall Scoring

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

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

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

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**SOUTHEAST
EUROPE**

Newspapers, magazines, radio stations, and television stations continue to feel the weight and consequences of economic crisis, which silently erodes their independence... Online media appear to be the only area of growth and expansion.



ALBANIA

After receiving EU candidate status in 2014, Albania's EU integration process stagnated in 2015. With the start of EU membership negotiations contingent upon the extremely difficult challenge of judicial reform and the struggle against corruption, which persists at high political levels, the country was unable to launch the talks. Chronic political conflict remains another barrier.

In its first two years, the government of socialist Edi Rama managed to reverse the downward economic trend. However, the GDP growth proved insufficient to lift visibly the living standards for much of the population. Unemployment and poverty remain rather high. Government attempts to limit these phenomena have only partially succeeded, as widespread corruption and clientelism continue to undermine the rule of law.

Albania belongs to those states that transitioned from communist dictatorship to democracy without establishing an autonomous state administration and without experiencing rule of law. In the 25 years since communism fell, each government has used the public administration to collect votes by offering their supporters posts in government, making sure to fire the supporters of previous governments. Although the left wing, currently in power, has shown greater constraint in cleaning up the bureaucratic apparatus, the situation remains critical. Legal protections offered to secure civil service posts have largely failed and the system prevents merit-based employment and facilitates the abuse of political power.

Albania also lacks an independent judiciary, allowing large-scale corruption to go unpunished. Despite corruption and the fact that media frequently speak up to denounce scandals, no high official (at the deputy minister level and above) has ever been punished on corruption charges. Even though powerfully supported by the international actors, corrupt clans—present in all political camps—seem secretly to obstruct attempts at judicial reform. A majority of the public expresses support for an independent judiciary, but the aspiration ends there. In reality, no force or social stratum has rallied to support this goal, and its proponents have proved no match for the camps opposed to reform. Reformists suspect that corrupt political clans, threatened by the prospect of a judicial authority they no longer control, fuel the political conflict with the express aim of dragging out the reform process endlessly.

With few positive strides to report in the media realm, the MSI score remains virtually the same as the 2015 study. Newspapers, magazines, radio stations, and television stations continue to feel the weight and consequences of economic crisis, which silently erodes their independence. The panelists also report problems with media regulators and with the public television station. Online media appear to be the only area of growth and expansion.

ALBANIA at a glance

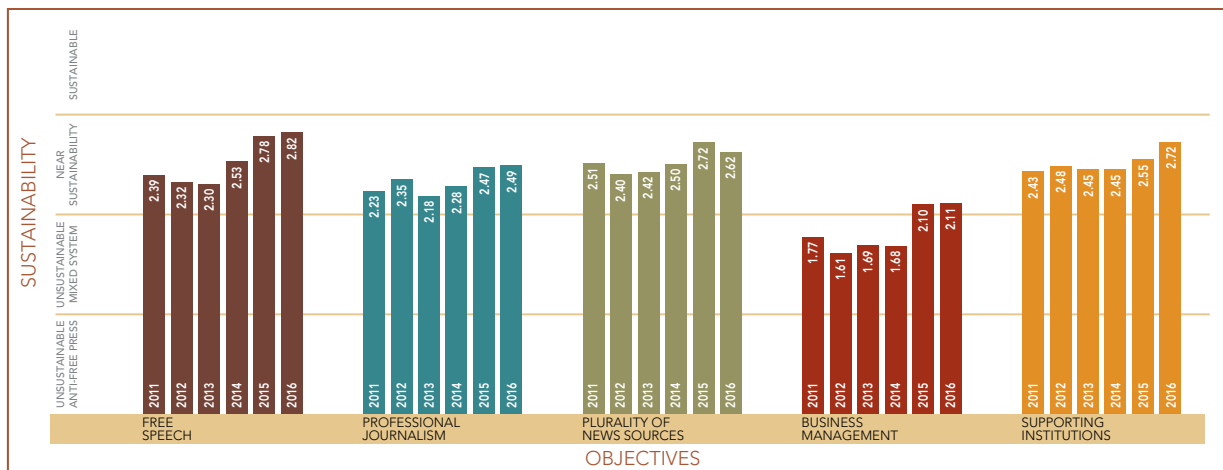
GENERAL

- > **Population:** 3,029,278 (2015 est. *CIA World Factbook*)
- > **Capital city:** Tirana
- > **Ethnic groups (% of population):** Albanian 82.6%, Greek 0.9%, other 1% (including Vlach, Roma (Gypsy), Macedonian, Montenegrin, and Egyptian), unspecified 15.5% (2011 est. *CIA World Factbook*)
- > **Religions (% of population):** Muslim 56.7%, Roman Catholic 10%, Orthodox 6.8%, atheist 2.5%, Bektashi (a Sufi order) 2.1%, other 5.7%, unspecified 16.2% (2011 est., *CIA World Factbook*)
- > **Languages:** Albanian 98.8% (official - derived from Tosk dialect), Greek 0.5%, other 0.6% (including Macedonian, Roma, Vlach, Turkish, Italian, and Serbo-Croatian), unspecified 0.1% (2011 est. *CIA World Factbook*)
- > **GNI (2014-Atlas):** \$12.88 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-PPP):** \$10,180 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 97.6%; Male 98.4%, Female 96.9% (2015 est. *CIA World Factbook*)
- > **President or top authority:** President Bujar Nishani (since July 24, 2012)

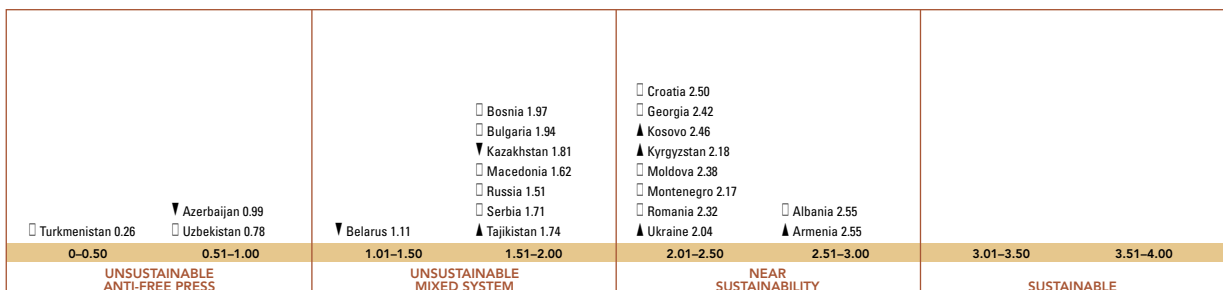
MEDIA-SPECIFIC

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

MEDIA SUSTAINABILITY INDEX: ALBANIA



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Albania Objective Score: 2.82

Albania's media managed to weather successfully several attempts in 2015 to change the legal framework in ways that did not favor freedom of expression. For example, a government initiative sought to amend the penal code by adding the criminal offense "Defamation against a high or elected state official." The bill demanded that defamation of a high state official be punishable by fine or up to three years in prison. Defamation and libel are partially decriminalized in Albania; although considered criminal offenses, they are punishable only by fine. The media community demands full decriminalization of defamation and libel by removing it from the penal code altogether, and the approval of the draft law would mark a step backward in freedom-of-expression regulation. The government tried to justify its initiative by arguing that the bill aimed to prevent the offenses and defamation that politicians exchanged with one another and did not target journalists. In fact, the formulation of the proposed amendment did not include such a distinction and seriously endangered freedom of expression of media and journalists.

On a positive note, the strong reaction of media and civil society circles in the country forced the government to withdraw the initiative. "There were two pieces of news

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

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

this year, one good and one bad. The bad news was the initiative of the government to recriminalize defamation, while the good news was that the reaction of media, the Union of Journalists, and civil society forced the government to withdraw," said Remzi Lani, director of the Albanian Media Institute (AMI). Iva Seseri, a lawyer with the Albanian parliament, added, "Media and civil society have been very active in this discussion, and it can be said that thanks to their powerful reaction these initiatives did not become laws." Meanwhile, Milton Nushi, media advisor to the government of Albania's Ombudsman, insisted that the standard of freedom of expression could be higher if defamation and libel are fully decriminalized, since, although jail punishment has been abrogated, punishment by fine is still in force. "Defamation and libel are civil issues, and they should be treated accordingly in the legislation," Nushi asserted.

Another problem that stirred debate in the panel is a parliamentary initiative to impose legally the liability of administrators of electronic portals, including websites of media outlets, to hinder the publication of every comment that affects a person's honor, personality, or reputation. For this purpose, the draft law aimed to introduce some amendments and additions to the civil code.

The public discussion that followed gathered opinions from several institutions, such as the Organization for Security and Cooperation in Europe, Ombudsman, the Audiovisual Media Authority, and the AMI, as well as lawyers, journalists, and civil society. Their responses acknowledged the rather delicate relation between freedom of expression and the need to protect personal dignity, honor, and reputation: protecting personal dignity is a genuine need that can be realized without infringing upon freedom of expression, but rather by fostering dialogue and self-regulation of the country's main media groups, as well as their electronic portals.

However, the panelists expressed different opinions on the matter. Some maintained that self-regulation is the best solution, while others find it insufficient at a time of excessive defamation and libel of people in social networks and online. According to Seseri, "If the administrators of portals were held liable for the offenses and defamation, it would mark a regression in free-speech legislation, as, in order to obey the law, they would tend to publish as few comments as possible." Ilir Yzeiri, a journalist and journalism lecturer at the University of Elbasan, offered a different opinion: "We are staring at a catastrophic situation, where social networks are full of slander and offenses, since online media or forums allow the publication of comments without applying any filter." This issue seems set to continue to cause controversy, considering that Albania's media still lack a self-regulatory body to monitor the implementation of the Code of Ethics of Journalists.

“We have a poor model, which, instead of preventing the intrusion or influence of political will over the AMA, makes it inevitable,” Nushi concluded.

The approval of the law “On public notification and consultation” in 2015 marked a positive legislative development. This law obliges the body or persons drafting a law to start a process of notification and consultation with the public before the final draft is sent for approval to the parliament. In fact, the government did not meet this legal requirement when it initiated the recriminalization of defamation and libel.

However, it can be concluded overall that a constitutional and legal framework that protects the freedom of expression, and is harmonized with the jurisprudence of the European Court of Human Rights, remains one of the fundamental features of Albania’s media.

Assessing the state of the licensing process, the panelists described the political crisis that has paralyzed the regulatory agency of radio and television broadcasting, the Audiovisual Media Authority (AMA), for four years. According to the panelists, the problem lies in the model chosen. Composed of six members—three chosen by the ruling majority and the other three by the opposition—its bipartisan structure aimed to assure the AMA’s independence. However, given the chronic conflict between the two main parties (left-wing socialists and right-wing democrats) that dominate political life, the AMA’s bipartisan structure instead made the agency a victim of politics. With representatives of the right-wing democrats boycotting the institution, it is effectively deadlocked—unable to make decisions requiring a qualified majority, including granting media licenses. “In the last four years, we have not licensed a single radio and television operator,” said Zylyftar Bregu, a journalism lecturer at the University of Tirana and an AMA member. The only decisions the regulator has made in this period pertain to punishment and fines for piracy.

“We have a poor model, which, instead of preventing the intrusion or influence of political will over the AMA, makes it inevitable,” Nushi concluded.

Lutfi Dervishi, a freelance journalist, highlighted a new danger facing the regulatory institutions: that of going from political control to control by the most powerful media

operators. “This is a real and present danger that has shown its claws and teeth,” Dervishi said.

The panel concluded that market entry for the press remains free and that, from a fiscal point of view, it faces no more discrimination than other businesses. The press is subject to all financial dues according to legislation, and the state does not provide subsidies. “Media are not subsidized by the government, even in the context of the great economic hardship the media is going through as a result of the crisis,” said Bajram Peçi, director of *Shqip*.

The panelists generally concurred that crimes against journalists occur infrequently but mentioned a few instances—often in the form of pressure and threats from criminal groups, maltreatment by police, and offenses by government officials or politicians. According to Bledi Gila, vice editor-in-chief of *Shqip*, “There have not been many assaults against journalists, but there have been threats—met with indifference from police authorities to discover and punish the authors.” Anila Basha, editor-in-chief of the News Bomb news portal, said Albania’s case is very distant from that of countries such as Turkey, where journalists are openly arrested and assaulted and where there are public protests on their protection. According to Basha, verbal, rather than physical, violence prevails against Albanian journalists.

Statements by the Union of Albanian Journalists (UGSH) offer a more complete record of attacks on journalists in 2015. For example, in January 2015, the UGSH’s Gjirokastra branch issued a statement criticizing the director of the local radio and television broadcaster for repeatedly violating journalists’ personal freedom. In another statement, in February 2015, the Union denounced what it considered the offensive behavior of Prime Minister Edi Rama against TV Klan journalist Erisa Zyka.

In March, Artan Hoxha, a well-known investigative journalist, received a death threat on his mobile phone from a criminal group. The Union expressed its solidarity with Hoxha and called on the authorities to investigate and punish the authors of this mafia-like threat. The threats were repeated against the same journalist and against his camera operator in September 2015, after they shot footage of fields planted illegally with cannabis.

According to the Union’s statements, May 2015 was overloaded with incidents against journalists, perhaps due to the ongoing campaign for local elections. The Union protested against the threatening and aggressive stances of two parliament members against a Top Channel journalist and an ABC News camera operator on assignment in the parliament. The Union also expressed solidarity with *Gazeta Shqiptare*’s Aurora Koromani, another threatened reporter.

In the same month, timber smugglers kidnapped an ABC News journalist and a Top Channel journalist while the journalists were trying to report on illegal timber harvesting. Another Union statement denounced the police violence in the headquarters of Malesia e Madhe against the crew of the local television station TV Rozafa. In July 2015, the Union's Shkodra branch publicly criticized the head of the local police district for violence against reporter Senad Nikshiq.

Public radio and television (RTSH) remains totally unreformed. The panel reached this conclusion because RTSH's steering council has failed, for more than a year, to elect its general director. The interference of political parties in the ruling coalition, as well as the opposition, has prevented RTSH from reaching the necessary quorum on the position. According to some panelists, this situation also stems from the current regulation on public television, which establishes a steering council based on the balance of members proposed by political parties. However, other panelists think the problem stems more from the implementation of the law. According to Yzeiri, "The law on public media was drafted based on consensus, but the spirit of consensus was violated—and currently public television is not functioning according to the law." Yzeiri said that the main duty of the steering council is the election of the director, and if it cannot manage that task, it should be disbanded. Lani agreed: "Just as in the case of parliament, when it is unable to elect the president of the republic, it is disbanded."

The panel concluded that RTSH remains far from fulfilling its mission and continues to function as the television station of each incumbent government, rather than standing above the two political wings.

Although defamation and libel in Albanian legislation have not been fully decriminalized (the prison term for journalists has been removed, but punishment by fine is still part of the penal code), the panel deemed it positive that the government withdrew from the initiative to bring back prison term as a punishment for defamation. If the amendment passed, it would be dangerous for journalists and mark a significant regression in the legislation.

In 2015, the number of court cases against media or journalists continued to be low. According to AMI specialist Ilda Londo, an AMI monitoring report indicated, "In a period of three years there have been about 40 cases of defamation against journalists or media, and in half of them the plaintiffs gave up on the trial, while for the rest, most of the court decisions have favored the media."

The panelists noticed the fact that defamation and libel remain significant concerns in online media, especially in newspaper forums. However, in these cases journalists are not guilty of offenses or defamation. Quite the opposite: journalists are the victims of slander or offenses by people who do not like the views expressed in the articles.

Some panelists shared their view that online media also should be regulated, like other media. While in recent years judges have implemented just the dispositions of the civil code for defamation, the prevailing opinion was that decriminalization of defamation can be completed by removing it as a criminal offense, included in the criminal code, punishable by fine. "I believe the problem should not be left to the will of judges and that defamation should no longer be a penal offense and regulated only by the civil code," said Nushi.

In 2015, media outlets reported a deterioration of access to information from the public institutions. According to the panelists, the approval of the law on access to information and public institutions in October 2014 caught the government and administration unprepared. Accessing information is also difficult in areas undergoing radical administrative reform. According to the law, about 80 percent of information must be available for journalists and citizens, without the need to demand it. However, the information offices do not respond adequately even to requests from journalists. According to Lani, "Providing information continues to be considered a privilege, rather than a legal obligation punishable by law for those that do not implement it."

Yet, the commissioner for the Right to Information issued a public statement asserting that there were only about 300 complaints in 2015. According to the commissioner's website, there were 46 decisions in 2015, some of which imposed fines. One of the obligations the law imposed was that until spring 2015 the ministries and institutions should be prepared to implement the law; otherwise, their officials would be fined. However, according to Dervishi, "The institution of the Commissioner on the Right to Information and Personal Data Protection does not have a website that meets all standards the law requires!"

Albanian media are not deprived of the right to access news or news sources and reprint or rebroadcast them in foreign or native languages. The only persistent problem, as in previous years, is the failure to implement standards when it comes to the sanctity of intellectual property.

Entry into the journalism profession remains free and unobstructed by the government.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Albania Objective Score: 2.49

The panel displayed strong criticism toward professional standards and concluded that journalism in Albania only partially fulfills accepted norms. “There is a lot to improve in professional standards,” said Shpëtim Luku, a freelance journalist. This opinion resonated with other panelists, too. According to Basha, “Each year we notice that the quality of news and information in the media is deteriorating, leading to weaker professional standards.”

According to other panelists, the state of reporting is even worse in local media. Yzeiri believes this decline stems mainly from the fact that in many districts the mayors are on their second or third term in a row. This has strengthened their power and put more pressure on the media. As an example, the panelists mentioned the city of Elbasan: the mayor controls two local television stations, which broadcast news only on the municipality’s successes, and the true range of problems concerning the citizens never appears. “My impression is that some local media have regressed, looking increasingly like the newspapers and television stations of the communist period,” said Yzeiri.

Dervishi also said that journalists and media are increasingly giving up on the principle of verifying the news from two sources. “Currently there is no careful reporting from journalists, and you really miss seeing news stories that have two sources in them, which indicates a decline in journalism,” he said.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

However, Valbona Kurti, a journalist with the ABC News television station, said the situation is not so gloomy. According to her, biased reporting is more visible in political news, while in other fields, such as economics or crime reporting, the reporting is more balanced and professional. Nushi also viewed the situation as more mixed, with some media working to respect the standards but other media, often for lack of staff, violating the standards.

The panelists also pointed to the entrance into the media market of the non-profit Balkan Investigative Reporting Network (BIRN) in March 2014 as a positive and encouraging development; the panelists perceive that BIRN, which specializes in investigative reporting and media monitoring, is raising the bar in terms of high-quality reporting.

In a paradoxical way, the panelists identified competition among media to be the first to convey the news—but only in terms of time, not quality—as one of the main threats to reporting standards. It seems that media do not suffer any consequences from reporting inaccurate news. On the contrary, it seems that untruthful news is more competitive and profitable than the truth. “Now it seems that for many media it is no longer important if the news is true or false; the only important thing is to be the first one to report it,” said Basha. Given the abandonment of the principle of verifying news in several sources, it often happens that some media convey false news, reported first in one medium, which leads to what one panelist defined as “a chain reaction, or avalanche of falsity.”

Another cause of lackluster standards stems from the hesitation of public institutions to provide full information. The panelists illustrated this phenomenon with the latest case of sea pollution along the coast of Durrës after an oil spill. Due to the lack of information from the port authorities, the media failed to accurately report which ship was responsible.

Political pressure on the media also lowers reporting standards, the panelists said. Making matters worse, some media owners have strong political ties, which has led to the emergence and cultivation of partisan journalists in the media, introducing another level of biased reporting.

A Code of Ethics exists and was approved long ago, but even though the standards are in place and are known and accepted by the media, they are not implemented sufficiently in daily practice. “Not even one day goes by when you don’t come across libel, offenses, and disdainful epithets, especially in comments or opinions of print media,” said Peçi.

The problem is unmitigated by the fact that in Albania there is no institution similar to an order of journalists, which would demand the implementation of ethical standards in the media and sanction the respective punishment for repeat offenders.

The panelists overwhelmingly agree that self-censorship is a widespread practice with journalists, largely driven by the interests of media owners; journalists fear losing their jobs otherwise. "With regard to self-censorship, not only is it strong, but it is also legitimized. As long as you are working in an Albanian medium, you have to first become familiar with the interests of its owner and then draft your own agenda as a journalist, in accordance with these interests," said Luku. "Everybody is familiar with the interests of the owners and the 'minefields' which they are not supposed to tread on," added Kurti.

This opinion also coincides with the findings of a survey carried out by BIRN Albania, which included about 121 journalists and media managers. The survey concluded that owners' economic interests, their relation to politics, and a lack of financial sustainability are among the main causes that breed censorship and self-censorship. More than 70 percent of people involved in BIRN Albania's survey said they believe that journalists in Albania avoid covering certain news. The journalists involved in the study also ranked big commercial advertisers, as well as public and state advertisers, as another factor that adds to the pressure against media outlets' editorial policy. Journalists are also experiencing increasing pressure from organized crime, which also fuels self-censorship.

All of the above-mentioned factors affect journalists' decisions to avoid certain news and publish biased reporting, including positive reporting or thinly veiled advertising for financial partners. This has also led to a reluctance to undertake investigative journalism.

Aside from self-censorship, journalists and media are free to cover almost any news. This is especially true for the capital, Tirana, but also for other main cities, where there are correspondents of the larger media, which have national coverage. News reporting seems to be weaker in remote territories, where transportation and other means of communication are lacking.

Journalists' salaries are insufficient to pursue an adequate living standard and remove temptation for bribes, but the panelists could not identify any specific cases of such abuses. Apart from the fact that salaries are rather low, with the exception of a few big media outlets, journalists

do not receive any per diem when traveling outside their city of residence. "Salaries of journalists are such that they discourage careers in journalism," said Dervishi. This is also the reason why, as Peçi noted, high-quality journalists leave the field for politics or other professions.

Meanwhile, the failure to pay journalists for long periods is now a chronic disease, afflicting almost all media. According to the UGSH, 80 percent of journalists receive their salaries with a delay of 2–5 months. Out of 23 daily newspapers, only four respect timely payment of salaries. Out of 72 television stations, only 10 pay salaries promptly; out of 71 radio stations, 63 delay salary payments.

Sadly, the UGSH also notes that only 42 percent of journalists have a regular work contract. It is precisely these economic difficulties and the job conditions that pave the way for self-censorship by journalists.

As in previous years, the panelists said that news programs have eroded, to some extent, the weight of entertainment programs thanks to the emergence of a number of stations that work only as news channels. This reporting seems more balanced at big television stations with national coverage. Nonetheless, they tend to copy one another in a format that blends news and entertainment.

The situation concerning technical facilities and technology in the media is mixed, with both positive and negative examples. There are television stations with ultra-modern studios and contemporary digital technology, such as Top Channel, TV Klan, Ora News, and Vizion Plus, based in the capital. Meanwhile, many television and radio stations in the districts operate on improvised premises.

As a result of financial difficulties, field reporters and photographers are becoming an out-of-reach luxury. Online media subscriptions are nonexistent, while newspaper subscriptions have proved unsuccessful.

Private media appear to be more advanced than the public broadcaster with regard to investigative journalism. However, investigations generally remain superficial, especially in coverage of the economy, education, and health.

There are two television programs, *Fiks Fare* and *Stop*, which focus on investigative journalism, mainly using secret cameras. They belong to the private Top Channel and Klan. They have succeeded in unmasking corrupt practices in public offices, the public healthcare sector, public tendering, custom points, etc. However, such investigative journalism does not exist at public television.

OBJECTIVE 3: PLURALITY OF NEWS

Albania Objective Score: 2.62

News sources are numerous and diverse, spanning the whole political spectrum. By comparing the different media, citizens can arrive at a more objective truth; as Yzeiri said, “[In Albania] citizens become well informed through media pluralism rather than by the objectivity of a specific media outlet.”

The number of media outlets is abundant. In fact, according to the panelists, Albania’s market is too small to sustain the relatively large number of newspapers. Many of these newspapers would have shut down long ago, especially given the economic crisis, but they limp along thanks to owner subsidies, as well as by reducing expenses and keeping a low number of staff and journalists. All of these factors unavoidably affect the quality of reporting negatively.

Still, there is a great diversity of media. A recent phenomenon is the large penetration of media (newspapers, television stations, radio stations) through applications in mobile telephony, which also results from the rapid spread of Internet technology. It can safely be said that online media outlets are the only variety of media that continue to expand, with every newspaper or television station adding a web or online version. In fact, declining circulation can be attributed to the growing tendency of some readers to favor the electronic version of newspapers.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

After being hit strongly by the multiplication of commercial television stations in the first two decades of transition, in the third decade the press is dealing with the blow of Internet competition. Twitter and YouTube are also being widely used to disseminate news, but Facebook is the prevailing instrument in this regard. Consequently, social networks are very active in stirring commentary on news and political developments in the country.

Albania has gone through a massive emigration in the more than two decades that followed the fall of communism. It is estimated that about one-third of the country’s population before the transition now lives abroad. Emigrants rely most heavily on the Internet and services such as Skype and Vibe to communicate with their relatives in Albania. Social networks, such as Facebook, YouTube, Twitter, and other Internet communication channels, are uncensored.

There are no hindrances of a political nature, such as limitations or prohibitions from the government for citizens to use different media. The only challenges that persist relate to economic hardship and the lack of infrastructure in some places. There are social strata that cannot afford the services of commercial media through digital or cable platforms or Internet services.

The economic and infrastructural obstacles also explain the situation of the print media market and press distribution. It is now a well-known fact that rural areas lack almost all access to daily news (with the exception of the daily press reviews in television and radio stations), as newspapers are not distributed in these areas. Despite considerable improvements to rural road networks, economic strain keeps press distribution agencies from expanding their distribution area.

Inhabitants of remote and mountainous areas also have limited access to media sources, since the Internet has not yet penetrated in these areas due to the high cost—and low profit expectations of poor areas, which are also being deserted rapidly. Rural areas face another limitation in the unreliable supply of electricity.

No foreign media are blocked or censored in Albania. In this case, affordability is really the only hindrance for Albanian citizens.

Albanian public radio and television (RTSH) is legally dependent on Albania’s parliament and is financed by the state budget and advertising revenue. In the 25 years since communism fell, RTSH has never managed to become a true public television station. “Public television has served and will continue to serve the winning party or coalition of parties every time,” said Peçi, expressing the unanimous opinion of the panel. As noted before, in 2015 the new RTSH steering council failed to elect its new general director

because of the inability of its members—representatives of parliamentary political parties—to achieve a consensus.

However, the panel agreed that currently RTSH is also open to opposition points of view. At the same time, the broadcasting of government success clearly consumes the bulk of news programming, and bias in favor of every incumbent government is also evident.

Public media continue to have serious shortcomings in addressing social or cultural problems that commercial media neglect. Even though RTSH is a television station with funding of up to €14 million per year, it still does not have its own flagship program. “Public media are the only media that are regressing, while the other commercial media are progressing in spite of difficulties,” said Dervishi.

In Albania, there are no news agencies in the classical sense of the term. The state news agency ATSH still exists, but it is ineffective and almost utterly abandoned by domestic media. However, there are websites and portals self-labeled as news agencies. These include the National News Agency (NOA), which also publishes news in English, and KMA News. These “agencies” publish news on their websites and survive thanks to advertising they sell based on the number of visitors or clicks. It is difficult to distinguish between these and newspaper or television websites. According to an AMI report, NOA publishes news from Albania, Kosovo, and Macedonia. The report states that the website offers a variety of news and topics, similar to daily newspapers and generalist media, which lack a specific target. The report states, “These sections are updated continuously and subscription is free.”

For many years now Albanian media, mainly those based in the capital, can afford and regularly receive information on world developments from Reuters, AP, AFP, etc.

The largest newspapers in the country and the private television stations produce their own news. In many cases, it is difficult to tell if a media outlet has produced its own news or has copied it from other media. The differences in news from one media outlet to the next relate more to political slant.

An increasingly popular phenomenon is the growing dependence on news and information served by authorities and institutions through press conferences, spokespersons, or press releases. A recent study carried out by the journalism department of the University of Tirana shows that 80 percent of news in the media flows from public-relations departments. According to the panelists, this development is not very healthy, as it risks turning the media into a propaganda loudspeaker for the government and political parties.

Even though there is a legal obligation to register media ownership, like all other businesses, at the National Center

of Registration, the panelists agreed that this does not guarantee ownership transparency. This is because quite a few media owners register the ownership in the name of other persons, relatives, or friends—thus, there is a distinction between real and formal ownership of television stations. Despite this discrepancy, the public is aware of who are the real media owners. “Institutions such as the AMA, which must guarantee genuine media transparency, have not carried out this mission, even though they could,” said Basha.

There are no media monopolies to report. Albanian law requires a national television station to have at least three shareholders. However, according to the panelists, there have been attempts to establish monopolies in the media, as with an unsuccessful bid related to digital platforms.

The panelists noted only one negative development in 2015 regarding foreign investment in Albanian media, related to the investment into Agon Channel by the Italian businessman Francesco Beccheti. The television station entered the market a few years ago, offering very high salaries for journalists. Last year it shut down, with Albanian prosecutors accusing Beccheti of money laundering and tax evasion.

There are no government tendencies in Albania to obstruct media reporting of issues related to minorities, ethnicity, gender, or sexual orientation. According to Peçi, “Both religious faiths and minorities with different sexual orientation are covered in different media.” However, other panelists see a less rosy picture. Nushi pointed to cases of media indifference to the problems of minorities with a different sexual orientation, and instances of racist language in stories related to vulnerable groups, such as Roma or LGBT people.

According to an AMI survey, public television in Gjirokastra broadcasts part of its programs in Greek. The same is true with the public radio station in Korça, which also broadcasts in Macedonian. Other panelists admitted that much more should be done for some minorities. “Some television programs have been created for the Roma, but we are still far from the standards required by the Council of Europe,” said Lani. Those standards include the creation of special programs dedicated permanently to the problems of such minority groups as Greeks, Macedonians, Montenegrins, Arumuns, and Roma, regarding their rights, education, and culture.

Information on global developments is abundant and available without any limitations. Media based in the capital and in some of the biggest cities tend to focus on problems of national interest, while local media tend to pay greater attention to local events, even though they also follow national developments. The national media usually cover local events, especially in cases related to politics and crime reporting.

OBJECTIVE 4: BUSINESS MANAGEMENT

Albania Objective Score: 2.11

The difficult circumstances of the ongoing economic crisis have forced media to intensify their efforts to improve internal management, such as planning expenses for the staff, technology, or programming based on specific financing sources. These efforts have enabled them not only to survive, but also to improve their financial situation.

Even though all media are feeling the pinch, there are two different landscapes. Print media are rapidly shrinking, a fate befalling small television stations in the districts as well. Meanwhile, the larger national and local television stations, based in the capital, have survived and invested heavily in technology; for example, Top Channel, one of the biggest commercial stations, rolled out news studios featuring the most modern technology.

The panel described the print situation in tragic terms. According to Peçi, the press is meeting a slow death, and “there is not even a chance for any newspaper in Albania to live only through its revenue, such as advertising or sales, without extra financial support.” The panelists generally agree that all newspapers are essentially on life support—in the form of owner subsidies.

Now all newspapers have their own website, another indicator of their increasingly electronic future. For the moment, however, online expansion not only leads to a loss of readers and hurts print sales, but it also bumps up operational costs. “We have four people employed in the newspaper’s online

department, which has increased our expenses by 15 percent,” said Peçi, who is also the finance director of *Shqip*, one of the country’s best-known newspapers.

According to the latest media reports, newspaper circulation has decreased drastically. Newspapers that used to have a circulation of about 10,000 copies now distribute just 1,000 copies per day, selling only a few hundred of those.

Revenue sources for newspapers, as well as for media in general, are dwindling. The main advertising sources include service companies, such as mobile phone companies, insurance companies, or car sales companies. The same clients are known to exert pressure aimed at silencing the media. Peçi illustrated this with the case of Vodafone, which has refused to buy advertisements in *Shqip* in protest over some of the paper’s coverage. This example shows that in the context of economic crisis, powerful clients can use advertising as a tool to pressure the media. In this way, companies tend to buy not just the audience of a media outlet, but the whole media outlet.

Advertising is a relatively developed sector, especially for national television, and is widely used by the media. The advertising market is estimated to be about €34 million per year, and the greatest share by far—about €29–€30 million—still goes to television stations. According to an AMI study in 2014, print media received only 7.8 percent of the advertising, while 78 percent went to television.

Even within the television sector, there is significant polarization. Only the three largest commercial stations (TV Klan, Top Channel, and Vizion Plus) received 77 percent of the advertising spent on television, while the rest of the stations took only 23 percent. This is an indicator that sheds light on the phenomenon of concentration in the media industry.

However, the panelists seemed to agree that the number of newspapers and television stations remains too high, given the size of the Albanian market. According to Dervishi, many newspapers work with very reduced staff, which explains why the product is not genuine journalism but is rather lifted from Facebook, stolen from television, or drawn from ministry press releases. Lani said that given the severe economic crisis, a lack of bankruptcy proceedings in the media is abnormal. In Albania, Lani said, a strange kind of capitalism without bankruptcy is in place. “No media shut down, no media die—that is why we have cacophony instead of media pluralism,” he said.

Advertising fees vary from one media outlet to another and also depend on the agency. However, the advertising sector continues to operate in a non-secure climate. There are no stable rules on the deadlines and modalities for paying for advertising, which also affects the liquidity of stations and

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

leads to delays in payment of salaries for journalists and staff. Subscriptions to print media are found only within the state administration; private subscriptions do not exist.

Advertising spots are broadcast mainly in the middle of programs, movies, documentaries, and television shows, but they cannot interrupt news editions.

In Albania, there have never been state subsidies for the media. The panelists viewed this as a negative; they were critical of the fact that successive governments have not considered any initiative to assist newspapers with the difficult situation in which they find themselves. "Even a large newspaper such as *Le Monde* managed to survive, thanks to government support," said Luku.

Even though it is accepted that print media are part of the national culture, nothing is done to support them. In previous years, the lack of government subsidies has been perceived as a sign of newspapers' independence. However, the lack of subsidies is now seen as indifference. "It is similar to the indifference in front of a drowning person, when you fail to offer a life preserver," said Nushi.

Even though the law does not favor any one media in particular, the distribution of advertising from public institutions continues to generally be done on the basis of political clientelism. More advertising is offered to those media that provide greater guarantees that their editorial policies will support the incumbent government. The panel highlighted the case of the Ministry of Health, which has channeled advertising mainly to media close to the government. According to Basha, "The decrease of public funds for advertising due to the crisis has led to a situation where even those few funds available are channeled by the government to the most obedient media."

Although the advertising market is chaotic to a degree, there are some attempts to measure and research the market. With regard to newspapers and magazines, there is greater awareness of the preferences and social groups (mainly the older generations) that remain loyal to print

In Albania, Lani said, a strange kind of capitalism without bankruptcy is in place. "No media shut down, no media die—that is why we have cacophony instead of media pluralism," he said.

media. Meanwhile, there are no studies on how newspapers can address and win over young people, who are quickly abandoning reading the press and prefer to access online sources of information.

Newsrooms keep track of statistics. Some of them are reliable, but some have been doctored and do not reflect reality. The circulation of newspapers and magazines is still not public, mainly with the aim of not discouraging advertisers (yet another symptom of the drastic decrease in circulation), although it is not difficult to find out the figures.

The number of clicks and the degree of debate that news or articles generate in their forums serve as a measuring unit for the online versions of offline media (websites of newspapers and television stations.) It is obvious that a small part of advertising now also goes to online media. According to a statement of the UGSH, in Albania as of 2014 there are about 250 online newspapers and websites, which seem to have hired over 350 journalists. Meanwhile, only 50 of these newspapers and websites have a modest system of salaries, while the rest remain as informal entities.

Television stations have continued to base their work on some international and domestic companies that deal with market research and audience studies. The hosts of the most popular programs, such as *Opinion* and *Top Story*, carefully follow the audience data measured by some company through people meters and make the necessary adjustments to fit their audiences' preferences.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Albania Objective Score: 2.72

Associations of media publishers and owners, such as the Association of Electronic Media, have existed for a long time, but their ability to lobby the government or parliament is almost nonexistent. The poor performance of such organizations cannot be explained by some legal limitation or interference by from government. As the panel concluded, the organizations' lack of influence results from the fact that media, especially print media, do not function as genuine businesses. In most cases, they are individual initiatives of owners and not missionaries of free speech, and they are linked to the media because of the profit they can make.

Mutual relations between the media owners are also poor, and membership-based organizations are out of the question. Practice has shown that there is a kind of weak solidarity between them when a phenomenon that threatens what they perceive to be "the common interest" appears.

There are journalists' associations that, according to the panel, remain dormant most of the time. However, they came to life in November 2015, as three of these organizations (the Union of Albanian Journalists, the Association of Professional Journalists, and the League of Journalists of Albania) published a joint public statement critical of the government initiative to amend the defamation law, as described in Objective 1.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Last autumn, a group of journalists started an initiative to establish a "Council of Media." According to the founders, the "Council" will be an independent organization of Albanian journalists that aims to increase professional journalism standards in Albania by fostering implementation of a Code of Ethics by print, audiovisual, and online media.

Immediately after its foundation, the "Council of Media" signed an agreement of cooperation with the AMA. AMA's press release states that the final aim of this agreement is to preserve plurality and democracy in broadcast media and to strengthen their professional standards.

Similar to previous years, the UGSH, an organization founded years ago with the support of USAID, has again proved the most active. According to Dervishi, "the Union has been more vocal by raising the problem of delayed salaries, job contracts, and social security for journalists." Although its membership has expanded in all districts, it has been difficult for the Union to collect membership fees. This has made it impossible to accumulate a fund to support journalists in need (for health-related problems, for example), and the Union has been forced to appeal to journalists or businesses for contributions.

The panel concluded that NGOs have contributed in the past and continue to assist media freedom. Their voice has been heard both for the protection of specific journalists and for the media in general. Peçi said, "Even associations for the protection of environment, cultural heritage, and student associations have been active in supporting media and their freedom." However, the most outspoken has been the Albanian Helsinki Committee, which has never failed to raise its voice every time journalists' freedom to perform their professional duties has been restrained

According to Yzeiri, while universities such as those in Tirana, Shkodra, and Elbasan, offer programs for preparing journalists, student interest is weak. "Salaries in journalism are not more competitive than other sectors, and students choose either to go abroad or to work in other professions," he said. However, the panel agreed that journalists who attend one-year courses abroad generally return to their workplace and make valuable contributions.

The economic crisis also has affected training for journalists. "There are fewer trainings, and the diminishing of donors due to the crisis has led to a situation where there are fewer programs," said Lani. It seems that due to the pressure, the media prioritize work that neglects journalism standards rather than training that improves the standards. According to Kurti, it is unthinkable for the media to pay for the training of journalists. Moreover, even when free

training sessions are organized—as in the case of AMI, which continues to be the main contributor to short-term training—there must be negotiations with newsroom editors, as reduced staff makes it difficult for one journalist to miss work for one or two days.

There are no limitations on the import or purchase of materials necessary for the work of media and journalists. However, technology and infrastructure further weaken the position of print media. One of the weakest links remain the printing houses, where a monopoly situation exists, and the technology used is backward. The machinery has depreciated, and advanced rotary printing presses are lacking. The distribution of newspapers is limited to urban areas and daily newspapers do not reach rural areas, where nearly half of the Albanian population lives.

Penetration in the fixed-line and broadband sectors remains very low by European standards, and there are opportunities for further investment in network upgrades to help propel the country's economic growth through digital offerings and IP-based technologies and services. On the other hand, poor fixed-line infrastructure has encouraged consumers to use mobile devices, and Albania now boasts one of the highest mobile penetration rates in Europe.

The panel identified as a great shortcoming the fact that the transition from analogue to digital broadcasting has not taken place yet. According to Bregu, "Transition to digital broadcasting is an essential process not only because Albania committed to complete it by June 17, 2015, but also due to the fact that such a technology would radically improve the quantity and quality of information."

List of Panel Participants

Anila Basha, editor in chief, News Bomb, Tirana

Bajram Peçi, director, *Shqip*, Tirana

Bledi Gila, vice editor-in-chief, *Shqip*, Tirana

Genci Demiraj, station owner, Amantia Television, Vlorë

Ilda Londo, specialist, Albanian Media Institute, Tirana

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

Iva Seseri, lawyer, Albanian Parliament, Tirana

Lutfi Dervishi, freelance journalist, Tirana

Milton Nushi, media advisor, Government of Albania's Ombudsman, Tirana

Remzi Lani, director, Albanian Media Institute, Tirana

Shkelqim Bylykbashi, chairman, Albanian Media Club, Lushnja

Shpëtim Luku, freelance economic journalist, Tirana

Valbona Kurti, journalist, ABC News, Tirana

Zylyftar Bregu, professor of journalism, University of Tirana; member, Audiovisual Media Authority, Tirana

Moderator & Author

Andrea Stefani, project coordinator, freelance media analyst, Tirana

The panel discussion was convened on November 26, 2015.

Issues highlighted by the panelists this year include an alarming lack of media ownership transparency, questionable patterns of government financing, and political control over the public broadcasters—and failure to reform the institution and provide a sustainable mode to collect public broadcast fees.



BOSNIA & HERZEGOVINA

A continuous political deadlock in Bosnia and Herzegovina (B&H) still impedes much needed political, economic, and judicial reforms and compromises B&H's path toward the European Union (EU)—even twenty years after the adoption of the Dayton Peace Agreement, which administratively split the country's territory into two entities—the Federation of B&H (FB&H) and Republika Srpska (RS)—each with its own government bodies, and Brčko District as an additional administrative unit. While in FB&H a crisis concerning political representation continued throughout the post-election year, officials from RS approved holding a referendum on the legitimacy of laws supported by the High Representative of the international community and whether B&H courts and the Prosecutor's Office have jurisdiction over RS residents. While declared by the government of RS as a lawful response to outside interference in RS's internal affairs, international actors and FB&H see it as a continuation of sectarianism and political destabilization of the country. In February 2016, the referendum was indefinitely postponed after intervention from the B&H Constitutional Court and the Office of the High Representative.

Political tension and security threats deepened after attacks on police stations (April 2015 in Zvornik and November 2015 in Zavidovići) and on army forces (November 2015 in Sarajevo) by men suspected of being radical Islamists, with the institutional response deemed inefficient and lacking coordination between different administrative levels.

Nevertheless, a Stabilization and Association Agreement (SAA), entering into force in June 2015, confirmed the country's status as a potential candidate for EU membership. After many failed attempts at progress, the Reform Agenda proposed by the EU, aimed primarily at boosting the economy, was adopted by all three levels of government (B&H, FB&H and RS) and should be implemented by 2018. The reforms required a new labor law, which both B&H entities passed before the end of 2015, over the protests of workers on stipulations seen as limiting and retrograde in terms of the position and protection of workers. The youth unemployment rate reached over 60 percent (World Bank), continuing a negative trend.

Overall B&H achieved a score of 1.97 in this year's MSI. Unable to shake the same problems related to political and financial pressures, negative trends continued, although at a slower pace compared with previous years. Issues highlighted by the panelists this year include an alarming lack of media ownership transparency, questionable patterns of government financing, and political control over the public broadcasters—and failure to reform the institution and provide a sustainable mode to collect public broadcast fees. The objective concerning business performance fared the worst, given decreasing revenue sources, corrupt finance patterns, controversial audience measurement systems, and the migration of international advertisers to other markets and non-journalistic platforms.

BOSNIA & HERZEGOVINA at a glance

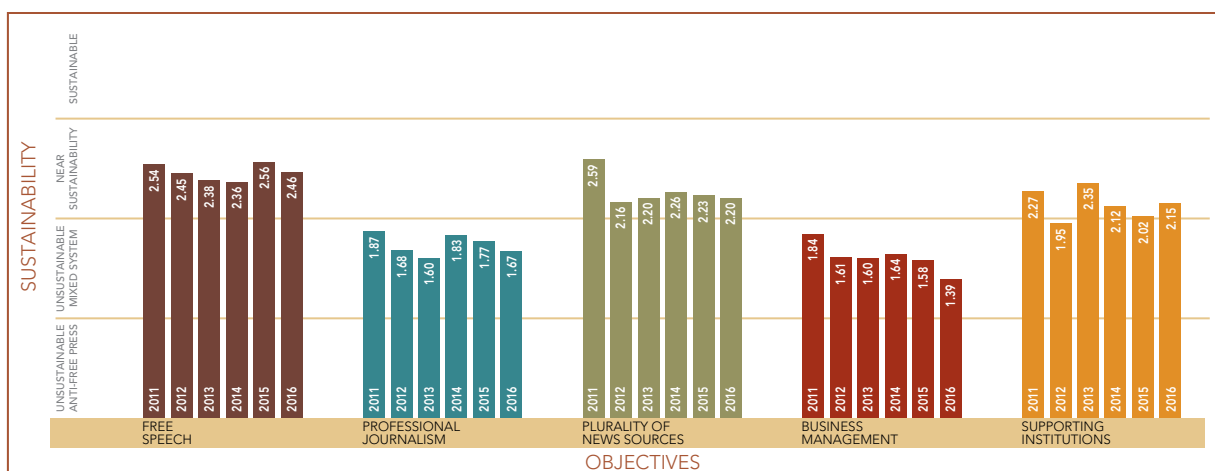
GENERAL

- > **Population:** 3,867,055 (2015 est. *CIA World Factbook*)
- > **Capital city:** Sarajevo
- > **Ethnic groups:** Bosniaks 48.4%, Serbs 32.7%, Croats 14.6%, others 4.3% (2013 est. *CIA World Factbook*)
- > **Religions:** Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14% (*CIA World Factbook*)
- > **Languages:** Bosnian, Croatian, Serbian (*CIA World Factbook*)
- > **GNI (2014-Atlas):** \$18.16 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-PPP):** \$10,010 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 98.5%; Male 99.5%, Female 97.5% (2015 est. *CIA World Factbook*)
- > **President or top authority:** Members of BiH Presidency: Bakir Izetbegović (since November 10, 2010), Miladen Ivančić (since November 17, 2014), Dragan Čović (since November 17, 2014)

MEDIA-SPECIFIC

- > **Number of active media outlets:** 10 daily newspapers, 189 other print periodicals (Press Council of B&H, 2015); Radio stations: 144; Television stations: 43 (Communications Regulatory Agency, 2014)
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** Top three television stations: RTVFBiH (11.96%), OBN (10.18%), Pink BiH (9.75%) (PeopleMeter between January and November 2015 by Audience Management, Fabrika)
- > **News agencies:** FENA (state-owned), SRNA (state-owned), ONASA (private), NINA (private), MINA (Islamic Community in B&H), KTA BK B&H (Conference of Bishops of B&H), Anadolu Agency (owned by Turkish government), Patria (private) (Press Council of B&H, 2015)
- > **Annual advertising revenue in media sector:** \$52.3 million in 2014: television 69.34%, print 12.66%, out-of-home 9%, radio 5%, online 4% (est. Fabrika)
- > **Internet usage:** 2,227,970 (Communications Regulatory Agency, 2014)

MEDIA SUSTAINABILITY INDEX: BOSNIA & HERZEGOVINA



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Bosnia Objective Score: 2.46

Freedom of speech scores in B&H dropped slightly over the past year. Implementation of existing laws regulating media freedoms is still limited, while journalists remained vulnerable to intimidation and threats due to the unsteady political and economic climate. The differences in scores between 2015 and 2016 are negligible for all nine indicators of this Objective, with the largest a decrease of about a half a point for indicator 4 (crimes against media professionals). Similarly, other annual international assessments reported no significant changes in the last two years in B&H. The World Press Freedom Index ranked the state of media freedoms in B&H 66th in both 2015 and 2014, while Freedom House assessed the press in B&H for both years as partly free.

Even though legal provisions guaranteeing freedom of expression are in place, most panelists agreed that they are far from being fully implemented.

There are serious concerns—underscored by the EU Progress Report—that the implementation of the new Law on Public Peace and Order of RS (which defines the Internet as a public space and can potentially criminalize social media postings that disturb public order) limits freedom of expression online

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

FREE-SPEECH INDICATORS:

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

and possibly affects freedom of assembly and association.¹ The interrogation of a journalist from Tuzla by the police because of a Facebook post revealing alleged connections of war criminals to RS police forces marked the first example of this law in action, although the case was later dismissed.

After a police raid of a news portal in December 2014 over a leaked recording concerning bribery of MPs to assure a parliamentary majority in RS, the FB&H government subsequently ruled that the raid was unlawful and in violation of human rights and national laws. Panelists and media organizations agreed that this case sparked increased solidarity, involving the professional community on both sides of the entity lines. The panelists cited this as a positive development for freedom of speech.

Broadcast licensing is one of the least problematic areas for the media in the country. Broadcast media in both entities are licensed and monitored by the Communications Regulatory Agency (CRA) of B&H, which has executive powers to enforce regulations applicable to electronic media. The agency is financially independent, and while it is often exposed to political pressure, analysts regard its decisions concerning licensing as generally fair. The CRA's director general is appointed by the CRA Council, and the appointment must be approved by B&H's Council of Ministers. The Council of Ministers failed to confirm the director for years, with the latest candidate proposed by the CRA Council refused in December 2015. Instead, a new intermediate director named by the Council of Ministers of B&H. CRA representatives, however, warn that the appointment of a new temporary director, while the old one is still in his mandate, is not in line with legitimate procedures.

Meanwhile, the government proposed a pre-draft law on electronic communications that would diminish the CRA's authority, prompting some concern among media freedom advocates that the agency could become more susceptible to politicization.² Despite considerable concerns about the draft law and its implications for politicization of the CRA, nothing happened in terms of its adoption during 2015.

There is no licensing required for print and online media outlets. They are self-regulated, with the Press Council (PC) of B&H handling complaints concerning published content, without any power to fine or suspend outlets breaching journalistic norms. Instead, it mediates between the complainant and the outlet, which often results in a retraction or publication of a response by the complainant. If

¹ "EU Progress Report for 2015." *European Union*. http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_bosnia_and_herzegovina.pdf

² See more in OSCE B&H's legal analysis of the Pre-draft Law: http://www.oscebih.org/documents/osce_bih_doc_2013111909125073bos.pdf

Polarization of the media along political and ethnic lines continued after the general elections of October 2014. The panelists noted that the impunity for attacks and pressure on journalists is especially worrying, with a lack of thorough investigations and court prosecution.

mediation does not deliver results, the PC renders a decision on the content, which is for the most part published by the outlets in question. Entry into the market for media outlets is considered largely fair and not limiting for media freedom.

Political and financial pressure on B&H media continued in 2015. The Free Media Helpline, a program run by the B&H Journalists Association, recorded 16 threats and reports of pressure on the media and five physical assaults against journalists between January and November 2015.

Polarization of the media along political and ethnic lines continued after the general elections of October 2014. The panelists noted that the impunity for attacks and pressure on journalists is especially worrying, with a lack of thorough investigations and court prosecution. B&H Journalists reported that since 2006, 22 percent of attacks on journalists were never investigated, while 23.5 percent of cases were closed before perpetrators were identified.³ However, a positive final resolution in a few problematic cases gave hope to some panelists. For example, the dismissal of a case against a journalist in Tuzla, as well as a relatively prompt decision of the Municipal Court in Sarajevo that the equipment of a web portal confiscated by police should be returned, somewhat restored the shattered faith in institutional protection for media and journalists.

Independence of the three public broadcasters within the country's public broadcasting system is formally ensured, but politicization continues to poison appointments to managerial positions at the entity's public broadcasters. Political dependence is also problematic when it comes to local public broadcasters; 12 local television stations out of a total of 43 and 61 radio stations out of a total of 140 are directly funded by municipal or cantonal governments.

Reform of the public broadcasting system reform is still blocked, with no indication that the Corporation of Public

Service Broadcasting will be established as specified by the law. Prolonged problems also led to a significant decrease in the score for the independence of public media; for example, the FB&H Parliament failed to appoint members of the Steering Committee of RTVFB&H, leaving it with only one member. The mandate of the director general of RTVFB&H has expired, and the parliament has not yet agreed on nominees for the position. The Steering Committee of RTRS remains politically affiliated, and political control over RTRS and the lack of editorial independence are believed to be worsening, according to the EU Progress Report for 2015.

Libel was decriminalized in 2003, but libel cases under the civil law are still regarded as a considerable burden for media. Mehmed Halilović, a media law expert, estimated there are still around 100 cases per year. Other problems include spotty respect for the principle of resting the burden of proof on the plaintiff, inconsistent standards of assessing emotional distress, and a lack of independence in courts—and/or a lack expertise needed to deal with media-related cases.

Implementation of the Freedom of Access to Information Act remains uneven and is frequently limited by the right to privacy and protection of commercial interests of companies, with the test of public interest not being consistently applied. "It's more difficult every day to access ... any kind of ordinary information by telephone; the response is always 'send a request,' or that needs the approval of the director. Sometimes we are told the response is ready but they are waiting for the director or minister to sign it, and they wait for that for more than a month, and in the end we don't receive the response," said Merima Hrnjica, of the journalist of Center for Investigative Reporting (CIN). These complications discourage journalists from requesting official information.

Access to local and international news and news sources is unrestricted, which explains why this indicator routinely scores as one of the best among all the indicators in all five MSI objectives. Regulations on intellectual property are implemented fairly well in electronic media, but implementation in print and online media remains challenging. As in the previous year, the panelists mentioned republishing of their work without approval or adequate attribution. Jasmin Hadžiahmetović, editor of web portal of TV N1, described a case in which an RS media outlet published information that she worked hard to investigate; while they attributed it to N1 it did not provide her byline or any recognition of the days she spent working on the story. However, the panelists noted there is a slight improvement in attribution of republished journalistic pieces across different media platforms.

³ Pisker, Lidija. "Media Freedoms Still under Attack." *Kosovo 2.0*. Oct. 2015. www.kosovotwopointzero.com/en/article/1912/media-freedoms-still-under-attack-in-bosnia-and-herzegovina

In B&H, becoming a journalist is not restricted. There are practically no government requirements or licensing processes for journalists, and entry in the journalism profession is totally free. However, journalists sometimes experience difficulty gaining access to government events and proceedings. On some occasions, access to public events has been restricted for particular media or journalists, and while these practices were not deemed frequent in the past year, in one notable example journalists of BN TV and Serbia's Beta news agency are said to be still banned from covering events at the Presidential Palace of RS, according to Freedom House.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bosnia Objective Score: 1.67

The quality of journalism, in terms of ethics of reporting, did not improve significantly over the previous year. Journalists and editors do not consistently apply professional standards, and self-censorship is on the rise. Journalism as a profession is not well recognized and journalists' salaries are on average low and irregular. Thus, the average score for Objective 2 showed just a slight decrease compared with 2015.

The Press Code sets out reporting standards, considered morally binding, for reporters, editors, owners and publishers for print and online media, while its implementation falls under the self-regulation system. The Press Council (PC) mediates between readers and media, in an effort to enable readers' complaints (estimated at a couple hundred each year) to be addressed by media

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

outlets. The Complaints Commission of the PC further issues decisions on complaints directing the media to apologize for or retract stories; more often than not, the media comply. Electronic media work under the auspices of the CRA, which responds to complaints with warnings, fines and suspensions of licenses.

According to the panelists, ethical norms are inconsistently respected, with frequent use of unsupported claims or unreliable sources. In particular, there is a growing tendency to use social media posts as sources of information.⁴ "When Facebook appeared, everyone became a journalist and media outlet...and when you have forums, including all social networks, where you can write whatever you want, hiding behind a nickname... It leads to general social chaos..." said Senad Zaimović, general manager of Marketing Agency Fabrika.

The panelists pointed to media coverage of the November 2015 shooting of B&H army representatives in a suburb of Sarajevo as confirmation that many media have little respect for ethics (publishing unverified information, leaping to the assumption that the shooter was affiliated with an Islamist group, revealing names of victims, etc.) and strive for sensationalism. During the European refugee crisis throughout 2015, many media from the region of the Western Balkans (including B&H) labeled refugees "illegal immigrants" and implied their religious and ethnic background in their reporting, often presenting them as a potential threat, thus supporting negative stereotypes about refugees and ultimately contributing to their suffering and to the erosion of their status. Civil society, including journalism associations from the Western Balkans, urged media to follow professional ethics in reporting on refugees due to numerous examples of breaches of journalistic norms.⁵ For these reasons, the panelists marked the related indicator measuring how well journalists recognize and accept ethical standards fairly low.

The difficult economic situation, worsened by further withdrawals of international funding for media outlets, has resulted in diminished independence of the media from political and commercial influences. Commercial and political interests of advertisers contribute to increased self-censorship by journalists and editors. The other reason is that many incidents of violence and intimidation appear to be particularly directed against journalists who write stories

⁴ Tinjak, Ajdin. "Facebook statusi kao novinarski izvori." *Media.ba*. Nov. 2015. <http://media.ba/bs/magazin-mreze-i-web/facebook-statusi-kao-novinarski-izvori>

⁵ "Novinarska udruženja pozivaju na profesionalno izvještavanje o izbjegličkoj krizi." *Media.ba*. Sep. 2015. <http://media.ba/bs/magazin-etika/ne-cinite-stetu-molimo-vas>

“When Facebook appeared, everyone became a journalist and media outlet...and when you have forums, including all social networks, where you can write whatever you want, hiding behind a nickname... It leads to general social chaos...” said Senad Zaimović, general manager of Marketing Agency Fabrika.

implicating powerful business or political elites,⁶ making journalists and editors reluctant to report on war crimes and corruption in particular.

A majority of panelists believe that B&H media cover most key events, but the relevance and reliability of the published news is questionable. “All events are covered and that’s not a problem. The problem is the way it is interpreted,” said Srđan Puhalo, a blogger of Prime Communications and Frontal.ba. Newsrooms sometimes lack the funds to finance field research, and depend too heavily on secondary sources and news agencies. This creates a lack of plurality of insights and a tendency of some media to publish biased and one-sided information.

The blogosphere is still regarded as underdeveloped, but citizen journalists have on occasion provided valuable insights into current affairs. As Kovač mentioned, citizen journalism proved to be a good source of information during the dramatic floods in B&H in 2014. Photos and information shared by citizens via social media on the water levels in different towns were valuable, and usually the only news about flooded isolated areas across the country at the time.

Journalists receive lower salaries than many other professionals, despite holding higher degrees in many cases. The score for pay levels of journalists is the lowest among all indicators in all five MSI objectives, and almost one point lower than the overall country average. Partly due to the weak financial position of many media outlets, salaries are often paid irregularly. The average monthly net income for journalists is around €340, which is among the lowest on the scale of salaries of professionals having the same

⁶ A Difficult Profession: Media Freedom under Attack in Western Balkans. *Human Rights Watch*. Jul. 2015

level of university degrees. The average salary for teachers amounts to €410 and for interpreters up to €510.⁷ At the same time, public service jobs deliver a higher average salary, around €550 for public administration.⁸ For that reason, many experienced journalists seek better-paying jobs in different fields. An additional burden is that employed journalists are expected to produce more content, as media outlets employ fewer staff. “Salaries of journalists and other professionals in the media are, unfortunately, not enough to discourage corruption and to keep qualified staff in the media profession. Journalists are under stress every day, they do not have fixed working hours, they often face unpleasant and difficult situations and, on top of all that, they are paid very poorly. They are often forced to work for multiple media organizations because their salary is insufficient,” said Gordana Šarović, director of Technical Information Center of RTRS.

In response to the low quality of professional journalism, international donors have offered several regional and national award programs for journalists, such as the EU Regional Award for Investigative Reporting, ACCOUNT Journalists Award, SGIP USAID Award, etc., to support independent reporting in the country. USAID is the primary supporter of investigative reporting by CIN and Žurnal web magazine. CIN occasionally receives financial support from NED, EU, Balkan Trust for Democracy and other donors. Regional project such as SEE Media Observatory provide some grants for journalists as well.

Some exclusively news-oriented media outlets produce thorough, extensive and technically advanced programs (e.g. Al Jazeera Balkans, N1, Anadolu press agency, etc.). Public broadcasters have a legal obligation to balance between information and entertainment programs, but entertainment programs are believed to have taken a more prominent role on RTVFBiH than it would normally be desired for PSB. Entertainment content has grown more dominant on many private media outlets, following global trends of talent and reality shows produced in the region, as well as trivia and show-biz news. Considerable concerns over the content of reality shows have been expressed by groups of B&H citizens, demanding from media authorities via various online petitions to ban reality shows due to their

⁷ “Koje diplome su najplaćenije u BiH.” www.plata.ba/analize/koje-diplome-su-najplacenije-u-bih/50141

⁸ Pisker, Lidija. “Teachers in B&H: Lost in Legislation.” *Kosovo 2.0*. Oct. 2015. www.kosovotwopointzero.com/en/article/1895/teachers-in-bosnia-and-herzegovina-lost-in-legislation

violent and sexually explicit content.⁹ Assistant director for broadcasting of the CRA Asja Rokša Zubčević noted that a private television channel from B&H recently decided to change its program schedule in order to substitute news production with reality program broadcasts. And while this type of programming is a trend followed by many other media, news programming is still very much alive, but its professionalism, rather than the proportion, is the greater concern.

When compared to regional and world media, most B&H media lack technical capacities to produce and distribute high quality news. As mentioned by Boro Kontić, director of Mediacentar Sarajevo, the quality of picture received through broadcasting, with the exception of a few large commercial stations, is not great—with some programs nearly unwatchable on BH public broadcasters, compared to current global technical standards. Aside from internationally financed television stations (e.g. Al Jazeera or N1) and a few major locally-owned media, funds for facilities or equipment and their production are limited, in particular when it comes to local media covering small regions in the country. They tend to operate with equipment far inferior in quality to regional and global outlets.

In B&H, there are currently very few media outlets engaged in investigative journalism (primarily the Center for Investigative Journalism and Zurnal.info), and primarily international donors finance their work. Some political magazines involving investigative journalism are produced on public broadcasters (for example, *Crta* on BHRT or *Mreža* on FTV), while investigative journalism is close to nonexistent at private media outlets.

Journalists working in local newsrooms rarely specialize in specific topics. Rather, they work on different stories, usually driven by the demands of their editors, and have little opportunity to explore their areas of interest and become experts in certain fields. “There are few journalists who possess specialized know-how and focus only on a specific topic,” said Puhalo. As a result, specialized and quality reporting in areas such as justice or economic issues is extremely rare and irregular.

⁹ <http://ba.n1info.com/a72189/Vijesti/Vijesti/Peticija-za-ukidanje-Farme-u-BiH.html>. After numerous citizen complaints, CRA decided to limit the broadcast of reality shows between midnight and early morning hours.

OBJECTIVE 3: PLURALITY OF NEWS

Bosnia Objective Score: 2.20

The average score for Objective 3 virtually mirrored the previous year, with no significant differences between the scores of almost all indicators within this objective. Indicator 6 (transparency of ownership), which scored the lowest among all indicators within this objective—about a point lower than the objective average—proved to be the only exception. Similar to the previous year, Indicator 2 (unrestricted access to media) scored the highest, about a full point more than the objective average.

According to official data found on the Press Council B&H and CRA websites, there are 10 daily newspapers and 189 periodicals (e.g. magazines and publications, of diverse content), 43 television stations and 144 radio stations currently active in B&H. The exact number of online media is impossible to track, as online portals in B&H often do not comply with regulations on registration and there is no transparency of ownership. Many of them do not publish an Impressum and it is impossible to identify their owners, editors or journalists.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

The panelists mostly agreed that B&H citizens have an opportunity to choose among a variety of media outlets and compare the news in order to piece together a more complete picture, despite the fact that many media tend to present biased and one-sided content. "I think there are enough media and sources of information in B&H to compare. Whether or not the editorial policies of certain media allow the expression of multiple views varies, I think, from topic to topic," said Kovač. The level of awareness among citizens about the practices of one-sided reporting might be questionable if we take a look at the 2015 report of B&H Journalists on media freedom in B&H¹⁰ which indicated a higher level of trust in the media—80 percent—than in religious communities, non-governmental sector, international community, governmental institutions, political parties, or politicians.

In 2014, Internet penetration in B&H households reached 58 percent. Keeping in mind that the trend for the last decade is for Internet usage to increase by about two percent each year, it can be estimated that the total number of Internet users is higher in 2015. However, Rokša Zubčević said that the overall number of Internet users, especially in rural areas, still falls short of expectations. According to available data, there are 1.16 million Facebook users in B&H, which is an 80.5 percent Facebook penetration—with more than 500,000 unique visitors a day from B&H,¹¹ and Facebook is B&H's top-visited site.¹² In addition, users tend to rely increasingly on social networking tools for news.

Almost 3.5 million people now use mobile phones.¹³ The telecommunications sector has been liberalized, with a regulated framework constructed in line with current EU regulations, which has encouraged healthy competition driving down mobile broadband costs. There have been some concerns over possible concentration of ownership in media and related businesses, but so far nothing has been confirmed. Some indicate a trend of transfer of ownership over television distribution to larger companies.

There are no governmental restrictions of citizens' access to domestic or international media in B&H, and registration with the government is not required to access the Internet, own a satellite dish, or use any other type of media.

B&H should have digitalized its television signal by June 2015, but the process is still pending, making it hard for citizens in some parts of the country to watch the national public broadcasters (PBS) and other channels after June 2015. The first analog receivers were switched off in the first half of 2015, even though the digitalization process in B&H was not completed. Subsequent announcements indicated that the digital signal should be made available during 2016, but the announced test broadcasting in Sarajevo, Mostar and Banja Luka before the end of 2015 did not happen, raising further doubts about the process.

Other threats to unlimited access to media sources involve costs—still high when compared to low socio-economic standards in the country—a lack of infrastructure in some areas and low interest by distributors to expand their reach, and even restricted electricity in remote parts of the country that prevents citizens from using electronic media, the panelists reported.

The general perception of the panelists is that public media usually offer biased and one-sided information, thus putting the interests of the political elites before public interest. Doubts regarding the political bias of both entity broadcasters are constantly expressed, while the state PSB is rarely accused of such practices. The situation with the high number of local public media is even more complicated due to their direct financial dependence on cantonal/municipal governments, leading to a perception that they are operating as mouthpieces of the governing parties. The 2015 Media Integrity Matters report, conducted by the SEE Media Observatory, noted that political bodies which "should be under the scrutiny of local public media are precisely the ones who decide on their revenues."¹⁴ Financial sustainability of the three public service broadcasters has been dependent on the collection of RTV fees, which has been faced with increasing problems and alarming revenue losses over the years. While collection through landline phone bills was supposed to expire by the end of 2015, no solutions for collection afterwards had been found by the beginning of 2016, leaving PSB in a daunting position and possibly more directly dependent on the political elites. In January 2016, PSB announced that the same mode of fee collection will be in place until the new solutions are adopted. PSB proposed solutions such as collecting RTV fees through electricity bills or as taxes, but nothing had been confirmed by the time of the MSI study. The Law on RTRS stipulates the possibility of direct funding of RTR through the budget of RS.

¹⁰ "Mediji u BiH u 2015: medijske slobode, profesionalizam i izazovi." *BH Novinari*. May 2015. www.bhnovinari.ba/index.php?option=com_content&view=article&id=748%3Apredstavljani-rezultati-istraivanja-qmediji-u-bih-2015-medijske-slobode-professionalizam-i-izazovi&catid=63%3Adogaaji&Itemid=241&lang=bs

¹¹ MVF Global Customer Acquisition. www.mvfglobal.com/bosnia-herzegovina

¹² Alexa.com. www.alexa.com/topsites/countries/BA

¹³ CRA Annual Report 2014. <http://rak.ba/bos/index.php?uid=1272548129>

¹⁴ Hođić, Sanela. "Media Integrity Matters—Increasingly Dependent and Disciplined Media." *SEE Media Observatory*. Nov. 2015. See at: <http://mediaobservatory.net/sites/default/files/State-Media%20Financial%20Relations%20in%20BiH.pdf>

The panelists questioned the editorial independence of the eight news agencies (two public, three private, one owned by the Turkish government, and two owned by religious communities). They concluded that there are no completely independent news agencies due to their financial dependence on state budgets (agencies FENA and SRNA) or relationships with political, religious and business interest groups (the remaining agencies, including private and religious). Discussing the issue of insufficient funding for maintaining quality work, panelists noted that some media outlets often cannot afford to pay for the services of news agencies, in particular the international agencies. "The public service is a big organization, but it does not have a direct subscription to any world agencies," noted Emir Habul, journalist and editor of BHRT.

Private media produce their own news and information programming, but for many, this production is mainly confined to re-publishing and re-packaging news provided by other media or news agencies. However, as noted by a few panelists, some private media also do not give up on news programming despite audience data indicating that hard news hardly ever attracts a bigger audience. Many online media, which have very limited staffing, often publish information taken from another media outlet or news agency without any attribution. The panelists believe that in B&H, the blogging community's contribution to the production and dissemination of socio-political news, information and analyses, is still highly limited, with few bloggers producing original content that is both socially relevant and reliable and/or reaching a critical mass of readers.

Transparency of media ownership in B&H remains limited. Some panelists mentioned the free access to the media market itself creates a problem: a lack of transparency of media, especially for print and even more so for online media. No particular regulations concerning transparency and concentration of media ownership are in place, but transparency is partly ensured through court registration of media businesses. However, full information and systematic insight into ownership structure is not easily discernable, since information is scattered in a multitude of registries, available only by fee and for a large part of media not accessible online. Transparency is especially problematic for online media, which are often not registered as media businesses. "Here you have, when Internet media are in question, media outlets that are registered... and you also have some that are unregistered and do not pay any kind of tax: you don't know who is behind them, or their address,

"Here you have, when Internet media are in question, media outlets that are registered...and you also have some that are unregistered and do not pay any kind of tax: you don't know who is behind them, or their address, or even who works there, but they are in the market," said Amra Kovač, a *Dnevni Avaz* journalist.

or even who works there, but they are in the market," said Amra Kovač, a *Dnevni Avaz* journalist. This situation prevents tracking down the owners, but also contributes to more insecurity in the market concerning, for example, advertising practices and protection of authorship rights.

As different reports indicate, media and media-related businesses are dominantly affiliated with particular business and/or political groups, with some of these relations remaining intricate and/or hidden, in some cases possibly leading to political officials or in other cases leading to other media-related businesses, and thus involving the issues of illegitimate market position and conflict of interest.¹⁵ The Media Clientelism Index, a regional assessment of clientelism and politicization of media in five countries of the Western Balkans, confirmed that B&H, together with Macedonia, suffers the most influence of political elites on media.

Article 15 of the state level Law on the Protection of Rights of National Minorities envisages the establishment of minority media, but so far this has not been the case in B&H. Article 16 of the same law stipulates that public broadcasters (involving PSB and local public media) must provide space for minority programs and languages, while Article 3 of Rule 57/2011 on Public Radio and Television Broadcasters stipulates the requirement for public broadcasters to provide content on different vulnerable groups, including national minorities and refugees and leaving other vulnerable groups unspecified. Implementation of the specified requirements remains questionable without consistent monitoring and with some indication that this content is

¹⁵ Media Integrity Matters, 2014; Report for B&H <http://mediaobservatory.net/radar/media-integrity-matters-%E2%80%93-book-see-media-observatory> and The Media Clientelism Index. <http://analiziraj.ba/2015/12/15/u-sarajevu-predstavljeni-rezultati-mjerenja-indeksa-klijentelizma-u-medijima-u-jugoistocnoj-evropi/>

insufficiently produced. The same goes for reporting on the major constituent ethnic groups, who are believed to be neglected in media based in areas where these groups are in fact minorities.

Media reports about members of the Roma minority group tend to be sensationalist and biased. The Press Council reacted several times in the first quarter of 2015 upon a series of articles in a number of online media about a young girl (allegedly belonging to the Roma community) left to live alone in Sarajevo after her parents died. Even though the overall tone of most of the articles was sympathetic towards the girl, web portals did not take into consideration the fact that they were violating her rights by publishing her photo and revealing her identity. Similarly, reporting about sexual minorities is still unsatisfactory, as only some civil society media show considerable engagement and sensitivity towards LGBT groups, while the majority of mainstream media outlets tend to either “copy/paste” reports from other outlets and/or news agencies or promote stereotypes and use hate speech towards the LGBT community.

Public broadcasters (PBS) and media outlets with national reach offer information about international, national, regional and local events. However, panelists noted that PBS do not have correspondents in all regions of the country, which is why some communities might be neglected (the most mentioned are the areas in Herzeg-Bosnia Canton, West Herzegovina Canton and Posavina Canton). Local media provide information about local communities, but the quality of reporting and critical approach are rather questionable, the panelists indicated.

SEE Media Observatory noted that important information and viewpoints are missing in media content, which is the result of a lack of information sources and various types of political influence exerted on editorial policies, along with scarce funds in the media for production of content important to the local public.¹⁶ “With such a big number of local media, there is no shortage of local information; it’s only questionable who is the source of information, the accuracy of the information, the political siding of the information, and what goal is meant to be achieved with the information,” said Reuf Herić, director of Novi Radio Bihać. In some communities, local websites and blogs do offer a more critical perspective on issues, but their readership is quite limited and they are not very influential.

¹⁶ “Flash Report 6: B&H.” SEE Media Observatory. Jan. 2015. <http://mediaobservatory.net/radar/flash-report-6-bosnia-and-herzegovina>

OBJECTIVE 4: BUSINESS MANAGEMENT

Bosnia Objective Score: 1.39

The score for business operations of media continues to be the lowest among the five objectives, with a worrying trend of further decline (the score dropped by 0.19, to 1.39). Several major problems in the business environment involve increased clientelism and political control, which distort the market. Audience measurement remained one of two MSI indicators with the lowest score overall, but panelists indicate measurement will soon suffer even further demise.

Some estimates by the advertising agency Fabrika suggest overall revenues in the advertising market for 2015 amounted to \$43.68 million (including outdoor), which is considered to be far less than required for healthy functioning of the media sector. Other factors, mostly corruption of advertising practices based on political affiliations of major advertisers and/or conflict of interest and financial corruption, but also lack of quality audience research and ethnic fragmentation of the market, contribute to limitations, uncertainty and overall structural corruption of the sector. Besides advertising, considerable amounts are provided through financial influxes from the state on different levels, which are considered to be primarily used as an instrument for government influence.

Continued maintenance of the large number of media on the market indicates that many depend on shady clientelistic relations, instead of being self-sustaining enterprises in a true sense. Only a minority of media (primarily big

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

international broadcasters, big local broadcasters and some online media outlets) are considered sustainable, while the majority are either barely surviving or are profiting from close affiliations with major business and/or political powers. One panelist indicated that huge financial losses and irregularities with payments of taxes and contributions of many, in particular local, media are still not made public, due to the unwillingness of local officials to start bankruptcy proceedings: "It's politically unwise to leave 12 journalists in the street... God knows when the last contributions were paid... We have a situation in which court execution orders have arrived in private radio stations, in Bijeljina, in Herzegovina, and so on, where for instance the court execution value is triple the value of their capital in the market, equipment, microphones..." said Herić.

While structural issues are primarily hindering business development, panelists additionally mention a lack of expertise in business management, in some cases resulting from overall reliance on donor support and unfamiliarity with market logic. Such dependence is, however, in some cases necessary for media engaged in critical and investigative journalism (such as Center for Investigative Journalism and Žurnal), which would otherwise hardly survive on the market. Public service broadcasters are considered vastly irrational organizations that devour funds that should be invested more in technical and program improvements.

There are only a few major domestic advertisers, most importantly two telecommunication companies, whose advertising practices are believed to be guided by the interests of the governing political parties they are affiliated with. A recent case of corruption charges against the managers of HT Mostar company and the director of SV-RSA agency illustrates the way money is funneled mostly from public companies into private accounts.¹⁷ When it comes to government funding for media, data collected by Association CRMA in 2015 showed that around \$16.36 million is provided by the government on different administrative levels, in the form of direct funding from government budgets, subsidies or different contracts with media (for covering certain events, advertising, etc.). The current models of government financing lack credible criteria, transparency, independent decision-making and overall guarantees of editorial independence, and thus are believed to be primarily a means of control over media. Major international brands continue to advertise in the B&H market, but there is also a trend of increasing migration to Google ads, non-journalistic platforms, media from neighboring countries and major global media.

¹⁷ See report by magazine Žurnal, available here: <http://zurnal.ba/novost/18397/marketinske-prevare-otkrivamo-sumnjive-ugovore-koji-nisu-obuhvaceni-akcijom-gibraltar>

Zaimović raised concerns about inconsistencies in current audience data where there are programs "...where you have a rather stable audience, for example you have an average rating of 2, but today you have 2, tomorrow 12, the day after tomorrow 1, then 14...and it's impossible for that to happen."

In sum, with only a few major sources of revenue for media on the market and with lack of transparency of funding, it is generally believed that funding is used heavily as an instrument to advance particular political and business interests of media owners and affiliated centers of power.

Panelists disagreed on whether the current limit of advertising time on public television broadcasters, to six minutes per hour, provides enough protection for commercial media. While there are some suggesting PSBs are possibly dumping advertising prices, making it impossible for commercial rival media to compete on a level playing field, Zaimović indicated that commercial media are in fact often lowering the prices of advertising further, in a fierce fight for advertisers and for their own survival. Demands for further commercialization are keeping the quality of news content mostly low and dependent on not only resources but also on limited possibilities to defy dominant business/political interests in circumstances where alternative sources of revenues are scarce. The non-profit media sector remains underdeveloped, with only four registered radio stations of limited reach and mostly humanitarian or religious character.¹⁸

The grip of government over the media sector continues through both affiliations of media managers and financial relations with media outlets. The government provides continuous funding for media, primarily through direct financing of local public broadcasters (by municipalities and cantons), funding of two public news agencies by the entity governments (agencies SRNA and FENA) and different contracts with media for coverage of certain topics or events. Subsidies for media that had been previously provided in Republika Srpska were ceased in 2013, most

¹⁸ Religious radio Marija; radio of humanitarian and activist associations: Radio Open Network (Otvorena mreža); Radio Our Children (Naša djeca); and Native-land-Radio Breške, founded by an association that promotes culture and folklore in the area of Breške, Tuzla.

likely due to budgetary constraints. Other possible modes of funding involve advertising contracts with different levels of government, but they were not frequent or substantial in 2015. More importantly, the leading political parties are believed to be in control of the advertising practices of public companies, which are major advertisers in the country.

Some international agencies, such as GfK and Ipsos, provide audience research, but as Zaimović indicated, the lack of buyers of these data will likely move research providers out of the market. The situation is the worst with print media, which have never shown interest in engaging in a measurement system. In the radio sector, only a minority of radio stations can afford audience data, while online media primarily use Alexa and Google analytics. In addition, radio audience data have limited quality; similarly, only some online media use Gemius Audience research data, which additionally provide information on audience demographics. In the television sector, methodology is the most developed, relying on people meters and representative sampling, but doubts about the reliability of the data and credibility of the provider have been expressed for years. Strategic planning and programming based on results of market research are confined to a minority of media that can afford the best measurements and depend on the sometimes inadequate competence of media managers. Finally, the above-mentioned irregularities in the market do not go in favor of relying on market-based business planning. Lejla Turčilo, a professor on the Faculty of Political Sciences at the University of Sarajevo, added that audience research results do not call for better news quality, but quite the opposite, they call for further commercialization of content.

The score for reliability of audience data is one of the two lowest indicators on the market, as in the previous year. The major changes in previous years and controversies about audience research still resonate in the market. Individual media have been buying audience data since 2013 when the Association of the Media Industry lost its role as audience research contractors, performed since 2006. As noted in the previous MSI report, the previous provider Mareco Index Bosnia left the business in 2014. Some of the panelists stressed that trust in the system was shaken due to controversies about ownership over the new provider of television audience data, Audience Measurement (AM).

Another controversy raised in March 2015 related to accusations that TV1 network did not broadcast advertising it had accepted payment for, and that AM issued false data about the broadcasting of this advertising. As Puhalo

pointed out, it was never made clear to the public what had actually happened and who should be held accountable.¹⁹

Zaimović raised concerns about inconsistencies in current audience data where there are programs "...where you have a rather stable audience, for example you have an average rating of 2, but today you have 2, tomorrow 12, the day after tomorrow 1, then 14... and it's impossible for that to happen." Zaimović also reports that seven or eight media and agencies, including Fabrika, had sued AM for alleged irregularities in determining the prices of their services: "The price for my firm is higher than, for example, the price for some media outlets, while international practice is that 80 percent of the price of research is paid by televisions and 20 percent by agencies, because television stations use that for sales and for programming." Several panelists indicated that the quality and reliability of the provided audience data, as well as the setting of prices for audience research, will remain suspect as long as there are no common solutions on the level of the entire industry, which would balance the various interests and guarantee the reliability and quality of audience data.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bosnia Objective Score: 2.15

Compared with last year, Objective 5 scores increased slightly. The score for indicator 1 (trade associations represent the interests of media owners and managers) increased somewhat, indicating a somewhat improved sense of solidarity in the course of a few recent cases of pressure on journalists. The score for Indicator 8 (ICT infrastructure) increased substantially, indicating continuous development in some respects, but also held back by concerns about the delayed digital switchover. Indicator 5 (training programs) dropped the most of any indicator in this objective, pointing to a scarcity of offered training programs, especially due to a lack of donor support.

In B&H, there are four associations of electronic media which, according to Herić (who also services as president of the Steering Board of the Association of Electronic Media (PEM) of B&H), do not agree on most solutions for the common benefit, some of them being payment of

¹⁹ Management of TV1 network and Audience Measurement denied the accusations, qualifying them merely as an attempt of competing businesses to discredit their work. More at: <http://radiosarajevo.ba/novost/183605/pogledajte-snimku-da-li-je-ovo-dokaz-velike-televizijske-prevare-u-bih-video>

authors' rights and intellectual property rights, commercial advertising prices, etc. However, Herić thinks that the work of trade associations slightly contributes to improvements in the sector, which is the reason why the average score slightly increased in comparison to last year. Due to the divided and unstable market, many electronic media are facing financial problems. Herić noted that some members of PEM cannot even afford to pay the annual membership fee of BAM 150 (\$85).

The Association of the Media Industry (UMI), gathering several broadcasters and advertising agencies in B&H, has lost the role of contractor of audience research, but is still functioning as an association—although some previous members are no longer involved. In late 2014, the reputation of the association was further questioned as some members of UMI were under investigation for alleged corruption, but the charges were confirmed only against one director of an advertising agency.

Out of six journalist associations that were registered in post-war B&H, there are four that are still to some extent active: Association of Croat Journalists of B&H, Union of Journalists of B&H, Union of Journalists of RS, and BH Journalists Association. Fragmentation in collective organizing is reflective of the political and ethnic divisions in the country, with rare cases of solidarity. The BH Journalists Association, an association of 750 journalists from across the country (including freelance journalists, journalism students, photographers, etc.), is assessed by the panelists as the most agile. The annual membership fee is BAM 25 (\$14). The Association provides various trainings and legal

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

aid programs that are not limited only to members. The revenues of BH Journalists depend primarily on international donor support, without alternative modes of sustainability in place.

At the entity level, there is the Trade Union of Media and Graphic Workers of RS and the Union of Publishing, Graphic and Media Workers of FB&H, but a trade union of journalists at the state level does not exist. Public services have four: Independent Trade Union of RTRS, while the Independent Trade Union of Public Service Employees split in two—one for FB&H and one for BHRT—at the very end of 2014. Collective organizing at BHRT additionally involves two trade unions: Independent Trade Union of Employees of BHRT and Independent Trade Union Organization of BHRT. A Media Initiatives report expressed doubt over the efficiency, credibility and independence from management structures of trade unions in general.²⁰ Many professionals think that trade unions should play a much stronger role in protecting the rights of journalists—a sentiment confirmed by 87 percent of media workers who participated in a 2012 study on media freedoms in Council of Europe member states.²¹ While media outlets with a high number of employees should have trade union organizations, according to unofficial data overall more than 60 percent of media in B&H do not have them.²²

As for NGO support to free speech and independent media, the panelists delivered a similar assessment to last year. With some exceptions (such as Transparency International or Helsinki Citizens' Assembly), NGOs in general do not work with the media sector to support freedom of speech and media independence, and do not efficiently partner with media outlets in media advocacy. The Helsinki Committee for Human Rights in B&H, one of the rare organizations that consistently supported media freedom, shut down in late 2014.

There are as many as six journalism departments at public faculties in B&H (although some combine journalism and communications studies) and two private faculties. One of the panelists, a faculty professor, said that university journalism education in B&H is for the most part still outdated and lacks connection with practice. "The public universities are still rather theoretical and unrelated to

²⁰ Udovičić, Radenko. "Working Conditions for Journalists in Bosnia and Herzegovina: Journalists in a Gap between Devastated Media and Legal Security." Media Initiatives, Feb. 2015. www.mediaonline.ba/en/pdf.asp?ID=3412&n=JOURNALISTS%20IN%20A%20GAP%20BETWEEN%20DEVASTATED%20MEDIA%20AND%20LEGAL%20INSECURITY

²¹ Izvještaj u sjeni za BiH. B&H Journalists. 2012. www.bhnovinari.ba/images/stories/pdf/istrzivanje/izvjestaj_u_sjeni.pdf

²² Šarčević, Mariana. "Sigurna radna mjesta su preduslov medijske slobode." B&H Journalists' Bulletin E-Novinar. Dec. 3, 2015. www.bhnovinari.ba/index.php?option=com_content&view=article&id=445&Itemid=257&lang=bs

“The public universities are still rather theoretical and unrelated to practice; they are closed to such an extent that even some internal documents prescribe that only people with the title of assistant professor or higher can go into the classroom,” said Turčilo.

practice; they are closed to such an extent that even some internal documents prescribe that only people with the title of assistant professor or higher can go into the classroom,” said Turčilo. She added that private faculties, although they claim to promote more practical skills, seem to differ little from public programs in this sense.

B&H gets around 400 new journalists and communication specialists every year. Sarajevo-based Media Plan Institute estimates that the actual needs for such positions are not even half that number.

Short-term training and in-service training programs for journalists still depend on donor support. With waning interest from international organizations to finance such program, there are fewer quality programs. The four-year long “Strengthening Independent Media” program run by Internews B&H, which organized internship programs for journalism students along with Mediacentar Sarajevo, ended in 2015. During 2015, Mediacentar Sarajevo also delivered an online training course on investigative reporting for journalists, a training course on media convergence for senior journalists and editors, and a training program on freedom of expression for civil society organizations. BH Journalists Association and Press Council of B&H offered trainings for journalists and students on professional ethics in 2015. Otherwise, there were no significant education programs aimed at upgrading skills and acquiring new knowledge for B&H journalists in 2015.

There are no restrictions on importing and/or purchasing materials that media and journalists need to produce their work, such as newsprint, software, video equipment, or transmission equipment, and no reported cases of monopolistic or unfair restrictions in printing and distribution. Printing houses are mostly privately owned and generally provide services regardless of media editorial policies and based on the best financial rationale, which in some cases limits distribution—especially of newspapers in

circumstances where political fragmentation in the country translates into fragmented interests of media users.

The panelists did not report pressure on media at the national and/or local level by government, political parties, or businesses through control over distribution. However, B&H has no strategy to develop the telecommunication sector, which jeopardizes development of the mobile phone market and Internet. Several cable operators have urged the Council of Competition of B&H to take a decision on the still-pending intention of one of the most powerful broadcast distributors, Telemach, to buy cable operators, which could lead to a Telemach monopoly. A decision on reduced prices of mobile roaming services in B&H, Montenegro, Serbia and Macedonia came into effect in June 2015 and should further liberalize mobile communications. Also, in December 2015 CRA proposed the abolition of national roaming services in the country.

A significant increase in the average score for indicator 8 reflects further improvements concerning ICT infrastructure. Currently, there are six mobile carriers and numerous Internet providers. Panelists noted that citizens are increasingly using the Internet on mobile phones and computers to access media, and that there is an increasing variety of mobile and computer brands on the market accessible to citizens. Internet penetration has increased to 58 percent.²³ The number of mobile service consumers in Bosnia and Herzegovina totaled 3,528,695 in the third quarter of 2015, up by 3.6 percent from the second quarter. The mobile penetration rate increased to 91.85 percent at the end of September, up from 88.68 percent in the previous quarter.²⁴ Rokša Zubčević, however, indicated that due to stalemates in the digital switchover process, the increase of the score for ICT infrastructure is misleading. After the strategy for digital switchover was adopted in 2009, a series of roadblocks, involving disputed procurement of equipment and denial of equipment installation, as well as transfer of ownership over equipment from the system to individual broadcasters, all believed to be politically motivated, led to B&H missing the June 17 deadline for completed switchover. Announcements that the test digital signal would be broadcast by the end of the year (with the switchover to be finalized in 2016) proved to be overly optimistic, as well. However, solving the issue of which body will manage the digital system and the actual finalization of switchover still depend on political will, which has so far proved unreliable.

²³ CRA Annual Report 2014. www.rak.ba/bos/index.php?uid=1272548129

²⁴ “Bosnia’s Q3 mobile phone subscribers up 3.6% q/q.” SeeNews. Dec. 2015. wire.seeNews.com/news/bosnias-q3-mobile-phone-subscribers-up-3-6-q-q-505798

List of Panel Participants

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Asja Rokša-Zubčević, director, Division for Broadcast Services and International Cooperation in Broadcasting, Communications Regulatory Agency, Sarajevo

Merima Hrnjica, journalist, Center for Investigative Reporting, Sarajevo

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Andrijana Copf, journalist, Dnevni list, Mostar

Mehmed Halilović, independent media expert, Sarajevo

Jasmin Hadžiahmetović, online editor, TV N1, Sarajevo

Boro Kontić, director, Mediacentar Sarajevo, Sarajevo

The following panelist submitted a questionnaire but was unable to attend the panel discussion:

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

Authors

Sanela Hodžić, research coordinator, Mediacentar Sarajevo, Sarajevo

Lidija Pisker, independent researcher, Sarajevo

Moderator

Sanela Hodžić, research coordinator, Mediacentar Sarajevo, Sarajevo

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The Bosnia and Herzegovina study was coordinated by, and conducted in partnership with, Mediacentar Sarajevo. The panel discussion was convened on December 3, 2015.

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

Amid all of this turmoil, independent media outlets, such as the investigative site Bivol, have stepped in to expose corruption in the judiciary and the higher echelons of power. And yet, the publications' authors, whistleblowers, and sources—rather than the exposed officials and magistrates—have been investigated.



BULGARIA

A rise in violent attacks against journalists, significant shifts on the Bulgarian media ownership scene, the falling quality of journalism, a radical increase in corporate and political propaganda, and the expected final failure of the digitalization process defined 2015. The media are deeply divided between a group of mainstream television stations with national coverage and print publications of relatively professional quality on the one side and a growing number of quasi-media, externally funded propaganda mouthpieces on the other.

Pro-government propaganda outlets are leading an intensive smear campaign against politicians, journalists, and media that do not follow the official line. Bulgaria has also waded into the battlefields of the hybrid war of Russia against the United States and the EU, marked by massive Russian investment, support for anti-western and anti-democratic propaganda, industrial-scale trolling campaigns, and hacking attacks against independent media and public institutions.

After years of public denials, the controversial politician–media mogul Delyan Peevski began declaring ownership of print, broadcast, and online media outlets. The financial resources for the acquisitions remain unclear and are not being investigated, but the pro-government Peevski group of media engage in smear campaigns against uncooperative politicians, magistrates, journalists, citizen organizations, and even EU diplomats who voice concerns of political corruption. In addition, the bankruptcy in 2014 of the Corporate and Commercial Bank (KTB) exposed the funding mechanisms of quasi-media in Bulgaria, resulting in the closure of publications, including *Presa* and *Tema*, and the transfer of ownership of TV 7 and News 7.

A failed attempt by the government-funded Bulgarian National Radio (BNR)'s management to cut the bonuses of top journalists set off a crisis and strikes. The standoff resulted in the loss of editorial control over the public broadcaster's main news channel, Horizont. The cancellation of a controversial anti-western weekly talk show dominated the final weeks of 2015 for the media, leading to public reactions ranging from political protests by leftist and pro-Russian activists to tacit approval by those who believe propaganda has no place on public radio.

Amid all of this turmoil, independent media outlets, such as the investigative site Bivol, have stepped in to expose corruption in the judiciary and the higher echelons of power. And yet, the publications' authors, whistleblowers, and sources—rather than the exposed officials and magistrates—have been investigated.

Bulgarian media traditionally score well in the MSI study in indicators related to general citizen access to news, technical equipment for newsgathering, the available telecommunications infrastructure, and unrestricted access to the journalism profession. While these are seen as important preconditions for the development of a sustainable media environment, these factors are not sufficient to establish a vibrant and professional media to serve the interests of the Bulgarian audience.

BULGARIA at a glance

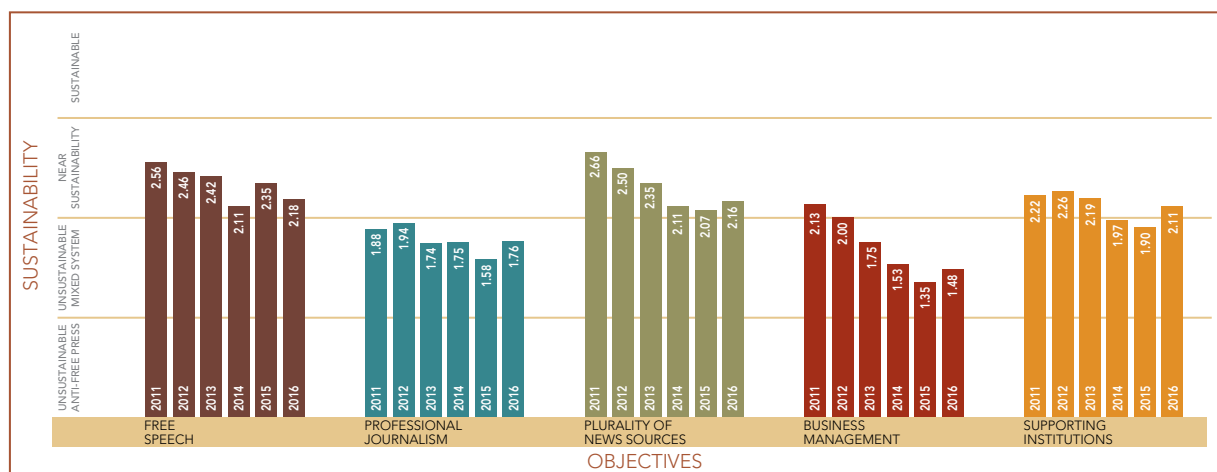
GENERAL

- > **Population:** 7,186,893 (July 2015 est. *CIA World Factbook*)
- > **Capital city:** Sofia
- > **Ethnic groups (% of population):** Bulgarian 76.9%, Turkish 8%, Roma 4.4%, other 0.7% (including Russian, Armenian, and Vlach), other (unknown) 10% (2011 est. *CIA World Factbook*)
- > **Religions (% of population):** Eastern Orthodox 59.4%, Muslim 7.8%, other (including Catholic, Protestant, Armenian Apostolic Orthodox, and Jewish) 1.7%, none 3.7%, unspecified 27.4% (2011 est. *CIA World Factbook*)
- > **Languages:** Bulgarian (official) 76.8%, Turkish 8.2%, Roma 3.8%, other 0.7%, unspecified 10.5% (2011 est. *CIA World Factbook*)
- > **GNI (2014-Atlas):** \$55.04 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-PPP):** \$16,260 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 98.4%; male 98.7%, female 98.1% (2015 est. *CIA World Factbook*)
- > **President or top authority:** President Rosen Plevneliev (since January 22, 2012)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 295 newspapers, 635 magazines (National Statistics Institute 2014); Radio Stations: 85; Television Stations: 112 (Council for Electronic Media)
- > **Newspaper circulation statistics:** Total annual circulation: 324,310,000 (National Statistics Institute 2014)
- > **Broadcast ratings:** Top three television stations: bTV, NOVA, BNT1
- > **News agencies:** Bulgarian Telegraph Agency (state), BGNES (private), Focus Information Agency (private)
- > **Annual advertising revenue in media sector in 2014:** \$107.6 million (MA Pierrot 97)
- > **Internet Usage:** 57% of the population (Eurostat, 2015)

MEDIA SUSTAINABILITY INDEX: BULGARIA



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Bulgaria Objective Score: 2.18

According to Boyko Vassilev, editor and television host for Bulgarian National Television, regulations are not a serious problem for the Bulgarian media. He believes the issues lie in implementation.

Ivo Draganov, a lecturer at the New Bulgarian University and the National Academy for Theater and Film Arts, disagreed. He believes that more time is needed before the media regulations are accepted and start being implemented properly. "Regulation and liberalization of the media market happened in Bulgaria only in 1999, 10 years after the EU and 75 years after the US. We need a lot more time before these instruments are recognized as serving the public interest and begin to operate properly here. Legal regulation and economic systems are relatively easy to change... but people's thinking and mentality change slowly. This is the domain of religion, culture, education, and science, and that's exactly where our quasi neo-liberal (and in reality oligarchic) state is paying less attention. This is why our transition has been so slow and we're in the middle of nowhere with the freedom of the media."

Yassen Boyadzhiev, chair of the Free Speech Forum and editor of [Mediapool.bg](http://mediapool.bg), finds it difficult to apply the

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

FREE-SPEECH INDICATORS:

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

standard terminology to Bulgaria's current media situation: "In the 15 years of MSI studies, Bulgarian media have deteriorated so far that we cannot use the same terms anymore. Freedom of speech doesn't mean anything anymore. For a huge part of the population, freedom of speech means the freedom to say whatever you feel like, to defame and discredit people. We do have supporting text in the constitution and in the laws defending freedom of speech—but they are hollow."

The legal and regulatory framework did not change much in 2015, although some changes are urgently needed. Above all, the parliament needs to resolve the crisis by appointing new members of the broadcast regulatory body, the Council for Electronic Media (CEM). It also must amend the Telecommunications Law after the failure of digitalization and the judgement of the EU Court that the Bulgarian legislation is in breach of EU competition rules.

According to Dilyana Kirkovska, chief of the CEM Licensing and Analytical Department, the digitalization process in Bulgaria has failed beyond repair. It has failed from the perspective of the legislation and from the perspective of the judgment imposed on Bulgaria by the European Commission. It also has failed physically, as broadcasters have withdrawn from the multiplex networks. TV 7 has just withdrawn; News 7 pulled out earlier. According to Kirkovska, there is a current initiative supported by the government to amend the legislation and allow broadcasters to buy out the multiplexes in line with the ruling of the European Court in Luxembourg: in April 2015, the EU Court of Justice issued a judgment against Bulgaria, confirming that the country breached EU law in 2009 in assigning spectrum rights of use for the deployment of digital terrestrial television infrastructure. Bulgaria violated free-competition rules established by the EU and faces steep financial sanctions if the national regulations are not amended. The judgment went unreported in Bulgarian media, as it highlights a sustained effort by at least three governments to avoid implementing the European legislation.

The Bulgarian telecommunications law limits competition and does not allow broadcast media to participate in the digital distribution networks. A new Digital Communications Act reversing the challenged texts has been drafted and opened for discussion; its passage is expected in 2016. Meanwhile, mainstream television stations have been withdrawing from the digital broadcasting platforms, making them irrelevant to the audience. "This is a completely different approach, which also has challenges—for example, what will happen with the digital distribution of the public broadcaster BNT?" Kirkovska added.

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According to Constantine Markov, a lecturer for the Sofia University Faculty of Journalism, the failure of digitalization is one of the significant events of the year. "I have witnessed small towns losing programs, initially from five to six channels to the three big national television stations," he said.

Concerning the appointment of CEM members, for more than a year, the institutions responsible have been unable to replace two of the members whose mandate has expired. The president, who appoints one of the new members, made his choice in May, but parliament has been unable to agree on its choice. Since under the law the new members can enter into their functions only simultaneously, the president's appointee is in limbo as well.

The Radio and Television Act was amended several times in 2015. Kirkovska labeled the latest changes "curious." Instead of addressing substantive issues, such as the mandates of the CEM members, the parliament amended the law to allow CEM and governing board members of the public broadcasters to receive bonuses.

Kirkovska noted that one suggested amendment in the RTV Act this year was to cancel the provisions for the RTV Fund as a way of funding the public media. In her opinion, this is a step backward and leaves the public media in the hands of the government, which will continue to exert pressure through the budget. The texts were discussed in the Media Committee of parliament, with some urging that the amendment should be passed only after a wider public discussion.

The panelists discussed the conflict in BNR and noted that there are significant shortcomings and violations of the regulations. BNR suffered from two crises in 2015—the labor dispute between the management and the journalists from the news-oriented Horizont channel and the dispute over the cancellation of the controversial weekly program *Deconstruction*, which many saw as a propaganda piece incompatible with the role of public media. In the view of the panelists, it did not deal satisfactorily with either crisis.

Several dozen citizens gathered outside BNR to protest the show's cancellation, and the majority of the leftist and pro-Russian media labeled the decision censorship. At the same time, many journalists and political analysts who had been warning about the show's propaganda overtones for many years welcomed the move. It is worth noting that the

program did not seem to be taken down under political pressure. There had been no public expressions of discontent with the program on behalf of the government; legitimate management structures of the National Radio adhering to internal editorial regulations decided to cancel it after CEM, the broadcasting regulatory body, warned BNR that it would face steep fines if it did not take measures to stop the controversial show's violations of the broadcast law.

According to Markov, "...there is a clear violation of the principles of objectivity and fairness of information in the National Radio. The most striking example is Peter Volgin's program, *Deconstruction*. It's obvious that no one can restrain him. But the problem goes beyond this program; the guests he invites on the regular daily programs only serve his point of view... I recently heard a regular program describing the French ambassador as a 'third-rank diplomatic functionary' interfering in the internal affairs of Bulgaria." Other panelists pointed to Volgin's unrestrained hate speech and defamatory language against protesters and politicians; he dismissed citizens protesting for judicial reforms as "rabble" and has on numerous occasions used language against disliked politicians that many consider unacceptable for public radio.

According to Petko Georgiev, director of BTC ProMedia, *Deconstruction* is not even the biggest problem. "This propaganda piece poses as an 'author's' program and is being presented as free expression of opinion, but Volgin is also the head of one of the news and current-affairs teams at BNR. Allowing such a politically biased figure to lead a major editorial team amounts to surrendering the principles of editorial independence and professionalism in a significant part of the public radio's program."

The panelists took a critical stance on the other crisis at BNR as well, related to the standoff between the management and the Horizont journalists over pay and bonuses. A long-lasting strike at BNR was triggered by an attempt to limit bonuses for leading journalists, but it escalated into a full-scale confrontation between a large number of the journalists and the management over management principles.

While some suggested that initially the protests may have had professional grounds as well, the majority agreed that the conflict is currently "all about money and nothing else." Most of the panelists agreed that the management's inability to impose professional editorial control and resolve labor issues has been aided by the CEM decision not to interfere in the conflict.

According to Ivan Radev, board member of the Association of European Journalists, "Should the turmoil at BNR continue in 2016, there is a serious threat that it will lose its reputation as a relatively independent and trustworthy

source of information. The behavior of the regulator has been less than convincing, as it has failed to decrease the tension between the management and the journalists.”

Georgiev added, “BNR represents a loose confederation of feudal principalities at war with each other and united against the management. Each ‘principality’ has its prince (or princess) in command and control; there’s no central editorial policy and very little regard for professional standards. This system was not created by the current management. It has been in place for a decade. The past two directors of BNR are to blame for it more than the current one, who is clearly unable to deal with it.”

Regardless, it appears that BNR’s problems will continue into 2016, as the labor dispute remains unresolved and the controversial host of the canceled propaganda program has simply moved the content to his daily shows. While the law protects the editorial independence of state or public media, events at BNR prove that the legal requirements are not being vigorously implemented.

Examples are not limited to BNR. As Dimiter Stoyanov, an investigative journalist for Bivol, said, “...The program of Dimiter Tzonev on BNT also disseminates propaganda and lies. Our team has been the victim, but that’s a general problem; this program is being used to circulate propaganda messages. The media’s management does nothing to stop this practice.”

There has been limited licensing of new broadcast media in 2015, but the majority of the panelists agree that the process suffers from deeply rooted problems related to its fairness, competitiveness, and apolitical character. According to regional radio manager Krassimir Dimitrov, owner of Radio MIXX, “There are substantial limitations in the licensing process and in the implementation of the license requirements. The red tape is appalling, many of the requirements are artificial, and the market should be allowed to filter the good media from the weak ones.”

However, the panelists pointed out a positive development as well: the launch of two new television channels, the Bulgarian-American BIT and the Bloomberg Bulgaria channels.

In a significant regulatory development that will see its continuation in 2015, the Union of Bulgarian Artists has addressed CEM with a request to review and cancel the license of TV Alfa, the cable channel of Bulgarian-turned-Russian nationalist party Ataka. The request followed an incident at the National Academy for Theater and Film in which the leader of Ataka, accompanied by a television crew, physically attacked students and had to be carried away by bodyguards and the police. The politician has been stripped of his immunity and is under investigation; CEM is

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monitoring the channel for violations of the law to decide on its license.

Conditions for market entry and the tax structure for media have not changed over the years. They are comparable to other industries, yet the panel did not score them high given serious concerns over the selective implementation of the tax regulations.

In June 2015, the National Revenue Agency (NRA) announced it was starting an investigation against *Sega*, one of the dailies with a critical stance toward the government. After the association of publishers requested clarification about the reason for the investigation, NRA announced it was investigating all print media because of what it described as “high risk of tax evasion.” The Economedia Group of publications, which included the most influential newspapers and sites critical of the government, was already fully investigated in 2014.

In 2015, there was a rapid rise in crimes against journalists, including physical attacks against journalists at work, conducting interviews, or covering events. Another worrying trend is the pressure of the authorities—the tax authorities, for example—against the media.

According to Radev, “The actions of the Financial Supervision Commission [FSC] are a reason for deep concern. In 2015, it took measures against national and regional media and imposed heavy sanctions on them over their coverage of the bank crisis in 2014. The fact that FSC acts as a censor, analyzes editorial content, and holds up Peevski media as a positive example is scandalous.”

Stoyanov described the pressure exerted on national and regional media over stories about corruption in the judiciary. “The Supreme Judicial Council [SJC] tried to make us identify the source of the recorded conversation between the two judges. I think it was a very brutal attack against us. There is a court decision protecting journalist sources, but still we have been summoned three times to be pressured into disclosing

“The problem is that the majority of the media in Bulgaria libel and defame on purpose; that’s their business,” said Boyadzhiev.

the source of the recording. We have clearly and repeatedly indicated that we have received the recordings from the platform BalkanLeaks, a regional equivalent of WikiLeaks, which guarantees confidentiality to the initial source.”

The panelists also mentioned Miroslav Ivanov, a financial blogger investigating the bankruptcy of KTB and its aftermath and investigated by the prosecution, the State Agency for National Security, and the NRA as another example of pressure on the media.

Another case revolves around reporting of a highly critical European Commission (EC) monitoring report regarding the Bulgarian judiciary (the Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Cooperation and Verification Mechanism). The report quotes calls for an independent investigation into a wiretapping scandal in which judges from the Sofia City Court accuse the prosecutor general of political meddling with the court.

Some media interpreted this as a call for the removal of the prosecutor general. During a live interview with the Peevski group’s TV Channel 3, Dimitar Glavchev, deputy chair of parliament, asked the police and the State Agency for National Security to investigate Mediapool for publishing information based on communications with spokespeople of the EC from Brussels. Replying to a Mediapool inquiry, an EC press office wrote in an e-mail that the EC wanted to see an independent investigation into the allegations that the prosecutor general has been involved in illegal meddling with the work of the courts. The Peevski media group interpreted the question and the published answer as an “attempted coup d’état” against the legitimate institutions, and Glavchev seemed to be speaking in sync with them. Mediapool has asked parliament for an official explanation on whether Glavchev’s statement represents the institution’s official position.

According to Ivan Bedrov, deputy editor-in-chief of Club Z.bg, “Last year, we just suspected some coordination; this year, it’s very visible; messages that appear in the Peevski media are repeated by several regular guests in the morning shows on national television and by the prosecutor general. One example is the case with the ‘coup d’état’ scenario pushed by the Peevski media group. The day the scenario

appeared in the Peevski media, the morning shows had already invited the respective guests who repeat the same sentence; soon after, the prosecutor general uses the same sentence at an SJC meeting.”

The EC noted the controversy in the final version of the report: “A particular issue in this context concerns aggressive and polarizing campaigns by some media, often targeting individual figures in the magistracy. Unbalanced media coverage in the course of disciplinary or criminal investigations presents additional challenges for judicial authorities.”

Aggression against journalists has become more commonplace, with a number of reporters from different outlets suffering from threats, harassment by public figures and institutions, or violent attacks while conducting journalism work in dangerous environments. The panelists also pointed to a positive development: the leader of Ataka, Volen Siderov, is to be stripped of immunity as a member of parliament on charges related to the violent attack against a journalist from TV SKAT in 2013. This is one of several incidents for which Siderov is facing criminal investigation.

But in general, the attacks against journalists intensified during the elections period. In October Nova TV reporter Nadia Gancheva was attacked in Samokov while trying to interview a local candidate for City Council from the Movement for Rights and Freedoms. The candidate was alleged to be the organizer of an illegal network of distribution of stolen electric power in the Roma ghetto of the town. The candidate and his relatives and supporters attacked and beat the news crew. The reporter, the camera operator, and their driver escaped with minor injuries. The attacker’s political party distanced itself from him, and the prosecution started an investigation against him.

Journalists who lack the protection of a large media organization behind them are usually less lucky. In a very disturbing incident, a local investigative journalist from Pomorie, Stoyan Tonchev, was very badly beaten. The police announced they had arrested two suspects within three days of the incident.

“As a journalist with a television crew, I have been attacked eight times since 2010,” Stoyanov added. “They poured gasoline on me once; even magistrates have attacked me physically. There hasn’t been a single example of adequate reaction by the authorities,” he insisted.

Besides the cases of direct aggression against journalists and attacks against the media, there are numerous and ongoing cases of harassment. Aside from shows of solidarity by other media outlets in reporting the incidents, and by journalist organizations, the majority of journalists feel the authorities do not react adequately.

Stoyana Georgieva, editor-in-chief of Mediapool.bg, raised the issue of harassment employed by the Peevski media over politicians and journalists. In some of the cases, the police had taken measures; for example, they interfered to prevent Peevski media reporters from ambushing Nova TV journalist Anna Tsoleva outside her house.

Bedrov pointed out the behavior of Alfa TV as an example of harassment: “They show a portrait of someone on screen and present him or her as a ‘national traitor,’ prompting viewers to harass them. This is used against politicians and against civil activists. There have been consequences—the doorbells of some of the people have been broken, windows have been smashed.”

Georgieva believes these tactics work: “You start asking yourself whether to make such incidents public—since the police don’t offer support, you don’t want to encourage more. In the summer, a crew from Alfa TV stood outside our office for a week to wait for me, without calling in advance for an interview or a meeting. They just waited in ambush, to catch you off-guard.”

Stoyanov shared another example: “A TV 3 crew was sent to Paris to check out where the editor-in-chief of Bivol lives. They wanted to see if he’s living in social housing for free. They could have checked that he teaches at a linguistic academy there and pays rent to the academy for his flat. Instead they ambushed his wife, pretending to be friends and colleagues from Bulgaria.”

There has also been a heavy campaign against a group of media and some politicians because of the financial support they receive from the America for Bulgaria Fund or the European Economic Area grants of Norway, Iceland, and Liechtenstein to support the development of democracy, an independent media, and civil society. The national television stations should not disregard this campaign, but in reality they are scared. The Peevski media group and other tabloid publications regularly describe these media as “national traitors.” The prosecutor general and other authorities have also questioned whether such international support for select media might carry a hidden foreign political agenda.

Libel and defamation remain in the criminal code, and there have been a number of cases against the media—but also, increasingly, among the media and journalists, who sue each other for such offenses. The courts generally observe a practice of holding public officials to higher standards. The offended party must prove the falsity and malice of the alleged libelous or defamatory statements.

According to Boyadzhiev, though, the situation with libel and defamation has changed; in previous years, the law and judicial practice were examined from the perspective

of protection they provide to journalists to exercise their profession freely. Now there are more and more cases of deliberate slander campaigns led by the “media baseball bats” taking advantage of the difficult legal process of proving falsity and malice.

“The problem is that the majority of the media in Bulgaria libel and defame on purpose; that’s their business,” said Boyadzhiev. “The question is not would a journalist be able to protect himself against such charges; most of the time they act with purpose to damage the public image of people, so the question is whether they have the opportunity to protect themselves from the media.”

Ivo Prokopiev, the owner of Iconomedia, the publishing house behind the most respected Bulgarian broadsheet, *Kapital*, and a number of mainstream news sites, has been targeted by the “media baseball bats” for many years. In 2015, he won a case against the site www.bnews.bg and its owner (and ex-television personality) Nikolay Barekov. The criminal charges against Barekov have been dropped, as he currently enjoys immunity as a member of European parliament. Prokopiev has already won cases against many of the tabloids, including *Weekend*, *Telegraph*, and *Vsekiden*.

At the same time, Minister of Economy Bozhidar Lukarski won a case against famous television talk-show host Sasho Dikov for defamatory qualifications used against him in a Nova TV program.

Citizen-activist Nikolay Staykov, part of the informal group Protestna Mrezha (Protest Network), is suing the agency PIK, which is described as the leading “media baseball bat” for a series of over 30 libelous and defamatory publications.

Such cases are relatively rare; mainly people with sufficient financial resources can afford them, and so the charges do not serve their final purpose. The majority of the media involved in libel and defamation are deliberate, and the fines are either never paid or are not enough to discourage further publication. In 2015, the “media baseball bats” published literally thousands of libelous and defamatory pieces against journalists and politicians, focusing on the pro-Western president, the leader of the party Democrats for Strong Bulgaria—which is in the governing coalition, but takes a very tough line on the need to fight corruption and reform the judiciary. The defamatory content is multiplied on an industrial scale by known and unknown sites, in social media, and by an army of trolls; the eventual court sentences do nothing to prevent the scope of damage to the public image of the concerned public figures.

As for the freedom of information legislation, the panelists were unanimously positive about the extraordinary role played by the Access to Information Program, the

non-for-profit entity working actively with consecutive parliaments and government on the passage and improvement of the freedom of information legislation and helping hundreds of citizens and media organizations obtain public information. While the legislation and the proactive publication of public information is improving, many of the panelists pointed out that some public institutions are becoming more and more creative in denying information to the media.

With a law on the access to information on the books in Bulgaria for 15 years now, the public institutions, citizens, and media have been establishing better practices, and the Bulgarian law ranks 42nd among 102 national laws worldwide. According to Access to Information Program experts, its major shortcoming is the lack of an independent public body similar to the information commissioners in other national legislations. The program has prepared a concept for the development of the access to information legislation, which provided for the needed changes in the law.

In an important, freedom-of-information-related development, the parliament adopted amendments to the freedom of information law, improving the procedures and regulating the reuse of public information.

Yet problems with the implementation of the law persist. As Georgieva said, "It's great that the Access to Information Program exists; many media outlets and citizens receive excellent support from them; however, the problems are getting bigger and bigger. The prosecutor's office refuses information to media outlets they dislike; some media are taken off the mailing lists of the prosecutor's press service and are deprived even of regular information."

Investigative journalist Dimiter Stoyanov also says that public procurement information is rarely available despite the requirements of the law. The public relations officers of public institutions are becoming a barrier rather than a conduit of information.

According to Georgieva, the public institutions—the executive, the regulatory bodies, and the judiciary—with their action or inaction legitimize the curtailing of freedom of speech outlined in the discussion.

The panelists pointed out that unlimited access to the journalism profession may actually have negative results as well. Many media employ staff with no media training who do not understand and share professional values and have no qualms creating manipulative content, happily fulfilling propaganda assignments and disregarding basic professional rules of behavior.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bulgaria Objective Score: 1.76

The panelists expressed their deep disappointment with the falling professional quality of journalism in Bulgaria. Boyadzhiev explained that more and more media are being openly used as an instrument for disinformation, exactly the opposite of the media's normal mission, and as an instrument of the dumbing-down of Bulgarian society.

According to Vassilev, quality remains the biggest challenge for Bulgarian media. "The media are superficial, lacking in objectivity, and openly manipulative, with a high degree of self-censorship, and quick to engage in smear campaigns," he said.

Georgiev regrets the willingness with which parts of Bulgarian society fall victim to disinformation: "There is a decreasing media literacy of both the creators and the consumers of media content. Content appearing in respected mainstream media more and more often fails to meet even basic professional standards. It's obvious that professional development of the staff, editorial, and ethical standards have been completely abandoned in search for higher ratings. It's a very unfortunate combination of heavy propaganda on the one hand and falling media literacy on the other; propaganda messages are landing on ears ready to listen and accept everything as truth."

Bedrov pointed out, however, that the Bulgarian media scene should not be considered as a homogenous mass: "If we evaluate the media as a whole, we won't get far. There is a circle of media which behave professionally, and there's another circle of publications that only pretend to be media, but are actually being used for specific political and oligarchic purposes—and there is the third group of the national television channels that are trying to stay away from the first two. If we give them an average score, we'll end up with something that doesn't tell us much about the status of the media environment."

The national television channels are not a homogenous group, either, argued Nicoletta Daskalova, a researcher and lecturer with the Media Democracy Foundation. "Nova TV was trending toward becoming more and more critical and oppositional, in a way, but they've decided to fire talk-show hosts Sasho Dikov and Luba Kulezitch—the 'razors' of their current-affairs programs—replacing them with much softer and tamed journalists. Still, I believe that the national television channels, which probably capture 70 percent of the audience in Bulgaria, are more or less balanced and can present an objective picture of the situation—but they are being attacked for that. Let's not forget that among

the media targeted by the Peevski group, besides the usual suspects, are the news team of bTV and the morning-show team of Nova TV.”

She refers also to the series of publications by Bivol that shed light on the mechanism of behind-the-scenes control over the judiciary. “The media scene is not as bleak as often described; it’s not a space where nothing is happening, just the opposite. There is a very serious confrontation between media that try to expose the reality objectively and media that try to marginalize and discredit these voices,” she said.

The panelists used a development with one of the most promoted journalists in the country, Valeria Veleva, to illustrate the media’s slipping ethical standards. Veleva, already exposed as a former communist secret police collaborator, launched a new online project that shocked everyone with its advertising prices for news items, including “top placement of news,” “advertising analysis,” and “advertising interview.” Veleva also angered her former colleagues from the bankrupt newspaper *Presa* by using their names and material to launch the new project. Despite all of that, Veleva remains one of the journalists regularly invited by the mainstream television stations to analyze important public events and is being promoted as a trustworthy representative of the journalism profession.

Bedrov pointed out that 2015 marked a deluge of new online media replicating and peddling the disinformation originating from the Peevski media. The blogger Krassimir Gadjokov has created and is expanding a list of over 75 online sites used to disseminate propaganda for Peevski media and the Russian interests in Bulgaria; these sites

frequently quote each other. The sites do not indicate their owner nor their editor, and do not provide contacts.

Bedrov said, “Against the background of this flood of fake sites, we can see how the security services refuse to address the increasing number of DoS attacks against legitimate sites of media and institutions. Many of the media—and I assume there are those of us among us—don’t even want to talk about it, as we don’t want our readers to know about it. My information is that the attacks are very frequent and are not targeted at the disinformation sites that we’ve talked about.”

Daskalova, who researched the attitudes of the media during the municipal elections campaign of 2015, also pointed to the low quality of elections coverage: “The elections did not turn into an interesting media event. The media have given up on investing more to ensure better coverage of a political debate; there was none. There was no campaign for the referendum, either. Our monitoring showed a deepening division between the editorial agenda of the mainstream media, as opposed to citizen journalism. The bloggers and social media activists were very active on issues like the referendum and the refugees, while the mainstream media stayed away from those topics.”

She also noted that during the elections, there was no clear distinction between paid and news content. “Openly PR material was published as interviews. There was no need for official paid advertising,” she added.

Another commonly shared concern by the panelists relates to the Russian capital invested in mainstream media and its influence on messaging. According to Georgiev, propaganda is expanding beyond news and current affairs and is now creeping into entertainment and light content. “A Bulgarian television series shown on TV 7 features the US president as a backbencher in a Masonic lodge, which instructs him to destroy European civilization—and the Russian president in the role of Bulgaria’s savior, packaged with secret societies, mystique, etc.,” said Georgiev.

The panelists also noted that in 2015, online and social media witnessed an invasion of trolls on an industrial scale, deployed to render any meaningful debate impossible.

Additionally, according to Draganov, there is a strong prevalence of institutional and purely protocol information both in the broadcast and in the print media. “Here’s an example: the president is awarding well-known figures from Bulgarian culture on the occasion of the Day of Bulgarian Culture. The report shows him speaking and handing out the awards and focuses several times on his advisers, showing only briefly just three of the awarded intellectuals without even mentioning their names. What is this? Total disrespect for the

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

According to Vassilev, quality remains the biggest challenge for Bulgarian media. “The media are superficial, lacking in objectivity, and openly manipulative, with a high degree of self-censorship, and quick to engage in smear campaigns,” he said.

people who are there to be celebrated. This is either journalism servitude or complete incompetence,” said Draganov.

Georgieva and Markov agreed that journalism is losing its professionalism. The quality of coverage of major news is falling; news is presented sometimes in a misleading way, even on the major national television stations. Someone following only those sources cannot receive a good picture of events.

According to Georgiev, attention sourcing and fact-checking is slipping; media organizations perform fewer and fewer checks on the information they are reproducing—fakes from unchecked sources. He quotes a number of copy-pasted publications claiming that the Spanish football team Real Madrid has decided to remove the cross from its coat of arms to please its fans in the Muslim world, a complete falsehood that none of the media cared to check.

In a similar case, news site big5.bg published a news item that Islamists had attacked the New Bulgarian University in Sofia. The news was completely invented, but that did not prevent a series of sites—such as dunavmost.bg, novinitednes.net, bunt.bg, and others—from copying it.

Daskalova added, “These cases are becoming more and more numerous, not just in superficial media, but also in some mainstream outlets. The media did not do the most basic check: calling the university to check the report. When somebody finally did, the official rebuttal was ‘drowned.’ A similar case was the fake news that the Council for Electronic Media had fined [bTV news anchor] Victoria Petrova for using the term ‘Roma summer’ [the Bulgarian equivalent of ‘Indian Summer’]. There seems to be a common denominator—many fake stories have anti-Muslim and anti-refugee overtones.”

Markov brought up the recent “news” about the “faked” US landing on the moon. The Peevski newspaper group published a secret interview with director Stanley Kubrick, who allegedly admitted he had faked the moon landing in a Hollywood studio. Interestingly enough, the newspapers quoted as their source the British newspaper *Express*, which

explicitly describes the interview as a fake. The media were quick to attach this “news” to other similar stories, such as claims that the Americans orchestrated the 9/11 attacks, etc.

Bedrov pointed out that this is not a Bulgarian phenomenon. “I’m not sure if we can measure whether Bulgarian media fall victim to such fakes easier than others, but the dangerous thing here is that such fakes in Bulgaria are a part of the hybrid war we’ve been talking about,” he said. “Another example is the faked mail with which Meglena Kuneva [the vice prime minister] allegedly quits the government. It was carried by bgnnes, a news agency, meaning every user takes it as verified. One of the reasons for the falling quality of reporting is the lack of resources. Media that used to employ a staff of 10 now support only one part-timer. Much of the content is produced by someone in front of a monitor, even without a phone,” Bedrov added.

According to Georgiev, some Bulgarian journalists have a confused understanding of what constitutes news, and when it needs to be checked. “They are confusing ‘news’ with ‘coverage.’ Telling correctly who said what at a press conference is being presented as ‘news,’ and not for what it is: free advertising for the people giving the press conference. Claims made at official events are taken at face value and are being disseminated to the audience as ‘breaking news.’ The fact that someone said something at a press conference doesn’t make that something a fact. The only fact is that someone has said it,” he said.

Galina Spasova, editor of the Health Media Group, pointed to another disturbing aspect of news production: “I’m shocked that major national media can prerecord their news. This is a step backward from any standards.”

The ethical standards that many of the media apply are highly questionable; as Dimitrov said, “Following the principle that ‘only bad news is good news,’ the media are flooding us with apocalyptic pictures, sometimes by exploiting personal tragedy to attract viewers.” Kirkovska added: “The trend of interviewing and victimizing victims of crime and violence is growing dangerously. The cases include interviewing the parents of the student killed in Veliko Tarnovo with a repeat on Nova TV; another case was the murder of a kid in the Borisova Gradina [a central park in Sofia]. The way it was done, showing pictures of the dead body, is a breach of basic professional standards.”

There were efforts to reboot self-regulation mechanisms in 2015, however. The National Council for Journalism Ethics restored its activities in early 2015 after a break of several years. Unlike the earlier arrangement, the Council now has one commission reviewing complaints against print, broadcast, and online media. The commission includes leading broadcast and print journalists from the

mainstream media, media experts, and lawyers and is chaired by Alexander Kashamov, a lawyer from the Access to Information Program.

Bedrov, who is a member of the commission, expressed doubts about its efficiency, though: "When the majority of the media is not real media but is only pretending, self-regulation becomes a strange exercise with very controversial results. Only the media which wish to participate are part of it; the others do not respect the code of ethics and do not participate, so nobody files complaints against them. We have a paradox where the complaints are against the good ones and not against the likes of Alfa or PIK; so when they see something wrong in Nova, they notice and complain. No matter what our decisions are, if you look at the list of complaints they are against the so-called normal newspapers and against the big television stations, which are again a lot more normal than the rest."

The panelists also noted that the Bulgarian Media Union (BMU) has adopted an alternative ethical code, which includes the majority of the Peevski-owned media. BMU has its own ethical commission, but according to Bedrov, it has not reviewed a single case yet. There are no signs of activity of this commission on the official site of BMU, either.

Working self-regulation mechanisms also exist in another part of the broadcast industry, advertising. The National Council for Self-Regulation of Advertising has been set up by the Bulgarian Association of Advertisers, the Bulgarian Association of Communication Agencies, and the Association of Bulgarian Commercial Broadcasters (ABBRO). It regularly reviews claims against advertisements that breach the ethical rules adopted by the industry, and gives professional advice to copywriters about the practical implementation of the guidelines.

The panelists were unanimous that journalists and editors practice self-censorship on a massive scale; it is becoming the norm rather than the exception. Bedrov gave an example from his experience as a trainer: "A young journalist had buried the lead of the story about a meeting between a former minister and citizens in a Sofia district. People became so angry with him that the politician was forced to flee the scene under police protection. Instead of leading, that was briefly mentioned in the last paragraph of the story. When I asked the reporter why, she said with some surprise, 'But he's a former minister.'"

Boyadzhiev added: "I don't think anyone here doubts the answer to the question about self-censorship. In the standard case, it sneaks through or is being imposed by the editors and the management because your job is at stake. I would like to draw your attention to the fact that the

general context is so dirty, there is so much intimidation and psychological pressure and this is beginning to play a role. Even if there are no specific threats or reasons to censor yourself at your workplace, this general environment starts crushing you morally and psychologically," he said.

Many of the panelists noted that there are some problems with indicators for media sustainability that had not been problematic in earlier years, such as whether journalists feel free to cover all key events and issues. Georgiev said, "I think we are starting to have an issue here. There are more and more events that are being ignored. One of them was the coverage of the referendum, which was more like a cover-up... Even the big media are becoming selective on which of the important stories to cover and which not. There's a serious danger, if you trust only what you see on television, to miss important news."

Daskalova added: "There seemed to be some progress in the previous two years. Now this year there's a setback; there are more taboos. There is indeed a distance between the citizen journalists' agenda and the agenda of the mainstream media. There are conflicting agendas, as if the mainstream and the citizen media are covering different worlds."

Georgieva provided another example. According to her, the media provided extremely unprofessional and unbalanced coverage of the campaign of the Chamber of Commerce and the Confederation of Industrialists around the energy prices. "Instead of covering the debate about it and the role of the so-called American power stations, the media carried only one side of the story in what was a political campaign. This is not just about presenting both sides of the story, which the media didn't do; they need to have a reasonable position on these issues which concern the price of electricity paid by all of us. The same goes for the hysteric provocations on an ethnic and racial basis. This is not happening."

Spasova thinks that this year's migrant crisis coverage has been too limited and unbalanced. She points out that the issue was not covered on time and in-depth.

Georgiev shared his concern that the news coverage follows the government's version of the event and does not look deeper. "During David Cameron's visit to Bulgaria," he said, "most of the coverage was about the inspection of the Turkish border. I'm not sure the audience understood that he was here to negotiate support for his EU reform initiative, including the cancellation of social services to Bulgarian citizens in the EU. The main agenda of the talks surfaced only a few days later in an interview of the deputy prime minister. The message was entirely changed: from reforming the social payments in the EU to Bulgaria as an example of

Boyadzhiev offered a different perspective, however: “In theory, the presumption is that journalists should be paid well enough to prevent them from taking bribes, but in our case, the very pay they receive from the owners is a kind of corruption. Journalists are hired to do for money exactly the opposite of what their profession requires.”

good border policing in Europe”—quite a contrast to what the UK media wrote about the visit.

Draganov echoed the observation: “It’s very irritating that the government’s promises are presented as upcoming news.”

According to Bedrov, the media coverage is getting worse because of ignorance but also because of dependencies and fear. “Not to understand the true reason for Cameron’s visit is probably ignorance; but not to look where the country’s money is going is a matter of habit. The majority of the Bulgarian media and journalists are used to the concept that this is not important. Even people who consider themselves top professionals and cover the news in a balanced way, quoting different opinion and positions, do not search for news stories. If no one has said that Peevski’s companies have received BGN 900 million (\$516.3 million) worth of public tenders, then the media wouldn’t say it, either.”

According to him, another issue that the media avoid are cyber-attacks against Bulgarian public and media sites from Russia. “There are topics absent from the media out of fear and financial dependencies. Peevski’s name can be mentioned, but no one dares ask the question: how can someone without taxed legal income start acquiring assets? OK, Peevski and Valentin Zlatev are talked about, but TIM [a company alleged to be a front for organized crime] and Vinprom Peshtera are totally absent from the media. Colleagues know what mentioning these two means: either withdrawal of advertising or direct action against the reporter,” Bedrov said.

Daskalova shared her experience with the attempts to limit hate speech: “Our foundation and CEM came up with an initiative before the elections that political parties will abstain from hate speech in the election campaign. The public commitment was signed by all mainstream parties except *Ataka*, and its media was full of hate speech, but they were not alone. The Patriotic Front signed it, too, but

then one of its leaders, Valery Simeonov, said on national television that the border police ‘should shoot to kill’ illegal immigrants. That happened after an incident in which a border guard killed an Afghan immigrant who had entered Bulgaria illegally. The problem here is with the journalists. They do not challenge the politicians for using hate speech, as required by the ethical standards. This is more the exception than the rule.”

Other panelists agreed that this was a real problem in covering the refugee crisis. According to Kirkovska, “The fact that the Patriotic Front signed the agreement against hate speech did not prevent its TV SKAT from using it. Throughout the year, maybe because of the refugee influx as well, there were more hate-speech voices, coming from beyond the usual suspects.”

Leading political figures, including the BSP’s mayoral candidate for Sofia, Michail Mirchev, and the former Constitutional Court justice, Georgi Markov, are allowed to go unchallenged when using hard hate-speech language on television, the panelists noted.

On several occasions throughout the year, there were significant cases of anti-Roma riots and protests across Bulgaria. Some of the media took a sensationalist approach to them and may have contributed to the increase of tension. According to Daskalova, two of the events—the riots in the village of Gurmen and in the Sofia district of Orlandovtzi—happened with serious media provocation. “The media intentionally overexposed hate speech both from the Bulgarians against the Roma and from Roma against the Bulgarians. That amounts to media instigation. The media used the one-way hate speech to justify ‘balancing’ it with hate speech in the opposite direction,” she concluded.

According to Georgiev, the media should protect the rights of citizens in vulnerable groups; instead we see the media leading campaigns against them.

The panelists thought that the pay levels for journalists and other media professionals are not high enough to discourage corruption and retain qualified personnel within the media profession; just the opposite is happening: salaries are being decreased, young people are leaving the profession, and students from the faculties of journalism search for better-paying jobs in communications and public relations. The situation is most critical at BNT, which is systematically underfunded and struggles to attract and retain young talent.

Boyadzhiev offered a different perspective, however: “In theory, the presumption is that journalists should be paid well enough to prevent them from taking bribes, but in our

case, the very pay they receive from the owners is a kind of corruption. Journalists are hired to do for money exactly the opposite of what their profession requires.”

Georgiev added: “This phenomenon starts being treated as something normal. I participated in a public discussion about the media where a respected intellectual attending the debate said that we shouldn’t expect too much from journalists—they are being paid to say what they are told to say. Initially, I wasn’t sure if that was only a provocation for debate, but then it seemed as a genuine opinion. The prevailing attitude is like that, and it was so much different in the 1990s.”

Despite the significant number of important events in 2015, the majority of the media gave prevalence to the entertainment content. According to Daskalova, “...exactly when the media cover serious events like the elections, one can see the prevalence of the entertainment element: instead of a meaningful debate, the media focused...on the marginalia, on the funny candidates and messages. Entertainment really dominated the political debate.”

The panelists complained about the kind of people mainstream television solicits to comment on key social and political developments. Chasing after higher ratings, even mainstream current-affairs talk shows seem to have quotas: if there’s no “diva” guest, there should be at least a footballer.

Business and economic reporting has all but disappeared from the main television channels, but it is expanding on cable channels, like Bulgaria on Air and Bloomberg, the panelists noted.

The regional media remain financially weak and vulnerable. According to Dimiter Lipovanski, owner of Arena Media, the majority of the regional reporters and editors are not professionally trained and need to learn on the job. The

variety of news sources in most of the cases is brought down to the press centers of the official institutions or the public relations agencies.

“Sixty percent of the management of the media in Ruse can’t recall ever joining the Code of Ethics or consulting its guidelines,” Lipovanski added. “With minor exceptions, there is no quality beat reporting, mainly because of the minimal staff of the media. We end up with the same reporter writing about crime and about culture. The competence level is low, which has a negative impact on the quality of the media production.”

According to Draganov, the news programs avoid serious information and in-depth analysis and turn instead toward institutional and protocol information, which includes ill-disguised public relations material, lifestyle gossip, and a small amount of event coverage. “Current-affairs programs had to become an alternative to state broadcasting and to include a vast range of opinion coming from the academic environment, from the citizen sector, and the various professional communities. In reality, the circle of opinion makers is limited to 10 to 15 permanent commentators on all national television channels, of whom just 10 percent could be perceived as truly authoritative. The young political scientists, philosophers, and artists, who should represent the future of Bulgaria, have no access to the programs which influence public opinion and analyze the major social and political events,” said Draganov.

Yet, there are bright exceptions. According to Galina Spasova, editor of the Health Media Group, the investigative site Bivol has accomplished 50 percent of the job of the whole media community this year. As already described, the site is publishing information from whistleblowers and investigations exposing high-level corruption.

OBJECTIVE 3: PLURALITY OF NEWS

Bulgaria Objective Score: 2.16

According to Vassilev, a plurality of news sources exists, but the journalists succumb to pressure and wind up in service to external interests to earn extra money. Public radio and television try to cover a wider range of viewpoints, but journalists tend to dominate some programs—especially on BNR—with their own opinions, he believes.

There are a couple of new television channels targeting previously unserved audiences, launched to address Bulgarian viewers worldwide—the Bulgarian International Television BiT, and for the business audience, Bloomberg Bulgaria.

Media access for small towns and villages is still restricted, compared with the big cities and the capital. According to Lipovanski, people in the region of Ruse, for example, have limited access to the digital television signal, because of the specifics of the terrain and because the multiplexes balked at investing additional funds to provide high-quality coverage with the signal.

Overall, Lipovanski painted a bleak picture of shrinking journalism outside the capital city: “The circulation of regional newspapers has fallen sharply, partially due to increased access to online information. The regional media are cutting back on the time and resources to produce original content, especially for news.” Furthermore, staff

turnover is high because of unsatisfactory pay, even for national media correspondents in the regions, he said, noting that former correspondents of the mainstream national media from Sofia are starting to look for secure (if not well-paid) jobs in public media. “The private television channels with national coverage use the same technical teams and sometimes the same correspondents from the regions, which results in very similar coverage of the events. The national media have less and less time for news from the region, and the newscasts are more and more Sofia-centered,” he lamented.

As for whether the public media are non-partisan, reflect the views of the political spectrum, and serve the public interest, a majority of the panelists pointed to the crisis at BNR as evidence to the contrary. At the same time, Georgiev noted that despite the serious financial restrictions, BNT is maintaining and expanding its repertoire of high-quality public-service programming. He shared his concern, though, that the trend may not be sustained if the upcoming appointment of a new director introduces someone more eager to serve the powerful people of the day than to protect professional and independent editorial standards. To an extent, changes in the media environment in 2015 can be traced to the changed ownership of some print and broadcast media outlets, especially the Peevski group’s involvement.

As Georgieva noted, if in previous assessments the panelists pointed to signs that Peevski was a behind-the-scenes owner exerting influence, now there is no doubt. “The lack of official reaction—by the regulatory bodies or by the prosecution—to the fact that he has admitted ownership is disturbing, since no one knows the origin of the money,” she added.

The lack of access to cash after the bankruptcy of KTB in 2014 led to the closing of the daily *Presa* and the magazine *Tema*, as well as the transformation of *Standard* and the website *Blitz*. According to the panelists, the concentration of media power in the hands of one conglomerate threatens the public’s right to be informed objectively.

According to Bedrov, after the failure of KTB the Peevski media group switched to funding from the European structural funds distributed to it by the government—in return for positive coverage.

As a significant media development, the panelists noted that some media organizations are changing their funding model to adapt to the limited and strictly controlled advertising market. One example quoted is the weekly *Kapital*, which has launched a paid online subscription.

A new media project tested how crowdfunding would work in Bulgaria but did not manage to take off: the Klinklin

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

site, which announced the launch of a media alternative run funded by the readers, has so far failed to gather the funding needed for the launch. Founded by young journalists and journalism students, the Klinklin initiative missed its initial launch date in September. As of December, it had managed to raise just above 11 percent of the BGN 50,000 (\$28,680) needed to get off the ground.

According to the panelists, the media fail to serve a broad spectrum of social interests. Points of view from minority and vulnerable groups are not represented; on the contrary, many endure being targeted by negative campaigns.

Georgiev shared his impression that there is a trend toward increased use of hate speech in the media. "It started many years ago, with the appearance of the political party Ataka and its media, which broke the taboo on the public usage of hate speech. Little by little, this spread to more and more media until it reached the mainstream. In 2015, we could see big media engage in campaigns against minorities, 'Sorosoids,' [organizations funded by the Open Society Foundations] homosexuals, etc.," he said.

According to Georgieva, censorship and self-censorship are more and more the rule in the regional media, driven mainly by local governments and local corporate interests. She pointed out that political pressure comes second and is a function of the corporate pressure over the media in the regions.

Daskalova pointed out that while Internet penetration is growing outside the big cities and reaching the villages, the distribution of print media is problematic. The Peevski-controlled Lafka distribution network flourishes in the small cities, amid complaints that it discriminates against the publications of other media groups. This creates problems with access to news in the rural areas. Some media are not available at all.

Markov, the former head of ABBRO, thinks that small radio stations are finding it harder and harder to operate. "The local advertisers are not sufficient to support them, and everything else goes to the big chains. Alternative forms of advertising are not tolerated. A local radio station in Sevlievo was recently fined by CEM for inviting a local businessman to participate in programs rather than pay for spots," he said.

Overall, Lipovanski painted a bleak picture of shrinking journalism outside the capital city: "The circulation of regional newspapers has fallen sharply, partially due to increased access to online information. The regional media are cutting back on the time and resources to produce original content, especially for news."

"Radio is a local media," Markov continued, "but still most of the licenses go to the chains, and there is very little remaining local programming, and the local audiences are not well served. The local radio stations sell their frequencies and go online in order to survive. There was a case like this in Gabrovo this year, but it's not the only example. In Samokov, there used to be three local radio stations, but there isn't a single one left now. All their licenses were bought by the chains. The programming is impersonal and does not relate to the local community."

Kirkovska also agrees that local radio and television stations are a rarity. "Most of the local stations have used legal means to transfer their licenses to the chains, but we should note that not all of them are only musical formats. Radio Focus, for example, is a news-oriented, poly-thematic program," she added.

Draganov said that most original content of the private television channels boils down to cheap entertainment reality shows, and the radio stations copy from each other the cheapest and most boring CHR-Top 40 format. "Talk radio is rare, and television infotainment is all over the airwaves. The events of deeper public interest are missing. The television scene is diverse, noisy, and superficial and lacks outstanding personalities. Yet, there are good exceptions—the *Tema* on Nova TV, *The Reporters* on bTV, some programs on BNT, and others," he added.

OBJECTIVE 4: BUSINESS MANAGEMENT

Bulgaria Objective Score: 1.48

Changing governments of various political colors have been using the state budget and the significant financial resources Bulgaria is receiving from the European structural funds to interfere directly with the advertising market. Pro-government media outlets receive contracts for communication campaigns of EU-funded projects and programs in exchange for favorable coverage; the government has become the biggest advertiser for a vast majority of media outlets. "Guess who will get most money from it—the channels that support the government or those critical of its actions?" Draganov asked. The situation is far worse for the regional and local media, most of which are completely dependent on the funding they receive from local governments.

According to Draganov, nearly half of Bulgaria's population is poorly educated and either works in a low-skilled job or depends on social payments. This is a problem for the country, but also for the television industry. "This huge part of the television audience has minimal, if any, esthetic culture and demands junk television production—pop folk music, cheap comedy sketches, and voyeuristic shows with ill-disguised pornography. It takes a lot of guts for the television program directors to plan something more demanding, but that's a risk the owners do not want to take," he added.

Newspapers account for 13.5 percent of the advertising market and have seen a growth of 8.2 percent in gross

and 2.9 percent in net revenues in 2014, according to Pierrot 97 data. Radio takes about 5.4 percent of the advertising volumes, but there is a complete lack of detailed information about the market, which some organizations believe is too small to justify expenses for professional measurement. Internet advertising shows significant growth in gross numbers, but falling net revenues. No reliable data for the amount of advertising on social media are available on the Bulgarian market.

The panelists said that the only newspapers that make money out of sales are some of the weekly tabloids and media for the pensioners. According to Spasova, the free newspapers also have good prospects. "Our circulation is about 100,000 weekly, though it used to be 300,000 two years ago. This is still big for Bulgaria, and the newspaper runs out immediately. This allows for high-quality content. Distribution is a problem, though," she shared.

Dimitrov said the advertising market is extremely twisted. There is a lot of cross-ownership between media and ad agencies, and advertising agency owners are directing the advertising budgets to the media they control. Government advertising is politically driven or serves the corporate interests of those close to the people in power.

According to Vassilev, the financial situation of the public media is very different. While BNT is chronically underfunded, BNR is overfunded. The different levels of pay in the two media act as a demoralizing factor, and Georgiev also thinks that there is no good reason why the top journalists on public television get many times less than their counterparts on national radio.

There has been a significant shift in the ownership of advertising agencies, the panelists noted. After decades of domination over the advertising market, the companies controlled by Krassimir Gergov have shifted toward the Peevski media group. Stoyanov believes that the advertising market was taken over by the Peevski group: "This is being used as leverage to influence the content of the national television channels," he said. Peevski has used the fact that the advertising agencies of the advertising mogul Krassimir Gergov had amassed debt owed to KTB and has managed to take control of them.

"The fact is that most of the agencies formerly controlled by Krassimir Gergov are currently in the hands of Peevski," Stoyanov said. "This makes Peevski the man who distributes the advertising money in Bulgaria. This is very visible by the content we can see on the four national channels and by looking at the advertisers and the advertised products."

Radev points out the striking imbalances exposed after KTB's bankruptcy in 2014, when it became clear that the bank had

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

been used to fund select media that ended up officially in the Peevski group.

“The suspicions that the bank had been used to buy media content proved true. Media outlets and publishing houses have been supplied with unguaranteed loans, and it’s shocking that the judiciary is not investigating how that money was siphoned off to corrupt the media. This hasn’t been limited to KTB; recent publications exposed that *Trud* owes a huge debt to First Investment Bank, and it’s not hard to see that the newspaper has been really active in supporting the projects funded by the bank, including a negative campaign against environmentalists who objected to its plans to expand the winter resorts at the expense of wilderness,” Radev added.

The dependence of regional media on the local governments and the oligarchs is even more pronounced than at the national level. As Lipovanski pointed out, the media in Ruse have so-called information service contracts with the local authorities, which have direct influence over their levels of self-censorship and over their editorial policies. The news is dominated by positive coverage of the local authorities. The local media offer few current-affairs programs, and investigative journalism is entirely missing. The local cable channels are doing a bit better, as they depend on fees rather than on revenues from advertising.

According to Georgieva, the government is supporting in all possible ways the existence of this vicious media model, funding the owners of media like Peevski through public tenders and EU funds. A second way is the direct funding, usually through EU funds, to these media to organize meaningless public events—for example, by *Trud* and *Standard*. The third way is by providing exclusive information and saturated participation in interviews.

“Keeping in mind the limited resources, it is quite amazing how so many print and broadcast media outlets exist in Bulgaria,” Draganov said. “This question takes us directly to the problem of influence peddling and the direct interdependence between media messages and political and corporate interests.”

The advertisers continue steering away from controversial publications. As Stoyanov commented, “You must have noticed that there isn’t much advertising in Bivol, despite the fact that we are one of the popular sites. Here’s what happens: if an advertiser decides to place an ad with us, he is immediately investigated by the tax authorities. There is serious pressure over potential advertisers. The pressure is so strong that even private citizens are wary of giving money to Bivol; they are afraid of being investigated. People who have donated money online refuse to have their names published.

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Bedrov explained that the advertising specialists use the term “non-controversial” media. “If you advertise a beer, you don’t want it to be in Bivol, not because you are afraid of the tax authorities, which will indeed come to investigate, but because the ad there may be seen as confrontational by a part of your target market,” he said. “The same goes for PIK. Even if they have the huge number of impressions they claim they have, the advertisers will not go there. Best for the advertisers are sites like [news portal and free-mail platform] DIR.bg, which no one loves nor hates, and keep a balanced position and publish everything.”

“But there’s a new phenomenon, which some of these sites are taking over from the printed press,” he continued. “When PIK publishes five consecutive stories that the cheese in Kaufland is spoiled and then all of a sudden they disappear, this is very suspicious. This is open racketeering,” Bedrov claimed. He also shared a personal experience: “We wanted to start a citizen initiative with a significant media presence, and we contacted friends with money; all of them were ready to support us financially but did not want their names published.”

Stoyanov encountered the influence of the advertisers firsthand. “I was working for a small agricultural television channel at the time I was also engaged in investigative journalism at Bivol, looking at the involvement of First Investment Bank into illegal siphoning of money from a Romanian public fund. All of a sudden, the bank approached the television channel with a request for advertising; a bit later I was no longer with them. The companies are used to this technique; once the media attacks them for something, no matter if it’s really their fault or not, they turn directly to the media to try and buy their peace,” he said. He learned later that “after the publication, the regional chief of police called the owner of the television station I was working for and warned him that if I’m not fired he will be beaten and

the police will find drugs and illegal guns in my home. This is why I had to leave.”

Bedrov picked up this story from his experience on the National Council on Journalistic Ethics, to which First Investment Bank complained about the publication’s investigation into its involvement with the Romanian public fund. “The letter of [First Investment Bank] is a classic example of a threat,” he said. “It is addressed to the prosecutor general, the head of the State Agency for National Security, the National Bank, the chair of parliament, the prime minister, to the Council of Electronic Media, and with a copy to us at the Committee of Journalism Ethics,” quoting a law that the media have allegedly violated. “For us it shouldn’t be a difficult decision; they haven’t indicated any specific violation of the Code of Ethics, and they haven’t asked the media for the right to reply. But the purpose of this letter is to serve as a threat. When the editor sees to whom the letter is addressed, he will be very careful the next time he writes about the bank; and it really doesn’t matter whether the letter will have any legal consequences. Some of the best lawyers have been hired to write it; they are always ready to write a new one.”

The big advertisers have won themselves the position of the “sacred cows” in media. As Georgiev puts it, “...you can only publish negative facts about a bank when it’s too late and it’s already officially bankrupt. For the mobile operators, there’s a short window of opportunity while they are being sold to someone. It’s far easier to write about the prime minister or about the prosecutor general than about some of the media’s main advertisers.”

Bulgaria’s media market remains difficult to measure, as there are no reliable data about circulations, ratings, and the actual price of advertising. According to the Pierrot 97 advertising agency, which depends on data provided by the media themselves, the volume of the entire media market in 2014 was BGN 1.328 billion (\$762 million) gross and BGN 305.54 million (\$175.3 million) net. The gross figure for television, BGN 995.7 million (\$571 million), is about 5 percent higher on an annual basis, but the net figure

is down by 2.5 percent. This decrease is the result of two factors: the shrinking budgets of some of the big advertisers and the increased number of television outlets pushing down prices for television spots.

According to Draganov, this is extremely insufficient and forces all television stations to operate as “low-cost” television. He believes that bTV alone (allegedly the station with the highest advertising revenues) needs at least BGN 125 million (\$71.7 million) net to be able to operate; instead it has BGN 285 million (\$164 million) of debt. “And there are about 45 other television channels on air. This means only one thing: the media, especially the broadcast media, do not have sufficient financial independence, which endangers their editorial independence as well.”

There are two people-meter agencies, locked in market battles: GARB and Nielsen/Admosphere. One favors Nova while the other one gives higher ratings to bTV, and the market remains in the gray zone. Daskalova said, “I wonder how the advertisers put up with this...the media market operates on the basis of incomplete, inaccurate, and sometimes deliberately manipulated audience research data,” she added.

“As for the people-meter agencies, it is war,” Georgieva said. “It started at the end of last year and continues still. The big differences are in the data for bTV, up to 10 rating points, which is decisive about its leading role in the media market. This is huge. There is a similar situation with the radio advertising market, but the amounts are far lower; thus, we do not hear about it so much.”

Broadcast, print, and the online media markets all suffer from the complete lack of reliable audience data: two people-meter agencies provide conflicting data about the viewership of the main channels, no audit bureau of circulation exists to verify newspaper circulation figures, and online visitor data are being manipulated to create fake impression of popularity of propaganda sites. The audit bureau of circulation briefly launched a few years ago never managed to take off and has completely disappeared.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bulgaria Objective Score: 2.11

The panelists were unanimous that Bulgaria’s supporting institutions are very weak (“vegetating,” as Vassilev put it) and unable to effectively protect journalists and media organizations.

The organizations of the publishers and ABBRO still press on, consolidated around the shared interests of the owners. By contrast, professional journalist unions are inactive, and very few NGOs active in the media sphere have remained. According to Boyadzhiev, “The organizations representing the interests of the owners and editors of the private media are more numerous and active than anything related to professional associations working to protect journalists’ rights and promote quality journalism or NGOs supporting free speech and independent media.”

Markov commented, “ABBRO has shifted sharply toward the interests of its television members. When it started, it was a radio organization. The majority of local media have been sold to the radio chains, and they have become the dominant factor in ABBRO. ABBRO used to provide professional assistance for its members, through various workshops and training; now this is completely gone... the role of ABBRO has been marginalized. It serves a symbolic purpose or is being used as a façade to hide other interests,” he added.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

The Union of Bulgarian Journalists (UBJ) and the Association of European Journalists (AEJ) are among the few functioning media support organizations, but UBJ is not broadly respected and AEJ is seen as quite powerless.

According to Daskalova, “UBJ has been working on a draft law for the protection of journalists. This has been going on for five years—this should be one of the laws that take the longest time to be written. AEJ, meanwhile, is becoming more and more established as a trustworthy organization. They receive and review alerts related to pressure on journalists. They react quickly and make their voices heard. But that’s the general problem—our instruments end with the public declaration of support. We don’t have the instruments to do something more effective and serious.”

The panelists noted that there is a need for serious legal support for journalists who have been victims of attacks, but it is not freely available, which is a serious problem for the smaller publications.

Everyone praised the Access to Information Program for the support it gives to journalists and media looking for public information. Since its establishment in 1996, the program has been working to improve legislation and practices to make information more accessible, and it has attracted diverse donor funding—making it one of the few sustainable NGOs active in the information field. The Access to Information Program is also very well integrated in the international networks of organizations working for freedom of information. Unfortunately, though, support with other kinds of legal expertise for the media is not available.

The panelists discussed the increasing Kremlin-style propaganda attacks against the NGOs, including those involved in media development and against the donors supporting them. Some panelists reported that the Peevski media are tracking organizations that receive funds from the America for Bulgaria Foundation, the Norway Fund, and other donor programs supporting the media and are publishing accusations that the NGOs serve external political interests. For example, several print and online media published a list of “Sorosoids,” including the names, pictures, and positions of members of NGOs supported by the Open Society Foundations founded by George Soros. In this “naming and shaming” campaign, the term “Sorosoid” is used to describe people being paid by Soros “to betray their country,” following the example of similar campaigns in Putin’s Russia.

“The media monopolies are creating an air of suspicion against NGOs, which is hard to disperse,” added Vassilev. Daskalova commented, “There is a systematic effort to

Daskalova commented, “There is a systematic effort to compromise the public image of the NGOs, which hampers our ability to support high-quality journalism. It’s very unpleasant to know that your actions will be interpreted as a threat to national security or something like that.”

compromise the public image of the NGOs, which hampers our ability to support high-quality journalism. It’s very unpleasant to know that your actions will be interpreted as a threat to national security or something like that. The media participate in this campaign as well; they selectively extract from our reports, take things out of context, and use them for defamatory purposes,” she said.

Bedrov expressed skepticism about the support NGOs can provide to the media. “As a voice from within, I can tell you that there’s absolutely no respect toward any of the media organizations,” he said. “The UBJ is not even being considered. AEJ is seen as a bunch of nice young people writing declarations, but that’s it, to say nothing of organizations like Media Democracy. There’s a complete lack of trust and a full understanding that we are left on our own. Everybody knows that. I can mention a few flash mobs that have been organized, but this is an *ad hoc* reaction and not sustainable. Last year, when someone set [bTV reporter] Genka Shikerova’s car on fire, we just decided to organize something quickly, and we managed to gather maybe 200 journalists for a protest in front of the Ministry of the Interior. This year, the journalists covering the SJC agreed to disregard Volen Siderov’s appearance there. The photojournalists are uniting now and will be complaining against the National Security Service of physical abuse during official events. In other words, there is sporadic reaction of a flash-mob type, but no trust in organizations or unions,” Bedrov concluded.

As for professional training, organizations like AEJ and the Media Development Center provide some sporadic workshops, but there is very limited interest on behalf of the media community.

Daskalova shared her disappointment: “There are such programs, but there’s very limited interest. The editors do not let the journalist attend, and most of the reporters and students do not want to attend. We managed to put together a very good program with top-notch journalism

trainers, but we had to literally beg some students to attend. It’s very sad, that people are not interested in enlarging their professional horizons,” she added.

The panelists find some explanation in the fact that there is no direct link between the level of skills acquired by the students and trainees and their future employability. As Markov puts it, finding work with advanced skills is challenging. “The students become really good, even surprisingly good, but they can’t find a place to work and further develop these skills,” he said.

Daskalova added, “Even if you have advanced professional skills, they are not of any help in the media environment we’ve been discussing. Good journalists are not in high demand.” Kirkovska underscored the growing commercialization of the students’ thinking. “Young people prefer the ‘shortcuts’ to media education—for example, the masters programs offered by the Foundation of [Nova TV anchors] Lora Krumova and Galya Shturbeva—and bypass longer academic programs,” she added, putting the practical ahead of the difficult work of building up professional expertise in journalism.

Spasova noted that there are no more professional schools inside the media. “This instinct which the big media used to have—to bring in and nurture young journalists—seems to be forgotten or neglected,” she said.

On a positive note, the panelists noted that the physical and information infrastructure for the development of the media remains mostly favorable. Traditionally in Bulgaria, since the early 1990s, the sources of media equipment, newsprint, and printing facilities have not been subject to political restrictions and are not monopolized. The physical infrastructure for the distribution of information, including communications technology infrastructure, is satisfactory and meets the needs of media and citizens.

Broadband Internet penetration, however, remains a problem in the rural areas of the country. While Bulgarian cities, where most of the population lives, enjoy fast and very cheap Internet access, the connectivity in some of the villages relies almost entirely on mobile phone operators and is too expensive to be used by all, especially given the country’s demographics. Most of the people living in the villages are older and less educated. The low demand for Internet services has discouraged communications companies from investing in these areas, creating a digital divide between the younger and more active urban population and the elderly people living in the countryside. On the other hand, the massive migration of young Bulgarians to work or study in the EU is increasing the demand for digital communication, and the elderly are already adopting basic Skype skills to keep in touch with family members abroad.

The distribution channels for Bulgaria's broadcast and online media are not restricted. This is not always the case with print distribution, where a chain of news kiosks owned by the Peevski group has tried to push independent distributors out of the market, so far with limited success. A bigger problem is the weak demand and falling circulations of print media, which have discouraged media from investing in distribution networks, and many rural areas do not receive printed press on a regular basis. People living in these areas rely on television, including cable and DTH, for their news and information.

"Looking at the bigger picture, there are no objective reasons for the negative trends in the media in Bulgaria we are observing. All the problems we are experiencing are created by the media owners and the political and corporate masters they serve," Vassilev concluded, to everyone's approval.

List of Panel Participants

Constantine Markov, lecturer, Sofia University Faculty of Journalism, Sofia

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

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

Ivan Radev, board member, Association of European Journalists, Sofia

Dilyana Kirkovska, chief expert, Council for Electronic Media, Licensing and Analytical Department, Sofia

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

Galina Spasova, editor, Health Media Group, Sofia

Dimiter Stoyanov, journalist, investigative reporting website Bivol, Sofia

Ivan Bedrov, deputy editor-in-chief, Club Z.bg, Sofia

Krassimir Dimitrov, owner, Radio MIXX, Burgas

Dimiter Lipovanski, owner, Arena Media, Russe

Boyko Vassilev, editor and program host, Bulgarian National Television, Sofia

Ivo Draganov, media expert and lecturer, New Bulgarian University and the National Academy for Theater and Film Arts, Sofia

Moderator & Author

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

The Bulgaria Study was coordinated by, and conducted in partnership with, BTC ProMedia Foundation, Sofia. The panel discussion was convened on December 18, 2015.

“During the EU accession, Croatia at least tried to show its polite face in aligning its legal framework with the EU requirements and standards, including the media sector,” said one of the MSI panelists. “Post-accession, there’s no more leverage from Brussels, and no need to pretend that we are better than we actually are.”



CROATIA

In its third year of EU membership, Croatia is still trying to comprehend the accession move beyond the mantra of “rejoining Europe, where we have always belonged.” The weak indicators of its economic recovery are by themselves more the result of higher demand in the export markets and low energy prices, rather than an impact of a consistent government policy or the obvious benefit of EU membership. More substantial direct foreign investments are not in sight yet, and living standards are back to the figures of the late 1990s. EU member states on the Croatian border have erected razor-wire fences in the wake of the migrant crisis. They are a sharp reminder of the fragility of the “Europe without borders” concept, seriously affecting the EU allure as a millennial or trans-generational project.

Media observers have all discussed these issues before, but have not yet conducted analyses of Croatia’s “first three years” in terms of media development or freedom of expression. “During the EU accession, Croatia at least tried to show its polite face in aligning its legal framework with the EU requirements and standards, including the media sector,” said one of the MSI panelists. “Post-accession, there’s no more leverage from Brussels, and no need to pretend that we are better than we actually are.”

By taking the path of threatening freedom of expression, Croatia is following Hungary, Slovenia, and—as in the last weeks of December 2015—Poland. The panelists clarified that the problems in those countries are the systematic measures to control their media sectors, while in Croatia the challenge is still more about the absence of any coherent media policy to prevent further erosion of the sector. But the result is about the same, panelists said. “The government will bitterly oppose any allegations on restricting freedom of speech. But it doesn’t take necessarily any proactive measures for that. It is enough to turn a blind eye [to] breaches of transparency of media ownership and tolerate draconian fines in libel cases to encourage the culture of self-censorship, with its devastating impact on media freedom,” said journalist Slavica Lukić.

In a market in which all major indicators have declined for the past eight years, the media sector has been brought to the very edge of bankruptcy, and its basic role in increasing the number of well-informed citizens has been seriously compromised. The need for proactive policy is an urgent one, panelists said, and has not been recognized by the outgoing social-democratic government. The panelists’ real concern is what the incoming conservative-right majority will do in that regard; their expectations are not positive.

The recent introduction of a quality weekly newspaper, *Telegram*, is one small piece of good news for the media market. If not too late, though, it is too little to be considered a sign of slowing down the negative vortex.

CROATIA at a glance

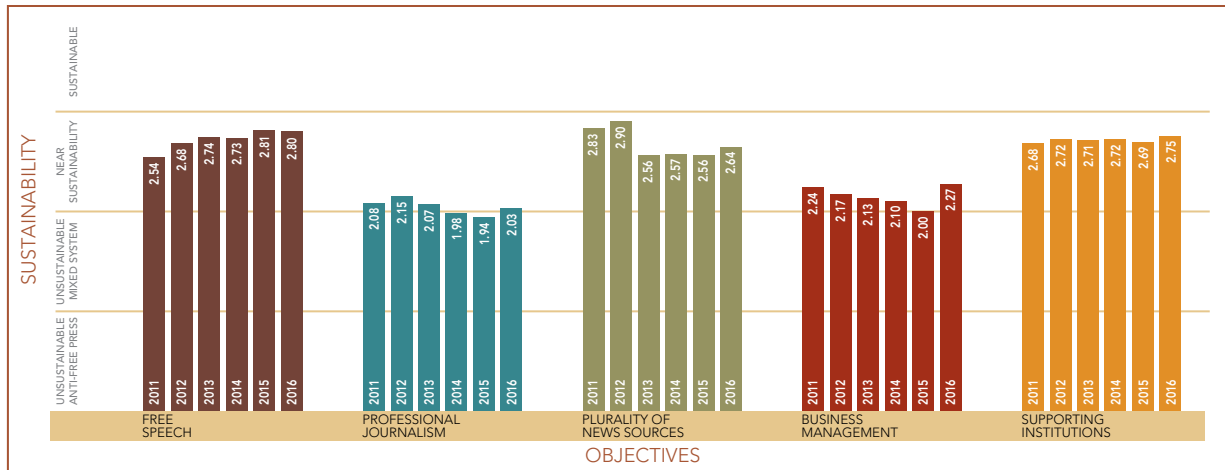
GENERAL

- > **Population:** 4,464,844 (2015 est., *CIA World Factbook*);
- > **Capital city:** Zagreb
- > **Ethnic groups (% of population):** Croat 90.4%, Serb 4.4%, other 4.4% (including Bosniak, Hungarian, Slovene, Czech, and Roma), unspecified 0.8% (2011 est. *CIA World Factbook*)
- > **Religion (% of population):** Roman Catholic 86.3%, Orthodox 4.4%, Muslim 1.5%, other 1.5%, unspecified 2.5%, not religious or atheist 3.8% (2011 est. *CIA World Factbook*)
- > **Languages:** Croatian (official) 95.6%, Serbian 1.2%, other 3% (including Hungarian, Czech, Slovak, and Albanian), unspecified 0.2% (2011 est. *CIA World Factbook*)
- > **GNI (2014-Atlas):** \$55.02 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-PPP):** \$20,500 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 99.3% (male 99.7%, female 98.9%) (2015 est. *CIA World Factbook*)
- > **President or top authority:** President Kolinda Grabar-Kitarović (since February 19, 2015)

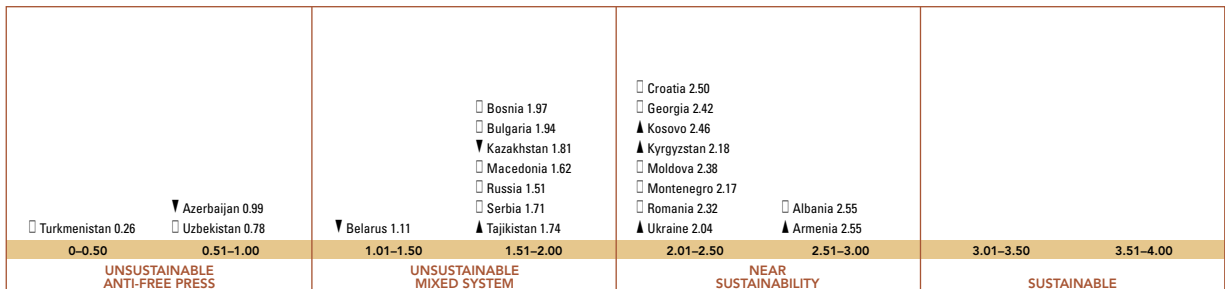
MEDIA-SPECIFIC

- > **Number of print outlets, radio stations, television stations:** Print: 10 major daily newspapers; 6 major political weeklies; Radio: 147 stations, 6 of which are national; Television Channels (free-to-air): 30, of which 11 channels are national; 204 web portals (as of December 2015)
- > **Newspaper circulation statistics (total circulation and largest paper):** The total circulation of daily papers is estimated at 310,000 copies a day, the top 3 being tabloid *24 sata* (circulation 55,000), *Večernji list* (circulation 45-50,000), and *Jutarnji list* (circulation 35-40,000); the highest circulated political weekly is *Telegram* (16,000 copies)
- > **Broadcast ratings:** Top 3 television stations: Nova TV (private/commercial), RTL Croatia (private/commercial), HRT 1 (public TV)
- > **Annual advertising revenue in media sector:** Approximately \$315,000,000
- > **News agencies:** HINA (public), Media Servis (private), IKA/Croatian Catholic News Service
- > **Internet usage:** 2.9 million; 65.1% of population (*CIA World Factbook*, 2014 est)

MEDIA SUSTAINABILITY INDEX: CROATIA



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Croatia Objective Score: 2.80

For at least the past 10 years, the Croatia MSI panelists have not been especially concerned with the constitutional provisions related to free speech. The Croatian legal framework's alignment with EU standards, and a thorough screening of media legislation during the EU negotiation process (2005 – 2013), further strengthened freedom of speech standards. "The Croatian legislation and legal practice are in line with the EU regulations and the European Court of Human Rights practice," said Vesna Alaburić, a lawyer and internationally recognized expert in media legislation. "Indeed, we are all sometimes surprised, even shocked, by the first-instance rulings in some media cases, but most of these rulings have been rejected in the appeal process."

According to the panelists, violations of free speech draw immediate attention. "The public is ready to protect the right to be informed, as guaranteed by the highest international standards," Alaburić said. Media analyst and professor of journalism Nada Zgrabljic-Rotar agreed, but said that this reaction "lacks a vigor it had before."

In the 1990s, the licensing of electronic media was used actively as leverage against the independent media. The panelists mentioned an iconic photo, depicting some 100,000 citizens on the main square in Zagreb protesting the

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

FREE-SPEECH INDICATORS:

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

license revocation of the cult-like Radio 101, saying that it encapsulates vivid memories of those days. That was in 1996, they noted, and then proceeded to discuss the situation as it is today.

"I can't say that there are no pressures from different individuals or lobbies on us," said Vesna Roller, a member of independent regulator Agency for Electronic Media (AEM). "But the best way to keep independence is to allow transparent and accountable procedures."

Panelists agreed that license allocation is in line with the public interest (allowing for community and non-profit radio stations, for example), rather than a purely commercial "best offer" approach. "Although I don't necessarily agree with their decisions, the regulator acts professionally and responsibly," said Željko Matanić, general secretary of the Croatian Association of Radio Stations and Newspapers (HURIN), representing predominantly local media.

While they acknowledged the efforts to make AEM politically independent, transparent, and efficient, the panelists said that more action is needed in cases of, say, hate speech in the electronic media. "For that, the agency would need a proper monitoring system, which does not exist now," said Zgrabljic-Rotar. Only the media using a finite public good, such as radio or television, are required to have a license. Electronic media outlets and print media companies are only asked to register formally.

The market entry and tax structure for the media are fair and actually favorable. While Croatia has no specific capital requirements or other restrictions that would distinguish the media from other industries, the print media enjoy a substantial tax break. Namely, the super-reduced VAT rate applies to daily papers (5 percent instead of the standard 25 percent), while weekly papers pay a reduced VAT rate of 13 percent. The different rates applied to daily and weekly papers might be questionable, but the fact is that this break substantially helps the embattled print sector. "The VAT break applies to all the print media, beyond arbitrary decisions. Therefore, editorial pressures on this basis are excluded," commented Ante Gavranović, media analyst and founder of the Association of Publishers.

With regard to personal threats against media members, Saša Leković, president of the Croatian Journalists' Association (known locally by the acronym HND), described recent cases. "In the past 12 months, we had two attacks, on journalists Domagoj Margetić and Željko Peratović, which have been classified as murder attempts," he said. "In one of them [the attack on Peratović], the European Federation of Journalists asked the Croatian Ministry of Foreign Affairs for some clarification and urged them to respond efficiently. They didn't receive a formal answer."

Perpetrators in the Peratović case have been identified and arrested, although the reason for the attack is still unclear. According to the panelists, the victim sees the events as a secret service plot to eliminate him, and claims that a local ownership dispute is behind it. The attack on Margetić has not been resolved yet.

Milan Živković, media adviser at the Ministry of Culture, spoke out against the violence, saying, “There should be no difference between ‘light’ and ‘serious’ threats. Any attack on any individual journalist is an attack on freedom of expression, and it should be treated like that.”

Professional associations and NGOs react efficiently to all violence against journalists. These incidents are predominantly personal vendettas, rather than organized attacks by the government, para-government forces, or organized crime. But according to the panelists, the general public feels a certain fatigue regarding to threats to journalists. “In times of a crisis, people are just too preoccupied with their own problems to be actively involved in protesting against ‘minor’ problems of some other professional or social group,” one panelist commented.

In general terms, Croatian law protects the editorial independence of the public media. But the panelists said that a whole spectrum of inconsistencies exists between legal norms and daily practice. “I wouldn’t say that politics influences public media directly. It does not. There is no one defined editorial policy there. It depends on the political affiliations of each section editor or journalist,” an insider commented.

The Croatian public service broadcaster (PSB) has enjoyed stable and steady income for more than a decade. Živković provided details on PSB’s subscription fees, which make up a portion of its funding. “Until recently, the subscription fee was defined by the law as ‘1.5 percent of the averagely paid salary in the previous year.’ But now, the law stipulates that the subscription fee will be ‘up to’ 1.5 percent of the average salary... This ‘up to’ is an open message—if not yet a threat—to the public service that the fee could be lowered by a political decision at any moment. This affects the independence of the public service.”

Lukić pointed to another subtle factor that calls into question the autonomy of the public service. “As long as the PSB’s general manager has to be approved by the parliament, political pressure will remain,” she said. Zgrabljčić-Rotar objected to PSB’s management of public funds. “PSB was supposed to have separate bookkeeping for the revenue from the public sources, in order to allow for more transparency in

spending the public money. But they still haven’t introduced it, using unacceptable explanations,” she said.

Indicator 6, covering libel law, provoked some bitter observations from the panelists. Under Croatian law, there must be a higher burden to prove libel against a public figure. But as Alaburić explained, “The penal code protects privacy of individuals and legal entities, treating even factual reporting as liable [for] lawsuits, if publishing of the facts is not considered as being in the public interest.”

Panelists said that they find this so-called “vilification” (defined as a “smear and intentional campaign against individuals or legal persons”) unacceptable, as an act that deeply inflicts damage on free speech. “That means that it is on the judge to evaluate whether the revelation of a certain fact is in the public interest, or falls into the vilification category,” said Lukić. “This may have—or better to say, has already had—a strong detrimental impact, especially on investigative reporting,” she added. There are no prison sentences for vilification, but the fines can now go up to 500 daily earnings, in theory. “Let’s be frank about this,” Živković said. “Anyone who gets a fine of 500 daily earnings is basically efficiently banished from the profession. This is clear regression.”

Lukić also lamented the difficulties with basic logistics in legal cases. “The court procedure is a kind of a punishment by itself. It takes time, it takes money. To make it worse, most publishers do not offer any protection or support to journalists in such cases. It’s as if I was at the court for running over someone by my car, not for an article published,” she said.

The right of access to information is nominally guaranteed, but “it really depends on each individual journalist, and how skillful he or she is in getting the information needed,” said Gabrijele Galić, a journalist for one of Croatia’s leading local papers (*Novi List*, Rijeka). Panelists said that the former government had improved its communication with journalists in the past couple of years, but openness varies from ministry to ministry. Tamara Opačić, a journalist and executive editor of *Novosti* (weekly published by the umbrella organization of the Serbian minority) explained that “... it just happens that when we make a written request to an institution for a legally mandatory answer, we get two, three useless phrases.”

Access to and use of local and international news and news sources is open and unrestricted. However, the panelists expressed their concern over the insufficient protection of intellectual property. Outlets have already paid huge fines in

for unauthorized use of photos, for example, which serves as a deterrent, but copying and pasting of text content is still widespread.

Entry into the journalism field is free; no license is needed. The accreditation process is largely fair and non-discriminatory as well. The government does not control enrollment in journalism schools, aside from setting flexible enrollment quotas for public schools and journalism departments. There are no quotas for private universities. Membership in the journalist association is conditional only by proving journalistic work (articles published, for example) and nominal adherence to the HND code of ethics.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Croatia Objective Score: 2.03

Professional standards of quality in journalism have been one of the most discussed issues within the Croatian media community. In general terms, the major indicators are worse today than 10 years ago, but the objective as such is too complex to be reduced to a single conclusion. "It is almost like a perfect storm. The legacy of unresolved issues from the past has met the challenges of the severe financial and market crisis," one panelist observed. The quantum of professional journalism still exists, but is surrounded by low-quality, trivial reporting.

"Do journalists verify and check the information? That really depends on journalists themselves," said Galić. "Some of them are doing a fine job, trying to be as professional as possible, while others deliberately reduce their work to copy/paste or, even worse, to journalism where facts are selected to serve the purpose." Goran Gazdek, chief editor of Virovitica.net portal, described his experience: "When I worked in a local weekly, I had to produce two or even three stories per day. It is impossible to keep up the quality under these circumstances." Website editor Dalibor Dobrić shared that opinion. "Most journalists are under pressure to deliver the content in almost no time," he said. "This goes especially for web, where there are neither the resources nor the time to check the facts." The professionalism problem is industry-wide, sparing no media sectors from its consequences, panelists said. Expressing a slightly more positive view, Boris Rašeta, columnist with *24 sata* daily, said that the quality of journalism in Croatia is still higher than what one would expect considering the market situation.

The same criticisms could be said about Croatian ethical standards. Major media outlets have composed their own ethical standards, as well as HND as the representative organization. Most journalists accept and follow these

standards, but a vocal minority openly rejects the professional and ethical norms in journalism. The wider audience often judges the whole profession by the acts of this group of journalists, according to Leković. "Erosion is visible," said Živković, describing the public perspective on ethics. "Recently I had a meeting with legal representatives of the leading national commercial broadcasters, and one of them was complaining about the 'too restrictive' regulation of protecting the identity of children in the media. I was shocked," he said.

Advertorial placements have become standard, sometimes blurring the line to near-invisible between editorial and paid content. Lukić, a writer with *Jutarnji list*, said that "Journalists in my paper are under a constant pressure from editors to do advertorials. This is a clear breach of the media law and the internal code of conduct. But I don't have a body to report to about this practice. Whom should I complain to—to my employer, who is actually encouraging or even demanding advertorials? The laws are usually well elaborated, but there are no mechanisms for implementation." These incidents could be reported to HND, but it does not have any mechanism to hold media groups accountable.

As an opening remark on indicator 3, which covers self-censorship, one panelist said, "Censorship doesn't have to be brutal to be considered censorship." In fact, self-censorship, as the more subtle but efficient form, has been practiced in many media outlets. For journalists who oppose it, the issue is not so much about risking safety, although this risk cannot yet be excluded from the list

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

altogether. The fear is much more about losing a job in the unstable market. It is obvious that journalists need to conform to certain political circles and business lobbies, panelists said. They posed the rhetorical question of when the last time an article critical about the top 10 advertisers had been published. The panelists agreed that it would be an overstep to draw conclusions about the omnipresence of self-censorship, but it is a serious and growing problem.

In a logical sequence with the next indicator, which measures media coverage of key events, Leković said, "There are no issues, aside from the larger advertisers, and no events that editors would actively prevent their reporters from covering. But there are many relevant issues fading from focus because of the rapid trivialization of the media content." Indeed, trivial reporting that goes beyond the concept of "infotainment" has seriously affected the public discourse, according to the panelists. They clarified that the issue is not utter sensationalism, but rather about avoiding relevant topics because they are considered not "commercial" or "interesting" for media consumers.

Rašeta pointed out a problem that seems marginal at a glance, but could illustrate the continuous trend of declining quality and diversity of reporting. "Even now, with hundreds of thousands of migrants crossing our borders, a more demanding reader can hardly find any article on international affairs that is not a pure copy/paste of an article published in foreign media. I am not questioning the quality of these 'originals,' but they logically lack the local aspect of the crisis," he said. Once, foreign policy reporters were considered the elite of the profession; nowadays, it would be hard to name more than a handful, panelists said.

Statistics might show that an average salary in media is still higher than an average salary in general, but still not truly fair compensation given the type of the profession and its requirements. "But, if we deduct the top 10 percent of the best-paid journalists, the rest of the media professionals will be below the national average," Gavranović observed. Statistics indicate that the average paid salary in media in 2014 was 30 percent lower than in 2007.

The public service broadcaster and two or three national print outlets are the only media with relatively decent and regularly paid salaries. But serious delays in salary payment occur, especially in local media, and this has multiple impacts. "I know a good local journalist who left his job and is now a taxi driver in Zagreb. He couldn't make enough as a journalist," Živković said. Dobrić had another example: "I can think now of 10 of my colleagues who are not journalists anymore. Six of them lost their jobs in 2015, four found jobs in PR or the advertising industry." This situation leaves the whole profession more vulnerable to subtle forms of

corruption (paid trips or "consultancies," for example) and ultimately lowers expertise and journalism quality.

In contrast to the declining circumstances described above, entertainment programming still does not eclipse news and information programming. Public TV recently extended its prime time television news from 30 minutes to 60 minutes. One of the four public channels is a 24-hour news channel. Commercial television stations have seen the commercial potential of news programming, recognizing the trend and investing substantial efforts in news production. "Ten years ago, it seemed that the news production would be pushed to the margins. But, it didn't happen. The news production consumes considerable time in daily programming schedules of both the public and commercial television stations," said Živković.

These changes do not yet necessarily speak to the quality of the news production; they primarily indicate that news production is considered important. "It is not about the first minutes in the news. They are all good. But, I judge quality of news by analyzing what's in the 25th minute," Dobrić said. The same goes for print media: news sections are still of considerable size, but either the approaches lack an in-depth analysis or the news is intentionally superficial or even openly biased. The problem affects the web-based media even more than the traditional, panelists said. "Knowing that the attention span of my readers is measured in seconds, what else can I do to attract them to read a serious article [other] than to put a catchy headline?" Dobrić asked rhetorically.

The facilities and equipment for gathering, producing, and distributing news have never been a specific problem. "Nowadays, the software solutions are inexpensive—affordable even, for even small radio stations," Matanić said. Internet access is more expensive than in other European countries (and slower compared to the high-end speed), but this does not have a prohibitory impact on the media production.

The above-mentioned trivialization of news content has seriously affected niche reporting. "Only 10 years ago, daily papers had specialized supplements on a daily basis. Gone, not anymore," one panelist said. Croatia still has a pool of quality journalists that specialize in sectors (health, business, or education, for example), but most of them are senior professionals just a few years away from retirement. "These journalists have earned respect, and this is why they are still in the media—not because editors think their specific sectors are important. But there is no one to replace them," Dobrić said.

Investigative journalism is usually the first victim of a financial crisis; not because of the scarce resources available, but much more due to the media's higher dependence on

business and political lobbies for income. “Editors will not openly reject a good investigative story. But they are more often ‘burying’ them,” said Lukić, a prominent investigative reporter herself.

In one example of an in-depth report, an alternative web portal (www.lupiga.hr) recently published an investigative serial on financing of the Catholic Church in Croatia from public funds. No mainstream media have shown any interest in following up on the issue, however.

OBJECTIVE 3: PLURALITY OF NEWS

Croatia Objective Score: 2.64

In the view of the panelists, objective 3 is controversial: “multiple news sources” does not necessarily mean “providing citizens with reliable, objective news.” Although the panelists understand well the main intention of the objective, they question the very concept of “plurality.” For example, much of the information distributed to EU member states in 2014 was so-called “secondary news”—information taken from other media/communication platforms. Some media analysts nicknamed the trend as “false plurality,” with multiple sources just producing the same content.

Considering the size of the market, Croatia enjoys a variety of public and private media, print, radio, television, and online news sources. Alaburić expressed the predominant opinion of the panel: “The person who wants to be informed has at their disposal a variety of local, national, and international sources,” she said. Social media are indispensable, although some panelists said that they contribute to the superficiality of information rather than to the goal of informing. The media present multiple points of view, although often in terms of a basic liberal–conservative dichotomy, rather than as the result of in-depth research than could fill the wide gap. “Let’s take the migration crisis as an example,” commented Zgrabljčić-Rotar. “There were two opposite approaches to the issue, but the complexity of the crisis has rarely been reflected.”

The tradition of free access to domestic and international news sources has existed since the late 1950s. International broadcasters (the BBC World Service and the Voice of America, for example) were not jammed even then. Millions of foreign tourists, mostly from Western Europe, have helped thwart attempts to keep society cut off informationally, going back to the mid-1960s.

Today, Internet traffic is absolutely unrestricted; the only issue is the affordability of online news sources. In Croatia, the Internet is more expensive than in other countries,

although a \$15 monthly fee allows access to reasonably good service. Rural areas are a bit underprivileged in access to information packages (a variety of IPTV-provided news channels, for example), primarily because of their traditional reliance on terrestrial free-to-air television.

With regard to the indicator on the balance of political viewpoints within public media, Živković said, “The public service media are trying to establish a kind of a mechanical reciprocity, reducing the political spectrum to the space between the ruling and the main opposition party. This balance between the ‘left’ and ‘right’ parties narrows the space for the non-governmental sector. Indeed, this is an indication that the public service wants to avoid a biased approach, but this is not what I’d call ‘reflecting the views of the political spectrum.’”

To the credit of the public broadcaster, of the four PSB national channels, one is a 24-hour news channel, and one is a culture and arts channel with active participation of NGOs and civil society—all of whom commercial television stations largely ignore.

Using relatively flexible criteria on the definition of a “news agency,” Croatia has three: the public news agency HINA, the radio network/web private news agency Media Servis, and the Catholic news agency IKA. Once heavily politicized, HINA now is offering a non-discriminatory, professional, and reliable wire service to its clients at prices affordable to most media. Local radio stations have mostly used the network-provided news services (such as the one offered by Media Servis), often as part of a barter deal of “news for

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

“Let’s take the migration crisis as an example,” commented Zgrabljic-Rotar. “There were two opposite approaches to the issue, but the complexity of the crisis has rarely been reflected.”

airtime.” The government places no restrictions on using international agencies (most often Reuters, AP, AFP), but they are too expensive for most media—with the exception of the biggest daily papers.

Private media produce their own news and information programming. As mentioned above, commercial national television stations have found that the news programming they are obliged to produce can actually attract an audience, or at least be used as a hook to bridge two slots of commercial content. Three national television channels (Public TV, Nova TV, and RTL Croatia) are actually in head-to-head competition for the audience with their central television news, which they all air in the same prime-time slot.

Almost all local radio stations are members of radio networks that provide them with national and international news, fulfilling the legal obligation of a daily quota of news programming. “We are aware that local radio stations are losing some of their identity by broadcasting network news, but most of them are barely surviving, and they have no means and resources for full-fledged news production,” Matanić said.

The issue of transparency of media ownership does not allow for a simple and straightforward answer. Recently, the European Commission’s specialized bodies have praised Croatia as an example of a country with highly transparent ownership in electronic media. Indeed, just a few clicks on the AEM website will reveal the ownership structure of all radio and TV stations in Croatia. But there are no guarantees that the displayed names are actually the “real” owners. “The anti-monopoly restrictions in the electronic media sector are encouraging the usage of ‘surrogate’ names,” Matanić commented. “Should the law allow the free market regulation of the sector, the real owners would not have any reasons to hide.”

Transparency of ownership in print is a different story. Croatia has an actual duopoly in the print sector: it is dominated by a local company (EPH) and a foreign-owned publisher (Styria). “This is not a problem by itself,” Lukić said. “I am much more concerned by the fact that the public can’t get names of the real owners of one of these two

publishers.” Once a proud flagship of Croatian journalism, EPH has been taken over by a law firm. “But we have a document that proves that this office only represents a business-banker’s group,” said Lukić, an EPH journalist. “It’s shocking to realize that no institution found itself responsible to react when we submitted this document to the government,” she said. Panelists agreed that with the exception of Styria, the ownership structure of all other relevant daily papers in Croatia does not allow media consumers to judge the objectivity of the content based on ownership information.

The variety of news sources (from two specialized channels of the public broadcaster to the not-for-profit media) guarantees representation of a broad spectrum of social interests. The only problem is the limited reach of these sources. When it comes to television, Lukić said, “What matters is what is on Channel One [public TV],” however important its third and fourth channels are. These media are consumed by a more demanding audience, most of them with an open attitude towards social issues. However, minority problems (homosexuality, for example) are not covered in media as much as they were only a few years ago. “The third sector [civil society] promotes these issues, but the mainstream media have become more conservative,” said Zgrabljic-Rotar. This is a reflection of the expected change in the country’s political matrix (a move from center-left to right-wing majority) and the result of a certain conservative revival in the past two or three years.

Minority-language sources of information have a long tradition in Croatia. For example, *La Voce del Popolo*, the daily paper of the Italian minority in Croatia, has been in publication for 72 years. These publications make news and other content available at the local and national levels. Thanks to different schemes of public financing (such as the government’s Fund for National Minorities, the Ministry of Culture, the National Foundation for Civil Society Development, and, especially the Fund for Pluralism of Media), the minority-language media have weathered the financial crisis. Although most cover the specific interests of their ethnic groups, some have managed to erase the line between ethnicity and the relevance of their content. The Serbian-language *Novosti*, for example, has become one of the leading political weeklies in the country.

The number and the diversity of the media, as well as new communication platforms, have intensified the exchange and availability of local and national news. Due primarily to the many local news portals, consumers can find information on local events most anywhere in the country. Media observers might say that the public service and national media do not devote enough time or space to issues of specific interest to local audiences. But they are

covered at certain times, according to the panelists. "Daily papers do not have their local correspondence offices any more, and report on local events mostly when it is about sensationalism," Gazdek said.

Coverage of international politics is slightly different. As mentioned above, foreign policy affairs have been pushed to the very margins of the media's interest, even though some of the most decisive events that are shaping the future of the region and EU are unfolding right at present. "We know less about our neighbors than they know about us," Živković said.

OBJECTIVE 4: BUSINESS MANAGEMENT

Croatia Objective Score: 2.27

As the panelists described, the recession that has hovered for seven years and the effects of the global financial crisis are not the only factors that have rampaged the Croatian media scene. A precise picture of the media today should use more shades of pale. "Our publishers had lived for more than a decade in the mass profit zone, and the crisis has taken them almost by surprise," said veteran media analyst Gavranović. "They were unprepared for the challenges of 'going digital,' reducing it simply to the web extension of newspapers, which is simply not enough," he said. Profits earned in "fat years" were not reinvested into the media, but rather used for risky investments in sectors that have suffered most during the crisis, such as real estate or construction. Some otherwise profitable newspapers have been pushed to the very brink of bankruptcy by using the media as collateral for the owner's decaying core business that have nothing to do with journalism.

Most of the media have managed to survive, although with severe cuts in the number of the staff and outputs in general. Only two local television stations have been closed, while the local radio media market, reduced by some 20 stations, still seems to be more than the market can support. All daily papers are still up and running; some of them at the mercy of their debtors, most of them just a small step from the deep red ink. Statistics show that the media sector has lost more than 30 percent of its jobs since 2008. But there is some good news: a new weekly paper, *Telegram*, has emerged from the ruins of the once-mighty publisher, Europapress Holding.

"When it comes to the local media, it is more about survival instincts than about elaborate business plans," Matanić explained, commenting on the relatively low "mortality" of local media outlets. "In order to get or renew a license, broadcasters have to submit the business plan for the

whole duration of the license contract; meaning, from 9 to 12 years. This is absurd. We don't even know what the communication platforms are going to be five years from now, let alone to make business plans for 10 or more years in advance," he said. Some major national publishers, such as Styria, prepare mid- and long-term business plans and define strategic goals, but this is more the exception than the rule.

Most other publishers are caught in the vicious cycle of constant cost reductions, which usually means reducing content quality. Over a one-year period, reduced quality typically results in lowered income, which therefore must be met with a new round of cutting costs—and this time there is less to cut. "Journalists are usually considered an expense," one panelist complained bitterly, regarding the cost-reducing policy of his employer.

The media in Croatia receive revenue from multiple sources, although their balance is not the same as in more developed markets. Severe contractions of advertising spending, along with a heavy drop in circulation sales and other sources of income, have made commercial media more vulnerable to different forms of undue editorial pressures. Unlike other countries in the region, Croatia's government itself does not control a significant portion of the advertising "pie." But the market is dominated by a small number of business conglomerates, which seem to be immune to criticism. "One may write whatever he or she wants against the government, ministries, whatever... but don't touch the biggest advertisers and the business lobbies behind them. They are exculpated from any wrongdoings or mistakes," Lukić commented.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

“Our publishers had lived for more than a decade in the mass profit zone, and the crisis has taken them almost by surprise,” said veteran media analyst Gavranović. “They were unprepared for the challenges of ‘going digital,’ reducing it simply to the web extension of newspapers, which is simply not enough,” he said.

Aside from copy sales and advertising revenue (and subscription fees to the public radio/television), public sources of finance are important in keeping certain media afloat. The government’s fund for the pluralization of media provides significant assistance. The fund is alimeted from 3 percent of the subscription fee to the public service, which makes some \$5.5 million per year. It supports “productions in the public interest on local commercial radio and television stations,” and as of recently, not-for-profit web portals. “Given the economic situation, a large part of local radio and television stations survive mostly thanks to the financial support from the fund,” Matanić said. The transparency of the fund’s allocation limits influence on the recipient outlet’s editorial independence to a large degree.

Other sources of public money, as mentioned, include a dedicated fund for minority language media, the Ministry of Culture, and the National Foundation for Civil Society Development. The government’s decision to introduce the super-reduced VAT on daily papers could be also considered a form of public assistance. Experts would call it “indirect support”—indiscriminate and having no specific influence on the editorial policy.

Opening the discussion on Indicator 3, the advertising market, one panelist said that “advertising agencies are probably more developed than what media would need or want.” There is a two-fold message in this observation. One, this confirms that advertising agencies and the advertising industry have a long history in Croatia. In the 1950s, some of the best-known local avant-garde artists were hired to create ads for domestic products. In the mid-1980s, recognizing the market and the creative potential, McCann Erickson bought a local advertising company and opened its branch office in Croatia. Such a long tradition has been successfully transformed into a highly evolved advertising market. “The crisis by itself contributes to the consolidation of the sector, leaving no space for small wanna-be agencies,” said Krešimir Dominić, planning and development director at

Abakadabra public relations agency. “The other side of the coin [is] that the consolidated and sophisticated agencies are dictating terms to the impoverished media, who would do whatever it takes to get some advertising money.”

Product placement pieces and advertorials are standard practice. Newly introduced elements in advertising contracts ever more often oblige the media to report positively on the advertiser, or at least to refrain from negative publicity. The consequences of such demands of the advertising agencies to the editorial policy are easy to visualize.

At one time (2007/2008), advertising revenue in print was almost equal to the circulation sales, but shrinkage of the market has changed the balance. “On the global market, television channels consume 40-45 percent of the advertising market. In Croatia, they take even a bit more than 70 percent,” said Gavranović. Strict regulations are in place regarding the allowed minutes of advertising per hour of broadcasting on commercial and public television. A drop in advertising revenue has made print media more reliant on circulation sales and subscriptions.

As mentioned, the government is not a major player in the advertising market. In order to further regulate this market segment, in the early 2000s, a law was introduced that stipulates that the government spend “at least 15 percent of its advertising budget on local media.” The intention was good, but implementation has not been in line with these higher expectations. “There is no monitoring on how this budget is spent, nor sanctions for any potential wrongdoings,” said Matanić. That does not mean that the money is subject to political preferences or that any editorial “services” are expected in return, he added. “No, it’s not about that. The government simply does not want to mess with local media. They give the budget to a number of advertising agencies, and then these agencies distribute it to the media, which are their clients.”

Market research is conducted regularly, using sophisticated tools and methods. The results are used by advertising agencies to define the most suitable media carrier of their clients’ messages to the desired target groups. Most media outlets themselves do not use research in shaping their content. “Styria is probably the only publisher that uses strategic plans to manage the crisis, rather than leave it to inertia,” Živković said. Professionally conducted surveys are too expensive, especially for local media. The national mainstream media usually read surveys only in terms of the declining audiences, trying to retrieve lost interest by introducing more trivia and becoming more conforming.

AGB Nielsen, as the leading global company in the field of ratings and surveys, has been active in Croatia for

years. Although broadcast ratings for the leading national broadcasters are generally reliable, the “methodology used for these audience ratings have not been standardized; therefore, their findings are not comparable,” said Viktorija Car, professor of journalism.

The ratings situation is different with local radio and television stations. “We have offered our members professional audience ratings, which they can’t afford by themselves. But they declined it,” commented Matanić. “Most of them still prefer to pretend to be ‘the most listened to’ on their local markets, which is an assumption based on several phone calls, than to accept the reliable data.”

Since the establishment of the Audit Bureau of Circulation in Croatia, print circulation figures are reliable and accurate. “The publishers would not dare to present inflated statistics anymore,” said Gavranović.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Croatia Objective Score: 2.75

Ever since the turbulent 1990s, professional associations and other supporting institutions in Croatia’s media sector have been recognized by their regional and international partners as efficient in advocating for media independence, promoting freedom of speech, and lobbying for the interests of the media professionals, however these interests may differ across the media spectrum.

Along with HND and the trade union, the best-known organizations of their kind, Croatia has a variety of professional and trade associations actively promoting the agenda of different media sectors. Local media (some print but mostly radio and television stations) are organized in HURIN (Croatian Association of Radio Stations and Newspapers). Local television stations are organized in NUT (National Association of Local TV Stations). Together with the national television stations (Croatian RTL, Nova TV), local television stations have formed a joint national association of commercial television stations.

The publishers have organized their own association, which proved its strength in 2014 by lowering the VAT for daily papers to the super-reduced rate of 5 percent. The publishers of not-for-profit and web-based media are organized, too. No sector has been left without a voice, panelists said. All associations are independent of the government, although not necessarily immune to political interests. The associations are covering operating expenses by themselves, on an ad-hoc basis or by establishing a membership fee.

As mentioned, HND, founded in 1910, has long been viewed as an example of a well-structured and efficient representative organization. It has managed to preserve its integrity throughout its century-plus-long lifespan. The trade union has often been used by umbrella international organizations as a point of reference to their partners in transitional democracies, but it is not clear that is still the case.

“The membership of HND is in decline,” said Leković, who was elected the association’s president in May 2015. The shift is partly the result of a certain misconception on what HND should do, he said. “This is an expected reflection of the overall situation in the media sector. We can’t change the financial environment for the media, nor can we prevent further contractions of the media and the advertising market. But we should be more active in defending the freedom of speech in every aspect.”

As a practical measure, HND has organized a team of 25 experienced *pro bono* lawyers, university professors, and other volunteers to be available around the clock to journalists who have been threatened or whose legal rights were obstructed or denied. HND had a similar project in the late 1990s, marked by open political pressures on the media and insufficient standards of democracy. Is this a signal of a return to the authoritarian 1990s? “Not at all,” according to Leković. “Freedom of expression is now under pressure in a different, but not less threatening, way than in the 1990s. Given the situation, this is probably the best service we can offer to our members,” he said.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Zgrabljčić-Rotar also commented on NGOs' shortcomings. "There is a certain fatigue when it comes to the NGO sector and its involvement in the free speech issues. Nowadays, they are more reactive than proactive."

The government imposes no limits on registration or functioning of these representative and trade organizations. On the contrary, most of them are eligible for applying for financial support from public sources. A high level of transparency and detachment from political interests in tendering procedures allows for using these funds without any undue influence.

There are more than 50,000 registered NGOs in Croatia. Most of them are only formally registered, but a sufficient number of them have proven their relevance. As of the early 1990s, the NGO sector has been actively involved in promoting human rights issues, with a strong emphasis on the media. They support media professional associations and, in many cases, build a platform between the media representative organizations (such as HND) and the NGO sector. They address many substantial issues in relation to freedom of expression and are seen almost as natural allies, panelists said. New developments—and in many ways, a more demanding environment—have brought a different approach. According to the panelists, the challenges are not the same as in the 1990s. The goal is not to promote human rights and freedom of speech in a deficient democracy any more, but to preserve higher professional standards in a free market devastated by the structural crisis.

"Taking an active part in the developments in the 1990s and witnessing the situation nowadays, what I'm missing now is not a level of activities or reaction to any breaches of freedom of speech, which are still out there," said the MSI moderator. "I'm missing the synergy between the media representative organizations and the NGO sector, which would make their individual actions meaningful in the big picture." Zgrabljčić-Rotar also commented on NGOs' shortcomings. "There is a certain fatigue when it comes to the NGO sector and its involvement in the free speech issues. Nowadays, they are more reactive than proactive. They are still vocal when it comes to some obvious violations of media freedom, but I don't see them much involved in, say, creating a climate against the hate speech," she said.

As for journalism education programs, Croatia has many, said Gavranović, but they do not offer enough practical knowledge or hands-on experiences. "It is expensive to organize a practical training for a student within the curriculum," Zgrabljčić-Rotar explained. "Only one training program has its own radio and television studio, for example. Private media owners have problems of their own, and are not that interested in cooperating with us in terms of practical training."

The saturation of the system is an even more tangible problem. Indeed, with seven departments of journalism in the country, the number of graduates surpasses the market demand by far, especially considering the permanent contraction of the media market. New media platforms do not have enough capacity to compensate for the loss of jobs in "traditional" media, and especially not to absorb the number of graduates in journalism.

In such a precarious market, interest in short-term and mid-career training programs could be expected to be high; but the panelists said it is not. Leković gave an example. "A colleague of mine, working with Reuters, visited me recently. He is in his early 60s, and was just about to take a training on the social media. It would be hard to imagine such a situation in Croatia. Short-term training opportunities exist, but there's not much interest in them."

The printing facilities, newsprint acquisition, software solutions, and equipment/hardware availabilities have been market-driven businesses for years. Since the late 1990s, these sectors have been de-politicized, with no discrimination of preferred clients based on politics or any other non-market criteria. The saturated market of printing resources, including the possibility to use the printing facilities in neighboring countries, has created a favorable position for clients, which excludes any monopoly or other market obstruction.

The channels of media distribution function as privately owned, professional, and efficient businesses. Access to their services is offered to all clients, with no discrimination or any undue restrictions. Since the late 1990s, distribution has not been interrupted by suspicious equipment failures, network outages, selectively low Internet bandwidth, or incidents of using the distribution or transmitting facilities for political or business gain against the service's clients.

Still, the panelists expressed their dissatisfaction that print distribution is dominated by one company (Tisak), which is owned by the biggest private business conglomerate and the largest advertiser in Croatia. Tisak covers all the national

territory, including rural areas and remote islands, serving the media industry and consumers in an efficient way. But still, any monopoly in the distribution chain is by definition a reason for concern, panelists agreed. "So far, there haven't been any serious wrongdoings in that regard. But we should be ready to react should they appear," said Leković.

"Internet penetration has been in stagnation," Živković commented regarding the final MSI indicator. "Five years ago, we expected to have some 90 percent of households using the Internet in 2015, but we're only at 70 percent," he said.

The problem is more evident in rural areas, although the satellite-provided IPTV service offers infrastructure for covering non-urban areas as well. "There are still some 'digital islands'— areas with no signal," Car said. "A small percentage of the national territory is in question, indeed, but this is enough to compromise the rating for this indicator,"

Although the panelists said that they consider Internet service "fair," problems exist. "Two major telecom providers control 92 percent of the fixed-line Internet and 96 percent of the mobile Internet," Živković said. "Probably as the consequence of this duopoly, there are only two countries in Europe, Albania and Montenegro, with a slower Internet than in Croatia," he added. That fact was a surprise for the MSI panelists. Although they surely fall into the category of well-informed citizens, most of the panelists were not aware of this reality. In an ironic summary of the MSI discussion, it could be said: no wonder the panelists did not know. With telecom providers among the biggest advertisers, the media do not offer coverage of their shortcomings.

List of Panel Participants

Vesna Alaburić, lawyer, media legislation specialist, Zagreb

Viktorija Car, media analyst; professor, Study of Journalism, University of Zagreb, Zagreb

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

Krešimir Dominić, planning and development director, Abrakadabra public relations agency, Zagreb

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

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

Goran Gazdek, chief editor, Virovitica.net, Virovitica

Saša Leković, president, Croatian Journalists' Association, Zagreb

Slavica Lukić, journalist, *Jutarnji list*; vice president, Croatian Journalists' Association, Zagreb

Željko Matanić, general secretary, Croatian Association of Radio Stations and Newspapers, Karlovac

Tamara Opačić, executive editor, *Novosti*, Zagreb

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

Boris Rašeta, columnist, *24 sata*, Zagreb

Vesna Roller, member, Agency for Electronic Media, Zagreb

Nada Zgrabljic-Rotar, media analyst; professor of journalism and communications, Centre for Croatian Studies, University of Zagreb, Zagreb

Milan Živković, media advisor, Ministry of Culture, Zagreb

Moderator & Author

Davor Glavaš, independent media consultant, Zagreb

The panel discussion was convened on December 17, 2015.

The panelists concluded that Kosovo media outlets are not doing enough to guarantee security for their journalists.



KOSOVO

The overall 2016 MSI score shows that Kosovo may be characterized as a near-sustainable media environment. Certain issues nonetheless delay further progress, including the violation of journalism ethical standards in the new online media. The rapid growth of online news portals in recent years is no longer seen as a positive indicator contributing to the plurality of media. Within a loose legal infrastructure having no registration requirement and low ownership transparency, such news portals have emerged with the intent to denigrate targeted political figures, individuals, or even fellow media organizations. Public naming, public shaming, single-source reporting, defamatory language, and breach of copyrights have become the new standard among certain online portals.

Another setback in the Kosovar media sector was the failure to meet certain milestones, with at least two major deadlines missed in 2015. The first concerns efforts to identify a sustainable financing source for public media. As stipulated in the law on Radio Television of Kosovo (RTK), the three-year transitory financial period from the state budget ended in early 2015. Unable to find an alternative financing solution, the government continued to finance RTK. For media experts, this further jeopardizes both the institutional and editorial independence of the public media. RTK's top management and top news editors were accused, by their own staff, of misusing the budget and censoring stories that were critical of key political figures. Despite this, both the head of the board and the general director of RTK were reappointed for another term. The other failure was attributed to the Independent Media Commission, which despite managing to adopt the new strategy and law on digital broadcasting, was unable to meet the deadline for transitioning to a digital broadcasting system by June 2015.

A hindering factor to the overall political and economic developments in Kosovo this year was the instability of public institutions. The new government coalition faced enormous pressure from the opposition parties to withdraw from certain commitments related to the Kosovo-Serbia agreements, which aimed to normalize relations. The demands from the opposition coalition to reconsider the agreement on the border demarcation with Montenegro and to cancel the agreement with Serbia for creating the Association of Serb Communities, led to street protests and tear gas being released by opposition members of parliament (MPs) during a session in Parliament chambers.

Several protests were organized during 2015, most of them triggering great attention from local and international media. In clashes between the police and demonstrators, some journalists were caught in the middle and sometimes suffered injuries at the hands of the police. The panelists concluded that Kosovo media outlets are not doing enough to guarantee security for their journalists. Therefore, they suggest that media organizations invest more in organizing special trainings and provide unique identification for journalists while covering unrest and demonstrations.

KOSOVO at a glance

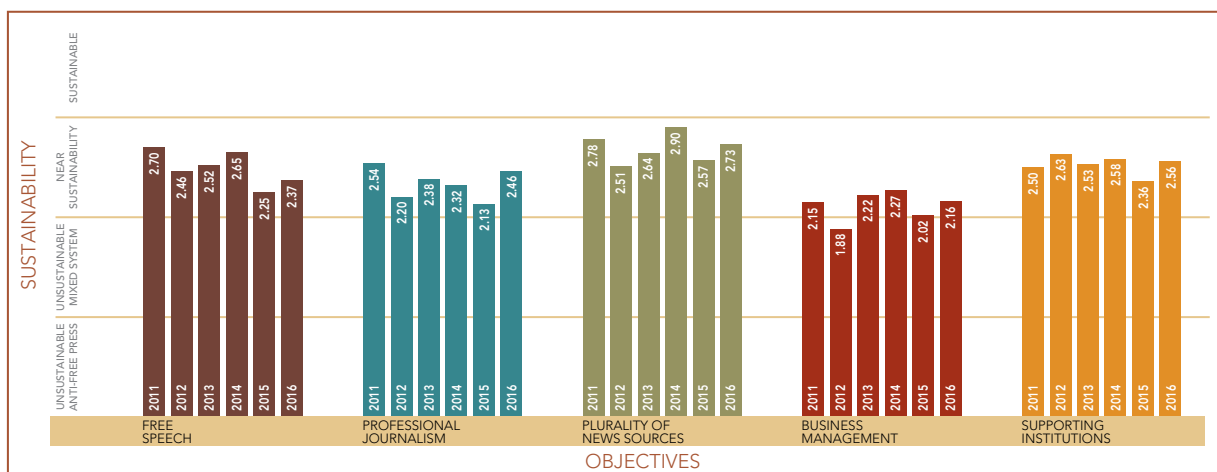
GENERAL

- > **Population:** 1,870,981 (July 2015 est., *CIA World Factbook*)
- > **Capital city:** Pristina
- > **Ethnic groups (% of population):** Albanians 92.9%, Bosniak 1.6%, Serbs 1.5%, Turk 1.1%, Ashkali 0.9%, Egyptian 0.7%, Gorani 0.6%, Roma 0.5%, Other 0.2% (2011 est., *CIA World Factbook*)
- > **Religions:** Muslim 95.6%, Orthodox 1.5%, Roman Catholic 2.2%, Other 0.07%, None 0.07%, Unspecified 0.6% (2011 est., *CIA World Factbook*)
- > **Languages:** Albanian 94.5%, Bosnian 1.7%, Serbian 1.6%, Turkish 1.1%, Other 0.9% (includes Romani), Unspecified 0.1% (2011 est., *CIA World Factbook*)
- > **GNI (2014-Atlas):** \$7.275 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-Atlas):** \$9,300 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 91.9%; male 96.6%, female 87.5% (2003 est., *CIA World Factbook*)
- > **President or top authority:** President Atifete Jahjaga (since April 7, 2011)

MEDIA-SPECIFIC

- > **Number of print outlets, radio stations, television stations:** Print—5 daily newspapers; Radio Stations—78; Television Stations—20 (Independent Media Commission, 2014)
- > **Newspaper Circulation Statistics:** *Koha Ditore* is the leading newspaper, followed by *Kosova Sot* (Index Kosova, December 2015)
- > **Broadcast Ratings:** RTK (40%), KTV (37%), RTV21 (36%), Klan Kosova (18%), Radio Dukagjini (4.2%), Radio Blue Sky (2.1%), Radio Kosova (2%), Radio 21 (1.9%) (Index Kosova, December 2015)
- > **Annual advertising revenue in the media sector:** N/A
- > **News agencies:** Kosovo Live, Kosovo Press
- > **Internet usage:** 88% of households have Internet access (Index Kosova, December 2015)

MEDIA SUSTAINABILITY INDEX: KOSOVO



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Kosovo Objective Score: 2.37

There was a slight increase from last year for Objective 1, which shows that Kosovo continues to support an environment where the legal and social protection of free speech exists, although it is not always enforced to the highest level. It also shows that the registration and licensing of media protects the public interest, to a certain degree, and is competitive and apolitical; it also shows that there are no extra requirements for media organizations to register as a business, compared with other industries. Further, there are no legal restrictions for access to and use of local and international news and news sources. Also, there are no restrictions whatsoever from the Kosovar government for entry into the journalism profession. However, no progress has been made with regard to the wellbeing of journalists, as threats against them remain wide and present; though, besides threats, no known serious crimes have been carried out against journalists this year. Lastly, according to the panelists, the financing of public media remains a top concern, which, again, directly affects the institutional and editorial independence of Kosovar media.

Kosovo is in good standing with regards to the legal protection of free speech. Both freedom of expression and freedom of media are guaranteed by the constitution

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

FREE-SPEECH INDICATORS:

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

of Kosovo; Article 40 states, "Freedom of expression is guaranteed. Freedom of expression includes the right to express oneself, to disseminate and receive information, opinions, and other messages without impediment." Meanwhile, Article 42 specifically addresses freedom of media, holding that "freedom and pluralism of media is guaranteed [...] Censorship is forbidden. No one shall prevent the dissemination of information or ideas through media, except if it is necessary to prevent encouragement or provocation of violence and hostility on grounds of race, nationality, ethnicity, or religion." Moreover, the constitution endorses all the international standards set by the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the International Covenant on Civil and Political Rights.

However, the current legislative framework does not necessarily guarantee its implementation. The panelists say that in Kosovo, freedom of expression and freedom of media are threatened by weak implementation of the law, dysfunctional judiciary and police services, highly politicized public institutions, and editorial newsrooms that lack independence and are subject to political and business-vested interests. Besa Luci, editor-in-chief of the blog Kosovo 2.0, says that the ineffective implementation of labor laws, in particular, has affected freedom of expression for journalists, who, due to irregular work contracts, have become vulnerable to internal media pressures.

Although confidentiality of sources is guaranteed by a 2013 law on protecting news sources, a court's recent ruling against a whistleblower has led the panelists to wonder whether a special law to protect whistleblowers is needed. Last year, a bank employee named Abdullah Thaci disclosed bank transaction details showing a misuse of the public money by Prizren municipality's top officials. Prizren is the second-largest municipality in Kosovo. Although such information led to the arrest of several people who are now facing trial for corruption, the whistleblower was also sentenced to six months in prison by the Basic Court of Prizren for disclosing bank transaction details. Kreshnik Gashi, an investigative journalist at the Balkan Investigative Research Network (BIRN), says that sentencing a whistleblower is a discouraging example for citizens and journalists to report corruption and stand against dubious practices. With regard to journalism, no case has been reported of journalists being punished for protecting their sources and not disclosing names.

With regard to the licensing procedures, the Kosovo legislation is fairly flexible, and apart from radio stations, television stations, and cable providers, other media outlets, such as newspapers, blogs, and online portals, do not need

licensing permits. According to the panelists, this has negative impacts as well. The lack of specific legislation has led to the emergence of many online news portals, some lacking basic ownership and financial transparency. Gashi believes that this has created an environment in which fictive online portals are being created and used for political propaganda and to exert pressure on professional media outlets.

Apart from a flexible licensing procedure, media organizations also enjoy a simple registration process, whether as a business enterprise or as a NGO. Furthermore, the government took a positive step a few years ago when it exempted media organizations from taxes for product purchases related to the industry. However, the tax-exempt policy is not valid for other business expenses or non-media products, such as tables, chairs, and other office supplies. Also, it is still unclear whether media-related product purchases are taxable for media outlets registered as NGOs.

Media outlets access to and use of local and international news and news sources is not restricted by law, just as there are no government restrictions on entry into the journalism profession.

Although no journalist fatalities have been reported in 2015, threats against journalists remain present. When such incidents happen, they are covered by all mainstream media, but the coverage does not necessarily generate a substantial social debate. Most of the crimes committed against journalists are threats, blackmails, and insults. According to Zekirja Shabani, the head of the Association of Kosovo Journalists, 27 death threats against journalists were registered in 2015, and many others were blackmailed or censored. Journalists who work on investigative stories involving public officials, government ministers, and even private businessmen are mostly targeted; these threats come directly in-person or over the phone.

If a crime is committed against a journalist and the case is taken to court, the trial can take months and even years to commence, creating a climate of mistrust in the whole justice system. However, the panelists say that other standards are used when it comes to processing cases that defend key public officials. The panelists mentioned the express trial of the 23-year-old who wrote a threatening Facebook status against the Minister of Labor. The Basic Court of Pristina promptly arrested, tried, and sentenced him to three months in prison for his message. In the same court, tens of cases with threats against journalists are still waiting, according to Gashi.

Overall, the panelists agree that journalists are safe to carry out the activities of their job. They are not directly persecuted by authorities or criminal groups; however, indirect threats and intimidation do exist. Personal safety on the job could still be improved, especially when covering

street demonstrations. This issue emerged in 2015 when a group of journalists was caught between police and demonstrators; some suffered injuries by the police. Many of the panelists suggest that media organizations have a responsibility to provide special trainings that focus on personal safety for journalists while covering unrest and demonstrations. The panelists also discussed the need for media organizations to provide special identification vests so that the journalists are not confused with demonstrators.

Kosovar law protects the editorial independence of public broadcasts, even though they are directly financed by the state budget. However, members of the RTK board are much more politicized, as they are appointed by PMs according to their political affiliations. Ardita Zejnullahu, executive director of the Association of Kosovo Independent Electronic Media, stated that the Kosovo parliament and the management and board of RTK have been reluctant to find a sustainable financial source for RTK, hence violating the law that called for the state financing to transition by early 2015. The current funding method is considered problematic even by the RTK representatives. Anamari Repic, deputy general director of RTK, stated that although the law called for parliament to allocate the budget for RTK at the beginning of every year, in practice, the budget allocation is happening every three months, which invites varying political and institutional pressures. RTK currently has four television channels: the traditional RTK1, RTK2 in Serbian, RTK3, the 24-hour informational channel, and RTK4. The law favors public broadcasts in the sense that they are able to generate income from commercial activities. However, it restricts the time allowed for commercial broadcasts.

Libel is a civil offense, and it is not uncommon for journalists to face such charges. Repic explained that most judges are not educated or informed in the field of media law and, therefore, do not show much sympathy for the freedom of journalism. Remzije Shahini-Hoxhaj, a professor of journalism, also criticizes the justice system, saying that journalists are discouraged from suing perpetrators due to very long trial proceedings; the public is also discouraged from suing the media for libel.

The law guaranteed access to public documents. However, there are many cases demonstrating weak implementation of this right. In September 2015, the Balkan Investigative Reporting Network (BIRN) won a court case against the Office of the Prime Minister for the Office's refusal to provide access to records of official trips from 2012. The positive ruling from this three-year trial was a victory for the Kosovar media. However, the Office of the Prime Minister has yet to comply with the court's decision, which ruled that such information is considered public and therefore should be available to the public. Access to public documents

remains a challenge, especially for new media outlets and new journalists, as not all of them have equal access to public officials for interviews and information. Luci said that this issue of equal access came up several times during research conducted with media organizations. This mostly affects smaller media organizations, including blogging platforms, which are sometimes considered inferior and undeserving of access to key public officials. According to the panelists, this idea also relates to the ongoing discussion of who is considered a journalist and who is not. While such definitions are not applied, some government officials also occasionally choose who should be granted interviews and who should not, depending on audience and anticipated publicity.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kosovo Objective Score: 2.46

Most media organizations in Kosovo tend to adhere to certain ethical standards, whether self-imposed, as in the case of the public media, or standards put forward by the Press Council of Kosovo, to which most print and online media subscribe. Traditional media, like television stations and print newspapers, provide better reporting than the online news portals. Although journalists cover all key events and issues, the practice of self-censorship remains present. As the interconnectedness of politics and business deepens, uncovering sensitive information may jeopardize financial gains. The average salaries for journalists are low, which is also a contributing factor to self-censorship, as well as a common reason why many journalists have left the profession for politics or other fields. On the other hand, the technical facilities and equipment for gathering, producing, and distributing news are quite modern and efficient. They produce quality entertainment and informational programming, as well as substantial niche reporting, such as business and investigative reporting.

The panelists expressed concern over a common practice among most online media, in which the majority of news and articles tend to be based on a single source or constructed as single-quote articles. The panelists mentioned a number of cases when online portals published stories attacking individuals, including editors of other media, in a biased manner and without attempting to get any comments from all parties involved. Newspaper articles tend to be more balanced when it comes to the number and relevance of sources, usually capturing all sides of a story, although context and background research often tend to be lacking instead.

Documented codes of ethics in Kosovo align with recognized international ethical standards, including RTK's own code

of ethics. The Independent Media Commission, which oversees the broadcast media, also has an ethics code, as does the Press Council of Kosovo, a self-regulatory media body to which most newspapers, news agencies, and news portals subscribe. The panelists say that although the Press Council has a code of ethics, in general, there tends to be little application of those ethical standards; instead there is still sexism, nationalism, and general prejudice. In recent years, the number of ethics-related complaints against online media has increased. According to official reports of the Press Council, in 2012, from a total of 28 complaints, 23 were directed to print media, and three were for both newspapers and online; only two were directed to online portals. In 2013, from a total of 25 complaints, 21 were directed to print media, and four to online portals. In 2014, from a total of 30 complaints, 15 were directed to print newspapers, and 15 to online portals. The data for 2015 are not yet available, but this trend over the past three years points to a continuous shift toward online media.

The Press Council has been publicly criticized by the head of BIRN Kosovo, Jeta Xharra, after an article published by *gazetaexpress* attacked the executive producer of BIRN's investigative show "Life in Kosovo." Xharra complained that the article was full of defamatory language and lies and included no facts. Only three out of 13 members of the Council voted in Xharra's favor that the article violated the code of ethics.

The panelists note recent progress regarding hate speech, particularly in the comments section of online forums. The majority of online portals have recognized the need to responsibly handle comments on their websites, and as a result some are now requiring users wishing to comment to first verify a valid e-mail account. Some websites have

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

added language at the end of articles stating that comments inciting hate are prohibited, and some have even completely turned off the comments section.

Self-censorship is widely practiced, both by editors and by journalists. According to the panelists, when journalists join a specific media outlet, they know that they can report, write, and cover in a way that fits the editorial and political agenda of their organization. Self-censorship is practiced both for economic reasons, as well as safety reasons. Some media owners are connected to business companies and political parties and, therefore, never expose negative information related to their financiers.

However, this does not mean that key events are overlooked. The plurality of media in Kosovo provides an opportunity for all key events and issues in Kosovo to be covered, although the depth of reporting may differ from one media outlet to another. Reporting from the north of Kosovo, which is a territory mostly dominated by Kosovar Serbs, still remains a challenge due to substantive security threats for mainstream media. Any event coverage in the north must be under the protection of local police, due to criminal gangs operating there.

The entry-level pay for journalists is low, and only after years of building a career do journalists receive better pay. In general, journalists' salaries are average for Kosovo, with the exception of public media employees. There is a great discrepancy between public media salaries and the majority of private media salaries; RTK journalists have some of the highest salaries in this field. One panelist suggests that this financial security justifies their obedience and encourages more journalists to aspire to a position in public media. The working hours for many journalists are long as well, and most are not compensated for the extra hours.

In general, entertainment programming does not eclipse news and informational programming. The majority of coverage tends to focus on national politics, political parties, and political leaders, but there are no major constraints on the coverage of certain topics. Meanwhile, a couple of blogging platforms even encourage debate on specific issues. Social media websites, such as Facebook and Twitter, are also used to disseminate newsworthy information. This is also due to the widespread popularity of the Internet in Kosovo, with 88 percent of households having access to the Internet.

Facilities and equipment for gathering, producing, and distributing news are more modern at the national media level than at local media outlets. Quality niche reporting is present in Kosovo, and traditional media often have special investigative stories. However, new online media outlets mostly report quick news segments that do not require in-depth research and analysis.

OBJECTIVE 3: PLURALITY OF NEWS

Kosovo Objective Score: 2.73

In past years, Objective 3 has received the highest score for Kosovo. This year, the objective score is even higher than in previous years. This could be a result of the expansion of Internet penetration throughout the country, the existence of multiple news sources that allow citizens to check one against another, and the widespread access to cable television that carries a variety of both domestic and international channels. However, what remains unchanged is that public media are not independent of the ruling parties, as most of their funding still comes from the state budget. Another low-scoring indicator is the limited transparency of media ownership, especially with regard to online news portals.

In general, there is plurality of media in Kosovo, including print, broadcast, and online media. The panelists agree that Kosovo media outlets differ in terms of editorial policies, and as such, certain media organizations are perceived to be affiliated with certain political agendas. These can be either government- or business-vested agendas. Entry into media is open to all citizens, and there are no reported government attempts to restrict access in this regard. However, people in more rural areas and smaller towns may not have access to cable media, so their only sources of broadcast media are the three national television channels.

As long as RTK continues to receive financing from the state, it cannot be immune from government influence, the panelists explain. Some RTK editors and journalists have

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

expressed that they see their role of serving the public in a non-partisan way as being jeopardized by their supervisors. For this reason, 12 editors from an RTK newsroom, along with RTK journalists, organized a public protest to speak out against political interference in editorial policies. In another case, the head and the deputy of RTK's independent trade union were both fired for damaging RTK's image by providing unauthorized information to the public. The day they were fired, the two were scheduled to report to the members of parliament on RTK's financial troubles that result from poor management. As a result of public outcry, both individuals were later returned to their posts. The panelists agree that public media are not prioritizing in-depth reporting on corruption and misuse of public funds. In fact, as one panelist emphasizes, RTK has not won any awards for investigative reporting in recent years.

Kosovapress is the largest news agency in Kosovo and provides services based on subscription fees. However, there are certain news organizations that continue to violate Kosovapress's copyrights. The agency has made several complaints to the Press Council of Kosovo that some media outlets are citing the work of Kosovapress, thus infringing on their authorship and editorial rights. Many media outlets also use international news sources; however, the majority of these organizations do produce their own news and informational programming. National media outlets often rely on international news agencies, such as AP, AFP, and Reuters, while most community and local media organizations typically produce their own news, due to the cost of international news agency services. Also, the majority of online news portals republish news and stories from other media organizations.

Media ownership is transparent throughout broadcast media, which must provide business information to the Independent Media Commission. Print media ownership is also known by the public, despite few media outlets actually including such information on their websites. The problem remains with online portals, where transparency of ownership is lacking.

With regard to the diversity of topics covered by different media organizations, stories on national politics tend to receive greater attention than those pertaining to social welfare, religion, and sexual orientation. However, the number of reporters focusing on religious extremism has increased, while the topic of sexual orientation is still considered taboo and is underreported.

Overall, there is balance between local, national, and international issues presented in the Kosovar news, but national issues generally tend to dominate. Community media typically cover issues pertaining to their own areas and local governments. A few blogging platforms and media-focused NGOs are also making contributions toward fulfilling the gaps in media reporting by focusing on issue-based content. A new

blog called *Sbunker*, created in 2015, has managed to attract many users and foster collaboration and conversation on various emerging social topics.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kosovo Objective Score: 2.16

The slow economic growth of Kosovo directly affects the media industry. In fact, many media organizations are struggling to make ends meet. For this reason, Objective 4 has received the lowest score. Larger media organizations, including national radio and television stations, as well as a few newspaper organizations, operate as efficient and well-managed business enterprises. Smaller, local media outlets and especially online media groups struggle to secure proper financing. Although advertising in Kosovo is developing, the limited pool of alternative revenue sources, such as government subsidies, subscriptions, and user fees is still problematic. The lack of market research in addition to unreliable broadcasting ratings, circulation figures, and Internet statistics are other factors that contribute to an overall unfavorable business environment for media organizations.

Financial sustainability remains a problem for most media organizations. The majority depend on advertising revenues, which most likely will come from businesses that are connected to political structures. Moreover, certain businesses are interested in advertising only in certain media. Public media have an advantage, since approximately 80 percent of their budget is secured from the state; the rest comes from their own revenues, including commercial

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

The major newspapers are also trying a new subscription method to bring in revenue from their online edition, but this is not generating a substantial profit, according to Arbana Xharra, editor of the daily *Zeri*.

activities. Nevertheless, RTK has accumulated enormous financial debts. Speaking on behalf of commercial broadcast media, Zejnullahu explained that the fact that public media have been operating for at least 15 years shows that most of them are efficient enterprises that prepare and follow business plans.

Most of the revenue for major newspapers, as well as other major media organizations, is generated by advertisements. The major newspapers are also trying a new subscription method to bring in revenue from their online edition, but this is not generating a substantial profit, according to Arbana Xharra, editor of the daily *Zeri*. One reason, she explains, is that other online portals are copying all the news titles and headlines to their website early in the morning, providing a place for users to find all important stories in one place, for free.

Cable providers generate income based on subscription, as well as on direct advertising. Print media do not rely as much on subscriptions and instead rely on advertising. Online media generate profit from advertising, where the number of hits or clicks is advantageous for attracting more advertisers and additional sponsors.

Advertisers can influence the editorial policies of media outlets because the outlets depend on advertisers for financial support, according to the panelists. Last year, BIRN had two investigative stories, one about commercial banks and one about private hospitals, and most media outlets refused to broadcast the stories out of fear of losing bank and hospital advertisers, says Gashi.

Although advertising in general is still developing, the panelists have concerns about the messages and language being promoted. They believe that the ads of the national telecommunications company Vala are unprofessional, offensive, and sexist. Vala is one of the biggest advertisers in Kosovo.

There is a lack of market research on the media industry that would enable efficient and financially savvy media growth. The same applies to broadcast ratings and circulation figures. Internet statistics are easy to generate; therefore, each online organization produces its own traffic data.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kosovo Objective Score: 2.56

Overall, trade associations are active in Kosovo and represent the interests of media owners, similarly, professional associations for journalists work to protect journalists' rights. NGOs support media organizations by supporting freedom of speech and media independence. Journalism degrees are offered in Kosovo; however, there is a need for more professional training. There are also no political restrictions on importing media equipment, just individual financial constraints.

The Association of Kosovo Independent Electronic Media represents the majority of broadcast media in Kosovo. This association is registered as an NGO and, apart from membership fees, operates based on grants. Executive director Zejnullahu says that in 2015 the organization managed to contribute to two important documents: the digitalization strategy that was adopted by the Independent Media Commission (IMC) and the law on digitalization of broadcast media that was adopted by the Kosovo parliament. Although the IMC promised in 2014 that Kosovo would meet the June 2015 deadline for switching from analog to digital broadcasting, the switch did not happen.

The Association of Kosovo Journalists is the largest and most active organization representing the interests of journalists. The head of the organization, Zekirja Shabani, says that apart from organizing trainings and condemning crimes

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

against journalists, the organization cannot do enough to improve the working environment for journalists, especially with regard to working hours and securing working contracts for all.

NGOs support free speech and independent media; however, the number of NGOs monitoring and providing assessments on the freedom of media has decreased. One particular case that drew significant civil society support this year was the case of the whistleblower Abdullah Thaci, detailed in the Objective 1 discussion.

Journalism programs are offered by both public and private universities in Kosovo. However, there are no prominent student media outlets, and students generally lack the necessary skills to enter the market. Many new graduates are joining online portals, which tend not to be as credible nor adhere to the highest standards of professional journalism.

In general, certificate and short-term training opportunities have decreased, but some NGOs organize effective trainings. The Organization for Democracy, Anti-Corruption, and Dignity organizes an investigative journalism training, which has resulted in a number of highly regarded articles. BIRN also organizes several trainings on investigative journalism and, each year, also offers 10 fellowships for outstanding journalists through its Balkan Fellowship for Journalistic Excellence. A special training organized in 2015 by the NGO Kosova Live and the Association of Independent Journalists of Serbia, brought together journalists from Kosovo and Serbia to explore such issues as investigative journalism, transnational justice, and Pristina-Belgrade economic relations and dialogue.

List of Panel Participants

Kreshnik Gashi, journalist, Balkan Investigative Research Network, Pristina

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

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

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

Anamari Repic, deputy director, RTK Public Television, Pristina

Remzije Shahini – Hoxhaj, lecturer of journalism, University of Pristina, Pristina

Arbana Xharra, editor-in-chief, *Zeri*, Pristina

Sara Kelmendi, program director, TV Rrokum, Pristina

Luan Ibraj, owner and journalist, *Telegrafi*, Pristina

Dardan Belegu, producer and chief technician, Radio Dukagjini, Peja

Moderators

Ardiana Gjinolli-Ahmeti, researcher, Institute for Advanced Studies GAP, Pristina

Jeton Mehmeti, policy analyst, Institute for Advanced Studies GAP, Pristina

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The Kosovo chapter was coordinated by, and conducted in partnership with, the Institute for Advanced Studies (GAP). The panel discussion was convened on December 17, 2015.

The prolonged political crisis has fortified the existing divisions in Macedonia's media sector, primarily along political lines, into pro-government and critical/independent/pro-opposition media.



MACEDONIA

The political crisis that started when the opposition boycotted Parliament after the 2014 parliamentary elections culminated in a series of protest rallies by different social groups. The protests were organized in parallel with the opposition's campaign of disclosing corrupt governance through release of leaked wiretapped phone conversations exposing serious abuses of power and public funds, interference with judicial independence, breaches of fundamental rights including media freedom, and disregard for election integrity. At the start of June 2015, with mediation by the European Commission and European Parliament, the so-called "Przhino Agreement" was brokered. It covers the need for urgent reforms in several important systemic areas—electoral rules, the judiciary, and media, above all—with the aim to ensure that the early elections, scheduled to take place in April 2016, will be free, fair, and democratic.

Macedonia remains a candidate for European Union membership. On the other hand, the recommendation to the EU Council to open accession negotiations, which was routinely issued by the European Commission, has been conditioned with the implementation of the reforms listed in the "Przhino Agreement," subject to review after the April 2016 elections. The European Commission's 2015 Progress Report on Macedonia noted deep concerns in the area of fulfillment of political criteria and that freedom of expression is difficult to exercise in the current media and political climate. Of note, it expresses concerns over "worrying attempts to limit media reporting on matters of public interest."

The economy continues to grow at a rate of 3.1 percent per year, the third highest growth rate in Europe. The government still relies on attracting foreign investments, sweetening the deal with tax relief and other incentives. However, direct foreign investment *per capita* still lags behind other countries in the region, and neither the growth rate nor foreign investments have produced better living standards. The bleak economic prospects have resulted in huge levels of economic emigration, and some sources estimate that perhaps one-quarter of the population has left the country for good over the past ten years. Macedonia is also dealing with the refugee, since it is one of the countries on the route between the Middle East and Western Europe.

The prolonged political crisis has fortified the existing divisions in Macedonia's media sector, primarily along political lines, into pro-government and critical/independent/pro-opposition media. The media are an important topic of discussion in the ongoing negotiations on reforms necessary to ensure free and fair elections, whenever they may come. Those reforms include the need to ensure a public broadcasting service that will serve the public interest and not the interests of the state, improve the conduct of the media during elections, and protect the media from interference in their editorial independence or business practices—especially through abuse of government advertising budgets.

MACEDONIA at a glance

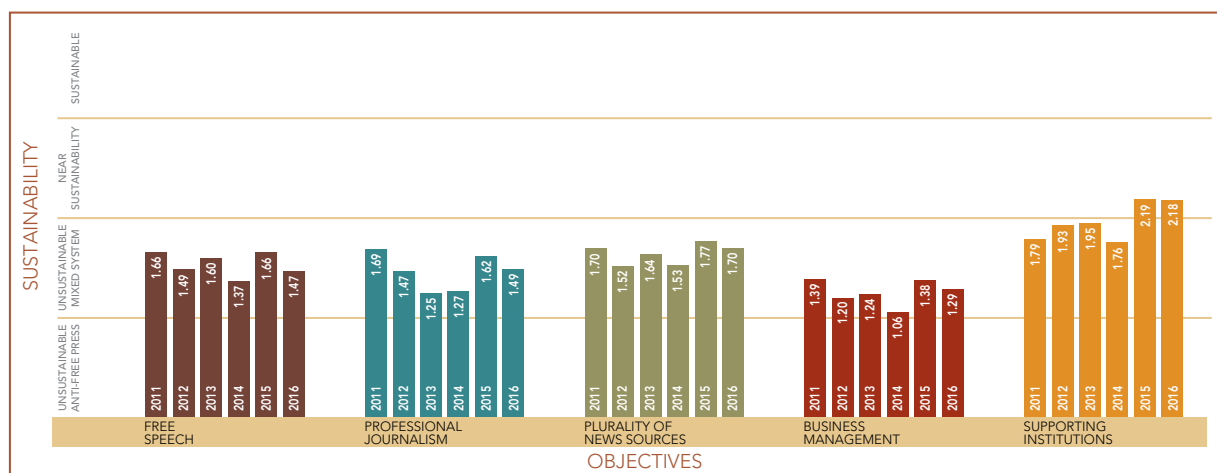
GENERAL

- > **Population:** 2,096,015 (July 2015 est., *CIA World Factbook*)
- > **Capital city:** Skopje
- > **Ethnic groups (% of population):** Macedonian 64.2%, Albanian 25.2%, Turkish 3.9%, Roma (Gypsy) 2.7%, Serb 1.8%, other 2.2% (2002 est., *CIA World Factbook*)
- > **Religion (% of population):** Macedonian Orthodox 64.8%, Muslim 33.3%, other Christian 0.4%, other and unspecified 1.5% (2002 est., *CIA World Factbook*)
- > **Languages (% of population):** Macedonian 66.5%, Albanian 25.1%, Turkish 3.5%, Roma 1.9%, Serbian 1.2%, other 1.8% (2002 est., *CIA World Factbook*)
- > **GNI (2014-Atlas):** \$10.69 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-PPP):** \$12,800 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 97.8%, male 98.8%, female 96.8% (2011 est., *CIA World Factbook*)
- > **President or top authority:** President Gorge Ivanov (since May 12, 2009)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 10 daily newspapers (one specialized sports daily), 3 weeklies, 20+ other periodicals; Radio: 3 public radio channels and 4 commercial radio stations broadcast nationally, 17 radio stations broadcast regionally, 53 radio stations broadcast locally; 3 non-profit university/student radio stations; TV Stations: 5 state channels, five DVB-T national broadcasters, 9 national cable stations, 16 regional DVB-T stations, 12 regional cable stations, 24 local cable stations (Agency for Audio and Audiovisual Media Services)
- > **Newspaper circulation statistics:** Top three by print circulation (data on copies sold is not available): *Vest* (32,000), *Dnevnik* (25,000), *Sloboden pečat* (14,800)
- > **Broadcast ratings:** Top 3 by share of audience: Sitel TV (23.21%), Kanal 5 TV (16.31%); AlsatM TV (6.01%) (AGB Nielsen Macedonia, December 2015)
- > **News agencies:** Macedonian Information Agency, Makfax; online news agencies NetPress.com.mk and Meta.mk
- > **Annual advertising revenue in media sector:** €30 million (est., marketing365.mk website)
- > **Internet Users:** 1.1 million (2009, *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: MACEDONIA



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Macedonia Objective Score: 1.47

Freedom of expression and media freedoms were very much in the focus of public opinion and public discourse in 2015. The political crisis that started with the decision of the opposition to boycott the Parliament after the 2014 early parliamentary elections, deepened the division among media along political lines, into pro-government and independent/critical media. The phone communications presented by the opposition in the disclosure of the huge wiretapping scandal that allegedly covered private communications of more than 20,000 people, presented new information about widespread corruption and abuse of power, including corruption in the media scene. Ultimately, the wiretapping scandal proved the old problem of Macedonia having good, even excellent laws that on paper provide all the necessary protections for the rights and freedoms of citizens, but the implementation leaves much to be desired.

Freedom of expression is guaranteed by the constitution and the related legislation is aligned with the standards listed in international documents and treaties on freedom of expression. The society, on the other hand, remains conservative, patriarchal and the prevalent nationalist

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

FREE-SPEECH INDICATORS:

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

ideology has little understanding for any minority or dissenting opinion. In Macedonian multiethnic and multicultural society, ethnic and social groups expect from the media to protect the interests of the nation or state, and those who support a more open, democratic and inclusive society and protest the abuses and violations of freedom of expression are in minority. In such circumstances, it is easy for the centers of power, especially the government, to circumvent the law whenever it feels like it or whenever it is opportune, and to invoke the will of the people when asked to explain such actions. The government has abused that situation to put pressure on critical media and to award those media friendly to its policies with lucrative government advertising deals. Panelists did comment that the situation has improved over previous years, especially in terms of growing numbers of people who are discontent and publicly express their dissatisfaction with the overall situation in the country, including in the area of freedom of expression and freedom of media.

In January 2015, the Appeals Court upheld the decision of the court of first jurisdiction, which sentenced journalist Tomislav Kežarovski to a four-and-a-half year term in prison, but ruled to reduce his sentence to two years in prison. Kežarovski was found guilty of revealing the identity of a protected witness in a homicide case, however, there is a prevalent opinion in the public and the media community that he was actually punished for his persistent investigations of corruption in the judiciary and the fact that he refused to name his sources in the judiciary. The dominance of executive branch over the judiciary has long been a problem for Macedonia, noted in many reports by competent international institutions and organizations, including the European Commission in its annual reports on Macedonia's progress on the road to EU accession.

A licensing regime is in place only for broadcast media. Licensing is managed by the Agency for Audio and Audiovisual Media Services. A two level system is in place: terrestrial digital broadcasting licenses have to be allocated through a public call procedure, while licensing of cable and IPTV television broadcasters requires no such procedure and licenses are awarded automatically, albeit the criteria that need to be met and documentation that needs to be submitted is the same.

At the start of the year, under the new Law on Audio and Audiovisual Media Services (entered into force in January 2014), a procedure for renewal of licenses for terrestrial television and radio broadcasting were renewed. The Agency also received the first initiative to open a public call for allocation of one license for general format, predominantly news and information DVB-T television

“If last year, 300 or 400 people would join our protests and sit-ins, this year we had 4,000 people in the protest rally to support Tomislav Kezharovski,” Petrit Saracini said.

broadcaster. After it ruled that it shall not open public call because its analysis showed there was no need in the market for such a broadcaster, the company that submitted the initiative complained alleged that the Agency’s decision was motivated by the fear that the potential new broadcaster will be critical of government policies.

Panelists noted the fact that the Agency is under strong influence of the government: most of the members of its Council are nominated by political institutions and so can easily be coerced into cooperation with the government. In addition, the nomination procedure is set in such a way that it allows for people with little or no experience in the media sphere. “For some members of the agency, their first experience in media came with their appointment to the Agency’s Council,” says Violeta Gligorova, media expert currently with Metamorphosis Foundation, organization that works in the area of Internet rights and is now developing a media program, including its own news agency. The Agency also keeps registers of broadcasting and print media, and has some supervision and oversight competences over the print media, too. Online media were left out of the registration regime.

By law, market entry is free and fair for all media. There was some movement in the broadcast media market in 2015, with entry of three new nationally broadcasting cable TV networks, with the fourth expected to start operations in January 2016. However, the audiovisual regulatory body is using its new powers to condition the entry into the DVB-T segment with assessment of need for proposed type or format of broadcaster and its potential impact on the market. Print media, too, need to be registered with the proper authority as either commercial company or civil association.

The explosion of online media emerging in the market thanks to using an inexpensive platform has stopped, although several smaller operations appeared, with clear political agendas either on the side of the government or the opposition, after the escalation of the crisis. Increasingly, there are concerns over the proliferation of online media that create havoc in the market, with various voices proposing that they, too, should enter some form of registration process.

While by law, tax regulations are impartial and objective, media critical of the government fear they are more likely to get a visit from tax authorities than their pro-government counterparts. Again, panelists repeated the position that some form of tax relief or privileged taxation rates should be introduced to help the media, which are hit hard by the current crisis of advertising market. Also, they noted the fact that the compensation for small rights to broadcast music collected by collective bodies, is set at 4 percent of media outlets’ gross income, which, in their view, constitutes *de facto* another form of taxation.

The Association of Journalists of Macedonia reported about a dozen attacks on journalists and media professionals in the first half of the year alone. The incidents included verbal and physical assault, preventing journalists from reporting on events, destruction of their professional equipment and personal property. The most serious incidents included unknown persons leaving a funereal wreath at the front door of prominent journalist critical of the government, setting the car of another journalist on fire and attempt by a government minister to start a physical altercation with a pesky online journalist/blogger.

The opinion in the media community is that such threats or attacks are likely acts of members of the ruling political party, whether acting alone or on orders by high-ranking party officials. It is usually fellow journalists, human rights defenders and civil society activists that react strongly to such incidents, while the proverbial “silent” majority largely remains silent. Panelists noted that such incidents are never fully investigated or prosecuted.

On the other hand, they noted that the situation has improved over the previous years, and that there is growing public awareness and greater and stronger public reaction when such incidents transpire. “If last year, 300 or 400 people would join our protests and sit-ins, this year we had 4,000 people in the protest rally to support Tomislav Kezharovski,” Petrit Saracini said.

Political divisions between the media themselves, several panelists commented, results in an unhealthy situation in which pro-government media venture so far as to claim, in their reporting on attacks on journalists, that attacks never took place, that they were invented by people seeking attention or aiming to smear the government or the ruling party with false accusations, or that they deserved it with their actions and reporting.

The Law on Audio and Audiovisual Media Services offers full guarantees for independence of editorial policies of the public broadcasting service, the Macedonian Radio and Television. However, through the procedure of appointment of members of the Programming Council of

MRT, its governing body, which are nominated primarily by institutions depending on budget funding or political institutions, such as the Parliament (which the opposition boycotted at the time) or the association of units of local self-government, the government manages to ensure strong control over its programs. The same is true of appointments for chief executive and editorial positions in the public service broadcaster, who are selected because they are certain to do government's bidding and will view the MRT not as a public broadcasting service but as a state television.

As was revealed in one of the leaked phone conversations between the Minister of Interior and the head of security and counterintelligence agency, high-ranking officials of the ruling party even decided about appointments of journalists and intervened in editorial decisions directly. Also, due to dropping collection rates of the broadcasting fee (paid by all households and businesses that own a TV set as a public due), growing portion of MRT's budget is provided from the state budget (close to 30 percent in 2015), as another instrument of ensuring favorable editorial policies.

As a result, the public service broadcaster's reporting on political events is strongly biased in favor of the government. It largely ignored the wiretapping scandal, the protests of Skopje University students just across the street from its headquarters, to the effect that it was target of several civil society protests demanding from MRT to start reporting impartially, truly, fully and objectively, in accordance with its legally defined remit. On the other hand, MRT journalists are given preferential treatment in coverage of government organized events, when PM's and cabinet ministers' travel abroad, although similar treatment is given to all pro-government media, unlike pro-opposition and media critical of government's policies. Also, panelists listed examples when events do not start until MRT's cameras and reporters arrive, regardless of how long a delay it may cause.

Defamation and libel have been decriminalized since November 2012. The Law on Civil Liability for Defamation provides special treatment for journalists and media and sets limits to the amounts of compensations/fines that they may be ordered to pay. Even with such limits, which are set at amounts that are rather insignificant for Western standards (\$2150 for the journalist, \$10,750 for the editor, and \$16,100 for the publisher), the impoverished media in Macedonia fear every defamation lawsuit because one maximum fine may force them to close shop. Last year, we have seen the rise in number of defamation action lawsuits filed by journalists, usually from pro-government media, against fellow journalists from the critical media.

Quite often, the information they release is incomplete, heavily redacted or not related to the actual request. "You ask them one thing, they answer something completely different," said Petrit Saracini, TV editor and prominent freedom of expression and media activist.

Panelists noted the fact that judges, many of whom owe their appointments to the ruling party, clearly apply double standards when trying defamation cases involving high-ranking party or government officials as litigants, compared to the cases in which ordinary citizens appear as plaintiffs or defendants in defamation cases. In the latter case, they follow the word of the Law, the international documents and the case law of the European Court of Human Rights to the latter. In the former, they are likely to rule in favor of the plaintiff, regardless of the actual facts and merits of their case. Online journalists may find themselves at greater risk because online media are not explicitly mentioned in the definition of media in the Law on Media, prompting some judges to deny them the protections that the defamation law prescribes for journalists and media, for instance, the limits on the fines.

Government and politicized public administration and institutions remain extremely closed to the public and media and continue to rely on the tactic of delays and stalling when dealing with FOI requests, usually waiting to the last possible moment to issue the requested information. Quite often, the information they release is incomplete, heavily redacted or not related to the actual request. "You ask them one thing, they answer something completely different," said Petrit Saracini, TV editor and prominent freedom of expression and media activist. Also, there is abuse of legislation on classification and confidentiality of documents to prevent certain information to be released to the public.

Through activities of several organizations that work on FOI related issues, many journalists have received sufficient training in the use of their FOI rights. However, FOI requests remain the domain of those who specialize in investigative journalism. Panelists commented that journalists, in general, do not use FOI requests sufficiently and that they rarely use all legal remedies available to them when they have been denied access to information.

In general, the government is keen on controlling all information that is released to the public, using primarily friendly media with pro-government editorial policies, which have no problems with getting information, statements by government ministers and officials. The pro-government media seem to be expected not to intervene in any way or fashion in the supplied text and to publish it in its integral form. Government and ruling party officials also actively shun the critical and independent media, and choose to appear only in those media where friendly journalists tend to ask “softball” or prearranged questions. Government officials also seem to refuse to answer any questions, even in public press conferences, that were not prearranged, or would take only questions from journalists from pro-government media.

There are no legal or practical restrictions to the access to local and international news and news sources, and we have not seen any efforts at filtering foreign online news sites. On the other hand, the audiovisual regulatory body has acted to force cable network operators to take out of their catalogues channels that specialize in sports and feature films and series, citing lack of proper licenses to broadcast in Macedonia. However, there are suspicions that such a move was motivated by intent to protect the national advertising market and to stop major Macedonian advertisers to purchase airtime on those extremely popular channels, especially on the sports channels.

Most traditional print and broadcast media have agreements with at least one international news agency. Smaller media, especially online, are rarely able to afford the services of international news agencies and rely mainly on foreign internet news sites as major source of international news, and especially or infotainment and trivia contents that are good for attracting of large audiences, with little regard for intellectual property and copyrights. As European legal tradition does not recognize nor apply the “fair use” doctrine, it is not part of the copyrights legislation. There have been, however, one initiative for a self-regulatory action based on the fair use doctrine, accepted by a dozen or so news-sites, but they mostly apply it to contents produced locally, in Macedonia.

The Law on Media includes a definition of journalists, which ties the profession to work or cooperation with a proper editorial office, whether one is employed by a media outlet, or works as freelancer. The situation is

somewhat different for online journalists, because the Law does not explicitly mention online news sites (electronic publications) in its definition of media, which opens the possibility for journalists working strictly online, citizen journalists or bloggers not to be recognized as journalists and thus be denied some of the rights, like protection of sources, access to events, etc. Bloggers and citizen journalists are also not really recognized as peers by the journalists formally recognized as such, who view them as unfair and under-qualified competition in the ever-shrinking advertising market.

There are parts of the journalistic community that promote the idea of licensing of journalists, although they are not clear who or what body should be charged with allocation of licenses. That does not prevent some traditional media to use blogs and social media posts to enhance their opinion pages. There is evidence of active collusion of some journalists, especially in pro-government media, who in exchange for privileges and for lucrative reward, choose to practically work as government’s propaganda mouthpieces. In one of the wiretapped conversations, a voice that allegedly belongs to a prominent editor in a leading pro-government national TV broadcaster says, “We receive huge privileges... and for those privileges, we need to deliver some services.”

In general, showing a press card will get one to any event or press conference organized by public bodies or institutions, although some institutions, like the Parliament, require special credentials issued by them.

Entry into journalism is free, although some minorities, for instance Roma, remain largely underrepresented in mainstream national media. As far as employment is concerned, the government seems to have the final word in the hiring policies of pro-government media and, of special note, the hiring in the public service broadcaster. Panelists noted cases when whole editorial teams were transferred, without consulting or informing the concerned journalists in advance, from one pro-government media to another. Panelists noted the difficult situation in which correspondents of foreign media find themselves, sometimes having to wait for unnecessary long periods of time to get their credentials accepted by the Ministry of Foreign Affairs, the institution charged with the task to issue credentials to foreign journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Macedonia Objective Score: 1.49

The prevailing political divisions in Macedonian society are evident in the way media approach and treat the facts and information in their reporting, and the extent to which they observe the accepted professional and ethical standards of journalistic profession.

As a general rule, independent media and media critical of government's policies do much better job in presenting fair and objective reporting, although some of them exhibit some positive bias towards the opposition. They tend not to mix personal opinions or editorial positions in their reporting, and try to provide all actors involved in an issue ample space to present their views. Journalists in pro-government media are seen primarily as instruments of government's propaganda, who often engage in vicious attacks on its political opponents or journalists from critical and independent media. Both sides have their own pools of experts who will affirm or strengthen the opinion presented by the journalist. Several online only operations dedicated exclusively to investigative journalism provide high quality, in-depth, long-form reporting on issues of public interests. Panelists noted marked improvement over the previous years, and pointed out that latest available surveys show that the critical and independent media enjoy growing confidence of the public. "Professional journalists are winning the battle over the propagandists," said Petrit Saracini.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Blatant violations of ethical standards of journalism are very much present, in spite of the existing Code of Ethics, which is in line with international standards for such documents. When adopted, was endorsed and accepted by all media in Macedonia. Today, it is practically the ethical code of one of the two journalist associations—the Association of Journalists of Macedonia. The other association, the Macedonian Association of Journalists (original acronym is MAN) has not adopted a code of ethics that would apply to its membership, consisting mostly of journalists from pro-government media. The Media Ethics Council is gaining an ever-higher profile. However, not all media recognize its authority and ignore its decisions because, as Sefer Tahiri, a member of the Media Ethics Council's Complaints Commission commented, "Nobody seems to be prepared to accept that they have made mistakes. Owning up to one's mistakes is the right thing for a professional to do."

The almost constant rumors that journalists and editors accept payments for their services were confirmed by the leaked wiretapped conversations, in which it was revealed that editors from pro-government media admitting that they "deliver services" for which they are compensated with "huge privileges." In addition, panelists noted that journalists in general have no qualms accepting gifts, usually presented as part of promotion campaigns, from major companies and corporations. Advertorial contents are gaining ever more ground, both in traditional and in online media.

The greatest cause of concern was the PR campaign of the Prime Minister and the government visiting rural communities all over Macedonia, produced by one of the leading advertising and production companies in the country, which was then aired in the newscasts of all national TV broadcasters, including the public broadcasting service, without warning the viewers or properly marking the footage as political advertising, which it essentially was. Plagiarism is not such a great concern, as both online and mainstream media usually attribute the material they have republished or used more or less adequately, although several panelists expressed serious concerns over the situation, especially in online media. The problem is that such republication or use of segments of other people's contents is often done without any consent, and far exceeds, in terms of scope and volume of information used, the accepted standards and conventions.

There is constitutional ban on censorship in Macedonia. Self-censorship, on the other hand, is a pervasive problem. Years of political and economic pressures have conditioned the journalists, and the society in general, to know what

“Salaries are much lower than what our colleagues in the neighboring countries get. Journalist salaries are at the level of janitorial position in a solid foreign company’s branch in Macedonia,” said Darko Cekerovski, TV journalist and trade union activist.

can and what cannot be reported. Panelists pointed out that journalists themselves have some responsibility for that situation and that it is also an issue of integrity of journalists and editors, who self-censor themselves even when they do not need to do that. Much of the self-censorship is imposed by media owners or editors, who restrict the freedom of their journalists to avoid endangering their other business ventures. As much of national economic activity depends on public spending, media owners tend to be fearful of angering the government. Gordana Duvnjak, experienced journalist/editor at “Utrinski vesnik” daily, confirms that many a story she proposed after getting solid leads were prevented by the senior editors.

Journalists cover all key events and issues, depending on the capacity of their media to support such coverage. Smaller editorial offices, especially in the online media, usually rely on republishing or digesting reports published by those media that can provide the coverage. As several panelists noted, it is another matter if their media outlets will actually publish the reports and how the information will be presented, and the manner of coverage is usually politically motivated. In order to get a full and complete picture of a given event, the citizens rely on the practice of reading and comparing the information provided by several media outlets, to get all sides of the story.

Pro-government media, including the politically dominated public broadcasting service, focus on the activities of the government and state institutions. Several panelists noted that it was as if they believe their main task was to praise the achievements of the government. On the other hand, they cover the activities of the political opposition and the civil society only if the information can be turned around and used to attack those actors that oppose government’s policies. Panelists noted that it sometimes leads to strange situations in which the media would publish reactions by the ruling party to events that pro-government media have not originally covered. Independent and critical media, most of them online, lack the funding and human resources to cover

everything, but they are, as a result, focused on key and important event and manage to provide a more complete coverage. Panelists commented that social media, such as Facebook or Twitter do help in the coverage of key and important events and issues, but their coverage is even more biased while facts are being distorted to fit one’s political position.

Journalists’ salaries are below national average, certainly well below other professions or civil servants, and can barely suffice to cover the minimal living expenses. Panelists generally agree that journalist salaries are well below any level of propriety and decency. “Salaries are much lower than what our colleagues in the neighboring countries get. Journalist salaries are at the level of janitorial position in a solid foreign company’s branch in Macedonia,” said Darko Cekerovski, TV journalist and trade union activist. Freelance journalists can hope for meager compensation for their stories, with exception of those who manage to secure small grants for their investigative stories from the handful of organizations that offer such assistance for investigative journalism.

Journalists and photographers who are lucky to have agreements to work as correspondents or stringers for foreign news media or news agencies fare much better in terms of securing solid monthly income. On the other hand, some senior editors and reporters that work primarily to protect different political or special interests are reported to collect much greater paychecks. Panelists commented that the government has secured for “its journalists” lucrative side jobs and engagements, usually in the PR industry. Rumors also have it that they encourage their reporters to “do what they need or must, just don’t get caught.” Journalists are forced to take side jobs, usually moonlighting for public relations or advertising agencies, or work for several media at the same time. In addition, many also operate their own websites in the attempt to enhance their income.

The general low economic status of the profession does not necessarily correlate with corruption, but prevalent opinion in the society is that journalism is one of the most corrupt professions in the country. For economic reasons, or simply because they have become disillusioned with their profession, many journalists are leaving journalism, usually for the more lucrative advertising or public relations jobs available in the market, or, as several panelists noted, join NGOs.

The proliferation of online media has allowed those who have access to Internet to get the information they need at the time they need it. All media, however, continue

with the move towards the tabloid and trivial, focusing on entertainment contents that would attract as many viewers or readers as possible, and therefore greater advertising revenue. In addition, a number of specialized format foreign channels (sports, feature films and series, etc.) have gained a dedicated and loyal audience.

Panelists noted that the fact that almost all TV broadcasters hold licenses for general format, predominantly entertainment TV, which prescribes the share of news and information programs in their programming schedules, and that those standards are observed. The broadcasters increasingly rely on cheap but popular reality TV programs, produced in neighboring countries with regional reach and telenovelas to attract large audiences. Panelists commented that the fact that most reality programs are imported from a single neighboring country may prove to be a problem. News audiences, editors of biggest national broadcasters admit, are shrinking so many broadcast media have adopted the tactic of placing newscasts between two popular telenovelas or reality programs, to make sure as many viewers as possible will stay on the channel and watch the news.

News and information programs make up to 30 percent of the total programming, but a 20 percent figure may be closer to the actual situation. On the other hand, recent survey shows that about 30 percent of the population regularly watch the news on more than one TV channel. Panelists also noted certain progress over the previous years, with emergence of several new and important debate programs.

The biggest national broadcast and print media have solid technical capacities for gathering, production and distribution of news. Smaller media, especially local broadcasters, have to work on much older and sometimes even outdated equipment, as they cannot afford any upgrades, and are forced to improvise with what they have. Online media, on the other hand, have benefited from the cheap technological platform they use, and the availability of new handheld video and audio recording devices.

Panelists commented that the way in which the technology is used is another matter. The general impression is, for example, that traditional media do not use their online extensions effectively enough, that is, they use them as

another transmission or distribution channel, without taking into consideration content-related and even news and information gathering advantages that they may bring to the table. Online media, depending on the previous experiences of their owners or journalists, are yet to use the full multimedia potential that internet offers for integration of text, audio and video in a full interactive news experience, or to move into new forms allowed by advancing technology, such as data-journalism.

Niche and specialized reporting and programs exist, but are increasingly difficult to maintain in the newly emerging media eco-system. The public broadcasting service leads the way in providing diverse and specialized programs, among other things, because it is a part of its legally defined remit. Economic concerns have pushed the commercial traditional media to reduce the numbers of journalists in their newsrooms, where everybody is expected to cover more than one field or topic. Panelists noted that few journalists can truly specialize in a single area, because of lack of investment in proper training and education it would require. Specialization has largely moved to the Internet, with several excellent specialized websites that cover economy, business, sports, culture or information technologies.

Investigative journalism has also largely moved to the Internet, with several websites, funded by foreign donors' money, offer quality investigative reporting. Traditional media rarely support investigative journalism, for a multitude of reasons—it is expensive and cannot pay itself; may sour their relations with advertisers or government; or for political reasons. "Pro-government traditional media rarely do investigative stories, unless we consider the pamphlets aimed to attack the opposition or the civil society investigative reporting," says Zoran Dimitrovski from *Fokus* magazine, one of the few print media that still pursue and publish investigative journalism. Blogging and citizen journalism communities make little contributions, focusing instead primarily on commentary and opinions of current political or economic situation in the country. Local coverage is also pushed to the margins, with most traditional media focusing on national political scene. On the other hand, in most urban areas outside of the capital, websites exist that offer some limited coverage of local events, politics and economy, although they are primarily focused on entertainment.

OBJECTIVE 3: PLURALITY OF NEWS

Macedonia Objective Score: 1.70

The media scene in Macedonia is oversaturated, with hundreds of media—there are over 130 broadcast media alone, radio and TV stations broadcasting on national, regional or local level. There are also half a dozen dailies, a handful of weekly newspapers, and 100+ online news sites that provide news and information in all areas of interest of the citizens.

The abundance of media outlets does not necessarily mean a great diversity of news reporting. In fact, one of the major issues that emerged during the ongoing political crisis, especially in the pro-government media, is that often they carry absolutely identical reports, so that suspicions abound that much of their political coverage is written at one center and then distributed for publication. In addition to oversaturation, the media scene is deeply divided along political lines, usually presenting just one side of the story. In order to gain the full picture of an event, or gather the positions one is forced to consult several news sources from both sides of the political divide, and across several platforms.

There are several broadcasters (nationally broadcasting terrestrial and cable networks) that originally broadcast in Albanian, but also produce bilingual programming and news that are more objective and impartial, because they are seen as “not having a dog” in the political battle that is fought mainly by Macedonian political parties. In spite of

the fact that over 40 percent of the population said they access Internet through mobile devices, mobile platforms are greatly underused for presentation and distribution of news.

There are no legal restrictions to access to different types of media, either domestic or foreign. Rather, as panelists agree, there are geographic and economic restrictions. Those are especially evident in rural areas—communities are too small to make extension of cable networks viable, or are impoverished to afford cable subscription. As a result, they get only the terrestrial channels carried on the DVB-T platform, most of which follow pro-government editorial policies, seriously restricting their access to greater diversity of domestic and international media. Rural population is also less likely to have quality Internet access and options to buy daily or weekly press are very limited (it often needs a trip to the nearest town of bigger village). Citizens of urban centers have access to much greater variety of media and news sources, and have access to relatively cheap cable TV services that usually offer up to a 100 different channels, both domestic and national. Panelists commented that foreign press available in Macedonian newsstands is usually too expensive for the citizens to afford it.

Contrary to its legally defined public broadcasting remit and obligation to provide and ensure fair, objective, impartial, true and complete information and reporting, the public broadcasting service MRT is strongly biased in favor of the government. In fact, the editor-in-chief of the flagship First programming service has publicly said, in a debate on the role and position of the public broadcasting service, that MRT is above all a state TV and has to tend to the interests of the state and not the public. Its reporting focuses on government’s activities and “achievements” to the effect that it acts more as government’s PR office than public broadcasting service.

The activities of the opposition are, if not ignored, then covered most superficially. Even with the leader of the main opposition party presenting, on daily basis, findings about widespread corruption and abuses of power found in the leaked wiretapped communications, MRT chose to never present even an excerpt from a single such conversation, provoking a campaign protests of civil society organizations and a minor political party who demanded that it starts reporting on the wiretapping scandal and the findings it presented. In general, the reporting on the public broadcasting service does not differ much from the reporting of the commercial broadcasters and is almost completely aimed to promote and protect the interests of the ruling party.

Panelists noted that MRT, thanks to the legally prescribed remit, does offer more diverse programming contents, educational, cultural and other programming than the

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

commercial broadcasting. Even in such programming, it tends to air programs that reinforce and promote the values and ideology of the ruling party.

There are four news agencies: MIA and MAKFAX are traditional news wire services and two are self-styled online news agencies—NetPress and META, although the latter function primarily as news-sites and not as news agencies that produce news and information for sale to other media. MIA, as the national news agency, has gained notoriety as being government's promotion tool that most independent and critical media use it only for the daily list of important events taking place in the country that it publishes. META, on the other hand, is a spin off of a non-governmental organization and as such is expected to offer editorially independent and neutral news. All traditional broadcast and print media use their services, while the online media can rarely afford such services and rely more on the internet as a main source of news and information that they themselves cannot cover on their own. Only the biggest and most affluent media can really afford and use international news agencies. The others rely on the domestic news agencies or reporting available on the web for their international reporting. As noted by the panelists, there is no video news service available in Macedonia.

The mainstream broadcast and print media produce their own news, with scope and coverage that corresponds to their technical or human resources capacities, especially on national politics and economy. Panelists commented that mainstream media produce their own news, but a lot of it is basically PR work in favor of the government. Panelists also mentioned the fact that literally identical news (including all typos and grammatical mistakes) appear on dozens of media outlets, indicating that the reporting is produced in a single center and then distributed around in an orchestrated effort to unify the reporting, especially evident on the pro-government media. "It is as if the tactic was to make people think that if it was published in so many media, it must be true," said Dragan Antonovski, trade union activist, acting president of the Media Ethics Council and editor of the Lokalno.mk website. "I call those media 'Volvox' colonies, gatherings of smaller one-cell organism to work for the common benefit," Petrit Saracini added.

Print and broadcasting media have to meet legal requirements and criteria regarding transparency of media ownership, including the obligation to publicly declare ownership in proper registries of broadcasting media. Print media also need to list information on the publisher in their masthead. The problem, as panelists noted, lies in the fact that in many cases, and especially in broadcasting, that declared ownership is just formal, and that the official owners act as proxies for other entities or persons, including leaders

"It is as if the tactic was to make people think that if it was published in so many media, it must be true," said Dragan Antonovski, trade union activist, acting president of the Media Ethics Council and editor of the Lokalno.mk website.

of political parties. Citizens usually have some vague idea who the actual owners may be and make their assessments of the programs and information offered accordingly.

Another problem with ownership is that the majority of most influential print and broadcast media are part of bigger corporations with diverse portfolios, for which broadcasting or publishing are not their core business. That situation has detrimental effect on the editorial independence of their media, which are used primarily in support of their main businesses. Panelists commented that the government skillfully uses that situation through distribution of public tenders and deals for public works, to basically buy the services of the media owned by big corporations.

Online media are exempted from the Law on media, including the obligations regarding transparency. As a result, some prominent online news-sites are owned by shell companies registered in known off shore tax havens, with suspicions that actual owners are Macedonian citizens, including some prominent political figures and holders of public offices.

Foreign investments are insignificant, if we exclude those online media owned by shell companies registered in off shore tax havens—two national TV stations that broadcast over cable networks have majority foreign ownership, and one national terrestrial broadcaster has a foreign partner. Panelists noted the fact that one local company, working in partnership with prominent international media fund as co-investor, has several failed attempts to secure a national broadcasting license for news TV station.

Mainstream media, especially those that follow pro-government editorial policies actively ignore and neglect all social interests that are not in line with the conservative, demo-Christian values of the ruling party. They strongly promote family oriented, patriarchal values, and have been known, on occasion, to use outright inflammatory and discriminatory language against various social groups, especially persons with alternative sexual orientation and non-traditional gender identities. The independent and critical media tend to dedicate more space and coverage to diverse social issues, but most of them have much smaller

reach and influence. Mainstream media, in general, pay very little attention to minority groups, and when they do, as panelists noted, they are mostly concerned with relations between majority and non-majority ethnic communities. On the other hand, other minorities, especially sexual minorities, are severely underrepresented. "We organize so many events, and with exception of a handful of portals, nobody covers them," said Uranija Pirovska, executive director of Macedonian Helsinki Committee and human rights activist. The Internet allows for various social interests and groups to express themselves through what are, in essence, community media online.

The linguistic and ethnic minorities have their own media outlets, broadcasting or publishing in their language. Some of them are available only locally, in areas with higher concentration of members of the given ethnic or linguistic community, while the largest non-majority ethnic community, the Albanian, has media that broadcast in all levels, from local and regional to national. Albanian language TV broadcasters that also have news and political debate programs in Macedonia are increasingly popular among the other communities, as they provide much more objective and balanced reporting, being seen as "having no dog" in the ongoing struggle between the leading political parties in the Macedonian political bloc. Panelists concluded that the minority language broadcasters actually enjoy much greater freedom. The public broadcasting service has a special channel, the Second Programming Service, dedicated to non-majority ethnic communities. However, it pays much less attention to other minority or vulnerable groups or diverse social or cultural interests.

Few media can afford to maintain correspondents abroad, and if they do, and public broadcasting service is one of them, that is only in the neighboring countries and rarely in other major European capitals. Being present abroad is important only if high ranking government or state officials travel abroad, in which case they take with them a pool of journalists, mostly from the pro-government media and the public broadcasting service. Some panelists commented they have witnessed that in such cases, there were instances when reports from the visits and accompanying events are actually written by members of the staff of the travelling official. Lack of funding has forced most mainstream media to greatly reduce the networks of local correspondents, supplementing them with news agency's feeds, so that coverage of events outside the capital city has suffered as a result. Online media have even less resources and rely on the Internet for all coverage outside the national capital. Bloggers remain rather insignificant source of news and they focus on commentary and, occasionally, analysis of daily events and developments.

OBJECTIVE 4: BUSINESS MANAGEMENT

Macedonia Objective Score: 1.29

Macedonian media market is essentially unsustainable. Nobody measures the size of the advertising market systematically, but according to industry insiders, about 130 radio and television broadcasters, half a dozen dailies and two weeklies, and more than 100 online news sites fight for total available advertising estimated at between a low estimate of \$22 and the highest estimate of up to approximately \$40 million. Government advertising accounts for between a quarter and a third of the total available advertising revenue, a fact it uses to pressure the media into adopting pro-government editorial policies.

Most traditional media, especially national broadcasting and print media, are owned by larger corporations. The instability of the oversaturated and essentially unsustainable market does not allow them to engage in strategic planning. Their accounting and finance practices are either done on corporate level, or are sometimes outsourced to certified accountants. Only the largest and wealthy national broadcasters hire marketing or human resource specialists, while smaller media, especially online media, usually have one or two persons, usually the owner, manager or editor-in-chief (often unified in a single person), that makes all strategies and planning, allocates tasks, sells advertising space, etc. In general, the commercial media are understaffed, because shrinking advertising revenue and lower income generated has pressured them to shrink their editorial offices. The three student radios are the only

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

community media working in Macedonia, and they operate under the umbrella of their respective state universities, and all of their funding is covered by the university budgets. However, some of them, in clear violation of the Law, also sell generate some very limited advertising revenue.

The bulk of the earnings of Macedonian media come from advertising, amounting to, on average, about 90 percent of their revenue. Some traditional sources of revenue, like classifieds, have almost completely been obliterated by specialized online classified ads websites, similar to Craig's List or E-Bay, although some print media continue to carry specialized classified ads supplements, as well as local TV stations that offer classified ads services to their viewers. Those that are part of larger corporations certainly benefit from internal subsidies, but are also dependent on the general financial situation in the mother company. For instance, in June 2015, the leading publishing company that publishes three dailies announced plans to cut salaries and lay off personnel, including journalists, because of outstanding claims that it was not able to collect.

Panelists noted that no media in Macedonia operate on strictly commercial bases and that all depend on some form of subsidies, either provided by the owners, donor funds, or, in the case of the leading pro-government media, hidden subsidies from the state. The citizens learned from the wiretapping scandal that the media that are part of large corporations are expected to adopt pro-government editorial policies to ensure that the mother companies will win lucrative public tenders, and that a share of the contract should go to the media, for their services in support of government's policies.

Panelists also commented that several major advertisers do influence editorial policies and content. "It is now more difficult to publish anything against the Telecom or the power supply company EVN than against the government," Darko Cekerovski said. Several online media, especially the entertainment and trivia websites are backed by IT companies and earn most of the revenue from sale of IT services (programming, web-development, etc.). Non-profit media, especially on the internet (several important news sites are published by non-governmental associations) rely on donor grants to cover their operations, but also try to expand their revenue-generating activities, mostly through sale of advertising space. Few among online media go beyond mere sale of banners into, for instance, affiliate retail sales, providing other services, organizing events, building loyal communities of supporters for crowdfunding purposes.

The Macedonian advertising industry is dominated by agencies that are local branches of large international advertising companies. In terms of latest techniques and

creative solutions in advertising, Macedonian industry does not lag behind the colleagues abroad, even the most developed advertising markets. Agencies, in general, dominate the advertising market, as they serve as gatekeepers between budgets of major advertisers and the media, and few media decide not to use their services and approach advertisers directly. They work with all media, but television still attracts the over 60 percent of the total available advertising, with rapid growth of digital advertising, which is now assessed to account for about 10 percent of the total advertising market. Agencies seem primarily concerned with their commission and pressure the media to agree to large discounts, so that discounts of even 80 percent or greater are not unheard of.

Panelists noted that the decisions on the distribution of advertisers' budgets is mainly politically motivated, and that few companies, usually local branches of major international corporations or their affiliates actually worry about demographics, target audiences or reach. There is anecdotal evidence that government controls the spending of advertising budgets of many private companies, suggesting where they should direct their advertising funds. In the commercial sector, cleaning agents and personal care products, telecommunications companies, car dealerships and food companies are the leading advertisers. One issue is the structure of Macedonian industrial output, which is dominated by mining companies, manufacturing of semi-fabricates and components for other industries, and loan production, all of which do not really need advertising, because they are either not consumer products, or their products are not sold in Macedonia.

Advertising time on broadcast media is legally limited to 12 minutes per real hour of programming. There are no such limits for print or online media, but the actual number of pages taken by advertising in print media, or the square inches of space in online media actually depends on their editorial policy—pro-government media in general have far more advertisements than the independent or critical media. The huge competition in the small market means that media have to try everything they can to attract advertisers, resulting in willingness to drop prices and agree to huge discounts, and to invest in cheap but popular programming, especially reality programs and telenovelas, to attract audiences that would bring in advertising. Similarly, on the web, many websites that intended to specialize in production of hard news coverage, have been forced to extend into tabloid-like, sensationalist, trivia and celebrity oriented contents to secure visitors. Non-profit broadcast media cannot sell advertising, and non-profit online media technically can, but, as they are mostly operated by NGOs

“It is now more difficult to publish anything against the Telecom or the power supply company EVN than against the government,” Darko Cekerovski said.

hostile to the government, they have to try and secure as much donor funds as possible.

The government, with its ministries and public enterprises under its control, is the biggest advertiser in the country, accounting for between 25 and 30 percent of the total available advertising revenue in the country, depending on the assessment of the size of the advertising market one accepts to be most correct. In June 2015, during the negotiations mediated by the international community on the necessary reforms in the media sector, the government announced a moratorium on all government advertising, but the moratorium does not include public enterprises and other public institutions with significant promotional budgets, or the municipal administrations. It mostly directs its advertising and promotion budgets towards friendly media, buying their loyalty and favorable editorial policies. “Even when they buy advertising space or time in independent, critical media, they pay to pro-government media €1,000 per banner, while independent media get €100 per banner,” Dragan Antonovski said. It also places legal notices, public calls and other announcements in friendly media. In addition to government advertising, the state subsidizes up to 50 percent of the costs of production of domestic feature and documentary films and series by the five national terrestrial TV broadcasters.

Market research activities are conducted regularly, and there are several organization that do such work. Panelists note, however, that in the current political situation, all marketing and advertising decisions are politically motivated or dictated and few companies, or media, use their findings systematically. Also, as some panelists commented, the media can rarely afford proper market research surveys and operations. The media tend to pay attention primarily to the size of their audiences and not actual age, gender or preferences of their audiences that could help them target

the advertisers that could benefit from specific audience. The situation may be slightly different with specialized media that are aimed at specific groups of people or specific subject, and they can and do, to the extent possible, use their knowledge of their audience in the marketing activities aimed at the advertisers and advertising agencies.

Ratings in Macedonia are measured by local affiliates of international ratings agencies and advertising time is now sold, at least officially, per rating point, although panelists note that other considerations are much more important in the distribution of advertising budgets. Broadcasting ratings are measured by Nielsen ABG Macedonia, which has a system of “people meters” installed in 400 households (more than 1300 individuals). Its ratings were traditionally disputed by the broadcasters who claimed they were slanted and distorted, and did not realistically presented their shares of viewership. According to the panelists, that situation has changed for the better. “We don’t have media representatives sitting with ratings agencies to negotiate how the latter should correct the ratings,” said Zoran Dimitrovski.

In 2015, the joint industry committee established with great involvement of the government and that Agency for Audio and Audiovisual Media Services, launched the procedure to select a new ratings agency, and the speculations were that they wanted Nielsen out and an agency tied to high-ranking government officials to take its place. AGB Nielsen, however, made the best offer and was again selected to measure the ratings.

Online statistics are measured by the local branch of Polish online advertising consulting and ratings company Gemius. It does not, however, cover all online media, having in mind that many of them cannot afford its services. As a result, advertisers and advertising agencies equally use Google Statistics measurements when deciding on distribution of budgets.

There is no body or institution that measures or keeps track of circulations of print media. Circulations have long been one of the most closely guarded secrets of the publishing industry, and any figures are matter of speculation or educated guesses. Print media release only their print circulation, and they are legally obligated to do so by the Law on Media.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Macedonia Objective Score: 2.18

There are two media trade associations in Macedonia: the Association of Private Media of Macedonia (APEMM) and the Association of Macedonian Internet Portals (AMIP). Both associations are inactive. APEMM has not officially disbanded, but it has not had any activity in years. The Association of Macedonian Internet Portals, after its creation at the time of adoption of the new media legislation in August 2013, when it supported the adoption of the new Law on Media, has been silent. Panelists noted that different media increasingly organize as business groupings under the auspices of the Macedonian Chamber of Commerce. Such are the Association of Privately Owned Media of Macedonia and the more recent Macedonian Media Association. The former gathers primarily local broadcast media, and the latter was created by five national DVB-T television broadcasters. Both were established to protect the business interests of their constituents, although they have been active in other areas, again, if they see that their interests have been threatened or may be advanced by their engagement.

The trade associations have low visibility and only appear when significant new developments affecting their operations emerge. Their ability to lobby the government is restricted by the government's inaccessibility and unwillingness to hear proposals that deviate from its own intentions and policies. On the other hand, the Macedonian Media Association worked closely with the Agency for

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Audio and Audiovisual Media Services and the Ministry of Information Society and Administration on the creation of a joint industry committee that was set up to select new national ratings measurement agency. The trade associations depend on members to volunteer to support their activities given the unwillingness of media owners to finance them, which has already proved to be a decisive weakness in the past with the dissolution of the earlier Association of Private Electronic Media after the end of donor support.

The Association of Journalists of Macedonia (AJM) and the Macedonian Association of Journalists (MAN) are the two professional associations of journalists working in Macedonia. AJM is generally viewed as representing independent and professional journalists, while MAN is perceived primarily as government supported effort to counter the work of AJM. Panelists noted that AJM, together with the Independent Trade Union of Journalists and Media Professionals (SSNM), have greatly raised their profile and importance in Macedonia society. "We have professional associations, like AJM but also the Trade Union, that are not weak organizations anymore, without any influence in the social discourse. They are organizations that are heard when they speak," Petrit Saracini said.

In the face of constant obstructions from media owners who prohibit union activities in their newsrooms, and in spite of smear campaigns in pro-government media and attempts to undermine its activities, SSNM fights a persistent battle for journalists labor rights. At the start of December 2015, SSNM presented the draft of the collective bargaining agreement. Both AJM and SSNM are involved in providing some legal assistance to their members involved in litigations, with SSNM focusing on work-related disputes. AJM and SSNM are members of and constantly coordinate their activities with the International Federation of Journalists.

Several non-governmental organizations are directly involved and work on media-related issues. The leading two are the Macedonian Institute for the Media (MIM) and the Media Development Center (MDC). MIM works mainly in the areas of providing professional training and programs for professional development of journalists, and is involved in a regional program that monitors the situation in the media sector in Southeast Europe. MDC, on the other hand, works on issues related to media legislation and media policy, monitors the implementation of media legislation and, in cooperation with foreign partners, provides free legal assistance and in court representation for journalists sued in defamation action cases or prosecuted for their reporting.

Several other NGOs work on media-related issues—ProMedia is a media consultancy and research organization; the Metamorphosis Foundation specializes in the area of

“We have professional associations, like AJM but also the Trade Union, that are not weak organizations anymore, without any influence in the social discourse. They are organizations that are heard when they speak,” Petrit Saracini said.

internet rights and freedom of expression online and has a program for monitoring of the digitalization of broadcast media in Macedonia; The Centre for Civil Communications works in the area of freedom to access public information; and a number of organizations, like the Youth Education Forum and Civil NGO work in the area of prevention of hate-speech and defense of human rights on the internet. While most organizations view each other as competition in the struggle to secure financial support from the donor community active in Macedonia, they cooperate extremely well on key issues and important matters that concern media freedoms or freedom of expression and react strongly to all attempts to curb freedom of expression in the country.

Three state universities, in Skopje, Tetovo and Štip have journalism schools, but the panelists expressed great dissatisfaction with their work, citing, in particular, the focus on theory and lack of any practical, hands on training that their students get. The Macedonian Institute for the Media has its own School of Journalism and Public Relations, which offers excellent practical training and produces newsroom-ready journalists. However, panelists noted, it has not enrolled any students to its undergraduate studies for two years in a row. Its more specialized graduate studies programs are fully operational.

For a second year in a row, panelists commented that young people increasingly avoid choosing a career in journalism. The reason, in their view, lies in the lost social status of journalistic profession, and the inability to find employment, knowing, as some panelists commented, the fact that there are hundreds of journalists who have lost their jobs due to downsizing of newsrooms in the current economy. There are media and communications studies in several other privately owned higher education institutions, such as the Southeast European University in Tetovo.

Several organizations, domestic and international, offer occasional short-term trainings, aimed to introduce journalists and other media professionals to the latest trends and journalistic techniques. MIM's School of Journalism organizes trainings on-demand, specially designed to meet

the identified needs of respective media organizations that requested them. Several international organizations and embassies organize study trips abroad. The bulk of such training programs focus on the changes to the media scene brought about by the emergence of Internet and other digital platforms, such as data-journalism or integration of user-generated contents. Trainings are also offered in areas of digital advertising, online security, production of multimedia content, etc.

Panelists note that, while such short-term trainings are useful, there are several problems. “There is a lot of that ‘Who are these people that think they can come and teach us about journalism?’ attitude,” says Violeta Gligorovska. Panelists also commented that, once the training was done, journalists that attended the training find it difficult to convince editors or managers to implement or apply the newly acquired knowledge of skills in their newsrooms or other departments. Also, there is a problem with transfer of knowledge to the other members of the newsroom. “Normally, when they come back, one would expect that they report what they learned and how they can help the other journalists acquire the same skills, but it rarely happens,” Sefer Tahiri said. Formal in-house trainings are rare, and journalists are expected to learn on the job, doing their daily duties. The public broadcasting service used to have such trainings for its journalists and other staff, but their status at this time is unclear.

There are no restrictions on imports of necessary materials or equipment necessary for media production. Recording equipment and editing software is increasingly accessible and affordable, thanks to the rapid technological progress and advancement of digital technology. Panelists note that there is a sufficient number of printing companies for the print media to avoid potential problems of refusal to be printed for political or other reasons. “If they say that they won't print you, you go to another printing company, there are plenty of them,” Zoran Dimitrovski said.

Panelists did note the problem with print distribution, which is monopolized by the largest publishing company MPM. Also, the problem persists with supermarket and other retail store chains that sell newspapers and other publications that refuse to sell certain dailies and weeklies because of political affiliations of their owners. The lack of must carry provisions in the Law on Audio and Audiovisual Media Services has resulted in a situation in which rates that cable operators' charge to carry individual broadcasters vary greatly in different areas of the country. Also, for the same reason, many cable operators in eastern parts of the country, which has a predominantly Macedonian population, do not carry some of the Albanian language channels, even those that air bilingual programs and, as noted earlier, are

increasingly popular across the ethnic division lines because of their objective and impartial reporting. Another issue that emerged with the digitalization of TV broadcasting was that, due to extremely high carrying charges on the multiplexes operated by telecommunications company ONE (it has since merged with other mobile telecommunications company VIP), all local TV broadcasters outside of the capital city of Skopje chose to change their licenses from terrestrial to cable broadcasting, to the effect that there are literally no terrestrial local TV broadcasters.

Macedonia has great coverage with broadband Internet, provided by both telecommunications companies and cable network operators. The Internet penetration, at over 60 percent, is among the highest in the region of Southeast Europe. Notably, over 40 percent of the citizens said in a recent poll that they mostly access the Internet using mobile devices—smart phones, tablets, etc. There are several companies that provide streaming services, used to cover major events, but in general, the good ICT infrastructure is underused. The panelists noted the gap between urban and rural areas, with some remote rural areas unable to receive anything but the terrestrial TV signal.

List of Panel Participants

Zoran Dimitrovski, editor and journalist, *Fokus*, Skopje

Darko Cekerovski, journalist, Telma TV; member of the board, Independent Trade Union of Journalists of Macedonia, Skopje

Ubavka Janevska, journalist and editor, Duma.mk and Kanal 77 Radio, Veles

Gordana Duvnjak, journalist, *Utrinski vesnik*, Skopje

Sefer Tahiri, journalism professor, Southeast European University, Tetovo

Petrit Saracini, civil activist; journalist, TV 21, Skopje

Uranija Pirovska, executive director, Helsinki Committee for Human Rights of Macedonia, Skopje

Violeta Gligorovska, journalist and media expert, Metamorphosis Foundation, Skopje

The following participants submitted a questionnaire but did not attend the panel discussion.

Filjana Koka, journalist, Macedonian Radio and Television, Skopje

Dragan Antonovski, journalist, Lokalno.mk; acting president, Media Ethics Council of Macedonia, Skopje

Saso Mitnovski, owner, Super Radio; president, Association of Private Media of Macedonia, Ohrid

One journalist from a regional broadcaster wished to remain anonymous.

Moderator

Biljana Bejkova, executive director, NGO Infocentre, Skopje

Author

Dejan Georgievski, president, Media Development Center, Skopje

The Macedonia study was coordinated by and conducted in partnership with Media Development Center, Skopje. The panel discussion was convened on December 11, 2015.

As in previous years, fierce trading of accusations and insults between opposing media is a regular feature, and the ruling party still holds undue influence on MRTV, the supposedly neutral public broadcasting service.



MONTENEGRO

Politics—and the media—focused on EU and NATO accession over the past year. The EU integration process has made modest progress, and Montenegro is moderately prepared in terms of alignment with most of the chapters of the *acquis communautaire*, the body of EU law. However, it is clear that numerous issues remain, especially in the areas of rule of law, democracy, and the economy. The majority of citizens—70 percent—support EU integration.

In December 2015, Montenegro began the final stage of the NATO accession process, which should be complete in the next two years. However, NATO accession, unlike EU integration, has polarized Montenegrin society; currently, only a narrow majority supports it. NATO membership is opposed, in particular, by the political opposition, which 10 years ago opposed Montenegrin independence, and which is well known by its pro-Serbian and pro-Russian positions. The influential Serbian Orthodox Church also strongly opposes NATO membership.

During the last four months of the year, opposition party protests culminated in an open conflict between protesters and the police; more than 50 people, both citizens and police officers, were injured. These conflicts resulted in a parliamentary boycott by the parties that organized the protests. Despite the protests, the government still enjoys parliamentary support, and so far, there are no indications of a change in executive power. All signs indicate that current political turbulence and strong mistrust between the ruling parties and the opposition will be resolved in next year's planned parliamentary elections.

Despite a deep social crisis, in 2015 the Montenegrin economy made some progress. The GDP grew 3.5 percent, mostly thanks to foreign investment. While modest, this economic recovery is welcome after the recession of 2009-2012. However, Montenegro still has high public debt and a large budget deficit, and unemployment is still approximately 17 percent.

Negative trends in the media sector from previous years continued. The EU's annual *Progress Report* recognizes some progress in the area of freedom of expression. However, the EU called attention to resolving open cases of violence against journalists; ensuring the independence of the public broadcasting service; and developing guidelines for courts to align their rulings with those of the European Court for Human Rights in the area of freedom of expression.

The media scene is still a battlefield of political and journalistic interests, resulting in perennial divisions within the media community. Political and commercial motivations drive these internal divisions, and they become quite visible during elections and political confrontations. At these flashpoints, media display their biases openly, supporting either the government or the opposition. As in previous years, fierce trading of accusations and insults between opposing media is a regular feature, and the ruling party still holds undue influence on MRTV, the supposedly neutral public broadcasting service.

MONTENEGRO at a glance

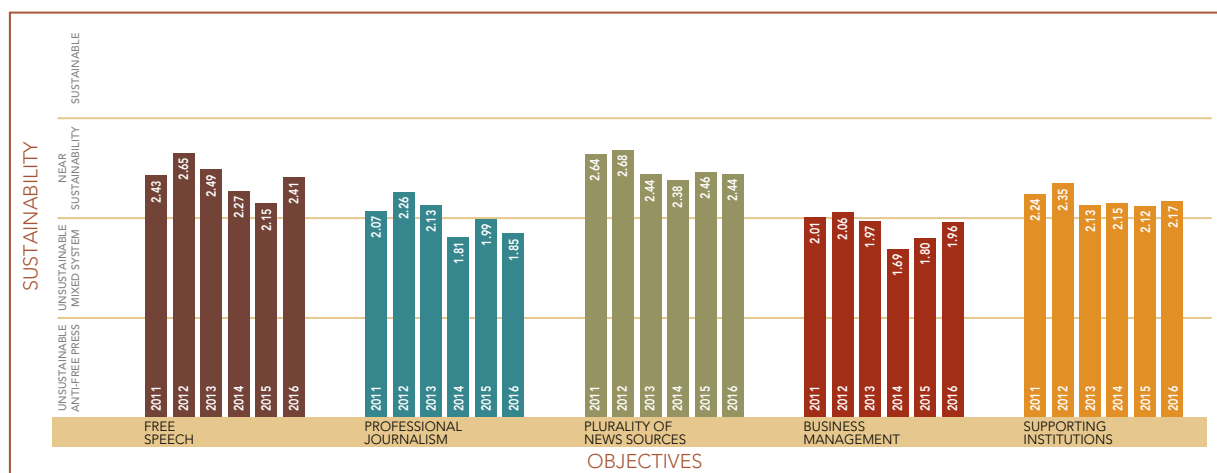
GENERAL

- > **Population:** 647,073 (July 2015 est., *CIA World Factbook*)
- > **Capital city:** Podgorica
- > **Ethnic groups (% of population):** Montenegrin 45%, Serbian 28.7%, Bosniak 8.7%, Albanian 4.9%, Muslim 3.3%, Roma 1%, Croat 1%, other 2.6%, unspecified 4.9% (2011 est., *CIA World Factbook*)
- > **Religions (% of population):** Orthodox 72.1%, Muslim 19.1%, Catholic 3.4%, atheist 1.2%, other 1.5%, unspecified 2.6% (2011 est., *CIA World Factbook*)
- > **Languages (% of population):** Serbian 42.9%, Montenegrin 37%, Bosnian 5.3%, Albanian 5.3%, Serbo-Croat 2%, other 3.5%, unspecified 4% (2011 est., *CIA World Factbook*)
- > **GNI (2014-Atlas):** \$4.549 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-PPP):** \$14,530 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 98.7%; Male 99.5%, Female 98% (2011 est., *CIA World Factbook*)
- > **President or top authority:** President Filip Vujanović (since April, 2013)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 5 dailies, 3 weeklies, 30 monthlies; Radio Stations: 53; Television Stations: 19; Cable operators: 10 (2015, Agency for Electronic Media of Montenegro)
- > **Newspaper circulation statistics:** *Vijesti* (circulation 3,500, private), *Dan*, (circulation 5,000, private), *Dnevne Novine* (circulation: 2,500, private), *Pobjeda*, (circulation 3,000, state-owned), *Informer* (circulation 2,000, private), (2015 est., Direct Media Ltd.)
- > **Broadcast ratings:** N/A
- > **News agencies:** Mina News Agency (private)
- > **Annual advertising revenue in media sector:** €9 - €9.5 million (2015 est., Direct Media Ltd.)
- > **Internet usage:** 381,700 (58.7% of population) (2014 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: MONTENEGRO



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Montenegro Objective Score: 2.41

The panelists agree that media legislation in Montenegro is well developed and that regulations adhere to international standards. Montenegrin legislation provides for and protects freedom of speech and offers a good legal framework for the development of the media sector. All of the key media laws (Media Law, Electronic Media Law, Digital Radio Diffusion Law, Law on Public Radio-Diffusion Services) are based on a normative framework, which incorporates tested international experiences and does not pose an obstacle for the establishment or operations of print and electronic media. The NGOs that monitor the activities of the media community, experts, and media analysts all agree that the legislative framework provides for freedom of speech and the development of professional and independent journalism.

Impediments to freedom of speech do not stem from legislative limitations, but rather from the overall political and social environment in Montenegro. Ranko Vujović, president of the Agency for Electronic Media, stated, "Montenegrin legislation is generally acceptable, and legal regulations do not pose obstacles for development of media freedoms." On the other hand, panelist Duško Vuković, an independent media analyst and researcher, pointed out,

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

FREE-SPEECH INDICATORS:

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

"Freedom of speech is guaranteed by the constitution and the laws governing the media sector, but Montenegrin society is captured by a participative and clientelistic system, which largely operates contrary to the standards set out by the constitution and the laws."

Regarding this position, Jadranka Rabrenović, a journalist for the daily *Pobjeda*, said, "The constitution guarantees free speech, and this is regulated by laws on electronic media and public service. The law does not allow for media to be shut down, and there have been no trials in which a reporter was asked to reveal sources of information." However, Sonja Drobac, the editor-in-chief of TV Prva, pointed to a legally controversial case: "This year, we witnessed the public prosecutor's office filing criminal charges against the editor-in-chief of TV Pink. The prosecution sought legal responsibility from the editor-in-chief for a criminal offense called 'false reporting'; this is an ongoing process and the first case of its kind in the region. I think this is simply intimidation of journalists, and this process definitely does not comply with media freedoms and the principles of a free press."

Overall, the panelists confirm that Montenegro has a solid legislative foundation, but they perceive a significant difference between the quality of the legislation and its practical implementation. In everyday media work, journalists and other media professionals see a significant problem of self-censorship in reaction to the overall political and economic environment. They also commonly witness cases of poor and incendiary reporting, which can undermine public faith in the concept of a free press. Certain topics, even when they are critical issues of public interest, are absent from the media, because journalists are under pressure from owners, unprofessional editorial policies, and external commercial and political interests.

As in previous years, the processes of licensing electronic media and statutory licensing operate without major problems. There are two national regulators (the Media Agency and the Agency for Electronic Communications), and the only major issues relate to the complex bureaucratic procedures and time needed to obtain appropriate licenses. In this regard, director of student radio KRŠ Đorđe Stojanović said, "From personal experience, I can say that the process of obtaining operating licenses for our radio worked without problems and in accordance with regulations." However, Vuković warned, "The recruitment of staff working with regulators is politicized, and decision-makers within regulatory bodies are not independent from the political will of the ruling power brokers."

Media business enjoys free entry into the market but is not favored in any way, compared with other types of businesses

According to Vuković, “Freedom of information is regulated by the law, but we see a lot of issues when authorities are trying to conceal compromising information. For example, the daily *Vijesti* has been trying for some time, unsuccessfully, to obtain information on illegal spending within the Ministry of Agriculture.”

in Montenegro. Business legislation in Montenegro treats all types of companies equally. Possible business or tax privileges do exist, but they do not directly relate to any specific type of business. However, print media (dailies and periodicals) pay a lower-than-normal VAT (value-added tax) rate of 7 percent. Drobac noted, “The authorities are quite flexible and lenient with the media when it comes to tax collection, but in practice there may be a selective approach to that issue, which favors certain media.” Rabrenović is on the same page: “There is no tax relief, but late payment of taxes by media is usually tolerated, particularly taxes on employees’ salaries.”

In 2013, the Montenegrin government formed an ad hoc committee to monitor all police and judicial investigations related to cases of violence against journalists. This committee consists of media representatives, NGOs, and national officials. While the committee still operates, its recommendations have had a limited effect. Other legal processes undercut journalists’ ability to do their job, including the case of the Special Prosecutor’s Office bringing criminal charges against the editor-in-chief of TV Pink, as mentioned above. Media professionals assess this case to be in conflict with media laws and the right to a free press.

Montenegrin journalists do not feel comfortable to investigate organized crime and high-level corruption. Furthermore, fear among journalists is even greater since many cases of violence against journalists in recent years have neither been resolved nor duly processed by courts. Montenegrin police and the judiciary are still not sufficiently effective and competent in dealing with cases of violence or threats against journalists. Experts consider it necessary to strengthen law enforcement bodies and good judicial

practice. Nonetheless, this year in Montenegro has seen no significant trend of serious physical attacks on journalists.

The public broadcaster MRTV is the subject of fierce debates between ruling and opposition politicians, with criticism also coming from civil society. For a decade, MRTV has had the status of public broadcasting service: it is officially independent, and special legislation declares it free from political interference. However, for years debate has been raging about the editorial independence of what was once the state broadcaster. Its operations are hindered by these political and broader social disagreements. Political parties and civil society often criticize the editorial policies of public media because they perceive the news and political programming to be neither in the public interest nor pluralistic.

Rabrenović pointed out, “Public media in Montenegro include the national public broadcaster and 14 local public media services, and it is quite obvious that politicians influence the appointment of the leaders of those media.” Public media, although legally designed to be media acting in the public interest, to a large extent are still dependent on the ruling parties, and any movement to establish editorial independence is making little progress.

Public media are supported by state and local budgets. They also have the right to sell commercial advertisements, putting them at an unfair competitive advantage over private commercial broadcasters. Government efforts to improve MRTV’s financial status are evident (with MRTV likely to receive 0.3 percent of the GDP, approximately €12 million annually). However, political and social disputes about the professionalism and independence of the public broadcasting service are still ongoing.

In 2012, libel was deemed a civil rather than a criminal offense in Montenegro. Just as in previous years, Montenegrin courts are treating defamation cases with leniency, which experts fear could open the door to increasing unethical journalism. Recently, an ongoing debate has ignited about reinstating defamation as a criminal offense; those in favor argue that terminating libel as a criminal offense was premature, a mistake on the part of the legislature.

As in previous years, the panelists noticed that the experience with the implementation of the Freedom of Information Act is uneven and selective, depending on

timing, political will, and institutional preparedness of national and local administrations. NGOs and journalists are highly critical of how the Freedom of Information Act is implemented. Journalist Milena Aprčević said, "Some government bodies remain hard to access, and on top of that, some government institutions provide information selectively to certain media." Drobac agreed, saying, "Often the level of cooperation of government institutions depends on the individual responsible for communicating with the media. Also, a great many institutions (with the exception of the ministries) do not publish information on their websites, even though it is their legal obligation to do so." According to Vuković, "Freedom of information is regulated by the law, but we see a lot of issues when authorities are trying to conceal compromising information. For example, the daily *Vijesti* has been trying for some time, unsuccessfully, to obtain information on illegal spending within the Ministry of Agriculture."

Montenegro has a quite liberal legislative framework in terms of the media's access to local and international news and information sources. The panelist Dragan Markešić, general manager of Direct Media, summarized the general opinion of the participants: "There are no limitations in accessing or using international news or information sources." At the same time, in recent years there has been a rise in copyright protection and protection of intellectual property.

Montenegrin journalists do not need licenses or special permits to practice; media companies determine individually the criteria for their journalists. The panel perceives that the absence of any journalistic licenses has resulted in a great loss of quality and professional standards. Additionally, professional journalists' associations fail to prescribe professional standards to protect the quality and reputation of the journalistic profession. The idea of professional standards for becoming a journalist is a polarizing issue. Some favor the introduction of licenses in various forms, while a more liberal segment of the media community thinks that ongoing training and professional development of journalists is more important than external standards.

There is also quite a strong trend of online journalism (portals, bloggers, social media journalism, etc.). More than half of Montenegrin citizens have access to the Internet, and development of Internet content is becoming more dynamic. There are no restrictions on access to online journalistic content.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Montenegro Objective Score: 1.85

The panelists unanimously believe that the professionalism of journalism in Montenegro has been steadily declining in quality for years, and that only a tiny part of the overall media community practices truly professional journalism. Both the panelists and the wider public believe that journalism is in crisis, and that the growing economic stagnation directly affects the quality of journalism. At the same time, journalism is fraught with political and commercial pressures, as well as internal corruption, all of which contribute to a less professional sector. Rabrenović stated, "In many media companies, journalists simply stopped checking their information or consulting additional relevant sources. This has resulted in the introduction of dubious journalistic forms, such as the 'commentary report' teeming with the author's subjectivity, or an interview that the interviewee repudiates. This results from media owners' steering their companies to serve political interests, both the government and the opposition."

Evaluating media coverage of recent political protests, Petar Komnenić, the editor of TV *Vijesti*, said, "Recent protests have revealed the dark side of Montenegrin journalism. The daily *Vijesti* was biased in its reporting, while MRTV quite unprofessionally did not report at all on the first stage of the protests." Branimir Mandić, a journalist at the daily *Vijesti*, said, "Our media, to younger generations, look boring, illiterate, and uninspiring. The NGO sector is

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Evaluating media coverage of recent political protests, Petar Komnenić, the editor of TV Vijesti, said, "Recent protests have revealed the dark side of Montenegrin journalism. The daily *Vijesti* was biased in its reporting, while MRTV quite unprofessionally did not report at all on the first stage of the protests."

beginning to do investigative journalism. There are too many media in Montenegro, and they simply don't have either a professional or a commercial future." To make things worse, recent college graduates who studied journalism do not have professional knowledge and skills.

For more than a decade now, journalists in Montenegro have had a Code of Ethics, with norms for professional and ethical reporting aligned with international standards. However, like many other media agreements and legislation, the Code has not been well implemented. The clear decline of professionalism is the best indicator of journalists' lack of compliance with the Code. Rabrenović observed, "There is a Code of Journalist Ethics, which has been improved this year to align with international ethical standards. There is no specialized code or individual codes for different types of media. Standards are often seriously violated; media accuse each other of conducting racketeering or accepting gifts in exchange for biased reporting; so far none of the cases have been processed." Drobac said, "There is no self-regulatory body or Ethics Council, which could provide assessments of media compliance with ethical standards." Mandić added, "I became a journalist in 2005, and now everything is different. Before, there were debates about professionalism. The Montenegrin Media Institute had the best journalism school; it no longer exists. Today editorial rooms are empty, there are no debates, and overall the situation is bad."

The Code is not enforced by the Media Self-Regulatory Council, the sole and generally accepted self-regulatory body, due to perennial divisions and conflicts within the media community. Recently announced changes to the Code are unlikely to produce positive results if the Code itself remains generally ineffective and unenforced.

Montenegrin media offer numerous local, national, and international sources of information; online journalism is completely open. Rabrenović observed, "Journalists follow all the key events and topics; editors do not prevent them

from reporting on any of these events. We also have well-developed groups within social networks, where numerous public figures and citizens alike are quite active. We don't have many blogs in Montenegro, but citizens are active on the Internet." However, reporting on events is one thing; the quality of interpretation of those events is another. Lack of professionalism, the poor economic and social position of journalists, weak trade unions and professional organizations, and internal and external pressures on journalists have all resulted in a situation of clearly visible self-censorship. Depending on editorial policy, commercial and political interests and influences, self-censorship, and other relevant factors, the same events can be interpreted in completely different ways by different media.

Journalists' salaries in Montenegro are low and insufficient to make it an attractive profession. A small number of the best and most experienced journalists have salaries above €1,000. An average journalist's salary is about €400, which is less than the average nationwide income of €480. Journalist Predrag Zečević, of Portal Analitika, said, "Salaries are lower than in previous years, and often paid in two or three installments... There are an increasing number of journalists leaving the profession. The whole profession is being deformed and practically reduced to hiring interns." At the local level, Mladen Zadrima, editor-in-chief of Radio Cetinje, confirmed, "Salaries at the local Radio Cetinje are on average about €350." Media owners do not invest sufficient resources in the ongoing education of journalists or improving their standard of living. Overall, the profession has a low social status, there are no signs of economic recovery in journalists' salaries, and the low wages, in the long run, will result in a brain drain and further deterioration of the quality of journalism in Montenegro.

The number of jobs in the media industry is constantly falling; this year there were fewer than 3,000 employees in the media sector.

In terms of content, Montenegrin electronic and print media predominantly focus on commercial, entertainment, music, and sports programs. Only a handful of the 70 media companies in Montenegro have the organizational, financial, and personnel capacities to produce their own news and political programs. Media increasingly focus on entertainment, including primitive and sometimes tasteless reality shows, meaning that commercial interests have impinged upon the space for fully free media that operate in the public interest. It is ironic that some private media, sometimes with the support of NGOs, often care more about the public interest than national and local public service media, which is mired in the political interests of the ruling political circles.

The digital switchover is in its final stages in Montenegro. MRTV will soon start broadcasting with a digital system, and it will be the final leading television station to use a digital system. In addition, the growth of online media, combined with using modern communications tools, is making overall competition on the electronic media market stronger and more dynamic. Increasingly, online portals, the top three of which are Vijesti, CDM, and Portal Analitika, are becoming leaders in the media market.

Investigative and specialized reporting is also facing significant problems in the Montenegrin journalism sector. Zadrina said, "Within MRTV there is almost no investigative journalism. Private media that are critical of the government are trying to do something to the extent they are able. A good example was MRTV pompously announcing an investigative series about corruption in the construction sector, but nothing spectacular happened. Citizens didn't learn anything they didn't already know." Additionally, most of the media companies do not have sufficient financial capacity nor sufficient interest to train and develop journalists in specialized areas.

OBJECTIVE 3: PLURALITY OF NEWS

Montenegro Objective Score: 2.44

For every 9,000 residents, there is one media company, which is above the European average (this is the same number of media companies as last year). Though the market is small, Montenegro has five national daily newspapers (*Vijesti*, *Dan*, *Pobjeda*, *Dnevne Novine*, and *Informer*) and five national television broadcasters (the public service broadcaster, MRTV, and private stations TV Vijesti, Prva TV, TV Pink, and TV Atlas). There are two national radio stations (the public service Radio Montenegro and the private Antenna M) and over 50 digital media sources at both the local and regional level. In recent years, Montenegro has experienced a strong growth of news portals, which are slowly pushing print media out of the market (especially *Vijesti*, *CDM*, and *Analitika*). In addition to traditional media, in recent years social media have been having a growing impact. Currently, for example, there are approximately 350,000 Facebook accounts in Montenegro.

Montenegrin media draw on news both from local and foreign news sources, including already published news in other local or foreign media. In Montenegro, as has been the case for several years, there is only one private news agency with limited capacities (MINA). An especially important source of information for international news—but also competition for Montenegrin media outlets—is media from neighboring ex-Yugoslav countries.

Plurality, however, is achieved through the large number of media outlets, rather than within almost all individual media outlets. Public media, as noted above, skew toward supporting the current government. Many private media companies are extremely biased in favor of the government, such as TV Pink and the daily *Informer*, while many other private media are anti-government, such as *Vijesti*, *Dan*, and *Monitor*.

Generally speaking, citizens' access to national and international media is not legally restricted; however, there are economic barriers to accessibility of some media channels and sources of information. Vuković said, "Poverty seriously limits access to the media, especially online media and the press." On the other hand, in Montenegro reputable international telecommunications companies are contributing to widespread access to cable television, ever-growing Internet penetration, an expansion of mobile telephony, and a gradual rise of social networks.

The most influential electronic and print media, as well as web portals, produce their own news programs. On the other hand, a small proportion of electronic media produce political or cultural programs, documentaries, or other forms of standalone content. Things are even worse off when it comes to local media, which are far less likely to produce their own news due to limited financial and human resources. At the same time, there is a powerful process of democratization of the media space by digital media initiatives, whether through Facebook, Twitter, blogs, or websites.

For many years now, government agencies have been required to make records available to the public. Because

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

of this, private company and media registers are readily available, and the data within are exposed to public scrutiny. Formal ownership structures, which are recorded in the public registers, are easily discernible online. However, the public often challenges these public records, claiming that they do not report the real owners. Zadrina said, "As far as I know, since 2013, no analyses of media ownership have been done. Data from the company registry will not give the full picture, as the real ownership structure can be much more complicated and usually linked to authorities." Last, the relevant agency still has not registered a single case of illegal media concentration.

As in previous years, the panelists agreed that media inadequately reflect the wide range of civic preferences and social interests in Montenegrin society. Editorial policies of Montenegrin media companies are in the hands of political and economic centers of power, which results in marginalization of the poor, as well as citizens without political or financial power. There are some positive examples, mainly related to cooperation between private media and NGOs committed to addressing the marginalized and repressed social or ethnic groups (Roma, LGBTQ, etc.). Overall, however, not all social interests are sufficiently reported, nor are the problems of various social and ethnic groups highlighted to the extent necessary.

There are pockets of quality journalism. Stojanović said, "Numerous local media are doing an excellent job when it comes to issues within their communities. There are numerous local communities' chronicles informing the citizens and reporting from different sectors. With web portals, citizens in local communities have much easier access to information." The general conclusion of the panelists is that Montenegrin media outlets are trying to publish news of local, national, or international significance. Therefore, it can be argued that some local media, following their editorial policies, do report on relevant local, national, and international issues. It also can be said that the Montenegrin public has access to the most important information: news about key local, national, or global events. The plurality of local and international media and the broad availability of information sources alone make it impossible to conceal any significant news or events.

Montenegro clearly has media pluralism, but the panelists agree that this plurality does not translate into quality or journalistic credibility. The main issue is the dominance of entertainment, cheap populism, sports, and musical content; media that produce original news and political, cultural, or educational programming represent a tiny minority.

OBJECTIVE 4: BUSINESS MANAGEMENT

Montenegro Objective Score: 1.96

The mere number of media in Montenegro is not an indicator of successful business operations. Even with a slowly strengthening economy throughout the country, media business in Montenegro remains unprofitable and barely sustainable. Their survival is possible because of low operating costs, low-paid journalists, the reliance on content produced by others, and external financial support coming from either owners or national and local authorities' budgets. Private media still struggle with financial difficulties, resulting in low employment in the sector, while public media survive only thanks to budgetary support from national and local authorities.

Numerous public broadcasting services operate (two national and a dozen local) and enjoy stable budgetary support by the national government and local councils. On top of that, public media have an unfair advantage in the advertising market, which threatens the operations and survival of private media companies. Commercial advertising revenues in Montenegro are approximately €10 million annually; this low figure has a huge negative impact on media sustainability.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

There are approximately 70 media companies, both national and local, and this large number has a significant negative impact on the commercial sustainability and business prospects of the private media. Furthermore, media companies typically suffer from poor professionalism: politically biased and tendentious editorial policies; biased reporting, even including hate speech; poor data protection, etc. Overall, these factors mean that it is very difficult to manage a media business in Montenegro and develop value in the eyes of the audience.

Media derive revenue in different ways, which are difficult to discern. Zadrina said, "There is a rule of the thumb that you do not criticize the one who is paying you, although by not doing so we violate the public's right to know." According to Drobac, "Advertising money is insufficient to ensure viability; therefore, the big question is how media companies are securing the rest of the funds necessary for media operations." Vuković said, "Public media, at both the national and local level, do not have sufficient funding sources to have independent editorial policies. When it comes to private media, editorial policies are subject to the owners' interests and not the public's interest."

The trends in advertising revenue from previous years continue. Montenegro's advertising market for many years now has been part of a broader regional market; about €10 million annually flows into Montenegro. It is estimated that there is another advertising market worth about €2 million, deriving from the advertising budgets of national and local authorities. As in previous years, over 80 percent of advertising budgets go through market-dominating advertising agencies, while the rest of the advertising budget is negotiated directly between individual companies and the media. Advertising agencies concentrate mainly on private media with national coverage and less on national public service MRTV. Local media make marginal advertising revenues. Assessing the advertising market situation, Markešić noted, "Relative to the size of the market, we have a lot of advertising agencies. Telecommunications operators are the biggest advertisers on the market, and they, like most of the other clients, are advertising in line with their objectives. Media companies set the prices. Advertising at MRTV is not prohibited, but it is less than that of private media. Local media and small private media are far less covered by commercial advertisers' plans. The market is dominated by branch offices of big regional advertising companies."

Zadrina said, "There is a rule of the thumb that you do not criticize the one who is paying you, although by not doing so we violate the public's right to know."

There is strong competition among media for the advertising market, and advertisers are motivated by media ratings. At the moment, the best-rated television station in Montenegro is privately owned TV Pink, followed by the private TV Vijesti; national public service broadcaster MRTV ranks third. Almost 90 percent of commercial advertisers' money goes to four television stations (the three top-rated stations and TV Prva). Only 6 percent of the total advertising budget goes to online advertising. *Dan* editor Rajka Raičević noted, "Media act in line with market rules. Private media live from circulation and marketing. Public media have an advantage, as they receive money from the public budget, and government institutions prefer to advertise through those media." Advertising from national and local government agencies and public companies make up an estimated 17 percent of the overall advertising budget, demonstrating political influence via advertising. Government institutions prefer to advertise in publically owned media (national and local public services) or favor private media that are friendly toward (or at least not critical of) the ruling structures.

Market surveys to support media business planning are rare. Since news companies are barely surviving or are barely profitable, they do not have budgets to pay for relevant market research. Markešić said, "[The year] 2014 was particularly bad, because no surveys were done for any of the media companies, nor did we have relevant data on ratings and circulation. In 2015, we witnessed huge changes in TV ratings, because our agency (Direct Media) got a new system, which is as close as possible to using a people-meter system. It is a hybrid system able to cross daily surveys with audience demographic data, with data on programming and TV ratings in units of minutes and seconds. These data are being collected at all times from IPTV boxes of Montenegrin Telecom. This method for measuring ratings represents a huge step forward from all previous measurement systems. It also represents the most objective source of information on TV ratings we have ever had in the Montenegrin market."

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Montenegro Objective Score: 2.17

It has become a common perception that media trade associations are weak and without significant impact. Confrontations and bitter rivalries within the media community prevent the establishment of a meaningful trade association, which in turn has negative implications for the media sector's legal status and potential business achievements. The voice of the business community is silent, which remains a major concern for policymakers and media entrepreneurs.

The professional journalism associations appear to parallel the situation of the media trade associations; journalists do not have strong associations and thus little impact within the network of Montenegrin professional associations. There have been some developments in media trade union organizing, but this has not yet led to stronger social and legal protection of journalists. The apparent disintegration of the professional media community has made journalism less and less of a respectable and influential profession. Vuković said, "Formally, there are several journalists' associations, but they are mostly inactive and their influence is very limited both in terms of journalists' protection and the issue of improving professional standards. Most reporters and editors who represent the best this profession has to offer in Montenegro are not members of any professional associations." Looking on the bright side, Aprcović noted, "The Media Self-regulation Council monitors and reports on the violations of the Code of Journalists.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

There are a number of media that are not members of that organization but have internal ombudspersons who protect the rights of readers and viewers."

The panelists agree that NGOs' activities are very important for the democratic development of society in general and the empowerment of civil society in particular. In the past 15 years, a respectable nongovernmental sector, which has impact in a number of social areas, has grown up in Montenegro. For example, certain NGOs have become an essential part of the broader political process, monitoring the parliamentary elections. In principle, NGOs cooperate well with the media; together, they form a key part of organized civil society in Montenegro.

However, Rabrenović noted, "Local NGOs, just like the media, are divided along political lines, and they cooperate only with related NGOs. We also have nontransparent NGOs; for these, we don't know who is financing them. NGOs can be established freely—they participate in consultations on draft legislation, in the work of the parliament by monitoring and taking part in the work of the parliamentary committees; they are members of the National Anti-Corruption Commission and the Commission for Prevention of Violence Against Journalists."

In recent years, training journalists has been largely reduced to the academic and theoretical teaching at the Faculty of Political Sciences in Podgorica, Department of Journalism. However, these academics lack practical knowledge and skills; journalists have nowhere to undergo hands-on training. This has devastating repercussions on the younger generation of journalists in Montenegro. The Montenegro Media Institute, once a leader in the education and practical training of journalists, has lost both its status and the support of the media community. This has inflicted damage on the media who were counting on the academic development of professional junior staff. Vuković commented, "In Montenegro, for a decade now, we have the Department of Journalism at the Faculty of Political Sciences, but the quality of studies is rather low, especially recently, due to a lack of quality teaching staff. A huge problem is that there is not enough space for hands-on training within curricula. Furthermore, students who complete their studies are not interested in becoming interns in media companies; instead they go to NGOs." The younger generations trained as journalists not only are poorly trained, but they are also increasingly indifferent to the challenges of the profession; this is a serious obstacle to the future reputation of journalism.

There are no restrictions or a monopoly on procuring equipment for print media. The problem lies in the irrationality of the leading print media (for example, the

dailies *Vijesti*, *Dan*, and *Dnevne Novine*): each have their own printing equipment, and each one of these printing presses could serve the needs of a much larger market than that of Montenegro.

All distribution companies are privately owned, and there is adequate competition in terms of open distribution channels. The exception is for print media, which rely on a single dominant distributor who owns a network of stores nationwide.

In recent years, Montenegro's IT and telecommunications infrastructure has improved, reaching western European standards. The recently completed digitalization process, which included even the national public broadcasting service, enabled almost all Montenegrin households to be covered by the digital signal. In the near future, it is realistic to expect the further development of IT infrastructure and an increase in potential users. Commenting on this issue, Markešić said, "IT and communications technology is at a satisfactory level. With the completion of the digitalization process, even the small number of households that weren't using digital platforms are now enjoying the benefits of a well-developed digital infrastructure. Internet penetration is growing, as is especially broadband access. Mobile telephony is covering almost the entire territory of Montenegro, and I dare say that almost all adults and a lot of minors have mobile phones."

List of Panel Participants

- Ljiljana Savic**, editor-in-chief, MRTV, Podgorica
- Branimir Mandić**, columnist, *Vijesti*, Podgorica
- Predrag Zečević**, journalist, Analitika.me, Podgorica
- Petar Komnenić**, deputy editor-in-chief, TV Vijesti, Podgorica
- Milena Aprčević**, journalist, Radio Antena M, Podgorica
- Dragan Markešić**, general manager, Direct Media Montenegro, Podgorica
- Jadranka Rabrenović**, journalist, *Pobjeda*, Podgorica
- Dorđe Stojanović**, director, student radio KRŠ, Podgorica
- Mladen Zadrima**, editor-in-chief, Radio Cetinje, Cetinje
- Samir Rastoder**, journalist, *Dnevne Novine*, Podgorica
- Duško Vuković**, independent media analyst, Podgorica
- Rajka Raičević**, journalist, *Dan*, Podgorica
- Sonja Drobac**, editor-in-chief, TV Prva, Podgorica
- Ranko Vujović**, president, Agency for Electronic Media, Podgorica

Moderator

Vladan Simonovic, partner, Media Ltd, Podgorica

Author

Rade Bojović, executive director, Media Ltd., Podgorica

The Montenegro study was coordinated by, and conducted in partnership with, Media Ltd., Podgorica. The panel discussion was convened on December 4, 2015.

Throughout this tumult, the media sector was largely stagnant, maintaining the previous year's trends: decreasing sustainability for media outlets, use of the media for political and economic ends, and depopulation and lower professionalism within newsrooms.



ROMANIA

Romania had a troubled 2015, marked by political tension and increasing polarization of the public. Many observers pointed to the local and general elections that are scheduled for spring and fall of 2016 as the primary cause. While the anti-corruption bodies kept up the fast pace of their work, and important figures were called to justice—including former Prime Minister Victor Ponta, accused of being an accessory to money laundering—corruption remained a hot issue. Citizens held mass public demonstrations protesting the poor response of emergency and health services and the institutional corruption believed to have contributed to the disaster at Club Colectiv in Bucharest in October. More than 60 young people were killed and 100 injured due to the fire.

The protests and the strong emotional reaction of the public have deeply shaken the Romanian political establishment, forcing government officials to resign. A new government led by Dacian Cioloș, a former European Commissioner for Agriculture with no political affiliation and a reputation for efficiency and honesty, was installed in November. The new government has a limited mandate, mainly tasked with organizing the elections of 2016 and keeping Romania functioning. But they are widely viewed by the public as hope for transparency, accountability, and exposing and fighting corruption.

Throughout this tumult, the media sector was largely stagnant, maintaining the previous year's trends: decreasing sustainability for media outlets, use of the media for political and economic ends, and depopulation and lower professionalism within newsrooms. At the same time, however, online media and social media are on the rise. This trend became very visible during the Colectiv crisis. Public support for the victims, including securing health assistance from abroad, was organized voluntarily via Facebook.

ROMANIA at a glance

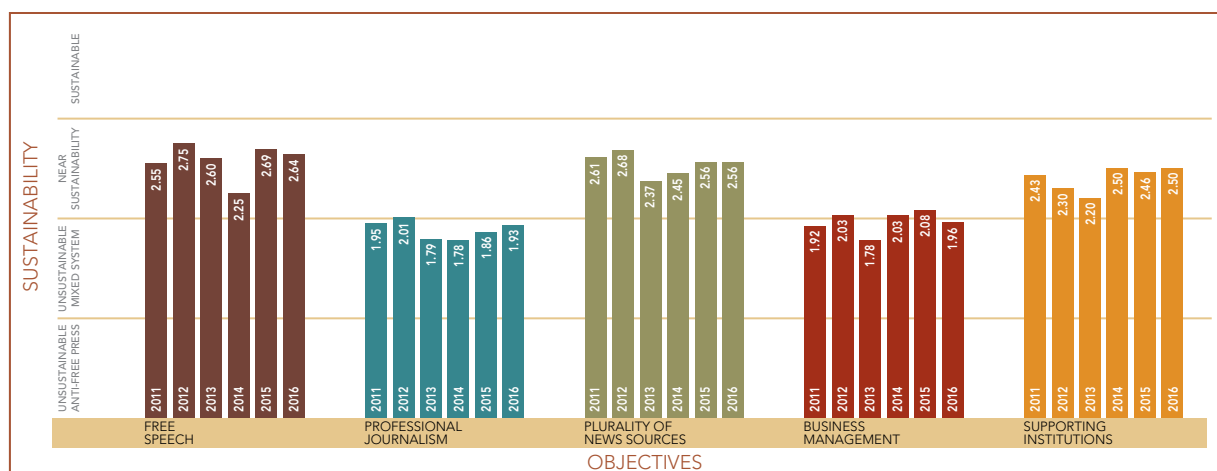
GENERAL

- > **Population:** 21,666,350 (July 2015 est., *CIA World Factbook*)
- > **Capital city:** Bucharest
- > **Ethnic groups (% of population):** Romanian 83.4%, Hungarian 6.1%, Roma 3.1%, Ukrainian 0.3%, German 0.2%, other 0.7%, unspecified 6.1% (2011 est., *CIA World Factbook*)
- > **Religions (% of population):** Eastern Orthodox (including all sub-denominations) 81.9%, Protestant (various denominations including Reformed and Pentecostal) 6.4%, Roman Catholic 4.3%, other (includes Muslim) 0.9%, none or atheist 0.2%, unspecified 6.3% (2011 est., *CIA World Factbook*)
- > **Languages (% of population):** Romanian (official) 85.4%, Hungarian 6.3%, Romany 1.2%, other 1%, unspecified 6.1% (2011 est., *CIA World Factbook*)
- > **GNI (2014-Atlas):** \$189.5 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-PPP):** \$19,020 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 98.8% (male 99.1%, female 98.5%) (2015 est., *CIA World Factbook*)
- > **President or top authority:** President Klaus Iohannis (since December 21, 2014)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: number unknown, 98 publications audited by BRAT; Radio Stations: 595 (licenses for terrestrial broadcasting, 28 satellite broadcasting (CAN Report 2016)); TV stations: 432 licenses (cable and satellite), Internet news portals: number unknown, (119 news portals and niche websites audited by SATI)
- > **Newspaper circulation statistics:** Top three by circulation *Click* (circulation 115,915, daily private tabloid), *Ring* (circulation 95,152, daily private tabloid, free), *Libertatea* (circulation 86,376, daily private tabloid)
- > **Broadcast ratings:** Top three television stations PRO TV (3.3%, national), Antena 1 (2.9%, national), Kanal D (2%, national) (paginamedia.ro, January 2016)
- > **Main news website traffic:** www.stirileprotv.ro (671,071 unique visitors/day), www.romaniatv.net (479,855 unique visitors/day), www.adevarul.ro (396,144 unique visitors/day), www.realitatea.net (390,764 unique visitors/day)
- > **News agencies:** Mediafax (private), Agerpres (state-owned)
- > **Annual advertising revenue in media sector:** an estimated of €322 million (€16 million print market, €205 million TV market, €18 million radio market, €56 million Internet, €27 million OOH) (mediafax.ro Media Fact Book 2015)
- > **Internet Usage:** 11.2 million (2014 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ROMANIA



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Romania Objective Score: 2.64

The Romanian constitution guarantees freedom of expression, as do the civil code and other media-related laws. Freedom of expression has its restrictions, but they are linked to the protection of legitimate aims such as national security, defamation, privacy, and the right to one's own image. The constitution prohibits explicitly defamation of the nation, incitement to war, aggression, public violence, territorial secession or discrimination, obscene conduct, or hate speech based on nationality, race, social class, or religion. Although it appears in the constitution, no law in force punishes defamation of Romania. Participants noted that the legal framework is sound, but legislators made several attempts to pass restrictive measures in 2015. Răzvan Martin, program coordinator at Active Watch, said, "The legal framework is quite good. We haven't had insult and calumny in the Penal Code since 2007, but there are legislative attempts to re-introduce them." The same idea was supported by freelance journalist Cătălin Striblea, who said, "Irrespective of the ruling party, no government has managed to escape media scrutiny."

All participants agreed that freedom of expression is not "socially protected," as Romanians do not attach a social value to it and take it for granted. Freelance journalist

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

FREE-SPEECH INDICATORS:

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

Gabriel Bejan said, "Part of society is not convinced of the importance of this democratic principle. I cannot explain otherwise the electoral success of various local barons who attempted to control the media in their counties."

Ioana Avădani noted that, apart from the obvious legislative methods, in recent years various non-media gatekeepers have made numerous attempts to restrict the freedom of expression. Panelists said that laws regarding information security, online gambling and adult content, data retention, and communication for surveillance are limiting the freedom of expression beyond legitimate protective aims. One panelist said, wishing to remain anonymous, "We managed to stop or annul some of these laws, but it happened far from the purview of the general public and sometimes the media. When it comes to cyber security, there are media outlets that openly support the intelligence services' stances, which invites some questions, especially knowing that some of the authors of the articles graduated courses offered by the National Intelligence Academy."

The National Audiovisual Council of Romania (Consiliul Național al Audiovizualului, or CNA) is an autonomous body that controls broadcast licensing and enforces the legal obligations of broadcasters, and is formally under parliamentary control. According to the CNA's statutes, its role is to "ensure that Romania's TV and radio stations operate in an environment of free speech, responsibility and competitiveness." The government leader and parliament appoint its 11 members with staggered mandates, so their terms do not coincide with the general elections.

Despite the legal guarantees for autonomy, all participants agreed that CNA is still heavily politicized, hence its credibility has been eroded. Some of its members vote according to the interest of the parties or entities that nominated them, rather than according to a consistent philosophy respectful of the public interest. Costin Juncu, the managing director of the Romanian Association for Audience Measurement, put it this way: "You know the legal norm, but you cannot guess what the final outcome would be. The whole process [of licensing and sanctioning] is unpredictable."

The politicization of CNA has led to some extreme forms of polarization, including members belonging to a certain "faction" refusing to attend council sittings just to prevent a quorum. Even more notorious is the case of CNA Chair Laura Georgescu, who in 2014 was placed under criminal investigation, accused of taking bribes in order to favor a television station belonging to a politician. In an attempt to unlock CNA operations, an amendment of the Broadcast Law was passed in 2015, allowing Parliament to fire the council chair if the annual activity report is rejected. Previously, parliament protected CNA from any intervention in its

membership for the whole duration of members' mandates. However, panelists perceive the new amendment as a step back and a further politicization of the institution.

As bad as the amendment was, it was not followed by any practical results. Parliament never discussed the 2014 CNA activity report, although it was duly submitted in April, and Georgescu is still chairing the Council. "This is a very serious matter. They passed a law for an individual," said blogger Petrișor Obae. He also noted some positive developments, as CNA decided that its members would take turns in chairing the council, breaking the absolute power of the chair over the agenda. "There is more order, there are no longer topics that enjoy [protection] from debate. The council started to thaw on topics with no political connotation, such as tabloidization exceeding advertising quotas. It's more than last year [2014], when nothing happened," he said.

Panelists agreed that Romania has no special market entry conditions for the media, but the discretionary application of the law is definitely a problem. One example is the fiscal law. Striblea said, "The fiscal authorities are an instrument used to intervene in the media market." Some media companies enjoy preferential treatment in paying overdue debts, while others see their accounts frozen shortly after their debts become due. "Public media are treated more leniently than the private ones when it comes to debts to the state," said Toni Hrițac, editor-in-chief of *Ziarul de Iași*.

Fiscal authorities have another instrument of pressure: the "reconsideration" of independent contracts, such as those structured to pay author's a usage fee, into regular work contracts. Such contracts are more heavily taxed and can even double initial debts. While fully legal, reconsideration was not consistently or generally applied, which attracted accusations of arbitrary use against critical media outlets. In 2015, the government approved an emergency ordinance that wrote off some debts and prohibited the fiscal authorities to "reconsider" contracts signed between 2010 (when the legal provisions regarding "the reconsideration" were approved) and June 2015. However, a new fiscal code, adopted in 2015 and entered into force in January 2016, now addresses "independent activities." The code includes newer, clearer, and more specific criteria, which will make the reconsideration less dependent on the arbitrary judgments of the fiscal inspectors.

Value-added tax (VAT) for the media stayed at 24 percent, which is the level generally applied in Romania. The tax was down to 20 percent as of January 1, 2016. As Valentin Moisă, vice-president of Mediasind, pointed out, the level is higher than in other countries in Europe. Only the VAT for the distribution of print media is reduced to 9 percent. "The broadcast community in Romania does not benefit from

any such incentive," claimed Daniel Dincă, director of Radio Semnal. Martin pointed out also that commercial companies can claim back their VAT, but the public media institutions cannot, which results in significantly higher operating costs.

There are not many crimes against journalists, but if something happens to a media member, the authorities do not react effectively. For example, local journalist Sorin Țiței found his late wife's tomb desecrated at the end of May 2015. This was not the first such incident, and he said he could clearly connect the vandalism to the publishing of his articles exposing the corrupt activities of a local politician. The authorities did not investigate the case properly, although Romania's largest coalition of media professional associations requested a thorough investigation.

A more serious case involved some environmental activists that were documenting alleged illegal deforestation in a national park, together with journalists from the German television broadcaster Deutsche Welle. They were attacked with bats and stones by local workers who were led by the owner of the company responsible for the deforestation. Trying to escape the attack, the activists and journalists fled, hitting the owner with their car. The police are still investigating the case.

The most recent case is the one of Cătălin Tolontan, editor-in-chief of *Gazeta Sporturilor* and the owner www.tolo.ro, one of the most followed blogs in Romania; he publishes investigations on topics that most mainstream media do not tackle. Tolontan led a series of thorough investigations into the Club Colectiv fire. He published articles revealing the responsibility of the authorities, who operated emergency units poorly and did not provide sufficient medical care to the surviving victims. In November, Tolontan was targeted in surveillance operations carried out by several unidentified people. "This type of intimidation is not very well covered by the media, these are topics that almost nobody reports upon," said Martin. Striblea also mentioned that the pressures and the threats are a fact of life in Romanian newsrooms and that requests to remove a nosy journalist may appear, especially if the journalist is important or influential. Panelists agreed that one problem is that journalists rarely turn to the justice system to solve cases of attack or harassment. "The public itself either doesn't care, or accuses the journalists of 'having asked for it'. The only ones still protecting the journalists are the professional associations," said Hannelore Petrovai, editor-in-chief, HunedoaraMea.ro.

The editorial independence of public media is protected under the laws regulating public radio SRR, public television TVR, and news agency AGERPRES. While political control over these institutions is maintained via the politically appointed

members of their boards, the effects on the content are not necessarily very visible. However, board members can be dismissed if parliament rejects the annual reports. This provision has turned into a very efficient instrument for political control over these outlets. In the case of TVR, not a single board has finished its mandate—not even in 2015, when the board and its president were sacked less than two years into their four-year mandate after the annual report was rejected in September. Parliament has not yet discussed the SSR report, although the due date was April.

The National Agency for Integrity has found that several members of the board are holding other positions that pose conflicts of interest with their board positions. Natalia Milewski, a lecturer in journalism at the University of Bucharest, held the view that “the political interests are more visible when a new board is appointed. It is then when the heads of departments are changed [by order].” Juncu said, “No party has a genuine will to cease the political control over the TVR board. All those who came to power did the same thing: appoint somebody who had supported them during the campaign.” Hrițac added: “At local level, one can see the same phenomenon: the heads of the local stations of the public media are political appointees, even if the law protects their editorial independence.”

Carla Tompea, TVR’s newly appointed news director, said that indeed the law “encourages politicization,” but she added that the law is old and does not reflect the current realities of the public media. “We cannot function properly based on a 21-year old law. All the changes brought to it until now have been mere cosmetic amendments, not fundamental ones.” She also said that, apart from the law, the under-financing of public television is also a serious problem. “Together, these aspects limit the capacity of the organization to perform its public mandate, as well as the freedom of the journalists who want to do their jobs well.” SRR board member Maria Țoghină said that the lack of a managerial contract with clear performance indicators adds to the problems: “People are sacked when politicians want, not when they did something wrong.” She also mentioned the situation of the national news agency AGERPRES, which is functioning under the Ministry of Finance. The journalists are paid from the state budget, which turns them into public servants subject to administrative laws.

Libel is no longer a criminal offense in Romania and such cases are civil matters. In cases of defamation, the plaintiff is exempted from paying the taxes on damage awards that are required when demanding other types of reparations. In 2015 lawmakers introduced two worrying legal initiatives that might result in the criminalization of libel. One is straightforwardly asking for the re-introduction of libel and calumny in the criminal code. The other is meant to

Panelists agreed that one problem is that journalists rarely turn to the justice system to solve cases of attack or harassment. “The public itself either doesn’t care, or accuses the journalists of ‘having asked for it’. The only ones still protecting the journalists are the professional associations,” said Hannelore Petrovai, editor-in-chief, HunedoaraMea.ro.

sanction “social defamation,” seen as any act or statement that might create a sense of inferiority of a group defined by race, nationality, gender, political affiliation, religion, sexual orientation, age, or social status. Both laws include prison sentences. The head of the Social Democrat Party (the largest party in Romania, in opposition since November 2015) has promoted the defamation law, which was adopted without debate by the Senate in October 2015, and is pending debates in the Chamber of Deputies.

Access to public information is governed by Law 544/2001, which grants access to information produced or held by public institutions. Journalists enjoy special treatment, as their questions have to be answered on the spot or within 24 hours. Despite these generous legal provisions, the panelists agreed that the law is largely unobserved. “We have a law and it is good, the problem is that they don’t obey it,” Petrovai said. Some government employees still do not know the law, or claim that they do not.

Monitoring conducted by various organizations has demonstrated that only a minor fraction of requests are answered properly. In general, organizations are more successful than mere individuals, and larger organizations that are more aggressive in suing for their right to information often get quicker and more complete answers. Juncu added that a recent trend is for the authorities to provide ironic answers, or ones that only mimic the releasing of meaningful information. A major drawback is the tacit refusal of some public institutions to provide public information to journalists when it relates to important people or sensitive topics. “They know exactly that if they don’t give you the info in time, they kill your article,” Bejan said.

Bejan cited the case of Sidonia Bogdan, a journalist from a national daily, who tried for three months to obtain from the Ministry of Education a list of the Ph.D. theses coordinated by the Vice Prime Minister Gabriel Oprea in his capacity as professor at the National Intelligence Academy.

The ministry repeatedly answered that they are working on her request, but they did not provide any other information, said Bejan. "Another problem is that, if they answer at all, they send the information very late, or in an un-editable format so that you cannot process it in a timely manner," said Silvia Vrînceanu Nichita, editor-in-chief of *Ziarul de Vrancea*. Hrițac added that bloggers, especially those who critically cover the public administration, seem to be discriminated against by the authorities when it comes to requesting information.

Panelists agreed that, at the same time, some newsrooms do not know the law or do not use it at all, and claim that it is useless for journalists, given the delays. Usually, newsrooms put up with the silent rejection of their requests and refrain from suing the authorities, in order to not antagonize them.

In 2015 the government published a new draft of the public procurement law. The law no longer contains any provisions regarding the compulsory publicity of public advertising contracts. Legislators introduced those provisions in 2005 in order to curb the arbitrary allocation of state advertising. The 2015 draft also eliminated the provision that expressly makes procurement files freely accessible to the public under access to information legislation. The draft was submitted to Parliament and must be adopted by April 2016. As it transposes a European directive, a failure to adopt it will result in the European Commission initiating infringement proceedings against Romania.

The new government installed in November 2015, following street protests against corruption, made transparency and access to information their priorities. Prime Minister Dacian Cioloș created a new Ministry for Public Consultation and Civic Dialogue and appointed longtime NGO leader and transparency advocate Violeta Alexandru as its head.

Access to information from foreign sources is in no way restricted; however, copyright issues persist, and often material from the Internet is published without the requisite citation of sources. All the panelists agreed that the copyright is not respected in Romania. Despite this, the affected journalists or media seldom open cases on copyright infringement. "There is unlimited access to news of all kinds—local, national, international. Unfortunately, some journalists do not use this freedom in good faith. Whole articles, photos and all, are appropriated by others without any citation or a mere link to the original," said Petrovai.

Access to the journalism profession is free and unrestricted. Yet more and more voices, including from the professional field, see this as a problem and are asking for some sort of licensing procedures, in order to secure a minimum quality of those practicing journalism.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Romania Objective Score: 1.93

Public-interest journalism continues to deteriorate, due to media houses' economic problems, the increasing political control, and the Romanian public's poor media education. Because the media market lacks a real, healthy competition, consumers tend to trust fake investigations or other similar low-quality materials, said freelance journalist Iulian Comănescu.

The media publish many articles that are biased and one-sided, Hrițac claimed. Some journalists publish unverified or even invented news. They do not check the information from more than one source, and often the "experts" that are invited to talk about a topic are not experts at all. For example, artists talking about earthquakes, said Petrovai.

The panelists said that media members suffer from a deficit of competence and honesty that is worse than professionals in other industries. "The lack of professionalism is encouraged and the decrease in quality is deliberate," said Striblea. Many media owners do not want well-trained journalists. They want to work with people that obey their orders and do not discuss them and do not fight back. But Manuela Preoteasa from Euractiv.ro said that most of the journalists know the technical aspects of their work, although they lack ethics. "It isn't totally their fault, the companies they work with don't have ethics. The discussion

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

about the journalists' ethics is useless if we don't equally talk about the professional and ethical standards of the media outlets," said Preoteasa.

"A large part of the media does check the information they publish, but there are a lot of newspapers, websites, and even TV stations that publish false news. An example is the news that was published on November 21st by several news portals about a dramatic event: an Italian being shot by mistake in France, because the policemen mistook 'Andiamo al bar' ('let's go to the bar') for 'Allahu Akbar.' This was, in fact, a joke made by a satirical Italian newspaper, but the humor was lost on many Romanian outlets," said Bejan.

At the same time, the panelists agreed that many journalists do their job honestly and ably and it is unfair to penalize the entire profession for the mistakes of some. "In addition, I would note that there is an increase in the quality of media products. Paradoxically, this is not thanks to an improvement of newsroom life, but to the fact that journalists got access to grants or left the newsrooms to create their own outlets," Martin concluded. The panelists agreed that even these "quality cases" of responsible journalism could include serious ethical violations. For example, Digi 24, which panelists considered one of the best news providers in today's Romania, conducted a sustained campaign in support of its parent company's bid to enter the energy market. The campaign extended for days in their general and economic news programs.

Regarding professional standards, all the panelists agreed that ethical codes do exist and are in accordance with international norms, but journalists and editors do not observe them consistently. Avădani said that journalists do not think in terms of "ethical standards"—most of them act out of a sort of mannerism. Petrovai said that most journalists do not even know what an ethical code is.

In the newsrooms, the process of discussing an ethical issue is almost non-existent. "The journalists accept gifts and suspicious payments and the editors, many of them, no longer distinguish between advertorials and editorial articles," said one of the panelists. There are several reasons why this is happening. In most cases, the journalists violate the ethical norms in order to serve their personal interests or those of their employers, or out of ignorance. In some other cases, journalists that know the rules and claim to respect them also violate those same rules, saying you cannot survive otherwise.

Stirblea expressed the belief that the worst is already behind Romania and that a network of journalists that remains true to the profession is about to emerge. "We walked through a Valley of Sorrow, but good things appear, more and more of them," she said. The same opinion is shared by Obae: "New media products appear, gathering around them

good journalists, and we will see how they evolve." Martin, however, noted that the number of cases against journalists on grounds of defamation, assassination of character, and even blackmail are on the rise.

Even if they do not respect the rules against plagiarism, journalists know them. "The disapproval is not publicly displayed yet, but we have started to have discussions about plagiarism in the profession. Also, the readers can check the news, especially online, and they can now sanction this lack of professionalism," said Milewski.

The panelists expressed the belief that self-censorship is practiced frequently. "Journalists and editors do practice self-censorship. Most media outlets have political owners and the journalists and heads of the newsrooms are in the service of the owner. Sometimes they even exceed their tasks and do more than they were asked in order to defend the interests of the owner, interests that became their own," Petrovai said. Alexandru Lăzescu, editor-in-chief of the magazine 22, said that one of the biggest problems is that journalists who violate professional rules and practice self-censorship "don't even think about it, they do not have the feeling that they are doing something wrong."

Striblea deplored the lack of mentoring in the newsrooms. "As the older generations leave, we lose a lot of expertise, and the young journalists don't have mentors to learn from. And orders coming from the higher-ups are obeyed without opposition, because 'it's normal,'" he said. Yet, Bejan says that there are many shades of grey in this respect and that one cannot generalize. "There are still people who fight to impose their point of view, even in newsrooms that are deeply controlled from above," said Bejan. Vrâncăanu said that the precarious economy is the root of all self-censorship, a view shared by Dincă. Milewski elaborated: "It's mostly survival self-censorship. It can be ideological, it can be linked to certain beliefs or professional opinions, but in many newsrooms it's just plain fear: the fear of losing your bread-earning job."

All the participants agreed that no subject is "untouchable" in Romania. Generally, all the media cover the important events. An outlet deciding not to report on an event is rare and mostly connected with a problem that the owner might have; for example, when he or his associates face legal troubles. If the topic is important, the rest of the media will cover it, so the scandal cannot be ignored. For example, in the summer of 2015, some journalists discovered that Vice-Prime Minister Gabriel Oprea coordinated several Ph.D. theses but that most of the content was plagiarized. For months, the subject remained marginal, with only a couple of journalists writing about it. By November (and with Oprea's resignation), most of the media had reported the story. Hirțac said that although the media cover all

stories, their angles of reporting can affect the way the public receives the information, especially because people rarely cross-check their information. Another problem is the lack of resources—financial, human, and time. Thus some topics may be left unreported or only marginally covered, especially those that are difficult to produce.

The situation of minority reporting has not changed markedly since last year. Such topics are still marginal and marred with stereotypes. The Roma minority is still depicted in mostly negative terms, while the LGBTQ community is almost absent from public discourse (with the notable exception of the annual Gay Pride parade, when coverage is mostly negative). Moreover, even when online media address the topics in a balanced and fair manner, public comments are full of derogatory terms, hate speech, and even instigations to violence. This year, immigration topics entered the public agenda, but the materials were largely biased—full of stereotypes, hate speech, and nationalism. There were exceptions, though, as journalists from alternative media outlets that documented the subject covered the immigrants' camps, talked to the immigrants, and produced ample, well-documented, and balanced materials.

The panelists agreed that journalism professionals are underpaid. As a rule, salaries in the capital city are higher than those in the provinces, and those in television are higher than those in print. Online media are hardly economically sustainable, and apart from some "stars," bloggers cannot live off of the proceeds of their blogs. Salaries for journalists do not appear to be lower than in 2014, as they were kept around the national minimum wage. In the mainstream popular media, salaries might be reasonably high, but they are paid after long delays (two to three months). Because journalism salaries are lower than those of public officials, journalists frequently leave the profession to become spokespersons for the local authorities. Others find jobs in public relations, advertising, or political consultancy. Some journalists complement their media revenues with other activities, which sometimes place them in situations with conflicts of interest.

The taxation of labor is quite high in Romania. Income tax, taxes for social security, pensions, and unemployment funds, are paid by both employee and employer and amount to 50 percent of total payroll. In order to ease the tax burden, employers have adopted various forms of employment, such as paying authors for intellectual property usage, and journalists registered as micro-enterprises. Sometimes journalists have legal work contracts for just 2 hours per day but they work for 8 or 10 hours daily. Thus the money they receive is "black money"—journalists do not declare the income nor pay taxes on it, and as a result do not enjoy full social benefits.

Although entertainment programming has a very important role, it does not eclipse news in the Romanian broadcasting market, panelists said. The market includes several all-news television stations, and all the general stations produce at least one main news program. The panelists agreed, however, that many news programs have a tabloid format, with serious ethical and professional violations. But Milewski said that in Romania, as everywhere in the world, entertainment is part of news programming, but it does not diminish its importance, because entertainment cannot compete with the hard news.

Some newsrooms have modern technology available, but many struggle with financial problems, curtailing their investments in new technologies, software, and skilled technical people. Ștefan Voinea, director of *Gazeta de Sud*, said, "We don't have an IT developer nowadays, after many years in which we were working with one or two. Their prices went up and we couldn't afford them anymore. Now we are using WordPress, which doesn't function well and we can't keep up with our more developed competitors." Striblea said that television stations also see dramatic problems with equipment, giving the example: "People bring lamps from home to light the studios."

For many journalists, especially in the provinces, it is almost impossible to get out in the field to cover a story. They do not have cars, gas, or money for bus tickets, and the newsrooms do not provide such assistance. The only possibility is to produce the news from their desks, thus the main criteria for a story becomes the ease of obtaining information and not the public interest.

The panelists agreed that practicing professional journalism is impossible without having the proper technology. "The reporters subsidize the media they work for, using their own mobile phones, cameras, cars, even gas" said one of the panelists. Petrovai said that things are simpler for local online publications. "You can take photos or videos with a not-so-expensive camera, with a laptop or a decent desktop you can write the text and a good Internet connection is all you need for finishing your job," she explained.

Niche articles and specialized programs do exist, but the panelists agreed that quantity and quality both need to improve. "You can find them more in print and online media," said Hirțac. Investigative journalism is more present in alternative media outlets, a bit less in the mainstream ones, and even less so in local media. Mainstream media outlets have a general tendency to reduce or even cut investigative departments, for financial reasons, but the Romanian media sector does not lack for important investigations. Striblea spoke of the positive trend in this area: "there are more and more [investigations], there are also niche websites, places

in which one can find important information.” But Avădani noted that while the online media present lots of relevant information on all imaginable topics, visitors need to know where to look for it or have to spend time searching—which is not the case with regular media consumers.

OBJECTIVE 3: PLURALITY OF NEWS

Romania Objective Score: 2.56

The Romanian media market might be very populous, but this does not guarantee a plurality of news. Comanăescu said that the Romanian media have been leveled by the flow of official information through electronic channels, in press releases, and at press conferences of political parties, state institutions, and even private companies. “The journalist is no longer the one who follows the news. The news comes to him in these forms. Once the journalists lost the initiative of communication, the media agenda no longer meets the public interest—or at the very least, its curiosity,” added Comănescu.

Petrovai said that the media are not always neutral. “This way, anyone can choose the media they consume according to their political orientations,” she said. “However, the biggest problem is that the media don’t publicize their political orientation, as happens elsewhere, but behave as if the information they provide is completely unaltered and unbiased. Basically, they lie to their public.” Voinea had the same opinion: In reality, there are not as many sources of information as there are sources of misinformation.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Tompea noted that social networks have started to impact, and put massive pressure on, the journalism sphere when writers do not live up to the standards of the profession, or do not meet the public’s expectations. Social media users share content, praising what they consider to be useful and slamming the media outlets that fail to cover important topics, and the user base continues to grow. At the end of 2015, Facebook had 8.6 million users in Romania, with 7.6 million of the accounts held by people over 18 years old. Most people use Facebook as their main source of information. Twitter has 380,000 accounts, but only 28,000 are active users, and those are primarily professionals. YouTube has a little more than 820,000 Romanian accounts, while Instagram has around 330,000 accounts, 207,000 of which are active. These statistics point to social networks as potential growth areas in the near future.

Romanian law does not restrict consumers’ access to the media. Some limitations can stem from poor access to technology, with a large part of the country lacking Internet service. Romania is last in Europe with regard to Internet penetration, with service to 51.66 percent of the country in 2014.¹ The divide is even starker in rural areas, where the Internet penetration is lower (33.6 percent of households, compared with the national average of 63.4 percent in urban areas).² Moreover, some 99,000 households³ still have no electricity, with their inhabitants (1 percent of the population) having very limited access to information. These limits lead to part of the population being dependent on traditional platforms, which have documented links to political interests.

The transition to digital terrestrial television broadcasting was scheduled for June 17, 2015, but has been severely delayed by the lack of infrastructure. As a result, 170 television stations with analog licenses are at risk of needing to cease operations. The National Audiovisual Council agreed to amend the licenses in order to allow stations to operate via cable or satellite. According to national telecom agency data, the rate of the penetration of retransmission networks (cable, direct-to-home [DTH] satellite, and Internet protocol television) is very high: 92.4 percent of Romanian households subscribe to one of these services. In urban areas, 80 percent of households have a cable television subscription, while in rural areas, 61 percent receive their

¹ http://www.economica.net/romania-ultimul-loc-in-ue-la-penetrarea-internetului-cum-poate-ajuta-coala-accesul-la-informatiile-digitale_100403.html#ixzz3y8zuv4eo

² ANCOM, report for January-June 2015, <https://statistica.ancom.org.ro:8000/sscpds/public/alldocuments/report?title=&year=&lang=ro&ext-gen1010=&yearSelect=&page=1#page-1>

³ Data from 2012, Romanian Government, http://www.minind.ro/PROPUNERI_LEGISLATIVE/2012/august/hg_electrificare_23082012.pdf

signal via DTH.⁴ Thus, the cable operators are key players in access to information for a major part of the population.

The Internet and cable market is dominated by telecom company RCS & RDS, with some 53 percent market share. The company also provides mobile phone services, and operates a network of all-news television stations across the country, three sports channels, one pay-TV movie channel, three documentary channels, a music channel, and four radio stations.

Romania has public radio and television services that are established and operating under the same law, but have rather different financial results. The public television station TVR has major financial problems, having accumulated debts of more than €154 million⁵ as of December 2014. The public radio station SRR is in better shape, with a financial surplus of €1.5 million.

Public television is often accused of serving the interests of politicians in power. The panelists said that because these outlets are politically controlled, they do not always work in the public interest and cannot always offer objective or impartial information. In September 2015, even TVR President and General Director Stelian Tănase admitted that he had been called by Vice Prime Minister Gabriel Oprea, who was unhappy with TVR's coverage of the plagiarism accusations against him.

The panelists did make a positive note of the public media's many quality programs and features, and even investigations that are not politically connected, and said that they observe and meet professional standards. Hrițac said that he sometimes finds more balanced points of view in the public media than in private outlets, and that they cover the breadth of the political spectrum better—although they place a definite emphasis on the ruling party.

Public radio news programs remain less affected by political turmoil. Striblea said that although the perspective on the current affairs is balanced, the general feeling is that coverage is getting softer, as if going under the radar. Țoghină said that, unlike public television, public radio has benefitted from a stable board. "Even if the radio fee is the lowest in Europe, the public radio managed to end 2015 with a profit and keep its leading position in terms of people's preferences," she added.

However, public television staff continue to complain repeatedly about inadequate funding. The TVR fee is also the lowest in Europe (about 80 eurocents per month). The fee was last updated in 2003, and it is collected by electricity companies that retain a commission up to 30 percent. Moreover, TVR has to contribute 15 percent of its advertising

revenues to the National Film Fund and cannot reclaim the 24 percent VAT. (By comparison, commercial television outlets have to contribute only 3 percent and can reclaim the VAT). Striblea is not convinced of these arguments: "I don't believe public media are under-funded. They enjoy preferential treatment in the market, and they had a head start compared with the private media."

The problems of the major independent news agency Mediafax continued into 2015. In 2014, the Mediafax Group, of which the agency is part, was subject to several investigations on allegations of tax evasion. Several members within senior management were arrested and employees were called in for questioning. By the end of 2014, the Mediafax Group declared its insolvency and the general manager left after eight years in the position. At the beginning of 2016, most of the editorial team from Mediafax resigned, among them the editor-in-chief, the editorial director, chiefs of departments, and many senior reporters. All had been a part of the Mediafax team for many years.

The problems that Mediafax faces are all the more troubling given its dominant position in the market. The only other relevant news agency in Romania is the state-owned AGERPRES. It is making a much-needed comeback, modernizing and diversifying its services. It has the unbeatable advantage of rich historical archives of stories and photos that it can monetize. AGERPRES also has the most extensive network of local correspondents across Romania, and via partnerships with other national news agencies, it can provide news from across the world. However, parliament appoints the AGERPRES general director (with the current director appointed in 2013) and its employees have the status of public servants.

The managers that attended the panel discussion mentioned another problem with news agencies: The newsrooms, especially at local media, can no longer afford subscriptions to agency services. Currently, there is a widespread practice of journalists "finding inspiration" from the news that agencies provide for free on their websites. But not all of them cite the agency as the source.

Broadcasters produce their own news, but the quality of the newscasts varies greatly from outlet to outlet. "The content produced by the local media is, in many instances, done less professionally and is often biased and partial," Hrițac said. In general, all the newspapers, television stations, radio stations, and online media outlets from a certain area broadcast the same news, and exclusive news is very rare. "The local reporters practice pack journalism. They cooperate in exchanging information about all the events of the day, they share venues and tasks and, at the end of the day, information about what happened. This helps them fend off pressure from their editors on why the competition had a story that

⁴ National Agency for Administration and Regulation in Communication, annual report on 2014, available at http://www.ancom.org.ro/uploads/links_files/Raport_Anual_2014_RO_FINAL.pdf

⁵ TVR annual report for 2014, http://media.tvrinfo.ro/media-tvr/other/201504/raport-de-activitate-tvr--2014_83170600.pdf

they didn't have. This kills journalism," said Petrovai. Panelists agreed that managers encourage this kind of practice so that their outlets have the same level of information as others, even with a drastically reduced number of staff.

Transparency of broadcast media ownership is guaranteed under the law, and CNA regularly publishes a list of shareholders in any media company owning a license. Romanian law has no similar provision for print media, but most newspapers openly declare their publishers. The situation is more difficult for online publications and blogs, where anonymity is the rule. Still, panelists agreed that the increase in transparency often does little to change the public's attitude.

Avădani said that Romania is unique from this point of view: The media owners that have won the largest audiences are in prison or have criminal cases against them. The public knows this information but is not very interested in it, so the outlets are not impacted negatively; ratings have not dropped after owners have been arrested.

Moreover, those citizens that are more knowledgeable about media, such as journalism students, are not interested in ownership and do not know who owns the outlets in Romania, said Martin. Politicians own most local and national media, directly or through intermediaries, or have total control through financial levers. They do not appreciate or stimulate journalists' professionalism or editorial independence. "Officially or unofficially, we know who owns what in most of the cases. But there are also websites that publish revealing and sensitive information that we know nothing about—neither the owners nor the publishers," said Bejan.

Social issues are, in general, reported well. Romanian law calls for the national minorities to have media outlets in their official languages. The state budget, via the Culture Ministry, funds the outlets, but the money is insufficient and the publications are very low-profile. The Hungarian community has the highest number of outlets (print, radio, television, and online), functioning as commercial or community operations, followed by the German community. The Roma community does not have an outlet in its language, as all the attempts at building one died very soon after their start due to lack of funding. In addition, such a publication would have huge difficulties in reaching its intended audience, as Roma people do not live in concentrated communities, nor do all of them speak Romani.

In general, the national media allocate very little space to information from rural areas. Another problem, Hrițac said, is that the national television outlets are almost the exclusive source of information in the countryside. Most of the rural population is deprived of information on their communities, and sometimes it is only bloggers that focus on very important local issues in smaller towns.

Romanian media report on international events just as rarely and unprofessionally, though there are some notable exceptions. Reinforcing this trend was the coverage of the wave of refugees to Europe, which an important segment of the media treated with a negative bias, Bejan said. Vrânceanu noted that another relevant aspect is the lack of information on European issues in Romanian media. This absence is particularly problematic as many public policies in the country are based on EU decisions.

OBJECTIVE 4: BUSINESS MANAGEMENT

Romania Objective Score: 1.96

The sustainability of media companies in Romania "is history," according to the panelists. With a few exceptions, almost all of them lose money. Insolvency cases multiply every day. Government advertising has become more and more important for media outlets as a source of income due to the depressed private advertising market and drops in circulation/viewership.

Bejan said that most media organizations are managed poorly, and this is visible in the avalanche of insolvencies, layoffs, and shrinking newsrooms. "They try to survive, this is their only business plan," added Bejan. Petrovai supported this view: "Most media outlets in Romania are not profitable anymore," she said. "They are generally used to promote and protect the interests of their owners, who fund them from their other businesses. This is especially true for local media; these people have no interest in making the media business profitable."

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

Hrițac said that local media have found it very difficult to cope with the abrupt fall in revenues that has occurred over the past five to eight years. Income is down to less than 50 percent of what it was in 2008. "Even if we have revenue from different sources, it is not enough to keep the business alive. The media companies are not financially sound, most of them are dependent on the owners' money," he said. At the local level, the media outlets financed by municipalities and county councils using public money are fully subordinated to the political will of those who secure the budget.

Dincă said that most of the radio stations are in a poor financial state, accumulating big debts to the state budget and copyright bodies. The copyright holders negotiate their fees for broadcasting their copyrighted materials (mainly music) only with the largest and most popular radio stations. These sums sometimes even exceed the total income of smaller radio stations and there are cases when stations have been closed for not being able to pay. In Dincă's view, the national radio stations push independent local radio stations to bankruptcy through anti-competitive practices.

The situation is different for the national media because they have larger audiences and have consistent and profitable access to advertising. But even with those advantages, few of them finished the year in the black. For print media, sales are constantly going down, and subscriptions are not profitable, and do not even recoup their costs. Distribution is slow, costly, and unreliable, and alternative sources of income are few and unstable at best.

One of the most important revenue sources, especially for local media, is advertising from government agencies and other public institutions. Public contracts are allocated under the rules of public procurement, with some additional transparency requirements introduced in 2005 in order to curb the arbitrary distribution of advertising funds. However, the provisions for state advertising (including EU money) are becoming more and more relaxed. As a result, authorities can distribute contracts under €30,000 through direct allocation mechanisms, and they can issue larger contracts to the lowest bidder, without any criteria related to the number of people reached or cost per person. The panelists agreed that most of the time, public advertising is spent in this discretionary manner, depending on how close and how loyal a certain media outlet is to the head of the respective institution. "For example, in a city in Hunedoara county, the mayor has a TV station and the entire advertising budget of city hall goes to the mayor's TV station; the head of the county council has a newspaper and a TV station, and all the advertising budgets from his public institution as well as several other institutions and city halls go directly to the media organizations under his control," said Petrovai.

Even with this advantage, the funding from owners or political supporters is just enough to survive, not to grow. Dincă added that this politically controlled advertising distribution extends to commercial advertising, saying "access to funds is secured in closed political circles."

The Romanian media have tried to break this vicious cycle by exploring new forms of funding, such as sponsored content. However, Striblea said that this has created more problems than it has solved. "It's a new species of journalism; programs come with sponsors, so the public interest is of no relevance. Or the whole program is 'externalized'—you produce it, you bring in a sponsor, and the outlet just airs it. It's a loop in time. Ten years ago, we were fighting to get marketing out of the newsroom. Now it is not the owner or a business professional negotiating with sponsors, it's the journalist. Somehow it became acceptable for the journalist to do it." A publisher that answered the questionnaire said: "There are various levels of hell: should I allow a journalist to bring in advertising contracts, should I lay off more people, or should I close down the business?"

The big advertising agencies show a clear preference for national media. Local media rarely get any attention. "From our point of view, the advertising agencies are as good as non-existent," said Petrovai. Other panelists working with local media added that the offers they get from these agencies are so ridiculously low as to be unacceptable. The advertising/sales ratio is nowhere near "classical standards," Hrițac said. Paradoxically, the decline in advertising budgets hit the most solid pre-crisis publications hardest, particularly those who relied on a hefty 80 percent of their revenues coming from advertising. Bejan illustrated this with the case of *Romania Liberă* newspaper, once an uncontested leader in classified advertisements. While the revenues from advertising and classifieds are still there, the newspaper has not been on time with the payment of salaries once over the last four or five years.

The year 2015 brought a novelty for the Romanian media: the first state aid scheme offered by the government in more than 20 years. The state aid is directed to "stimulate economic operators in the broadcast field that produce and broadcast informative, cultural, and educational programs of public interest." According to the Emergency Ordinance 18/2015 that modified the Broadcast Law, the total budget for this aid is €15 million and the scheme will cover the period from July 1, 2015 to December 31, 2016, meaning the pre-electoral and electoral periods. The initial draft stated that it should benefit the 12 biggest television operators on the market, which attracted fierce criticism from a multitude of stakeholders. Under public pressure, the plan was dropped and CNA was tasked with drafting the allocation details, which has not happened as of February 2016.

All in all, the emergency ordinance did not produce effects outside of increasing the suspicions related to political interference in the media market. Moreover, it creates legal confusion as it allows state aid to go to information programs, while the broadcast law states the opposite, that these programs cannot be sponsored or funded by entities other than the broadcasters themselves.

Market studies are rare for the national media, and most local media outlets do not do them at all. The publishers of some local media outlets are not inclined to invest in studies, as they do not conduct their business seeking profit, but rather influence and clout. Some studies regarding media consumption habits or the access to new technologies of Romania are conducted by international organizations, as part of their European or global research, and this amounts to almost all of the audience or market research in the country.

The Romanian Transmedia Audit Bureau (BRAT), a well-established industry organization, audits circulation statistics for print publications. BRAT is composed of 186 members (publishing houses, advertisers, and advertising agencies) and audits 98 titles and 205 websites of various content. BRAT performs circulation audits every six months (data is publicly available), as well as a National Readership Survey, an in-depth study containing socio-demographic figures of readers per publication. It is also responsible for the Study of Internet Audience and Traffic (SATI), and the Monitoring of Investments in Advertising Study. All of the results are available to members and third parties for purchase.

The Romanian Association of Audience Measurement conducts surveys for television stations. Costin Juncu, its managing director, explained that audience figures for national outlets are measured independently, and the methodology is in line with international standards. The association selects the company performing the measurement via public bid every four years. Bids are reviewed by a commission composed of five representatives of the television stations, five representatives of the advertising agencies, and five CNA members, with a foreign independent company performing an audit. Many online media publications prefer the less expensive traffic.ro measurement to the professionally done but expensive SATI, or even internal measurement using Google Analytics.

Once again, the local media are disadvantaged in this arena. BRAT only audits 21 local publications; audience measurement for local television stations is very costly, and therefore is not performed; and radio station owners do not even think of conducting surveys. The only local outlets that have data available are websites, but they use that data mostly for getting advertising from GoogleAds. "Nobody is interested in figures," Petrovai concluded.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Romania Objective Score: 2.50

In 2015, Romanian media associations were largely more engaged than in past years. The Convention of Media Organizations (a loose alliance of around 30 associations of media professionals, owners, and trade unions) started to be more active as a result of a Center for Independent Journalism project. However, the participants in the panel continue to believe that the professional associations are small, inefficient, and even irrelevant. The big groups, such as the Romanian Association for Audiovisual Communications, represent the major broadcasting corporations and not local stations, which are thus far unable to organize to protect their interests, Dincă said. According to one panelist, "Another problem is that there are some professional associations that do not represent the profession, but the interests of their members. And I'm talking about personal benefits."

Trade unions for media professionals exist, the largest and most active being MediaSind, which is well networked with European and international organizations. These international organizations have voiced their concern over Romania on various occasions.

The situation of the trade unions and of journalists in general took a turn for the worse in 2014, when the collective work agreement for mass media expired. Due to changes in legislation, the media sector was assimilated into the "Culture" industry, meaning that journalists and

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

“There is no incentive for professionalism, other than the journalists’ own willingness and determination,” said Avădani, adding that some of the trainees in the CIJ courses are asked to take several days of leave to attend professional courses, which is untenable for many.

trade unions must negotiate alongside actors, librarians, musicians, and other similar professions. Many of these professionals are state employees, making it very difficult to find a common denominator in terms of labor conditions. Moreover, the owners’ associations are weak and cannot gain the required legal representation (a court has to attest that they do represent a certain percentage of the owners in a given field) in order to participate in the collective bargaining process. As a result, journalists no longer have the legal protection of the collective work contract, with no potential to remedy this situation via another contract in the foreseeable future.

Romania has just a handful of NGOs defending the rights of journalists, the Center for Independent Journalism (the organizer of this study) and ActiveWatch (a media monitoring agency) being the most relevant. Bejan said that their efforts are mostly directed towards the national media. “More action has to be done in local media, because they are more vulnerable to local barons or mafia,” he added. Petrovai said that the only ones who really protect the freedom of speech and the independent media are media NGOs. They have succeeded in stopping or changing legislation, protecting journalists from abusive authorities, and organizing training programs to teach journalists how to protect their own freedom of speech. The panelists mentioned that, despite the NGOs’ successes, their lack of steady, predictable funding is a serious problem.

Romania has 20 journalism programs offered by both state and private universities. More than 2,500 young journalists graduate every year. The panelists said, however, that the quality of these programs is generally poor. The journalism schools are weak, and panelists pointed to the lack of competition for places in the programs as an initial part of the problem of producing capable, competent journalists. The results of these programs are not encouraging, with students not very well prepared, and many not even understanding the nature of a journalist’s job. “Most of the graduates of journalism faculties with whom I came into

contact were superficially prepared. There were exceptions, but very few,” said Striblea. At the same time, however, there is very little serious interest from media managers in hiring young journalists. “For a lot of the managers, students represent, at best, cheap labor you can use for a short time,” added Striblea.

Currently, short-term courses or training programs for journalists hardly exist. A few years ago, NGOs such as CIJ delivered these types of services on a larger scale, but the efforts have largely stopped. The reasons for the decreasing number of participants are numerous. But most significant are the lack of funding for such projects from private donors, and media owners’ reluctance to pay for such training programs. In many cases, owners and managers point to claims of understaffed newsrooms, making it difficult to let journalists take absences to seek professional development for even a couple of days. In other cases, as stated before, many owners do not necessarily want to run their media outlets for the purpose of the media, and thus do not want well prepared, hard-to-control journalists.

For the journalists’ part, such courses can be seen as a waste of time for all but the most idealistic, as neither the public nor employers necessarily appreciate the acquisition of additional skills, and they hardly ever lead to increased salaries. “There is no incentive for professionalism, other than the journalists’ own willingness and determination,” said Avădani, adding that some of the trainees in the CIJ courses are asked to take several days of leave to attend professional courses, which is untenable for many.

The sources of media equipment, newsprint, and printing facilities are apolitical, unrestricted, and not monopolized. However, distribution remains one of the Romanian print media’s biggest problems. Rodipet, the former state-owned distribution company, was poorly managed and fraudulently privatized in 2003. It declared insolvency in 2009, leaving huge debts to publishing houses and a network of kiosks now in ruins.

Kiosks are also problematic for other distributors. In some cases, mayors have prohibited the placement of kiosks owned by “unfriendly” publications or have withdrawn the licenses of street vendors.

Regarding printing, Hritac said, “The number of printing facilities has somehow decreased. Concentrating printing in just a couple of hubs puts pressures on the closing time of newspapers and may delay their distribution, which creates yet another set of problems.”

Cable operators play an equally important role in securing access to media products. The panelists deem the major

operators as politically neutral. Operator RCS & RDS dominates the cable market, with a 53 percent market share; followed by UPC, with a 30 percent market share. While apolitical, these two companies can decide what local television stations they carry and where in their program grids they place it. Some local television stations have raised complaints with RCS & RDS for its refusal to carry their programs. RCS & RDS has its own local stations (Digi TV) and allegedly does not want to encourage competition.

Internet infrastructure is present across Romania, but is focused mainly in the urban areas. Romania has 3.9 million fixed broadband connections, with an average of 2.7 persons per household, and 10 million mobile connections. Still, Internet traffic on mobile connections amounts to only 1 percent of the total Internet traffic. The Internet penetration rate per household sits at 47.4 percent (national), with 61.1 percent in urban areas and 29.7 percent in rural areas. The penetration of Internet mobile connections sits at 52.1 percent of the total population.

List of Panel Participants

Ioana Avădani, executive director, Center for Independent Journalism, Bucharest

Gabriel Bejan, freelance journalist; former deputy editor-in-chief Romania Liberă, Bucharest

Iulian Comănescu, freelance journalist and media analyst, Bucharest

Daniel Dincă, editor-in-chief, Radio Semnal, Alexandria

Cristi Godinac, president, Mediasind, Federation of Journalists' Trade Unions, Bucharest

Toni Hrițac, editor-in-chief, Ziarul de Iași, Iași

Costin Ionescu, editor, Hotnews.ro, Bucharest

Costin Juncu, managing director, Romanian Association for Audience Measurement, Bucharest

Alexandru Lăzescu, editor-in-chief, 22, Bucharest

Răzvan Martin, program coordinator, FREEEX Active Watch, Bucharest

Natalia Milewski, lecturer, University of Bucharest, Faculty of Journalism and Communication Studies, Bucharest

Adrian Valentin Moise, vice-president, Mediasind, Federation of Journalists' Trade Unions, Bucharest

Cătălin Moraru, editor-in-chief, Monitorul de Botosani, Botosani

Petrișor Obae, blogger and media analyst, Paginademedia.ro, Bucharest

Manuela Preoteasa, director, Euractiv Romania, Bucharest

Hannelore Petrovai, editor-in-chief, HunedoaraMea.ro, Hunedoara

Cătălin Striblea, freelance journalist, Bucharest

Carla Tompea, news director, Televiziunea Română, Bucharest

Maria Țoghină, vice-president, Clubul Român de Presă, Bucharest

Ștefan Voinea, director, Gazeta de Sud, Craiova

Silvia Vrînceanu Nichita, editor-in-chief, Ziarul de Vrancea, Focsani

Moderators & Authors

Moderator

Ioana Avădani, executive director, Center for Independent Journalism, Bucharest

Authors

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The Romania study was coordinated by, and conducted in partnership with, the Center for Independent Journalism, Bucharest. The panel discussion was convened on December 11, 2015.

Another bittersweet development was that, after a 16-year delay, the trial for the murderer of journalist Slavko Ćuruvija finally started.



SERBIA

For Serbia, 2015 was another turbulent year politically and economically and the media sector was not immune from the effects. In December, EU membership negotiations began, following the agreement for normalizing relations between Serbia and Kosovo. Another development was the one million refugees passing through Serbia without incident—a display of benevolence and care from the Serbian citizens and the government.

The prime minister and his party continued the “one man, one party” rule as they steered policies and government decisions. This put significant pressure on the ombudsman, the commissioner for information of public importance and personal data protection, and the commissioner for the protection of equality; all of them performed extraordinarily throughout 2015.

With a modest GDP growth rate of 0.8 percent and the budget deficit around 2.4 percent lower than in the previous year, some financial experts say that the Serbian economy is out of its recession. However, the economy still has visible problems, the greatest of which are public debt growth reaching 75.5 percent of GDP, the postponed restructuring of the state economy, and the persistent withholding of state subsidies. In all, the Serbian economy experienced the lowest growth rate of all former-Yugoslavian countries in 2015.

Throughout 2015, the media sector was characterized by the collapse of law, ethics, professionalism, and social norms. Constitutional laws as well as ethical standards were violated. The media privatization process formally ended in 2015, but several important media outlets have not completed the transition from state ownership. The new financing system, in which media outlets may secure funding from municipalities, was a disappointment to many. Media members expected these long-awaited reforms to be a remedy for higher independence in local areas. However, the new system has many voluntary requirements, which is undermining progress and improvements in these media.

In an extreme example of politicians’ behavior toward journalists and the media, the defense minister made a vulgar and sexist remark about a TV B92 journalist who knelt near him in order to avoid blocking cameras. This event triggered protests from many journalists, but in a positive sign there were consequences: the prime minister fired the defense minister, despite the fact that he is believed to be a close political ally. Another bittersweet development was that, after a 16-year delay, the trial for the murderer of journalist Slavko Ćuruvija finally started.

The long-term deterioration of media law implementation and enforcement, together with worsening economic conditions and withering political pressures, forced panelists to assess Serbia’s media sector with the lowest marks since the MSI began in 2001.

SERBIA at a glance

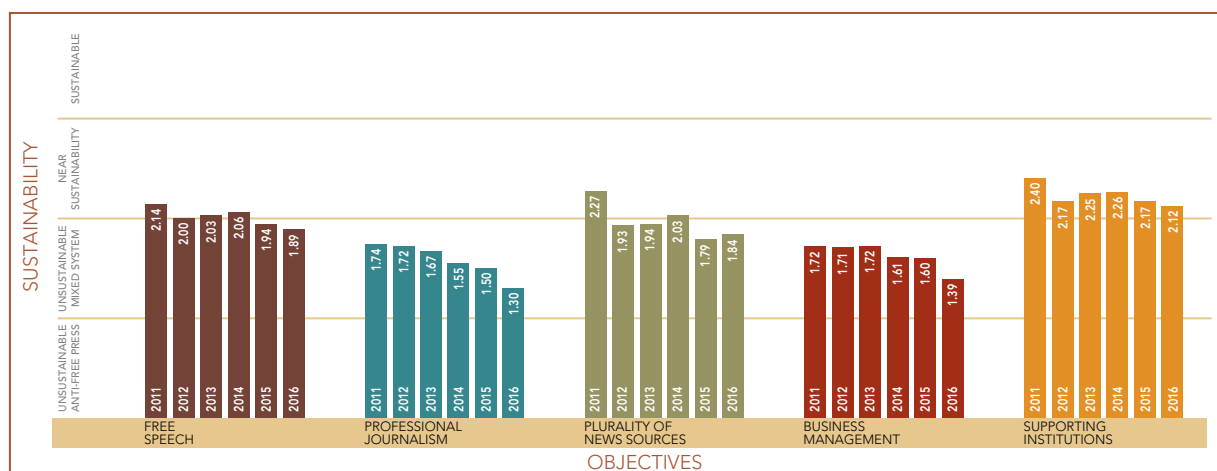
GENERAL

- > **Population:** 7,176,794 (July 2015 est., *CIA World Factbook*)
- > **Capital city:** Belgrade
- > **Ethnic groups (% of population):** Serb 83.3%, Hungarian 3.5%, Romany 2.1%, Bosniak 2%, other 5.7%, Unknown 3.4% (2011 est., *CIA World Factbook*)
- > **Religions (% of population):** Serbian Orthodox 84.6%, Catholic 5%, Muslim 3.1%, Protestant 1%, atheist 1.1%, other 0.8%, Unknown 4.5% (2011 est., *CIA World Factbook*)
- > **Languages:** Serbian (official) 88.1%, Hungarian 3.4%, Bosnian 1.9%, Romany 1.4%, other 3.4%, Unknown 1.8% (2011 est., *CIA World Factbook*)
- > **GNI (2014-Atlas):** \$41.51 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-PPP):** \$12,150 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 98.1%; male 99.1%, female 97.2% (2011 est., *CIA World Factbook*)
- > **President or top authority:** President Tomislav Nikolić (since May 31, 2012)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 818; Radio Stations: 284; Television Stations: 175; (Regulatory Authority for Electronic Media); Internet News Portals: 334 (Agency for Public Registers)
- > **Newspaper circulation statistics:** Not Available. Top four dailies by readership *Informer, Kurir, Blic, Alo* (*Ipsos*)
- > **Broadcast ratings:** Top four TV stations by average viewers per day: RTS1 (public service, 3.3 million); TV Pink (2.7 million); TV Prva (2.6 million); TV B92 (2.5 million) (Nielsen)
- > **News agencies:** Beta and FoNet (private), Tanjug (state owned, closed in late 2015)
- > **Annual advertising revenue in media sector:** €155 million to €160 million (2014 est. Nielsen)
- > **Internet Usage:** 3.6 million users (2014 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: SERBIA



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Serbia Objective Score: 1.89

Constitutional and legal protection of freedom of speech is incorporated in three basic media laws; however, this right is often violated with little reaction from civil society. In 2015, several popular political talk shows in which opinions and attitudes were confronted came to an end. Some investigative series also were canceled. Balkan Investigative Reporting Network research showed that 80 percent of all state spending on media was channeled through subsidies or direct contracts, and only 20 percent of the funding was the result of a competitive process.

Research conducted by the Journalists' Association of Serbia (commonly known by its Serbian acronym, UNS) from a sample of more than 1,000 journalists revealed unsatisfactory results on freedom of speech perception. Sixty-two percent of respondents said that Serbia has no freedom of speech in Serbia and only 13 percent said that they believe the contrary. As much as 77 percent said that they believe that the state controls media, and only 5 percent disagreed. During the year, the safety of journalists was under further threat. Journalist safety is a requirement for freedom of speech, so this development is alarming, panelists said.

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

FREE-SPEECH INDICATORS:

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

Nebojša Samardžić, an attorney at Živković/Samardžić Law Office explained, "Generally, courts are not acting independently, but in line with authorities' wishes. The same is true for regulatory agencies."

The Serbian media system's foundation is the three constitutional and judicial laws protecting freedom of speech. The laws focus on public information and media, electronic media, and public services. Legislators announced a fourth law on advertising, but it was not passed in 2015. The laws align with international standards for protecting human rights and freedom of expression, but their implementation is weak. Tamara Skrozza, a journalist at *VREME*, stated that "law norms are in line with European standards, but the real obstacle to freedom of speech and public information availability is currently dominant social norms. For example, current standards in social communication influence media and journalists in ways that do not always align with the law. Subsequently, law provisions are ignored."

The domination of political interests and motives in media can be seen in editorial policies, especially in local areas of Serbia. Political pressures come from the ruling Serbian Progressive Party (SNS) in the form of official announcements directly condemning journalists that express their attitudes or question politicians' practices. Recently, Olivera Kovačević, an editor for Radio Television of Serbia (RTS), was targeted for expressing comments on the selective practice of the police, in which they question only one instead of all actors in political matters. In an official announcement, SNS described his comments as "brutal political intervention in police investigation by Kovačević, one of the most powerful editors in RTS public service TV."

In cases of freedom of speech violations, media members have difficulty finding protection under the law, due to the huge deviations in practice and the judicial system that is under control of the authorities. The only channel for defense is either public outrage or, more commonly, journalists and media associations making modest public protests. Nebojša Samardžić, an attorney at Živković/Samardžić Law Office explained, "Generally, courts are not acting independently, but in line with authorities' wishes. The same is true for regulatory agencies."

Serbian law guarantees the protection of source information, but in practice, journalists have challenges.

In several cases, the government, including the judiciary, voiced strong pressure for journalists and bloggers to reveal their sources. Investigative reporting in Serbia is very rare, without adequate financial or editorial backing and under strong opposition of political structures. Radio Boom 93 CEO Milorad Tadić stated that in Serbia, “the atmosphere of fear, censorship, and self-censorship is permeating. Many different pressures are used to silence investigative journalism.”

Regarding indicator 2 (licensing and registration of media protects a public interest and is fair, competitive, and apolitical): Serbian print outlets, Internet media, electronic media broadcasting through the Internet, and public services do not require licensing. For other broadcasters, including cable service, direct to home (DTH), and Internet protocol television (IPTV), permission can be acquired through a competitive bidding process or by request.

Predrag Blagojević, CEO at Juzne Vesti, commented on the uneven distribution of media across the country. “Southern Serbia is a huge region without public television. Any television stations in that area are in the process of closing down, as they cannot afford to pay for digital licenses, equipment, digital broadcasting, or taxes. Internet is an important substitute, but in rural areas, Internet usage is not yet widespread.”

The Regulatory Authority of Electronic Media (REM) Council is the body that distributes licenses, but it has not formulated precise by-laws or guidelines. Regulatory agencies such as REM are not immune from political control, and the licensing decision-making process is not transparent, given the unclear selection criteria. REM’s composition enables political influence, and in late 2015, the Serbian parliament elected new council members, despite two candidates from the civil sector receiving more votes.

Compared to other industries, media tax structures and market entry are neither significantly different nor limited. Print media and electronic media have dissimilarities, however, given their different tax bases. The state also provides certain media with tax incentives, including huge tax debts that are tolerated due to particular programs that favor the government. Meanwhile, some independent media outlets have had their accounts frozen due to tax debts.

Authorities sometimes use taxes as a means to pressure individual outlets, ultimately influencing editorial independence. According to Samardžić, “Print media are taxed a preferential VAT rate of 10 percent; the standard rate is 20 percent. Other tax subsidies are given to eligible media. Here again, the implementation deviates from the law. Such practices prevent professionalism and media suffer from political pressures.”

Indicator 4 addresses crimes against media professionals, citizen reporters, and media outlets as well as the rate of prosecuting such crimes. Throughout 2015, crimes against journalists, bloggers, and photographers continued, with some cases from 2014 remaining unresolved. Journalists commonly experience repudiation, insults, threats, harassment, and physical assaults, with mild reactions from law enforcement and the judicial system. NUNS registered 34 attacks on professional journalists in 2015; among them were 20 verbal threats, 10 physical assaults, and three attacks on property. Ten criminal charges came from these attacks and only two have been resolved. They both resulted in court orders for psychiatric treatments for the attackers.

As Blagojević reported, “In 2015, the situation worsened as there were no verdicts for threats to journalists. All courts were rejecting criminal charges for threats to journalists, and judges are categorizing threats to journalists as threats to civilians, for which weaker sentences are anticipated. In southern Serbia, an explicit threat made by the president of the local ruling party was not prosecuted and the investigation was terminated, as prosecutors could not find any proof.”

Official government announcements against journalists can mislead prosecutors, resulting in their inactivity. The panelists gave one example of a prosecutor’s poor judgment: In the town of Leskovac, the prosecutor concluded that the sentence “I’d put a bullet in your forehead” is not a threat.

Further, the Serbian people lack awareness of attacks and threats to journalists, and public condemnation is completely absent. Srdjan Djurdjević, Senior Program Assistant at OSCE Media Department, commented, “Especially aggressive campaigns are against those who criticize the Prime Minister’s policies. They are described by the authorities as ‘foreign mercenaries’ and ‘foreign spies.’”

Serbian law protects editorial independence and does not favor public or state media; however, the autonomy of public services and minority language media is not guaranteed. “The management of state or public media is appointed with political criteria,” Tadić said. “But also, private media are under pressure despite the laws protecting editorial independence, as the financing of media by the authorities is not transparent and the funds are distributed in a way that does not prevent political control.”

Many media members had high hopes for 2015, as the year started with financial reform mandating that local authorities finance media from local and town budgets through competitive bidding. Unfortunately, there has been malpractice, and outlets that support the authorities tend to fare better. Skrozza revealed that “Serbian law forbids political misuse of stations with national coverage, but the owner of TV Pink put the station in service of the ruling party.

This is a much safer way to survive, [rather] than to depend on law protection.” Another drastic example was when Miroslav Milakov, editor-in-chief of newly privatized RTV Pancevo, suggested that journalists and editors join the ruling SNS party if they want to keep their jobs at that television station.

After a long struggle, libel (indicator 6) was finally decriminalized. Now libel is widespread in Serbian media. However, civil litigation can be a difficult and lengthy process, possibly lasting years, individuals and organizations have limited options to defend themselves against this unprofessional and unethical practice.

Free access to information (indicator 7) is protected in the constitution as the right to be informed. In spite of the law, access to information is difficult and not all journalists have equal opportunity. One problem is the outdated practices and authorities’ desires to hide unflattering information, and another is growing centralization, so local areas have few reliable sources of information. Svetlana Kojanović, editor in chief of ObjektivNo1, stated that “in spite of local and regional [access to information] laws, it is extremely difficult to get any information of public importance, even in cases of disasters, in local areas. The process of acquiring information is complicated and long, and often the information is limited. The authorities are avoiding direct contact with journalists and often do not allow questions at press conferences. Concerning availability of information, this is the worst period ever.” Yet another problem is that individual media have privileged treatment by public enterprises and authorities, panelists said.

Serbian law places no obstacles or limitations on foreign sources of news, except for print media from neighboring countries when they publish sensitive themes regarding Serbia. Plagiarism frequently occurs, as a consequence of incomplete copyright regulation and due to copying and pasting from the Internet.

No law or code defines who is a journalist, so in principle, everyone reporting to the public can be treated as journalist and enjoy the protection inherent to the profession. Even without formal limitations, authorities have created definitions in an effort to exclude certain individuals from reporting. The idea of licensing journalists appeared after the authorities, specifically the state secretary for media within the Ministry for Culture and Media, attempted to identify the source used in an article published by *Teleprompter* about alleged wiretapping of political opposition leaders. Discussion by officials reasoned that if journalists were licensed, those who would be uncooperative in revealing sources—or otherwise—could face loss of their license. So far, this discussion has not amounted to any action.

Authorities have assessed a number of journalists and deemed them politically ineligible to continue performing their job. Panelists reported several cases of journalists from the capital whose jobs have been hindered by government interference, yet this is not exclusive to the capital and largely affects journalists in local areas as well. Zoran Sekulić, the CEO for FoNet News Agency, explained that “there is a difference between ones permanent job and the right to work. An individual’s permanent job is rarely endangered, but the right to work may be forbidden for editorial or political reasons.”

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Serbia Objective Score: 1.30

With increasing governmental pressure on media, reporting is becoming less objective or well-researched. The Serbian media sector has two distinct groups. One group, the larger, is not following ethical standards and is supporting the authorities, either actively or passively, as other media or political opponents are persecuted. The smaller group is struggling to remain independent and professional in their approach to reporting. This pressure on media produced results in censorship and self-censorship. Most journalists say that they believe that self-censorship is prevalent among Serbian journalists out of fear of losing a job. Kojanović explained, “Due to difficult financial positions of media, ‘understandings’ between media and authorities are increasing and critical thinking and public interest in

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Blagojević emphasized, “There is absolutely no expert analysis of news. Recently, authorities announced that the 2016 Serbian budget will be more restrictive than 2015. All Serbian media published the announcement, but none included comments or analysis.”

media is becoming a rare phenomenon.” Furthermore, many journalists receive lower salaries than bus drivers. As a consequence of political influence, job security, and pay level, niche reporting is rare and diminishing.

Professional journalists report on facts, check information from multiple sources, and investigate the backgrounds of events or stories. However, many journalists are lowering their reporting standards in an attempt to tailor content to the audience. Sensationalism is spreading quickly from print media to television stations, as journalist professionalism has long been on a downward trend. “The clear political sway in Serbia has become a source of self-censorship, such that the balance between different attitudes and thoughts is lost. In the environment of financial hardship, journalists’ specializations are disappearing and it is very difficult to identify any experts in the field, with few exceptions mainly in bigger media,” according to Dejan Radosavljević, research director at Ipsos.

A recent research study conducted by Ipsos sampled 1,000 readers and found that 83 percent believe the newspapers have too many scandals and 69 percent think that all newspapers are similar. The research also highlighted negative views on daily newspapers, with four national coverage dailies receiving completely negative scores, only two with positive scores, and one neutral rating. Blagojević emphasized, “There is absolutely no expert analysis of news. Recently, authorities announced that the 2016 Serbian budget will be more restrictive than 2015. All Serbian media published the announcement, but none included comments or analysis. In local areas, there are even fewer opportunities to identify individuals who can give expert opinions on events or information.” Radosavljević agreed that journalism is on the decline. “Professional reporting standards are perhaps at the lowest level in last 20 years.”

The Serbian Journalists’ Code of Ethics is controlled by the Press Council of Serbia, UNS, and NUNS courts of honor, and does align with international standards. However, these standards are often violated. Skrozza stated, “Within eight months in 2015, the Press Council of Serbia found, on

average, 10 daily violations within national print dailies. The presumption of innocence provision, usage of assumptions as facts, and the usage of data of unknown origin are the most common violations.

Even media owners have been confronted regarding the abandonment of the boundaries of decency, objectivity, and impartiality. Print media reporting, in particular, has dropped to the lowest standards.

Svetlana explained the consequences of the failing ethics. “Both personal and professional credibility [are] reduced. In struggling economies, media are looking for any revenue to survive and are therefore vulnerable to corruption and negligence of principles.”

There are numerous examples of editors restricting journalists’ freedom to write openly. Research conducted by UNS showed that 35 percent of its members have been exposed to censorship, 44 percent to self-censorship, and even 28 percent of respondents admit to practicing strict self-censorship. “Journalists and editors are forced to self-censor due to the fear of losing their job, client, or funding from the local authority. Editors amplify that pressure on journalists and photographers to turn to self-censorship,” according to Tadić.

There are cases of editors preventing journalists from reporting on certain events. Journalists are not free to report on specific events regarding security, supporter groups, crime, corruption, Kosovo, or the economy. Some events that more traditional media do not cover are often covered by social networks, including citizen reporters. Sekulić gave his perspective on media quality. “Journalists do cover key events, but to what standard? I refuse to even assess the quality of media content from national tabloids and national television stations. Perhaps they are the most influential and have the widest range, but that is not the only journalism in Serbia. I see a difference between professional journalists and those that simply call themselves journalists. If journalists allow themselves to drop to the level in which their profession is meaningless and self-respect depreciated, they cannot be called journalists. If I assess my job and score a zero, I will give up my job,” he said.

Freelance journalists are often more critical, but their products are published by very few media outlets. Most bloggers support themselves with a small amount of personal funds but a large share of enthusiasm.

Overall, media salaries are not sufficient for a decent lifestyle or for the average journalist’s living standards. It is common for journalists to work for several media organizations or to do other jobs on the side to supplement

their salaries. There is a large gap between the salaries of state and private media professionals. In general, journalism is among the worst paid professions in Serbia. Kojanović noted, "Research by UNS showed that salaries of journalists are equal to railway workers salaries, and are lower than salaries of bus drivers. Due to financial pressure and fear of job loss, journalists and editors succumb to censorships and self-censorship. This is a doubtless proof that journalism in Serbia is easily subject to corruption—not only journalists, but the whole media sector."

RTV counselor Siniša Isakov pointed to a related problem: "A new development is the "renting" of individuals by public service TV channels; these act as journalists or as their correspondents—even giving them credentials—on a volunteer basis in spite of the fact that they have no formal connection with the public TV channel. This is tolerated by the government and the parliament. Voluntary content creation is replacing an organized network."

In a country with a population of more than 7 million and 1,600 registered media, theoretically, people can access the news they need, when they need it. However, tabloid journalism and entertainment contents are more prevalent compared to informative, documentary, analytical, or investigative content. Samardžić described TV B92 as a prime example. "This station has a program structure of 50 percent entertainment and 50 percent informative content. Since the new owner, entertainment now overwhelms all other content." Tadić agreed that "entertainment and news are not balanced in most media, with [the] obvious tendency that entertainment surpasses serious content."

Indicator 7 reviews the modernism and efficiency of media facilities and equipment for gathering, producing, and distributing news. In Serbia, there is a lack of capacity as well as equipment, influencing the quality of media products. The poor technical facilities are more evident in local media. As Isakov described, "In 2015 the only equipment acquired was the required digitalization equipment."

He also added that Internet subscriptions are popular among local consumers. "In Vojvodina, Pickbox, an online streaming service with direct media content on the Internet, was introduced. This is a new and robust competitor to all television stations."

Regarding Indicator 8, whether quality niche reporting and programming exist: Serbian media cover specific themes, but they do not report on many critical societal issues, or only cover them superficially. Out of focus are issues including economic development problems, deindustrialization, agriculture development, national debts, war veterans' issues, budgetary spending on Kosovo, foreign investments, growing poverty levels, widespread unemployment, and

corruption. On the other hand, highly influential politicians are imposing different, often marginal, themes and media are reporting on them.

The main problem with niche reporting is its scarcity, less than its quality. According to Tadić, "Some journalists are specialized in certain topics like health, business, or investigative stories. Managers, media owners, and editors think that such reporting is too expensive and that the audience is uninterested."

Three main obstacles for good niche and investigative reporting are funding issues, political power, and self-censorship. In several traditional media organizations, there are still journalists capable of and experienced for this kind of reporting. "In mainstream media, investigative reporting has practically disappeared, except Insider on TV B92," according to Samardžić. "Alternative networks for investigative journalism exist, such as Balkan Investigative Reporting Network, Crime and Corruption Reporting Network, and CINS [Serbian Center for Investigative Journalism], dealing mostly with corruption. Findings and reports from these groups are sometimes quoted in traditional media, but not sufficiently and they are often targeted by authorities."

OBJECTIVE 3: PLURALITY OF NEWS

Serbia Objective Score: 1.84

Technically and legally, there are no formal obstacles to the access of public or private news sources. International media are available and news production is not limited to public or national coverage media. A number of local media produce their own news, covering international, national, and local topics. The main problem is the reliability of news as well as the different interests that can bias the news. News is often low quality or copied, so most media have similar and sometimes identical news. Due to generally unsatisfactory professionalism in media, and political pressures that burden media with self-censorship, often news does not reflect all different social or political interests. This goes for most print and electronic media and most news portals.

Formally, Serbia has a pluralism of media sources, with more than 1,600 registered media. Positives include the mobile capabilities to distribute news, the right of citizens to choose any platform, and the number of blogs and social networking tools. Tadić assessed pluralism in this way: "There are not enough unique sources of information. Rare are media that have editorial policy that enable expressions of several attitudes, as most media force one political

opinion. On the other hand, citizens have the choice of private, local, public, and social networks news.”

Pluralism of media content seems questionable when considering that, for example, four national coverage radio stations copy program concepts from each other, and all national television stations now have some form of reality program, according to panelists. Radosavljević commented, “Though the availability of sources is expansive, digital channel usage has increased substantially, while national electronic and print media are not offering a substantial range of ideas, political views, attitudes, or interests. Informative programs are relatively poor, similar to each other, and uniformed, so that the distinction in coverage of the same events in different platforms of media has disappeared.”

After the privatization movement, only two public services exist (RTS and RTV), in addition to media that the National Councils of National Minorities in Serbia has established. It is important to stress that even after privatization, many former state media in local municipalities have kept their privileges and still receive some funding on a preferential basis. Previously under state control, Belgrade TV Studio B, received 23 million Serbian dinars immediately after privatization, despite its failure to comply with bidding rules.

During 2015, Serbian media were clearly polarized: those that supported and those that opposed the activities of

the Serbian government and prime minister. As a result, citizens were not able to see expressions of different views and analysis. According to Skrozza, social media are providing some balance of opinion. “Social networks reach a status of being valid sources of information, so that even traditional media now refer to them in reports. In any case, social networks are more or less reliable *vox populi*, as the majority opinion.”

The main challenge that restricts citizens from accessing media is deteriorating buying power. Serbian law does not restrict access to domestic or international media, nor does it block content, social networks, or applications on the Internet. However, there is a digital gap in the technical approach to new telecommunication technologies, in addition to the generational gap. After digitalization in June 2015, around 95 percent of the population can reach media products free of charge. Depending on the zone, citizens can watch up to 20 television channels, including all with national coverage.

In 2015, legislation changed in order to prolong media financing from public budgets. The prime minister announced that subscriptions for public services in the coming year will be 150 Serbian dinars per month, despite the law stating that subscription fee amounts are services’ own decisions. Public services RTS and RTV proposed 500 Serbian dinars. The sources of funding have dominating influence on state and public media, possibly lessening independence from authorities. Public outlets are only partially open to alternative views and comments, according to Tadić. “Most state media avoid reporting on more serious social themes...by far, most of their time is spent on reporting on authorities, especially on the activities and promises of the prime minister. The reporting is far from balanced. Rare are media that have editorial policy featuring several opinions, as most media focus on one.”

In some political debate broadcasts, guests include analysts that criticize the government and prime minister; but in other programs, critical thought is absent. In some cases, critics have made statements on public television and strong political pressure immediately follows. The responses include harsh insults against the journalist and media outlet. According to data from 2014, the prime minister was on the front page of daily newspapers 877 times. The political opposition is not visible in media, but this is a consequence of the opposition’s weak support in the country. The only media outlet that is systematically reporting on the opposition is the daily *Informer*, but they are doing so in an entirely negative manner.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Regarding Indicator 4, that independent news agencies gather and distribute news for media outlets, until late October 2015, only three main agencies existed. These include the state-owned Tanjug and the private FoNet and Beta, which are independent and nondiscriminatory. Their challenge is the limited purchasing power of most Serbian media. According to Tadić, "Media [have] no money to finance domestic or foreign agencies services."

Tadić also commented on news production at private outlets. "There are some local print, electronic, and online media that produce decent editorial local news." But overall, news production in private media has deteriorated, with most sources coming from other media, Internet, and news agencies. Private media produce their own local news, but the levels of quality and professionalism are low and qualitative informational programs are expensive. Kojanović gave an example. "After digitalization in the town of Cacak, viewers can now watch all national stations as well as seven local and regional television stations. But when program content of those seven stations is analyzed, it can be concluded that all seven have nearly identical informational programs that are not tailored to the viewers' interest and are not produced in a professional way. It is highly possible that such stations will not be able to survive."

The Law on Public Information and Media prohibits monopoly over sources of information and limits the concentration of media owners. Media consumers have access to information on media ownership via the Serbian Media Registry. However, the credibility of this information is dubious. According to Tadić, "Ownership of media is not transparent and owners are often unknown. There are laws and regulations that call for publicly known ownership, but in practice the full information is not available." Samardžić added, "The property ownership of media can be faked easily and very often the real owner is concealed," while Skrozza said, "The media ownership is not transparent, especially for traditional daily *Politika* and for all important Internet portals. Oligarchy is present, especially in electronic media where the most influential media are in the hands of only a few owners. Interestingly enough, that practice expanded during the privatization process, so one owner has bought many local media around Serbia."

Most new media owners are also new to the media sector and are closely linked with political structures, appointing managers and editors who are politically similar. In print, privatized media with new owners are forcing journalists to produce reports without creation, initiative, or critical thought, and they have laid off many journalists. Radosavljević gave examples of questionable transparency.

According to Skrozza, social media are providing some balance of opinion. "Social networks reach a status of being valid sources of information, so that even traditional media now refer to them in reports. In any case, social networks are more or less reliable *vox populi*, as the majority opinion."

"In spite of the fact that the media privatization process is formally finished, there is still unclear ownership in two national coverage dailies *Vecernje Novosti* and *Politika*, and the position of agency *Tanjug* is also unclear."

The National Councils of National Minorities have legislative approval to establish media that will educate in the national minority language. Also, national minorities have the right to establish electronic civil sector media in their local area, with some subsidies from the state. Public services have an obligation to produce and broadcast programs devoted to national minorities in Serbia, but currently only RTV in the Vojvodina province is fulfilling this obligation. RTV's Isakov stated, "The national minorities have lost a good deal of their media coverage with the privatization and state withdrawal from media. That is especially the case in Vojvodine province, where most of the national minority populations reside. The state withdrawal closed a number of stations with programs in minority languages. Other sensitive groups are only sporadically represented in programs."

According to Tadić media do not delve into public interest issues. "Reporting on different social problems in media, such as gender issues, ethnical issues, religious issues, sexual orientation are very rare. Few local media cover a wide spectrum of social interests in local areas."

Citizens can access information related to their towns, other regions in the country, and international development. There are media with national coverage such as TV N1 and Al Jazeera Balkans that reports on interesting events from the whole Balkan region. State and public media devote little time to local problems. Samardžić emphasized that "concerning local news, there is a huge number of local media informing citizens on local themes, but the quality of that news is questionable, mainly due to pressures from local politicians. Serbian citizens do have access to information on international events though."

OBJECTIVE 4: BUSINESS MANAGEMENT

Serbia Objective Score: 1.39

The main economic problem within Serbian media is saturation: Approximately 1,600 registered media organizations are serving a country of 7.2 million people. That number would be difficult to sustain even in an average-sized market. Currently, there are up to 4,500 consumers to one media outlet. That unsustainability is clear to everybody except politicians, REM officials, and the Ministry for Culture and Media. In 2015, there was no consolidated data on government spending nor was information on allocation transparency available for analysis.

In addition to the limited potential market audience, media are faced with a shrinking annual advertising budget as well as diminishing purchasing power of Serbian citizens. The media sector is among the worst hit by the economic crisis. In 2015, the Serbian advertising market is expected to be only €155 million, which is considered extremely small for 1,600 media. An important fact is that most advertising budgets, due to audience preferences, go to television. Radosavljević stated, "The estimation that the 2015 advertising budget will be similar to last one, between €155 and €160 million, shows too small a total for salaries, technical capacities innovations, and needed materials for so many media. Such modest turnover on 1,600 media proves non-sustainability of the media market."

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

Sekulić of FoNet News Agency also provided statistics on distribution. "The market is shrinking for print media. In 2015, for the first time, the total sold daily circulation fell under 500,000—as much as 30 percent lower than in 2013. Now only one newspaper has circulation rates above 100,000."

The system of media financing is neither stabilized nor balanced, so most media depend on state budget funds, either through subsidies, projects, or advertising from state companies and institutions. Since the beginning of 2015, only state financing on the basis of project co-financing has been regulated. State public advertising, public procurement of media services, nontransparent financing of public services, tax programs for media, and similar subsidies are given to media on a more charitable basis without strict rules or criteria.

According to the panelists, most media are on the verge of nonexistence; they do not work efficiently and are not as well-managed today. The market is deteriorating and creating biased competitions, making any long-term financial planning impossible. Though there are few media with good management and strong organizational structures, the majority are surviving by working outside their professional standards. As Kojanović explained, "What we have today are economically unsustainable media as well as economically and socially endangered journalists, poor and dependent on state or individual owner interest. Traditional business models have collapsed and many media did not survive or are not surviving. Unfortunately, most credible and professional media that understand public interests are disappearing."

State enterprises' media financing is non-transparent and without public control. This creates space for financial pressures to sway editorial policies. The new solution of co-financed projects from the state budget cannot save all media outlets; if it was done properly, this system could only improve media contents, according to panelists. Commenting on the co-financing concept, Skrozza stated that it "is obviously spiced with corruption and political interests. The example of Belgrade media is characteristic, where of the total funds for a project, more than half went to Studio B, privatized by a friend of the authorities, for a program that had already been broadcast. Another substantial portion was allocated to the agency that proposed monitoring the work of the mayor. Some of the members of the commission that was assessing the projects

were in obvious conflicts of interest; some of them were even employees of the media outlet who bid for money.”

Taking everything into consideration, it is clear that media have uncertain financial sources, the market is too weak for survival, certain projects make outlets vulnerable to political attacks, and the project co-financing system has turned into improvised donations.

Some media units bid on funding from international organizations. In 2015, authorities attacked media using foreign funding in tabloids, calling these organizations traitors and discrediting their reporting. Radosavljević commented, “The financing of public services and other state and publicly-owned media is not transparent and depends on ad hoc approaches. In that sense, public services are in an awkward position and also face uncertainties. That fact creates a foundation for pressures on public media.” Tadić also confirmed the financial and editorial shortfalls: “Media could realize revenue from a multitude of sources, but none are sufficient for independent editorial policy or for guaranteed survival, so all media are subject to influences (state owned, public, private, and local).”

Serbia has a number of advertising agencies, two of which hold primacy. Agencies work with media selectively and are focused on the capital along with several other large cities. Most of them ignore local media. Samardžić explained, “Sustainability is especially problematic for local media who do not have access to marketing agencies or big advertisers. On the other hand, advertising agencies represent the more professional side of the media industry, but it is necessary to say that even agencies are not free from political influence and political dependence.”

Besides decreasing, advertising budgets are changing structure. Around 10 percent of the television advertising budget is spent on cable programming, and domestic stations are losing advertising due to inferior content. According to Vanda Kučera, chief governance officer with McCann Erickson Group, “The advertising industry is faced with a problem of discrepancy in knowledge. Today, agencies are much more professional than most media. Agencies are acquiring new knowledge and their professionalism is improving, while most media are stagnating. No market regulations, no basic professionalism, no ethics. New media, Internet and cable, are acquire bigger budgets due to their higher professionalism than traditional media.”

Advertising agencies act dynamically and structurally, and this has a positive modernization and developmental effect. Radosavljević mentioned, “The reduction of advertising budgets hit mostly print media and radio. This also forced media to turn again to the state, lobbying for funds from state companies and state institutions.”

Sekulić of FoNet News Agency also provided statistics on distribution. “The market is shrinking for print media. In 2015, for the first time, the total sold daily circulation fell under 500,000—as much as 30 percent lower than in 2013. Now only one newspaper has circulation rates above 100,000.”

State media are allowed to advertise and are raising funds from advertising agencies and individual advertisers. There are no formal obstacles for advertising in any media, but authorities are not advertising in media that are not useful to them. In Serbia, subscriptions for print media are practically nonexistent; however in 2016 obligatory subscriptions for two public services will be introduced for all television owners.

Panelists pointed out a problem in how the state advertises: Legislation on advertising is still in the developmental phase, making state advertising policies unclear. Isakov explained, “The buying power of people is smaller, and number of goods and services that need advertising is shrinking. It is necessary to pass a law on advertising, as it is the one that is missing in a set of media laws.”

Local authorities use subsidies, public procurement, public advertising, and other financial subsidies to increase pressure on critical media or to reward loyal media. State authorities are among the biggest advertisers in Serbia. The government provides subsidies such as direct financing or state credit guaranties for private media, but these are distributed unevenly and with no transparency. Tadić commented, “Project financing did not solve any of the primary problems in production of media content. Media content and public interest was not a priority in municipality’s decision on the disbursement of state funding, as the law stipulated. Instead of improving the situation, the state is still in control. The decision resulted in the abandonment of equal opportunities for bidders.”

Even The Ministry of Public Administration and Local Self-Government undermined the process by making an official statement that town municipalities are not obligated to act within this law. Several panelists said that state subsidies via project co-financing, are clearly not a solution; on the contrary, often it is justifying corruption. “Through project co-financing, certain privatized media received huge sums, proving that the selecting commissions were behaving corruptively,” Djurdjević stated. Sekulić added,

“Project financing is a well-designed concept, but in the first year, abuses and demolition of the idea compromised the concept. The fault is not on state side only, but also on journalistic associations and not only for not having competent commissions. Lobbying was ubiquitous. The whole thing resulted in everybody getting something, and that will have a poor effect on new media projects, on public interest, and on program content.”

The total amount of money in all budgets for project financing is considerably smaller than the amount the state has spent for media in years past, before privatization. In 2014, Serbian subsidies for media were €5 million. In 2015, the total budget from all municipalities for media project co-financing was around €2.5 million.

Indicator 6 considers whether market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience. The current system of verification for results of viewership/listenership/readership is much more professional for electronic media than for print media, according to a Nielsen and Gemius study. Radosavljević stated, “Never before did media order more research by professional agencies and never before were the results so modestly used in practice. The market is changing. In Serbia, the same average time is spent on Internet and on TV watching. Media are not responding to this feedback. The usage of research data for determining market position and for creation of media product is low.”

Serbia has several long-established and reliable research agencies and they are often subject to external evaluation and audits. However, the main obstacle is accessing and analyzing research data is the lack of quality professionals that are able to capitalize on this information and manage its strategic use for business planning. Tadić explained, “All research organizations are under pressure from authorities, from individual media, or from interest groups. Advertisers and media understand rating results, but have little possibility to acquire them.” According to Isakov from RTV, “Viewership ratings provide reliable results for Serbia, but not for specific regions and local areas. There is an obvious trend in rising viewership of foreign television stations, especially in Vojvodina province. In previous years in Vojvodina, domestic programs were watched by 60-70 percent of viewers, while in 2015, the rate dropped to 50 percent domestic and 50 percent foreign. In Belgrade, foreign programs are watched by approximately 40 percent of viewers.”

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Serbia Objective Score: 2.12

Several trade associations are active in the Serbian media space. Journalist associations that resist attacks on journalists and media are very active, and often exposed to government criticism and threats. Some civil society organizations (CSOs) are helping journalists in this struggle as well, their support should be stronger, panelists—Radosavljević in particular—said. “In this moment, there are no associations, authorities, agencies, or civil sector organizations which could impose applicable standards, [or] decisively influence directly or indirectly on improvement of [the] media environment and media market,” he said.

The Commissioner for Information of Public Importance provided journalists and media with a great deal of support in 2015. However, training and educational opportunities are more modest than in previous years. Regarding new technology in 2015, spending was limited to satisfying the minimum requirements for the transition to digital signal. Channels of media distribution are well developed, but with signs of individual monopolistic tendencies.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Serbian print media associations are organizations of publishers that successfully advocate for member interests. One of their initiatives was the reduction of VAT from 20 to 10 percent on all print dailies sold. Electronic media have several associations, the oldest being the Association of Independent Electronic Media (commonly known by its Serbian acronym, ANEM). ANEM has ongoing public initiatives for legislative improvements and constitutional court assessments, and is active in communication with REM and organizations protecting copyrights and related rights.

In June 2015, the first Association of Online Media (AOM) was established. After the three media laws were adopted in 2015, the Media Coalition was no longer functioning and had split up. A goal of the Media Coalition was the adoption of the media laws, but after the new laws came into effect, the interests of members were no longer aligned.

The most important journalists associations are NUNS, UNS, and the Independent Journalists' Association of Vojvodina (commonly known by its Serbian acronym, NDNV). Kojanović commented, "The journalists' associations are strong in resisting drastic activities that endanger media and journalists and are sufficiently competent to insist on changes for improvement."

These groups have long traditions of active responses to activities that endanger freedom of expression, including attacks on journalists, threats, and pressure. They support their members to a satisfactory standard; they are lobbying authorities in the name of their members and fight for independence and professionalization of media. They are not self-sustainable through membership fees, however, so they cooperate closely with donors and international associations.

Their other challenge is the modest inclusions of journalists and members in their activities.

In January 2015, the prime minister called the journalists of the Balkan Investigative Reporting Network "liars that were paid to speak against the Serbian government." In April 2015, the mayor of Leskovac offended journalists of TV Leskovac, Beta news agency, *Blic* daily, and news portal *Juzne Vesti*, stating that they are paid to write against him. In October, the prime minister called journalists from *Tabloid* and *Teleprompter* "scum." And in November, the director of the Military Security Agency announced that the secret service has undercover agents in Serbian media. According to Skrozza, "This year we have seen systematic campaigns against journalists, including a number of front-page features with false statements and brutal verbal attacks without motive, creating an atmosphere of fear and journalists that are less willing write the truth or to report threats."

In such an environment, professional journalists associations are intensely present in the public, and constantly and actively protecting the journalism profession as well as the public interest of the society. Their influence is important and visible. But as Isakov pointed out, "Still, there are no other media employees' associations in addition to journalists' association[s.] There should be an association of editors as well, for example."

Serbia has many local CSOs working on freedom of expression. Some cooperate and support media, freedom of speech, and media independence. Djurdjević noted, "CSOs are active and reacted correctly on media problems. Independent institutions such as the commissioner and ombudsman are supporting more qualitative media activities—no doubt more so than the state."

However, other panelists shared the view that the cooperation with CSOs is weak and sporadic. Kojanović commented, "What Serbia is missing is higher engagement of civil sector, CSOs, which should be an important partner for media in the struggle for freedom of speech and journalists' credibility." Blagojević agreed, saying, "In local areas, CSOs did not raise their voices on attacks directed at journalists and media."

Regarding indicator 4, Serbian private and public institutions offer professional journalism education programs, but they are not sufficient. They do not offer practical education for new journalists to enter the profession, and student-led broadcast and print media no longer exist. Student-led media had provided practical experience; now there is no space for students to control journalistic and editorial media content, panelists said.

Serbian media pay less attention to short-term or in-service training for upgrading or acquiring skills. Owners have little interest in this sort of investment, due to the worsening condition of the media market and increasing self-censorship. Young journalists tend to finance their education themselves, and previously had attend now-rare educational training from foreign organizations in Serbia. According to Tadić, "There are some possibilities for short-term education and trainings organized by journalists and media associations, and they are very useful."

Panelists pointed out several other issues related to professional training. Isakov pointed out that "even when investing seriously in journalists' education, it is difficult to keep journalists in the media industry long-term. These educational opportunities are disappearing because fewer individuals and media are interested in short-term training programs. Practical experiences are the most useful, and public services used them extensively." And Kojanović

However, other panelists shared the view that the cooperation with CSOs is weak and sporadic. Kojanović commented, "What Serbia is missing is higher engagement of civil sector, CSOs, which should be an important partner for media in the struggle for freedom of speech and journalists' credibility."

added, "What young journalists see today, in most editorial rooms, is not promising for their professional development."

Regarding Indicator 6, Samardžić said, "It is not difficult to acquire technology and equipment." The government places no undue restrictions on importing or purchasing materials, and the companies that sell these products are managed as efficient businesses. The same goes for printing houses. Information and communications technology have deeply penetrated all society niches and all households. However, the media content at the national level is lagging far behind the technical capabilities and availability of communication channels.

Concerning Indicator 7 and the channels of media distribution, Serbian Broadband (SBB) dominates the market, with about 50 percent of cable market. SBB is an important Internet provider as well. Newly passed legislation allows cable operators to market media content they produce, in addition to distributing media content.

Local television stations are not broadcast on cable; and certain newspapers cannot be found on Štampa, newspaper and magazine distributor kiosks. Therefore, it could be alleged that some business monopolies control aspects of media distribution. As Tadić described, "Pressures on media are exaggerated at the state and local levels by authorities, political parties, and business enterprises through the control of media content distribution." Samardžić added, "According to Serbian law, distributors must distribute in a

non-discriminatory manner for all media. The two biggest distributors SBB and TELEKOM tend to favor certain media in spite of legislative provisions."

The information and communications technology infrastructure, in principle, is adequate. According to the Republic Agency for Electronic Communications (RATEL), distribution of media content is available to 60 percent of all Serbian households. Also, through digitalization, the freely broadcast television is now available to 95 percent of inhabitants. Internet penetration has reached more than 50 percent of Serbian homes and mobile phone penetration is around European averages.

The existing information and communications technology fulfills the needs of the media industry, but is not at everyone's disposal. Media are able to offer products such as digital production, Internet streaming for audio and video, podcasts, and content for mobile telephones (SMS and/or audio-video MMS), but some have the obstacles of low capacity, such as slow Internet and overloaded mobile networks. Due to the significant differences between cities and rural areas, citizens in more remote areas of Serbia experience the majority of these obstacles. Isakov provided statistics: "Independent measurements done in 2015 showed that 42 percent of viewers still watch TV through analog signal. After the digitalization in June 2015, around 30 stations were broadcasting with an analog signal."

In Serbia, only 30 percent of television sets are younger than 4 years, meaning that most households may not yet be equipped to receive digital broadcasts. Also, the transmitting networks are insufficient and new investments are needed to improve the structures. Skrozza explained, "Digital TV and Internet are theoretically available across the entire country, but even in bigger towns, there are places with weak signal and often the system 'breaks down.'" Radosavljević added, "Informative and communication technologies are deeply intertwined in all parts of Serbian society and in all households, but media contents that are produced on the national level are lagging far behind the technical capacities and availability of communication channels."

List of Panel Participants

Tamara Skrozza, journalist, VREME weekly; member, Press Council Complaint Commission, Belgrade

Svetlana Kojanović, editor-in-chief, Objektiv No1, Čačak

Predrag Djurdjević, senior program assistant, OSCE Media Department, Belgrade

Vanda Kučera, chief governance officer, McCann Erickson Group, Belgrade

Milorad Tadić, chief executive officer and owner, Radio Boom 93; president, Association of Independent Electronic Media, Požarevac

Vukašin Obradović, president, Independent Journalist Association of Serbia; director and editor-in-chief, Vranjske, Vranje

Siniša Isakov, counselor, Radiotelevision Vojvodina, Novi Sad

Dejan Radosavljević, research director, Ipsos, Belgrade

Nebojša Samardžić, attorney, Živković/Samardžić Law Office, Belgrade

Predrag Blagojević, chief executive officer, Južne Vesti, online daily, Niš

Zoran Sekulić, chief executive officer, FoNet; president, managing board, Media Association, Belgrade

Moderator

Dragan Kremer, media program coordinator, Open Society Foundation, Belgrade

Author

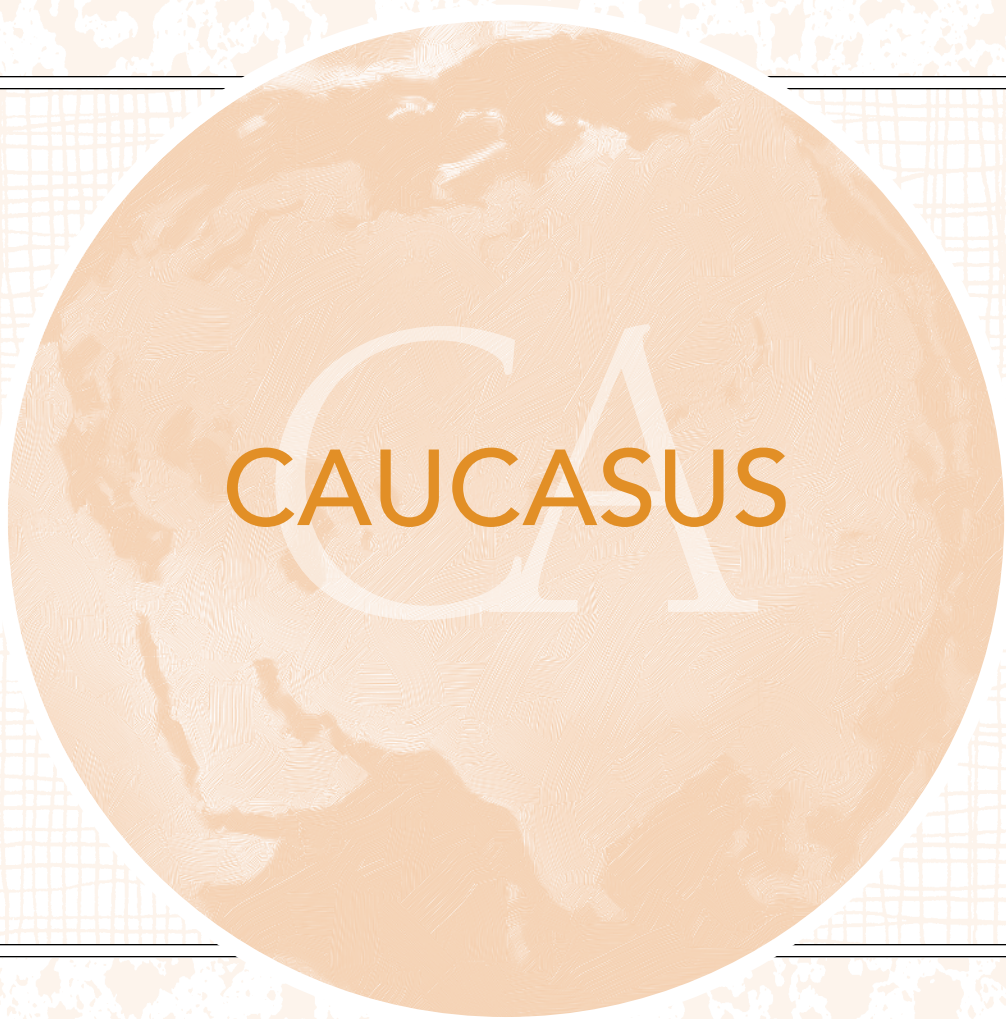
Goran Cetinić, independent media consultant, Belgrade

The panel discussion was convened on December 15, 2015.

IN MEMORIAM: Darko Bročić



Darko Bročić, a perennial MSI panelist since the first study in 2001, passed away on April 6, 2015 at the age of 50. Bročić was the CEO of Nielsen Audience Measurement in Serbia and one of the founders of Strategic Marketing, the first company in Serbia to introduce professional media research. A graduate in sociology from the Faculty of Philosophy in Belgrade, his research career focused on applied research solutions. He was a visiting lecturer and frequent public speaker in Serbia and abroad. He will be remembered as an exemplary research professional and as a uniquely constructive and pleasant colleague.



CAUCASUS

Police used a water cannon against both protestors and journalists covering the stand-off, damaging professional equipment. According to official data, at least 14 journalists, camera operators, and photographers were injured while covering the police operation.



ARMENIA

Suspense built in Armenia throughout 2015 for the year's crowning political event: a referendum on constitutional reforms. The referendum would essentially convert the governmental system from semi-presidential into a parliamentary republic, depriving the president of his main powers and rendering him a ceremonial figure. State authorities cited the ever-increasing need to enhance the political system and strengthen the opposition as justification for the reforms. However, the opposition and many citizens saw the move as an attempt to perpetuate current president Serzh Sargsyan's "reign" after the end of his second (and last, according to the old constitution) term in 2018.

The referendum was held on December 6, 2015 and passed with 66 percent of the vote, although the watchdog groups Citizen Observer Initiative and European Platform for Democratic Elections pointed to election violations such as ballot stuffing, intimidation, violence, and vote-buying and qualified the referendum as illegitimate. The current president will keep his full power until April 2018, after which the new constitutional provisions on presidential entitlements and powers will come into effect. Despite Sargsyan's public statements that he will not seek a top government post at that time, many political observers are certain that he will be able to remain in actual power as the head of the ruling Republican party (assuming it preserves its majority in the next parliamentary elections).

An otherwise calm climate for journalists was marred by violence during the summer rallies against proposed electricity rate hikes—a clash that became known as "Electric Yerevan." Protesters blocked one of the capital's main streets, Baghramyan Avenue, barricading themselves with garbage cans and staging 24-hour sit-ins for days. Police used a water cannon against both protestors and journalists covering the stand-off, damaging professional equipment. According to official data, at least 14 journalists, camera operators, and photographers were injured while covering the police operation. In a statement to the press on June 23, 2015, Interior Minister Vladimir Gasparyan apologized for police actions and said that authorities would launch an investigation, also promising to reimburse journalists for their ruined equipment.

The switchover from analog broadcasting to digital was postponed yet again, from July 2015 to January 2016, with officials citing the need to provide socially vulnerable segments of the society with the decoders needed to receive digital broadcasting through analog televisions. In the end, some 48,000 people will receive free decoders. It is not yet clear when and how these decoders will be distributed, but according to the head of the National Commission on Television and Radio, analog broadcasting will not be shut down until all the decoders are in place. Moreover, the regional television stations still lacking licenses for digital broadcasting will continue broadcasting in analog mode for the time being and will not be shut down.

ARMENIA at a glance

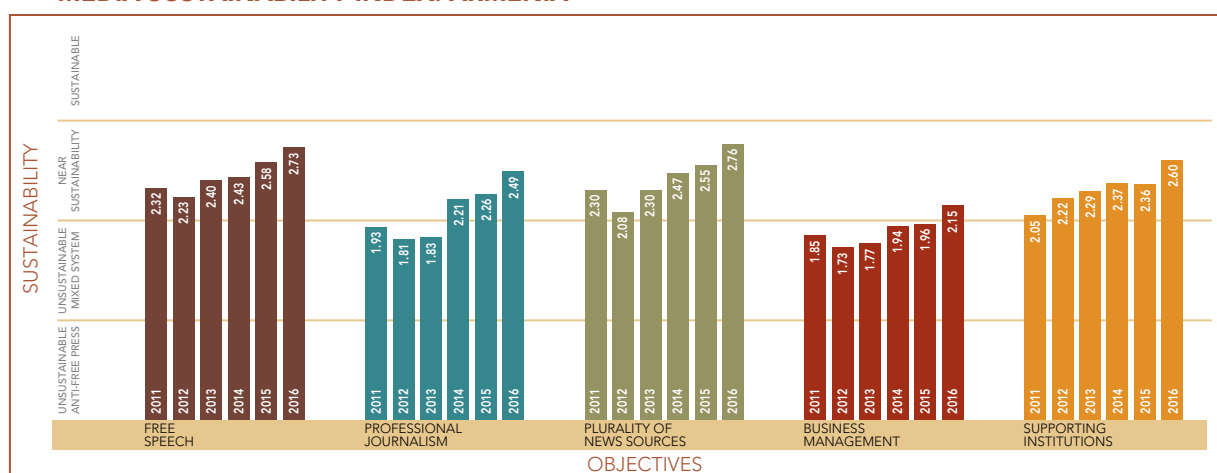
GENERAL

- > **Population:** 3,060,631 (2014 est. *CIA World Factbook*)
- > **Capital city:** Yerevan
- > **Ethnic groups (% of population):** Armenian 98.1%, Yezidi (Kurd) 1.1%, Russian 0.5%, other 0.3% (2011 est. *CIA World Factbook*)
- > **Religions (% of population):** Armenian Apostolic 92.6%, Evangelical 1%, other 2.4%, none 1.1%, unspecified 2.9% (2011 est. *CIA World Factbook*)
- > **Languages (% of population):** Armenian (official) 97.9%, Kurdish (spoken by Yezidi minority) 1%, other 1% (2011 est. *CIA World Factbook*)
- > **GNI (2014-Atlas):** \$12.08 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-PPP):** \$8,450 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 99.6%; Male 99.7%, Female 99.5% (2011 est. *CIA World Factbook*)
- > **President or top authority:** President Serzh Sargsyan (since April 9, 2008)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: over 36; Radio stations: 20; Television Stations: 13 stations in Yerevan, 3 Russian relay channels; 26 television stations in regions; Internet news portals: over 200
- > **Newspaper circulation statistics:** Average reported circulation is between 1,000-3,000
- > **Broadcast ratings:** Top three most popular television stations are H1 (public), Shant TV (private), Armenia TV (private) (AGB Nielsen)
- > **News agencies:** ARKA, Armenpress, Arminfo, MediaMax, Photolur
- > **Annual advertising revenue in media sector:** \$60 – \$70 million, estimated by panelists
- > **Internet Users:** 1.3 million (2015 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ARMENIA



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Armenia Objective Score: 2.73

Again this year, the panelists agreed that constitutional provisions and laws protect and guarantee free speech on paper, but the reality is starkly different—with minimal, albeit slightly improved, enforcement. “It’s the journalists who coerce [the authorities] to enforce these laws; they have become more courageous,” said Anahit Nahapetyan, owner and editor-in-chief of *Tufashkharhi Arorya* in Artik. Samvel Martirosyan, a blogger and IT security expert, said that journalists are more familiar with the laws than the authorities, and in confrontations with police, try to educate them. “Most of the time, the police officer himself doesn’t know that there are constitutional provisions, norms,” he said. However, a single call from a powerful leader often can overrule the finest law or constitutional provision, and these provisions are more about image than serving their purpose of fostering and guaranteeing free speech.

Still, Armenian citizens value the freedom of speech more and more, with soaring demand for uncensored speech and information. “Media is a live organism,” observed Suren Deheryan, chair of Journalists for the Future NGO. “It evolves together with the evolution of society. And at the moment, it reflects the problems, the evolutionary stage of today’s society, with low media literacy. We’re in a transitional period, developing and growing together.”

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

FREE-SPEECH INDICATORS:

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

Journalists have become more consistent in their efforts to fight for their right to free speech. Melik Baghdasaryan, owner of Photolur photo news agency, said that the younger journalists are leading the way. “I’m a person with Soviet heritage, and I wouldn’t be as daring in my work as these young guys are. Things change. A lot has changed, and will change even further. This is a new, more daring and knowledgeable generation.”

Whether or not a result of these efforts, the press indeed has become more free, and authorities permit more exercise of freedoms, the majority of panelists agreed. Editorial frames are somewhat expanded to allow for more liberal views and opinions. However, the panelists pointed out that this type of free speech has its limits, because it can be curbed in an instant on the government’s whim. An example is the aforementioned police handling of the 2015 Electric Yerevan incident.

These violations cause public uproar, with people expressing their outrage through “Facebook democracy.” They post various indignant comments that serve as a cathartic tool, as a platform for letting off steam, scolding the government and others to their hearts’ content. But the energy quickly fades out and the protests end right there.

The judiciary hardly ever acts independently in dealing with free speech issues. When a case does address such issues, a cynical public perceives the verdict as a direct order from the government, fairly or not, according to the panelists.

The law generally respects the confidentiality of news sources, and so far, no Armenian journalists have been imprisoned over not revealing sources. However, they have not been immune from pressure to reveal names, as previous MSI studies have shown.

Only broadcast media need licensing in Armenia. As in past years, the panelists agreed that issuance of licenses by the National Commission on Television and Radio is not fair, competitive, or apolitical. Essentially, the commission must pre-approve a media outlet to win a broadcasting license. There is also a perception among panelists that title transfers, acquisitions, and mergers of broadcast media are controlled tightly and pre-approved by those in power, and have been for a number of years. In 2015, the commission did not issue any new tenders, and therefore it approved no applications.

The market entry and tax structure for media remain the same as other industries. An owner just has to set up (with the specified minimum capital) a regular Ltd./LLC (limited liability company) and start operating. Print media are still exempt from value-added tax for distribution.

The indicator for crimes against media professionals, citizen reporters, and media outlets remained one of the lowest rated by panelists within Objective 1 this year, given the harsh police reaction to the public unrest during Electric Yerevan. Armine Gevorgyan, a journalist at Armenian Public Radio, recalled her experience of being hit by water cannon while she was covering the sit-in at 5:00 one morning. The police removed some reporters from the scene and deposited them in other parts of the city and in suburbs. According to the panelists, the 10 or so press members that resisted while being taken away suffered bruises and minor injuries.

Commenting on crimes against journalists, Martirosyan said that cases have decreased in quantity, but the outrageous nature of the events at Electric Yerevan were unprecedented in the past decade. Then again, he said, these were milder versions of the many crimes in the years before then, when police used clubs and tear gas and flat-out beat journalists. “We have to note... that it was nothing like 10 years ago, when reporters were severely injured and placed in hospitals,” he said.

Baghdasaryan explained, “The ‘order’ [to the police from the government] was to take them away, remove them, and not beat them.” Martirosyan agreed, saying that the authorities wanted to disperse the protesters away from the public eye, unwitnessed by the media. Baghdasaryan added that journalists’ camera storage data was professionally erased and could not be recovered.

“This was a bad precedent, because if so far (in the last 4-5 years) we’ve dealt with incidents involving individuals—members of parliament, public officers, governors, etc.—this marked a centralized, organized government approach, which has had a backlash on the country’s reputation,” said Vahe Sargsyan, a moderator at Lratvakan Radio and a freelance journalist.

Interior Minister Vladimir Gasparyan issued a press statement on June 23, 2015, apologizing for police conduct and saying that the government would launch an investigation. The authorities followed through on the promise to reimburse journalists for their police-damaged equipment, but never had to answer to the public over the use of taxpayer funds for the replacements. Several media members involved in the events filed lawsuits, which have now merged into one case that is still in process. But the panelists said that they expect the case to be closed, and the offenders will go unpunished or with nominal fines or reprimands—the typical result in such scenarios.

The law does protect the editorial independence of public media. But as with the constitutional provisions for free

speech, state press freedom is on paper only. In real life, no panelist suffers any illusion that these laws are actually ever enforced, nor that the public media actually serve the interests of the public. Instead, the public media have acted consistently as a quite obedient tool in the hands of authorities. “It is only for the cultural content and programming that one can consider the public television [truly] public,” said Nelli Babayan, a reporter at *Aravot* daily newspaper. Martirosyan said that for the most part, the government does not need to interfere with the editorial content of public media, because editors know exactly what content is expected to please the government.

Still, the panelists pointed to some improvements in the balance of coverage. Outlets feature more impartial and nuanced reporting than just a few years ago, when public media openly mocked the opposition. The panelists noted, however, that some people (and not necessarily political leaders, but just regular public figures) are still shut out from public television appearances because of views that do not favor the current government.

In contrast, the majority of the panelists agreed that public radio represents what could be considered a model public media outlet, allowing for a wide spectrum of views and opinions and providing balanced, impartial, and neutral coverage.

The public radio audience is limited, however. The signal is broadcast only through FM frequencies, and since June 2014, listeners have been deprived of the Soviet-era cablecast known as “Wall Radio,” which used to reach every single apartment. The official reasons for stopping the service were that the cable network was in the red, the infrastructure was very old and worn out, and upgrades would not be worth the significant investment required. While the percentage of the population with access to FM radio is unknown, the service is free of charge—anyone with FM receiver can access it through terrestrial broadcast.

The panelists also noted that the role of the public television station has diminished, and ratings have dropped over the past couple of years. The changes have followed some major shifts by advertisers: advertisements have been banned from public television, and some key programs have switched to the privately owned Armenia TV.

Libel has been a civil code issue since May 2010. Although it first triggered a series of lawsuits seeking fat payouts, the courts have settled down, with cases reduced to an insignificant number. In 2015 one such case emerged because of a story published in *Aravot*. The article implied that a nightclub in one of Yerevan’s underground passages was, in essence, a strip club, and the adjoining bar a

motel frequented by prostitutes, to the annoyance of the residents. The club owners sued the newspaper for libel and demanded AMD 3 million (roughly \$6,400)—AMD 1 million from the journalist and AMD 2 million from the newspaper. The first hearing took place December 5, and the court ruled that the burden of proof should lie with the plaintiff. The case is still winding through the courts, hearing after hearing. The panelists said that they are not aware of any other major cases.

The panelists said that public information has become considerably easier to access than in previous years. However, the situation is not yet perfect. Frequently, officials will bounce around queries, answer in written form, or demand that journalists submit the question in the written form, then give an unclear response in writing. This back-and-forth process is a real obstacle to prompt and accurate reporting, Deheryan said. “They have now become more sophisticated in avoiding giving straight answers. You give them a specific question and they give you vague, blurred answers that do not get to the point of the issue.”

Gayane Abrahamyan, a journalist at eurasianet.org and Yerkir Media TV, mentioned that officials still use a discriminatory approach based on perceived political ties of an outlet, implying that pro-government and public media still win easier access. The panelists again crowned the municipal government of the capital city, Yerevan, as one of most obstructionist bodies. Babayan noted that apparently the Ministry of Finance is softening its resistance, when it was previously among the most challenging. Pap Hayrapetyan, the editor-in-chief of *Sevan* newspaper, said that it is still very difficult to access information outside of the capital, in *marzes* (administrative divisions, provinces). “For a month and a half, we could not find out who had won the tender for road construction in Sevan,” he said.

Since the collapse of the Soviet Union, Armenian laws have not restricted media outlet access to or use of local and international news and news sources. Intellectual rights, especially of international news sources, are often violated. However, more respected outlets are increasingly curbing this practice by at least crediting the original content source. Others will blur the original ownership of the content through translating it and making it “their own,” never mentioning from where the original article came. Also lamentable is the situation with graphic content. Outlets will copy photos without any mention of the original source, and when they are confronted, they just say that they consider the source to be Google, according to the panelists.

Entry into the journalism profession is free and not restricted in any way.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Armenia Objective Score: 2.49

According to panelists, professional journalism has seen some improvement across the board, and the overall quality of journalism has risen slightly as compared to the previous year. The trashiest media outlets have decreased both in numbers and perceived validity. However, the panelists noted that outlets should be considered individually when assessing today’s Armenian media field, because there is a wide spectrum of different quality media. “I am against generalizations, because the quality varies dramatically. It’s like comparing a pear with a car,” Martirosyan said.

The more respected outlets try to instill the culture of fact-checking, consulting a variety of relevant sources, avoiding subjectivity, and getting all sides to a story. All the reporters present on the panel asserted that when being faced with the choice of speed or accuracy, they choose accuracy, and they check at least two sources before posting an article. However, other outlets and reporters might actually choose speed. Often they have to come up with a certain number of articles per day, or they are compensated based on the number of articles or stories generated, or they have to compete in speed with other outlets. Abrahamyan commented, “At armenianow.com, for example, they never generate content for the sake of just filling the website. They publish fewer, but well-written, processed and thoughtful, meaningful stories.”

Babayan said that such articles are not in high demand, however. “You work on a story for days, weeks, to make

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

it thorough, quality content, but the outlets posting predominantly news on car accidents, casualties, murders inevitably garner more readers/viewers.” She stressed that if society’s interest in this type of news does not decline, poor-quality, sensational journalism will persist. Martirosyan argued that this need will never cease, so the important thing is to separate the “yellow” press from quality journalism. Those outlets that want to be considered quality journalism providers should resist the temptation post yellow content just to garner more views or reads, he said.

Producing legitimate content is even harder in radio format. “If in print you can find sources, information from here and there, patch it and make it a story, in radio you cannot do that. And you have to find/generate a ‘speaking’ source,” said Sargsyan. In this respect, radio is cleaner of plagiarism and bad quality journalism, he added. Gayane Mkrtychyan, a reporter at armenianow.com and iwpr.net, pointed out that “it is a lot easier to convince [an interviewee] to speak for the print media than to make him speak before a camera or a microphone.”

The panelists noted that press conferences turn into dialogues between one or two briefed reporters and the person giving the press conference, while the others (usually inexperienced, beginner reporters and interns) have little idea what is going on. “And it is after press conferences like these that unverified data/information goes straight to the public. I wish at least an editor looked at it before posting,” said Mkrtychyan.

The Armenian media sector has no formal universally recognized ethical standards. Although the Yerevan Press Club has had a code for years, the vast majority of media outlets do not adhere to it. “Our public hasn’t evolved to accept any standards,” Martirosyan said. Deheryan specified that “those outlets that have been set up for the sole purpose of serving political interests of this or that group do not even bother with ethics.”

On the other hand, many legitimate outlets have developed and adhere to their own sets of ethical standards, which are by far more harmonized with globally accepted practices. The especially progressive outlets have even developed ethical standards on journalist activities online, e.g. comments, statuses on Facebook, etc.

Martirosyan also raised the issue of controversial events, and the fact that the media have not yet defined a set of ethical standards for covering them. The panelists recalled an instance of a newspaper publishing and posting online a photo of a murdered bank employee without blurring his face. His relatives and bank colleagues had to disseminate an announcement asking the outlet to cover his face. Martirosyan also gave the example of tert.am, which posted

a brutal ISIS execution video at 7 p.m., when children could be watching. The panelists also recalled the media’s handling of a recent detainment of a supposedly armed group in one of the capital districts. Many outlets failed to abide by the presumption of innocence and used qualifiers that would be appropriate only after a court verdict. “You can actually assess a media outlet’s degree of credibility and professional quality by running it through these kind of acid tests,” Deheryan commented.

Few media make clear distinctions between news and advertorial reporting, quite often presenting advertorials as news. Only savvy viewers and readers can detect advertising footprints.

Accepting gifts also remains a debatable topic among some journalists. Some panelists recalled recent experiences of trying to arrange interviews with members of parliament, with the members of parliament asking how much they should pay for the interviews. “It’s absurd to a point that they do not even imagine a situation when they should not pay for an interview,” said one of the panelists, who asked to remain anonymous.

The situation with plagiarism has improved. Fewer outlets copy content today, and if they do, they basically adhere to the law on copyright and cite the original source. However, media outlets steal photos every now and then, most of the time without even the watermark of the source.

Self-censorship still thrives. The panelists agreed that very often, self-censorship is so ingrained that it has become somewhat subconscious. One of the panelists recounted facing censorship demands after switching from a media outlet based in the West to a local outlet. “I had to resist the demands and did the opposite, because I caught myself starting to censor myself. I was able to do this (resist the censorship, thanks to holding a different job, too), but many others can’t because they’ll lose their job,” the panelist said. Another panelists shared the example of a young journalist who did not record a part of a press conference because she thought it would be censored. However, when the editor learned that, he was amazed, as they had aired even stronger content than that.

Journalists cover key events and issues, and hardly any topic is off limits—at least by all outlets. For example, television might not pick up a story, but a website might; if the issue is of public interest, it will eventually and surely be covered. “Even previously taboo or near-taboo topics such as sexual minorities, domestic violence, the church (controversial issues with the church) are no longer taboo, because the field is very open today,” Abrahamyan said.

However, television outlets might delay coverage of some urgent issues. The panelists recalled the media handling

of the murders of an entire family by a deserter from the Russian military base in Gyumri, Armenia's second-largest city. Public unrest followed the murders, but television stations were late to cover the fierce protests. Online media, though, streamed live from the scene.

Pay levels for journalists and other media professionals vary greatly, based on factors such as the type of outlet (print vs. broadcast, television vs. radio), the location of the outlet (capital vs. regions), the position, and the experience of the individual. But on the whole, media salaries are not that much different from other industries or the private sector. Mkrtchyan said that "kids" like journalism interns or new graduates write press releases for as low as AMD 500 (around \$1) each. In regions, salaries are much lower in all job sectors, including the media.

And as in years before, the most vivid indicator of the wage issue is the journalism field's gender composition. Women prevail dramatically over men, who switch to other jobs because they cannot support their families with such low pay rates. Most journalists have to combine work across several outlets. Babayan mentioned one journalist that has said that she will never lower herself to engage in corruption despite her low pay, while others might say "why not?"

Entertainment programming eclipses news and information programming—which, media outlets claim, does not garner high ratings. A telling example is Armnews TV, which had been a 24-hour news channel, much like CNN. In 2015 it transformed into a regular Armenian channel, with lots of entertainment programming and only the usual top-of-the-hour newscasts that other channels air. "The advertisers would rather place their ads in soap operas than in news programming," said Armine Gevorgyan, a journalist at Armenian Public Radio.

Facilities and equipment for gathering, producing, and distributing news are efficient enough to serve their ends. "Even if your outlet doesn't have a video camera, you can shoot it on your own phone and send it to your media outlet through Internet, which I have done many times before," said Varduhi Stepanyan, a freelance journalist.

All the panelists agreed that niche reporting exists but is critically minimal. Journalists did not conduct any truly significant, thorough, traditional investigations in 2015. Such reporting is too expensive, as are other niches. Television channels air a couple of programs on sports, economics, business, and health. But few, if any, journalists specialize in only one area; they are required to be versatile creatures. "Needless to say that as a regional media outlet, all sorts of niche reporting is done by our limited staff—we're both the economists and the investigative reporters," summarized Arevhat Amiryanyan, editor-in-chief of *Vorotan*.

OBJECTIVE 3: PLURALITY OF NEWS

Armenia Objective Score: 2.76

Many news sources abound, allowing consumers to check one story against another, but the increasing number of media outlets has not brought about qualitative changes. "The quantitative multitude (but not diversity) of the media outlets has devalued their significance. It's just like when you lecture your child to an excessive extent. Your 'mentoring' loses its weight, effectiveness, and significance," said Abrahamyan.

A few media outlets allow for multiple points of view in their editorial policies. During recent years, this MSI indicator has seen slight improvement—but because the overall number of more professional outlets is growing, not because the singular-viewpoint outlets have decreased.

Overall, Armenian media cover the various political viewpoints, although across different outlets instead of all within one. This broader coverage occurs more in online and print media than broadcast. "Those senior citizens that still watch the traditional television channels for news, and the Armenian expats living in other countries and watching primarily online media, have dramatically differing pictures of events and issues," Mkrtchyan commented.

Pre-elections campaigns are a different matter, though. Broadcast outlets strive to look balanced in presenting various political viewpoints because they are being

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

monitored. Typically, the Yerevan Press Club is the monitoring authority. The club is given grants for this purpose by international donors, including the Open Society Institute. The monitoring often prompts changes in the media landscape, sometimes dramatically, panelists said. They gave the example of the outlets set up at election time for the sole purpose of touting a particular party, political force, figure, or government officer. “[Outside of these monitored periods,] the outlets that present plurality of news are few,” Abrahamyan confirmed.

Facebook is another source of information for citizens. However, Facebook feeds blend stories from various outlets. Most ordinary users do not differentiate between the stories, especially when they are shared by friends and not posted by the outlet itself.

Emigration has had a positive effect on Internet growth. Now, even the more aged population has started using the Internet to communicate with relatives abroad, and at the same time, they have started reading and watching news online. Some senior citizens have even come to trust Internet news more than traditional sources. “Years ago, when I used to work for an online outlet, when I was telling people that our periodical was online, they used to say ‘who cares about your Internet?’ But now, things are quite different,” Abrahamyan shared. Compared to last year’s picture, online feeds of protests have almost doubled, from 15,000-20,000 to about 40,000 simultaneous viewers.

Since the collapse of the Soviet Union, citizen access to domestic and international media has not been restricted by law. The only technical restriction could pertain to the upcoming digitalization of broadcast media. However, as the result of a recent decree, the government will be providing approximately 48,000 socially vulnerable citizens with DVB converters (set-top boxes). The converters will allow for digital broadcast reception through their regular analog television sets. It is a mystery how they identified these 48,000; media experts have questioned the number. However, the prices for the converters are going down. Currently they can be bought for as low as AMD 10,000 (around \$20).

Internet speed and quality can still be an issue outside the capital. Rural audiences have the choice of a few national broadcasters, satellite dishes, and local/regional stations. Digitalization promises a wider variety.

Public media are *de jure* independent of the state or ruling party, but *de facto* they are under full control of the government and are far from truly serving the public interest. Public television has seen a dramatic change in terms of reflecting the views of the political spectrum, presenting balanced and non-biased news programming.

But as mentioned in the indicators above, and according to some panelists, there still are black lists of people informally banned from appearing on public television. The public radio station, in contrast, is allowed significantly more freedom, and is much closer to following a public-service model, but its audience is considerably smaller.

In terms of educational and cultural programming, public television has experienced a dramatic improvement by introducing more and more of these kinds of shows. For example, many new social, cultural, educational, and analytical programs of public interest have emerged: *Public Auditorium*, *Art Studio*, *Artcanon*, *Taste of Armenia*, *Planet of Whys*, *Mothers’ Club*, and *Mysteries of Armenia*.

On the other hand, according to the panelists, stations have seen a major shift since advertising was banned from public television last year. Their personnel and “advertiser-friendly” programming have migrated to other channels, taking their respective audiences along with them.

News agencies are now more of an anachronism than functioning institutions. Media outlets no longer need their services, since information is openly available with the rise of online media. The exceptions are photo agencies, agencies providing some in-depth specialized reporting and analytics, or international agencies offering original video footage. Baghdasaryan noted that his agency Photolur does sell its photos to media outlets, both local and international. “During the past year we supplied the international media outlets with our photos, and they were very satisfied with them,” he said. Photolur provides photos free of charge to regional outlets, yet, copyright violations, whereby their photos are simply stolen without any attribution, are also frequent.

Private media produce their own news and information programming. Most media, especially television outlets, produce their own news content. Other outlets simply base their news on a print or online outlet’s story. “Many radio stations that are primarily engaged in music broadcast just read the news from a website, cite the title of the online periodical or print media—I don’t know, can we consider this as their own programming?” Deheryan asked. Some panelists also noted a tendency for television outlets to develop a story based on their articles in print or online media, and call them to ask for their contacts for the story.

Panelists agreed that the people in the media field know or at least have an idea of true media owners (not the nominal owners or directors). The average person, on the other hand, does not.

“When regular citizens read or watch this or that media outlet, they normally don’t know who it belongs to, and

they take it as true information. They don't usually know what ends this or that article/coverage served," said Babayan.

Media outlet formal ownership is more or less transparent, but the real people or political forces behind it are left to be guessed, sometimes even by the media professionals themselves. "If amongst the television channels it [ownership] is more or less obvious, in [the] case of online media, it is very clandestine and vague," Abrahamyan said. "I've always wanted to know who is the owner of Hraparak, who finances it, who finances Zhoghovurd ... So the online media field is less controlled, less clear, and therefore more dangerous. Because when you know the ownership of a particular television outlet, you judge the news through that prism; but in online media you don't know the ownership. Even I don't."

According to the panelists, one online outlet managed to get grants from an international fund, but when the funder learned that the outlet belongs to a person closely tied to Armenian authorities, it terminated the grant project.

Minority-language information sources are available to all those who need them. Armenian media always freely cover ethnic minority topics. Public radio airs programs in 14 minority languages, including Kurdish, Assyrian, Greek, Ukrainian, and Russian. Russian, Kurdish, Yezidi, and Ukrainian minorities also have their newspapers. Many online newspapers have their Russian (and English) sections as well. Media now cover issues concerning gender and sexual orientation, but conventional public interest is quite low towards these issues.

Normally, the media provide news coverage and information on local, national, and international issues. Citizens are able to get news and information about their hometowns, other regions of the country, and national and international developments. Media with a nationwide reach report on significant news from regions outside the capital.

But the panelists noted that this coverage is just not enough. This has been the case for several consecutive years, albeit with slight improvements and increases in reporting from regions. The news flow has improved mostly from just the larger towns of Gyumri and Vanadzor (Armenia's second-biggest and third-biggest towns). Local media outlets and journalists cooperate with the Yerevan or national media outlets and periodically supply news from their regions. Other than that, the news from regions is still underdeveloped.

The media outlets in smaller cities or regions produce news and information mostly about their local developments, as national and international news are covered to a sufficient

extent by their respective media. As for the coverage of international news in state media, Abrahamyan said that "it is a matter of resources and putting in some efforts, which many fail to. And the recent developments in Ukraine clearly demonstrated this, when they were mostly presented by Armenian television outlets through the prism of Russian channels. The major part of the international news by television outlets are based on Russian channels."

Abrahamyan added that most of the staff at international news departments in television outlets are translators and not journalists. They lack the analytical skills needed to process the international news from English, French, and German sources and prepare it for the Armenian public.

OBJECTIVE 4: BUSINESS MANAGEMENT

Armenia Objective Score: 2.15

The overall economic state in the country has stagnated and declined slightly during the past couple of years. Naturally, these conditions have impacted the media sphere and other sectors. However, according to the panelists, the overall picture looks somewhat better than previous years. This year did not see breakthrough developments in sustainability or business management with the majority of media. "I don't know, do we have one single outlet in Armenia that is self-sustainable?" Babayan asked. But Amiryanyan and Baghdasaryan reported that their businesses have become self-sustainable, showing that there are exceptions.

Still, very few media companies could be described as efficient and well-managed enterprises. Only some media

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

The print media, meanwhile, are close to extinction. “I’ve talked to the editors and they claim that you have to maintain a circulation of around 40,000 to 50,000 copies to be able to be self-sustainable,” Martirosyan said. The average newspaper circulation in Armenia is 2,000 to 3,000 copies.

outlets and supporting firms prepare and follow business plans that help them secure financing. Accounting and finance practices are normally brought in line by the requirements of local tax agencies. Media companies seldom hire trained professionals separately from editors and journalists to manage marketing and human resource functions. Such staffing is a privilege of probably only some broadcast outlets.

Many outlets are originally set up for purposes other than commercial gain. They are seldom viewed as a business opportunity, but rather as an important tool in shaping or following political agendas. These outlets put little effort into reaching self-sustainability—they serve a different end.

Online outlets also can hardly sustain themselves, given that the market and the economy have not yet evolved to that stage. “There is also one unfortunate phenomenon: the advertisers look not at the quality of the (online) media, but the hits and visits, irrespective of the quality of the content,” Babayan explained.

The print media, meanwhile, are close to extinction. “I’ve talked to the editors and they claim that you have to maintain a circulation of around 40,000 to 50,000 copies to be able to be self-sustainable,” Martirosyan said. The average newspaper circulation in Armenia is 2,000 to 3,000 copies.

As noted above, media do not receive revenue from a multitude of sources, risking giving one client undue influence over editorial policy. As mentioned above, many outlets are set up for the primary purpose of serving a particular political interest, party, or public official. This type of outlet has basically one source of revenue: its benefactor. Some of these outlets manage to take their chunk of advertising from the market, either through ties with those in power or through real market-driven forces. But these outlets are very few, and do not care much about

advertising; they are dependent almost solely on financing from a few backers.

Many companies buy advertising in the media, and the key ones have not changed. They include banks, telecommunications providers, automobile dealerships, wine manufacturers, and home improvement hypermarkets. Large advertisers sometimes proactively silence the mainstream and influential media by placing advertisements in those outlets.

With last year’s amendment to the law on television and radio, the public media are now banned from running advertisements. The exceptions are social or commercial advertisements during educational, cultural, scientific, or sports programming. At regional outlets, classified advertisements, holiday greetings, and congratulatory messages are common additions to commercial advertising.

Advertising agencies work with broadcast media for the most part, as their higher rates provide more return to the agencies. The Media International Service, which panelists labeled an informal monopoly in the field, now includes one more channel, Yerkir Media TV, in its exclusive distribution list. It already advertises on Armenia TV, ArmNews, A TV, and Shant TV. According to the panelists, the outlets using this sales house are barred from working with other agencies or directly with advertisers.

Most media advertising is focused on outlets in the capital, and generally advertising revenue as a percentage of total revenue is not in line with accepted standards. Media managers feel pressed to use more advertisements as the only substantial source of revenue. However, the previously excessive amount of television advertisements has been reduced to a reasonable volume.

Alternatively, some media (especially regional print) have to rely solely on subscriptions. Amiryan’s newspaper, *Vorotan*, has discontinued retail copies and just kept subscriptions.

Armenia provides state subsidies, which are governed by law. Independent regional and/or minority-language print media are entitled to government subsidies. The amounts are minimal and panelists said that they do not view the funding a threat to editorial independence or the media market. Annually, AMD 500,000 (\$1,025) is distributed to each of the subsidized outlets.

Armenia has two television audience measurement organizations: Telemediacontrol (working under the license of GFK), and AGB Nielsen Media Research. They provide ratings for outlets that subscribe to their services and are

not readily accessible to all interested parties. The ratings are produced for the national market and the capital market, not for individual cities.

For the majority of outlets, market research, if at all conducted, is done in-house. For example, most broadcasters survey informally through call-in shows. Third-party, high-quality professional research is very expensive, and Armenia has only a few respected and credible research organizations that media outlets can trust. "Who should you choose for conducting this research?" asked Abrahamyan.

Media outlets seem to be more interested in simple quantitative research than rigorous qualitative information, panelists said. Most strategic decisions are made based on the personal feelings of the outlet managers and owners, and not usually by information on audience demographics or preferences. As Babayan explained, "We measure the success/failure of our content by the activity/popularity generated by this or that story. When we see that a particular story garners more attention than the other, we try to cover more of that topic in the future."

In terms of circulation figures, there are no solid data to provide reliable information. Print circulation figures are so low that they are of little to no interest to advertisers or advertising agencies. More sophisticated online media track Internet statistics, but for the most part use Google Analytics. Even fewer outlets can process this data on a more in-depth level, limiting their need for statistics to just visits and hits. Or perhaps, panelists speculated, website owners do not want advertisers to have the more specific data, which would allow manipulation of the statistics by just showing a high number of visits. (Numbers can be inflated by using robots or by inexpensively bought non-target, irrelevant traffic.) But without tracking information such as traffic origin, bounce rate, average session duration of a page or specific article, pages read per session, average page depth, or new versus returning visitors, media outlets are not offering the data that could truly prove useful, for fear of losing their advertisers.

Martirosyan also mentioned similarweb.com, which provides website analytics and has the option of linking a personal account to a Google Analytics account. The link would make the information publicly available, provided, of course, that the owner wants to share it and has nothing to hide and nothing is being manipulated.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Armenia Objective Score: 2.60

Armenia has no acknowledged media trade associations. However, journalists have organized professional associations that work to protect rights and promote quality through training workshops, legal advice, etc. Some of the associations are the Gyumri-based Asparez Journalists' Club, the Yerevan Press Club, the Association of Investigative Journalists, and the Vanadzor Press Club.

Their effectiveness depends on funding, which usually is inconsistent and centered on grants. Normally they do not charge dues or membership fees, and if they do, the revenue is insufficient to cover the expensive services offered. Martirosyan said that he sees this approach as a shortcoming. "The problem is that we are dependent on [international] donor funding. We expect international funds to give us the money, instead of trying to fund this type of organization ourselves, through membership fees, fundraisers, et cetera. When local people don't contribute to the associations, they later don't demand that they protect them. If journalists paid membership fees, even small ones, they would later be able to claim the protection," he said.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Deheryan agreed, saying, “You cannot organize training for active journalists even in Yerevan, because half an hour later, their editor will call and summon them.”

Martirosyan also noted that during the last two years, international donor funding has dropped dramatically, and in turn, the support programs have fallen off in influence. Deheryan concurred, saying, “Previously, there were on-staff legal experts [in professional associations and NGOs] that could provide legal assistance to journalists in need. But today these funds have been restricted, and these organizations don’t have legal experts to assist journalists.”

Asparez Journalists’ Club will continue working with Open Society Foundations (OSF) to implement the joint project “Media for Civic Activism-2.” In essence, this project will be the extension of the previous “Media Hub for Civic Activism” program, which has several goals. They include building citizen participation in youth centers and civic activities; expanding the distribution of *Asparez*; publishing supplemental inserts that cover social issues such as human rights, ecology, domestic violence, and corruption; and continuing the online radio station that airs news, analytics, and other content of public interest.

The government does not impose any legal restrictions that would prevent the registration or functioning of trade unions, professional associations, or NGOs. NGOs work in cooperation with the media sector to support freedom of speech and media independence. They include OSF, Eurasia Partnership Foundation Armenia (EPFA), Media Initiatives Center (MIC), Journalists for the Future (JFF), and others.

EPFA, MIC, and Internews will jointly implement USAID’s new major five-year media project, Media for Informed Civic Engagement, which was launched in March of 2015. The project aims to increase citizen access to independent and reliable sources of information on the government’s policies and planned reforms. The project will also be expected to create a demand for public awareness as a necessary mechanism for participation and involvement through improved quality of journalism.

As in previous years, the panelists were greatly dissatisfied with the quality of journalism degree programs at universities. The standards are still lamentable, whether at private or state institutions. Study programs still do not

include sufficient practice-oriented training (vs. theoretical) to prepare young people to enter the profession after graduation. Few schools teach modern techniques such as the use of the Internet, multimedia, or social networks. “The university has given me nothing as compared to my practical work in outlets or participation in trainings/seminars,” Stepanyan said.

Media outlets also are mostly displeased with the quality of the new graduates. “The journalism that is instructed in universities has nothing to do with the real journalism that we deal with,” Gevorgyan said. “Quite often, the ‘journalistic skills’ discipline is taught by instructors who have never worked as practicing journalists... I first started to work [as a journalist] and only then studied journalism [academically]. If it were the other way around, I wouldn’t be able to become a journalist.”

Deheryan, who used to teach journalism in one of the universities, maintained that the editorial policies and journalistic standards of media outlets, too, can often be detrimental to beginning journalists. “We were sending tens of students into the market, and depending on where they would appear, they’d either grow, develop, or spoil [lose their professionalism]. One of my students who was performing poorly in terms of professional journalistic standards by generating manipulative content has now become a leading journalist in one of the outlets. I would ask her ‘why?’ She’d answer that that’s what her readers wanted,” he said.

Short-term training programs exist and they allow journalists to upgrade skills or acquire new skills, as long as editors allow staff to participate, Stepanyan said. Remarking on the reluctance of editors to let the journalists participate in training, Martirosyan said, “The outlets do not set a task of upgrading or developing a journalist, because the turnover rate is so high, [the editor] just needs someone to do the current work and he doesn’t care about investing into their future.” Deheryan agreed, saying, “You cannot organize training for active journalists even in Yerevan, because half an hour later, their editor will call and summon them.”

Abrahamyan, on the contrary, recounted the time when she worked at armenianow.com and she went to the United States for a one-month training program. She was kept on staff all that time because her editor could see the importance and impact of the training and her future development.

Most of these international training programs are organized by international NGOs or local NGOs with international

donor funding. They are not necessarily media-specific NGOs; frequently, they are organizations implementing projects in other sectors that conduct training programs within a media component. The programs are free of charge to participants.

These international programs present a particular issue: active journalists do not apply to participate in them, whereas the not-so-active journalists are always ready and available to participate. The administering organizations are then forced to send them. "You see that these journalists have been to [various] countries, but you just can't find their stories/articles," Deheryan said.

The panelists could not name any undue restrictions on purchasing the materials that media or journalists need to produce their work, such as newsprint, software, etc. Armenia has many printing firms, which enables unobstructed and competitive printing.

The experimental digital broadcasting is already underway. However, analog broadcasting will not be shut down until the aforementioned decoders are distributed. Moreover, the regional television stations that have not received a license for digital broadcasting will continue broadcasting in analog mode for the time being and not be effectively shut down.

The existing ICT infrastructure mostly meets the needs of today's media industry. Media are able to offer citizens Internet streaming of audio and video. However, rural areas and towns outside of the capital still need reliable fiber optics solutions for better quality Internet. Rural area residents still depend on wireless USB card Internet provided by all three telecommunications providers. Their connections can often be unreliable and their high-speed traffic is limited; upon consumption of a certain amount of data, Internet service automatically switches to low speed.

List of Panel Participants

Gayane Abrahamyan, reporter and moderator, eurasianet.org and Yerkir Media TV, Yerevan

Suren Deheryan, chairman, Journalists for the Future, Yerevan

Varduhi Stepanyan, freelance journalist, Yerevan

Nelli Babayan, reporter, *Aravot*, Yerevan

Armine Gevorgyan, journalist, Armenian Public Radio, Yerevan

Samvel Martirosyan, blogger, IT security expert, Yerevan

Vahe Sargsyan, moderator, freelance journalist, Lratvakan Radio, Yerevan

Pap Hayrapetyan, editor-in-chief, *Sevan*, Sevan

Gayane Mkrtchyan, reporter, armenianow.com and iwpr.net, Yerevan

Arevhat Amiryan, editor-in-chief, *Vorotan*, Sisian

Melik Baghdasaryan, owner, Photolur photo news agency, Yerevan

Anahit Nahapetyan, owner and editor-in-chief, *Tufashkharhi Arorya*, Artik

Moderator & Author

Artashes Parsadanyan, independent media consultant, Yerevan

The panel discussion was convened on December 3, 2015.

Rasim Aliyev, a photo reporter and acting director of Institute for Reporters' Freedom and Safety (IRFS) was severely beaten in August by relatives and fans of a famous soccer player, which was fueled by the reporter's critical remarks on social media about the soccer player.



AZERBAIJAN

It was another sad year for the media in Azerbaijan. The political and human rights situation did not improve despite the country hosting the first-ever European Games in June, which increased international media attention on Azerbaijan. Currency devaluations in February and December, which caused the manat to hit a 20-year low against the dollar, hurt the financial stability of private media.

Rasim Aliyev, a photo reporter and acting director of Institute for Reporters' Freedom and Safety (IRFS) was severely beaten in August by relatives and fans of a famous soccer player, which was fueled by the reporter's critical remarks on social media about the soccer player. Aliyev later died from injuries. This was the first death of a journalist since *Monitor* magazine's editor-in-chief Elmar Huseynov was assassinated in 2005. Attackers and the soccer player were arrested and charged. Four months before this incident law-enforcement agencies cracked down on IRFS, fueling suspicion among some experts that the incident was not unrelated.

Azerbaijani courts handed down guilty verdicts in fabricated criminal cases, resulting in journalists such as Khadija Ismayil and Seymur Hazi receiving prison sentences. While everyone was expecting a presidential pardon of journalists and civil society activists at the end of the year, it did not take place until March 2016, when 14 political prisoners including journalists Parviz Hashimli and Yadigar Mammadli were released. Journalist Rauf Mirkadirov and human rights defender Intigam Aliyev did not receive pardons, but were released on parole a few days later; journalists Khadija Ismayil, Seymur Hazi, and political activist Ilgar Mammadov remain behind bars.. Many linked these releases to the president's forthcoming trip to the Washington Nuclear Summit at the end of March 2016, while others theorized that the country is in need of international loans to ease economic difficulties. A proposed bill in the U.S. Congress, the Azerbaijan Democracy Act, which would deny visas to senior Azerbaijani officials, may also have played a part.

Under mysterious and sudden circumstances, senior members of government were removed by President Ilham Aliyev. In September, shortly after his Astana visit, Aliyev fired long-serving Minister of National Security Eldar Mahmudov. Following this dismissal, several deputy ministers and division heads were arrested and their property was seized. Arrested officials included those who were believed to have been surveilling, taping, and intimidating the opposition and journalists for years. Later, the president sacked the long-standing head of the Ministry of Communication and Information Technologies, and several senior staff were arrested. Observers speculate that these firings have to do with loyalty to the regime rather than past transgressions against independent-minded media.

Due to the restrictive media environment, participants in the Azerbaijan study will remain anonymous. An Azerbaijani journalist developed this chapter after a series of structured interviews in January 2016 with colleagues having first-hand knowledge of the media sector.

AZERBAIJAN at a glance

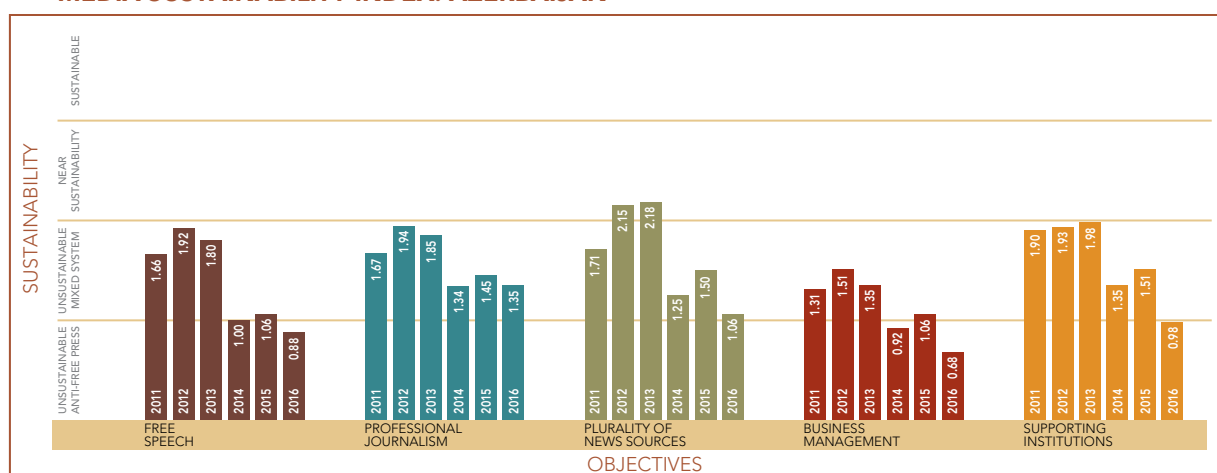
GENERAL

- > Population: 9,686,210 (July 2014 est. *CIA World Factbook*)
- > Capital city: Baku
- > Ethnic groups (% of population): Azerbaijani 91.6%, Lezgian 2%, Russian 1.3%, Armenian 1.3%, Talysh 1.3%, other 2.4% note: almost all Armenians live in the separatist Nagorno-Karabakh region (2009 est. *CIA World Factbook*)
- > Religions (% of population): Muslim 96.9%, Christian 3% note: religious affiliation is still nominal in Azerbaijan; percentages for actual practicing adherents are much lower (2010 est. *CIA World Factbook*)
- > Languages (% of population): Azerbaijani (Azeri) (official) 92.5%, Russian 1.4%, Armenian 1.4%, other 4.7% (2009 est. *CIA World Factbook*)
- > GNI (2014-Atlas): \$72.43 billion (World Bank Development Indicators, 2016)
- > GNI per capita (2014-PPP): \$16,910 (World Bank Development Indicators, 2016)
- > Literacy rate: 99.8%; male 99.9%, female 99.8% (2015 est., *CIA World Factbook*)
- > President or top authority: President Ilham Aliyev (since October 31, 2003)

MEDIA-SPECIFIC

- > Number of active media outlets: Print: 36 dailies, 100 weeklies, 85 monthlies; Radio Stations: 9 AM, 17 FM; Television Stations: 23 (9 broadcasting nationwide, 14 regional)
- > Newspaper circulation statistics: Most widely read publications are the opposition newspapers Yeni Musavat and Azadliq
- > Broadcast ratings: Top three television stations: ANS-TV, Azad TV, and Khazar TV (AGB/Nielsen)
- > News agencies: Turan, Trend, APA, Day.Az, and 1news.az (all private); Azertag (state-owned)
- > Annual advertising revenue in media sector: \$45 million total (State Statistics Committee 2015 Yearbook). Author estimates about \$1 million for newspapers and approximately \$30-\$40 million for television.
- > Internet usage: 5.8 million users (2014 est. *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Azerbaijan Objective Score: 0.88

Azerbaijan remained in 2015 a country where significant problems for freedom of speech exist. Those who work for independent and opposition media feel this even more intensively, and repressions against them that started three years ago continued unabated. One of the panelists noted that he has been fired from an academic institution for criticizing the president on his social media account, but according to him he got off easy. Others get imprisoned or suffer other administrative penalties.

Some of the country's leading journalists remained behind bars throughout 2015. Newspapers faced criminal trials and law enforcement officials confiscated their equipment. *Azadliq*, the country's leading opposition newspaper, is facing shutdown due to criminal fines and the blocking of its sales by the state-controlled print media distributor. Because of the latter reason, employees do not get paid for months.

While the Azerbaijani Constitution adopted in 1995 and revised in 2009 guarantees the freedom of speech, the laws on the books that are written progressively are often implemented anemically. Although the laws of the country related to the regulation of media need to be updated to reflect global changes, the changes have typically not favored freedom of the media and free expression.

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

FREE-SPEECH INDICATORS:

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

Complicating efforts to promote freedom of speech is a traditionalist sentiment within Azerbaijani society. People, one panelist noted, are inclined to bow rulers rather than laws. The panelist referred to a popular saying: "*Hökumətə hökumətlik eləmək olmaz*" (literally: "you can't behave with the government like a government" i.e. you can't argue with the government).

Changes were made to the law on "Television and Radio Broadcasting" in 2015 that further restrict independent media operations. Most of the changes relate to establishing a media outlet and reasons the state may liquidate a media outlet. Previously an application for registration could be denied if the proposed media outlet wanted to use the same name as a currently registered media outlet. The amendment changes the wording so that denial may be given if the proposed name is similar to an existing media outlet. There is very a broad definition of "similarity" in the new changes made to the law.

Regarding liquidation, another change allows the "relevant authority" to petition a court to vacate a media outlet's registration if unlawful funding has been discovered. Furthermore, if the media outlet has been found guilty of "biased writing" twice during a calendar year, the Ministry of Justice can petition the court to cancel that media outlet's registration.

Another amendment allows the Broadcast Council to suspend a media outlet's broadcasting for one month and cancel or freeze its registration without need for a court order. Other changes introduced to the penal code increased the amount of fines four times, from AZN 2,000 (\$1,905) to AZN 8,000 (\$7,619). Now, if a media outlet violates the law three times in the span of one year, a media outlet faces criminal charges. As one panelist who is a lawyer outlined, even a successful appeal in a court is of little use because it cannot recover one lost month of broadcast time.

Historically, in Azerbaijan the print media were relatively free and market entry was open, even while broadcast licenses have typically been granted only to pro-government media. In the last decade, however, the enabling environment for print media has suffered tremendously due in part to government policy, which created an anti-competitive environment, and also because of the difficulties worldwide faced by print because of the rise of the Internet. The result is that it is not now feasible to start an independent print outlet that is viable.

A new registration requirement came into force preceding a police raid on the town of Nardaran where an outspoken imam was arrested and both residents and police killed during the operation. The provisions require the Religious

Affairs Committee's opinion to be included in review of media registration applications.¹

Journalists and other media professionals in Azerbaijan are hardly immune from violence despite tight security. On 26 January IRFS deputy director Gunay Ismayilova was attacked outside her apartment in Baku by an unidentified man. The police have not begun any reasonable investigation about the incident.²

As noted above, in August Rasim Aliyev, a photo reporter and the acting director of IRFS was severely beaten by relatives and fans of a famous soccer player, Cavid Huseynov. After scoring a goal in a match against a Cypriot football club, Huseynov had waved a Turkish flag at the Greek Cypriot side and later, when questioned about this by a Greek reporter, made a seemingly rude gesture to the reporter. Aliyev criticized Huseynov on Facebook for his actions, writing, "I don't want us represented in Europe by such an amoral and rude player who cannot control himself." After some back-and-forth on social media, Aliyev allegedly was lured to a meeting with a relative of Huseynov, apparently to discuss the dispute. Instead, Aliyev was ambushed and beaten. Aliyev later died in the hospital from his injuries. His attackers and Huseynov were arrested and charged.

In addition to the not infrequent attacks and other harassment faced by journalists, there are even more examples of independent-minded media professionals facing challenges posed by heavy-handed authorities. In June 2015 during the European Games in Baku, IRFS director Emin Huseynov was allowed to leave the country for Bern with a senior Swiss official. Huseynov was forced into hiding at their embassy in Baku and remained there for 10 months.³ Following his departure, he was stripped of his Azerbaijani citizenship by presidential decree. In Switzerland, Huseynov refused to apply for Swiss citizenship and remains in exile abroad as a stateless person. Huseynov has filed a lawsuit in Baku trying to overturn the decree and has said he will follow-up with the European Court of Human Rights.

Emin's brother Mehman Huseynov, a well-known photojournalist and blogger, has been prevented from leaving the country since June 2013 and his national identification card and international travel documents have been taken away from him by the authorities in connection with a politically motivated criminal case against him.

¹ <http://e-qanun.az/framework/31348>

² Azerbaijan 2015/2016; Amnesty International: <https://www.amnesty.org/en/countries/europe-and-central-asia/azerbaijan/report-azerbaijan/>

³ Escape from Baku, Courage Foundation, June 13, 2015: <https://couragefound.org/2015/06/courage-flies-beneficiary-emin-huseynov-out-of-azerbaijan-to-seek-asylum-in-switzerland/>

Parviz Hasimli, a co-founder of Moderator.az and an employee of *Bizim yol* newspaper was jailed for eight years for supposedly overseeing weapons trafficking from Iran to Azerbaijan. His lawyer claims that National Security Ministry officials (who, as noted above, are now in jail) pressed him to give testimony against one of the ruling clans.

Moreover several predictable but harsh sentences were handed down to leading journalists already in detention. On January 29, 2015 Azadliq newspaper reporter and online television presenter Seymur Hezi was sentenced to five years in jail on "hooliganism charges." Hezi was arrested in August of previous year. On September 1, 2015, a Baku court sentenced award winning investigative journalist Khadija Ismayilova to seven-and-a-half years for "abuse of power, illegal entrepreneurship, and tax evasion." With the same verdict, she was also barred from holding public office for three years and was fined \$300 to cover legal expenses. The court found her not guilty on a charge of inciting an individual to attempt suicide—the claim she was originally detained for—after the complainant withdrew his accusation.

The state funds a number of newspapers and television stations with funds allocated from the state budget. ITV, nominally considered "public" is also funded by the state. While none of these media belong *de jure* to the state, they nonetheless represent the state's interests and point of view. ITV was designed to ease strict government control on broadcasting upon Azerbaijan's admission into the Council of Europe. But its board members do not include truly independent media professionals or opposition figures.

Libel remains in the criminal code, and in 2015 the government began work on an amendment covering libel originating in social media and on the Internet.

An amendment to the law that went into force on October 20, 2015 now allows a crime scene investigation team and law enforcement leadership to demand that a media outlet change its reporting and allow law enforcement to refute reporting "in cases when a mass media entity has distributed untrue and biased information about the substance and results of the initial crime investigation." Previously, only the individual involved and judicial bodies had this right when their reputation and dignity was harmed through libel and insult. The panelist who commented on the change to the law explained that this will limit the abilities of mass media to conduct their own investigation on important, high-profile criminal cases and prevent the right of journalists to come up with their own theories on suspects and motives.⁴

Another change introduced by the October 20 law added further restrictions to the famous clause 2.4-1 of the

⁴ <http://e-qanun.az/framework/1408>

access to information law introduced in June 2012 (also titled “Khadija’s Law” by the media for her inquiries to the authorities when preparing her investigative pieces). The new language of the clause is even more broad and vague: “Access to information is only possible when it is not contradictory to preserving Azerbaijan Republic’s political, economic, military, financial-credit and currency policy areas, guarding public order, healthiness and morality of the society, protection of individuals’ rights and freedoms, commercial and other economic interests, reputation and impartiality of courts, and for the purposes of ensuring normal operations of initial investigation of criminal cases.” As one of the panelists noted, the revised article does not discuss concrete secrets or confidential information, and introduces new restrictions with a vague terminology as “interests,” which can include everything.

Media access to decision-makers is limited. Top policymakers and even their press officers do not hold regular public briefings. The presidential administration’s press pool is a closed group of “trusted” and easily manipulated journalists. Those who have access to the ruling elite do not ask unwelcome questions, and those who are more inquisitive simply are not given access. Often, public officials are rude to journalists in front of the cameras, ridiculing them and their questions. Famous examples are former chairman of Baku’s Metro, Tagi Ahmnadov, and Deputy Prime Minister Abid Sharifov.

Journalists can freely refer to all media sources outside of Azerbaijan in their work. However, republishing negative information about Azerbaijan that is sourced internationally is unlikely to be treated differently than if the local media outlet writes the report itself.

On March 18, 2015, the Ministry of Foreign Affairs approved regulations for accreditation of foreign media activities. According to experts, most of the regulations are restrictive, resulting in denial of accreditation and limiting access to information, which in turn contradicts Article 50 of the constitution as access to information is not only the right of citizens, but everybody. According to the article 2.1.4. of the new regulations, “A passport or other international travel documents (for citizens of Azerbaijan, a copy of the national ID card) are required among the documents to be submitted to get the accreditation.” The new regulations cover accreditation of foreign journalists, so why there is reference to citizens of Azerbaijan is at first unclear. However, according to the one of the panelists, this law is designed to prevent online media, such as Radio Azadliq headquartered abroad but having locally contracted journalists, from attending events.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.35

Given the political situation and limited space for critical journalism, every year there are fewer and fewer media outlets that actually conduct proper news reporting with balance and fact checking. The problems with professional journalism in Azerbaijan in 2015 remained to be lack of core editorial values (mission-vision-strategy), an absence of editorial independence, self-censorship, and poor ethics. Limited access to information further impedes development of professional journalism. Most of the news that goes on television or online are general stories and are often mediocre. Production teams fail to consult a wide variety of sources especially if the story touches on anything related to the government, ruling elites, or any project they are involved with.

Crimes against journalists, harassment of media professionals while conducting their work, and frequent cases of journalists being detained and imprisoned all combine to discourage journalists from putting professionalism first. Almost all of the panelists agreed that media freedom and individual safety take precedence over meeting all professional standards. One panelist said, “We can talk about professionalism and ethics only after media freedom is guaranteed. In the authoritarian context, one should not put high standards before a journalist who does want to practice robust journalism but simply can’t because a) he might be killed, beaten up, blackmailed or thrown behind bars; b) access to information is not there; c)

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

social status of journalists is poor [i.e. they receive very poor salaries, etc.]”

One panelist believed that if media owners and editors-in-chiefs conduct a proper hiring process, there would not be a shortage of professional reporters in Azerbaijan. According to this panelist, reporters who graduated from Tbilisi-based Georgia Institute of Public Affairs are especially bright and there are also enough graduates of local universities eager to learn modern journalism standards and work accordingly. However, essentially agreeing with the previous panelist, the oppressive political environment, poor media management, and obsolete editorial practices and control are the main challenges to creating a professional press corps.

According to one of the panelists, Azerbaijani-language professional foreign broadcasters like BBC, VOA, or RFE/RL could have been a model for teaching and supporting future aces of journalism in the country. However, according to this panelist, their ability to do so has been limited by a lack of sufficient resources, unattractiveness of the content they produce (in the case of VOA, he said), proper editorial control and planning, and sometimes their subjective politicization.

Many editors and publishers have a messianic approach to conceptualizing the role of their media outlet within society. This may be one of the most serious factors holding back the development of media as professional businesses. All opposition and independent outlets are obsessed by the ideas of saving the whole world and fighting injustice. Thus they create eternal fights and politically difficult discussions. But readers are more interested in the everyday problems they face; they do not find anything attractive in much of the news media and will not spend their money to support it.

Although an Ethics Code exists, there have been no revisions to it since its adoption 15 years ago. Many articles are outdated and ineffective. The government-controlled Press Council monitors its implementation.

Following recognized ethical standards has become a more burning issues in the recent years. Almost all media— independent, opposition, and pro-government—are failing to do so. News websites generated by various oligarchs in previous years, when high oil prices generated huge revenues, are often run by amateurs that have no idea what news making is and fail completely to observe ethical standards. Pro-government outlets are connected through many ties to those in power, so never have a bad word to say about the country’s rulers. One of the panelists noted that such media “exist because they are allowed to.”

A majority of media outlets also engage in plagiarism. Workers at many media often copy material from one online source (both in-country and external) and post it on their own website without attribution. The primary external sources for such uncredited activity remain Turkish and Russian news media.

Journalists especially fail to meet ethical standards when it comes to defamation and libel. Instances are frequent and consequence-free as long as the target of the defamation is not a government official, one of their family members, or another well-connected person. Oligarchic media is used to blackmail or attack rivals, not only the opposition, but also those in government. The worst cases of ethics violations take place when journalists report on the conflict with neighboring Armenia over Nagorno-Karabakh. There is no such thing as conflict sensitive reporting in Azerbaijan.

Generally, the mainstream media in Azerbaijan are devoted to a so-called “statehood idea,” or at least they declare this to be the case. They assume their first duty as a media professional is to defend the state from the global information war being waged by “the West,” as one expert noted. The source of this hostile attitude toward Western media originates from Russian and/or highly politicized Turkish media outlets and their conspiracy theories. This view was strengthened by the president’s chief of staff, Ramiz Mehdiyev, who in 2014 published a 60-page manifesto implying the United States seeks to foment the popular overthrow of President Aliyev. Following the publication, Mehdiyev convened a conference of editors-in-chief, including those from the opposition media. Many leading or mainstream news media in Azerbaijan also assume that they are participants in a political process, further diminishing prospects for professional journalistic content.

A few independent media outlets do a better job, which is often rewarded by the authorities with pressure, criminal or civil charges, etc., on sources, the lead journalist, or the entire media outlet. In certain circumstances, citizen journalists provide independent and professional reporting and it has transformed Facebook during the last few years into a freer platform for news and discussion.

Most of the key events taking place in the country are covered despite widespread self-censorship, however their accuracy is not always precise and sometimes with a delay while editors check with officials on how to—or if they should—cover a story. For example, in December 2015 a fire broke out on an offshore oil platform owned and operated by the state-owned oil company SOCAR. Ten oilworkers were killed and 20 went missing. The local mainstream

media aired news about the tragedy only after international media started to do so. In one talk show on ANS TV, a guest said that the local media had the correct information as the fire was happening, however they were not able to get permission from the authorities to air it. A similar information blockade is observed when there are protests, especially in the provinces. The media located outside of Azerbaijan usually have more objective coverage of what is happening compared with local media. Often, local media completely ignore such news.

The median salary of most reporters stood at AZN 500 (\$640) for a long time. After the two currency devaluations by the Central Bank in 2015, this is now \$320, while Baku is among most expensive cities in the world. Government officials and well-connected individuals do not always threaten media outlets to remove or change what is written about them; often they use cash and other incentives to buy them off. Acceptance of gifts by journalists is widespread, which includes international travel for tourism or keys to a new apartment in the condominium built by the state for the media professionals in 2013.

With the exception of ANS TV, entertainment programs significantly prevail over news and informational programs.

The lack of modern equipment or facilities is not among the main reasons for the lack of professional journalism. Media in Azerbaijan continue to make use of decently modern equipment and facilities. Baku-based television stations enjoy the best quality facilities and equipment.

For example, *Yeni Musavat* newspaper and affiliated media outlets like Minval.az have all the equipment and facilities they desire, but still do not produce professional, issue-led journalism. *Azadliq* newspaper's premises do not live up to modern standards, yet it manages to meet acceptable journalism standards: one participant noted that when it rains, water pours inside its premises. However the state-owned *Azerbaijan* publisher, on whose premises *Azadliq* is located, does nothing about it.

Specialized journalism and a rich tradition of editorials exist; however, training for journalists in new specializations is almost non-existent. Khadija Ismayil attempted to bring specialization in the form of investigative journalism, but this work has stopped since her arrest: as a result of corruption and nepotism, most media do not consider undertaking true investigative journalism. "What will a journalist investigate if the boss already made a deal to turn a blind eye?" said one panelist.

OBJECTIVE 3: PLURALITY OF NEWS

Azerbaijan Objective Score: 1.06

There are not many independent news sources for people to check one against another. In fact all television channels are either owned by the government or managed by private entities with ties to the government or operating under specific agreements on acceptable (typically entertainment) content. Mainstream television and radio do not cover various political viewpoints; they are engaged in propaganda. The news, with some exceptions, is identical at different media outlets. A maximum of two viewpoints might be available regarding any event. Independent news is available online although even there it is limited.

Reviving its activities in Azerbaijan after a short break, Kanal13 and Voice of Youth Radio stand out among independent online media in Azerbaijan, despite the fact that they sometimes avoid covering controversial and local political issues.

Fueled by high oil prices, in recent years oligarchs created and funded several online media outlets. They employed relatively free journalists and practiced controlled or limited freedom of reporting by avoiding sensitive issues or key individuals. However, with the crash of the world oil market and devaluation of the national currency, many of these media stopped receiving funding and went bankrupt, laying off their employees.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Media outlets often attempt to discredit any international commentators or critics of the government. Television channels play a special role in this: state-owned AzTV is notorious for presenting only negative news about the U.S. and Western Europe, airing news about police brutality against demonstrators in Europe and racial discrimination by the police in the U.S. Negative news also extends to coverage of natural disasters, for example focusing on the lack of preparedness by emergency services during floods or earthquakes. Most media outlets prefer offering the government line, only siding with international commentators who are rarely or never critical of Azerbaijan.

When it comes to interviews of foreigners, be it in Baku or abroad, voices are dubbed and only positive things come across in the dubbed Azeri language version. One of these charades ended in embarrassment for a local television channel. During the European Games Lider TV presented an interview with a purported tourist, “James Bonar” from London, who praised Azerbaijan’s beauty and cuisine. However, when original footage of the interview was viewed, it turned out the interviewee was speaking in broken English. The story went viral on social media; Lider TV accused Meydan TV, an exiled, online television channel of setting them up.⁵

The discerning public mostly trusts social media. Despite the unprecedented crackdown on independent media and civil society during 2014 and 2015, social media continued to provide a platform for new voices and dynamics. For example, Mehman Huseynov’s Facebook-based blog Sancaq, with 246,000 likes, has a significantly larger audience than any traditional opposition media. Every post garners immediate feedback, re-tweets, etc. There is huge potential in working with youth-focused media such as Sancaq. By the end of 2015, Azerbaijan counted 1,500,000 Facebook users, about 16 percent of the total population.

That being said, public debate online is still limited, as self-censorship continues to pervade cyberspace in the current environment of intimidation and fear; online postings are not immune from government scrutiny. In December 2015 Popular Front Party Deputy Chairman Fuad Gahramanli was arrested and charged with public incitement to overthrow the government and incitement of national, racial, social or religious hatred based on Facebook posts critical of the government.

In addition to online sources, more and more people rely on international media, like satellite television or foreign radio stations, to get their news. While there are no laws in place keeping citizens from accessing these media other

⁵ <http://www.rferl.org/content/azerbaijan-tv-interview-baku-games-foreigners/27079263.html>

challenges and unwritten laws severely restrict access to free and independent newsgathering, sharing, and reading. All major foreign broadcasters such as BBC, VOA, and RFE/RL were banned from local radio waves, making it harder for their listeners to access their content. As one of the panelists noted, with no direct broadcast of RFE/RL, BBC, and VOA through local frequencies, the government is trying to control the flow of media into Azerbaijan. “However,” noted the panelist, “this policy failed with the expansion of Internet and social media, primarily Facebook, in Azerbaijan. On the other hand, the wealthy Azerbaijani government was attempting to prevent leading international media from publishing articles critical of the Azerbaijan political system and its poor economy. Money was spent to buy foreign journalists and indeed, from time-to-time, positive articles are being published in international—primarily Western European, South American, and Israeli—media. Those who could not be bought were denied entry visas to Azerbaijan.”

Apart from government-sponsored barriers to access international media, Azerbaijanis, particularly those in rural areas, have difficulty accessing domestic media. Two regional television channels (Aygun TV in Zagatala and Alternative TV in Ganja) have ceased broadcasting due to a lack of equipment compatible with digital broadcasting, which became standard in 2015. There are no regional FM radio stations outside Baku with the exception of one in Ganja, the second largest city in Azerbaijan. Cable television is only available in Baku, Ganja, and Sumgayit.

While Azerbaijan is home to one of the first printed newspapers in the region (*Əkinçi*, founded in the 19th century), villages that once received copies of newspapers do not get newspapers today. There are more than 4,500 villages in the country and very few host the traditional kiosks selling print media.

As noted above, the state and public media do not serve the public. They do not invite to their studios opposition political party members or those who think differently than the authorities. The directors of the state media are members of the ruling party and members of the parliament from that party. For example, both the editor-in-chief of *Azerbaijan* newspaper, Bakhtiyar Sadigov, and the chairman of AzTV, Arif Alishanov, are members of parliament.

Media in the country primarily depend on the content of news agencies, most of which are controlled by the government. Report News Agency was launched in 2015 and is believed to be funded by state-owned oil company SOCAR. One of the panelists said that it is hard for him to believe that the agency will provide unbiased news. Except for Azertag, all longstanding news agencies are privately owned, although most have some kind of affiliation with,

or ownership by, politically connected individuals. Trend News Agency, whose ownership changed several years ago, has started to repeat the style similar to that of Azertag, and its director claimed to be a former secret service officer. Azeri-Press Agency (APA) tries to present unbiased news, yet when it comes to key issues it defends the government. It employs some independent-minded journalists, including former RFE/RL correspondents. That company's director publicly denies accusations that Gilan Holding, owned by the son of a government minister, is financing her organization. Nonetheless, Gilan Holding is a permanent advertiser at APA media outlets.

Turan News Agency can be considered the only private, independently owned news agency in Azerbaijan. It remains a subscription-based resource, with most of its subscribers the Baku-based diplomatic corps or out-of-country users.

Transparency of ownership of private media is not possible legally. According to the law adopted in 2012, information about the ownership of private enterprises is considered confidential. This allows members of parliament and other public officials who are prohibited from owning a business to hide from public scrutiny.

No media outlet is transparent about their sources of funding or how they spend that funding. According to one panelist, either the state or an oligarch owns more than 90 percent of the media in the country.

There are several resources in Russian that serve the Russian-speaking minority. CBC TV channel is broadcast in five languages, including Armenian. However none of these differ in content from those broadcast in Azeri. Almost all major news media also broadcast in Russian. In the early days of ITV (2005) there were programs focused on ethnic minorities; however these programs do not exist anymore.

OBJECTIVE 4: BUSINESS MANAGEMENT

Azerbaijan Objective Score: 0.68

Media outlets do not operate as efficient and well-managed enterprises unless one counts content control and state orchestrating. A majority of media outlets have neither financial management nor administrative planning strategies. Most editors, especially those at pro-government or oligarchic media, do not have significant experience and training in media business operations. This is not important, however, because these media receive regular cash infusions from the government and oligarchs. The independent or opposition media must look for external funding (e.g., grants from donors). Instead of building a media business,

these financing models simply breed dependence on donors of one sort or another.

With recent legislative amendments regarding foreign funding, independent media outlets have difficulty raising money or withdrawing funds from existing offshore accounts, and as a result do not have the capacity to continue their work as independent actors. In such conditions, they are either forced to close or suspend their work indefinitely.

The advertising market in Azerbaijan is limited. Theoretically, the country is similar to the Czech Republic where, in 2015, the total advertising market was expected to reach \$1.22 billion according to statista.com. "Despite the fact that the potential of the Azerbaijani market is \$1.5 billion, the real figure reaches only \$200 or \$250 million," Hajjami Atakishiyev, the president of the Azerbaijan Advertisers Union, told abc.az. Possible causes are business monopolies and a generally non-competitive environment.

Large corporations and medium-sized companies prefer to advertise exclusively with state or pro-government media and media that focus on sports or entertainment. Anecdotal information suggests that there is secret list of outlets where advertisements can be placed and also a "black list" of embargoed media. In the past two years, opposition papers have faced significant difficulty finding companies not be afraid to place advertisements in their newspapers (print and online). One panelist noted that, given that major businesses in the country belong to the ruling elites, it is only natural that they spend their advertising money through their own or related media.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

However there are some exceptions as noted by one of the panelists. Some opposition-oriented newspapers have recently been observed carrying more advertising. "Here we can speak about publishers' self-censorship skills. Ad clients watch what the given newspaper writes about and try not to take a risk by getting in touch with so called 'non-reliable' media," the panelist said. Small businesses are also an exception and in some instances they place advertisements in the opposition media. However revenues from them are not significant.

Restrictions on advertising revenue and an acute lack of private investment suffocate the handful of relatively successful independent publications remaining. No media company shares are traded on the Baku Stock Exchange. Bloggers do not make money through commercial activity or raise funds from their readers; this practice is non-existent in Azerbaijan.

Newspapers get small annual grants from the State Fund to the Mass Media Outlets, overseen by the office of the president. When it was first established in 2009, all newspapers were getting grants from this fund, including the state-owned newspapers. However in recent years, both *Azadliq* and Russian-language *Zerkalo* were left off the list. While *Azadliq* is facing serious financial difficulties, *Zerkalo* had to stop altogether, especially after their lead journalist Rauf Mirgadyrov was arrested in Turkey and extradited to Azerbaijan on treason charges.

ITV, Azertag, and some newspapers are funded directly from the state budget. Despite AzTV being a closed-type stock company, it is also funded from the state budget.

There is no systematic media and advertising market assessment in Azerbaijan. During last five years some sociological surveys have been conducted, but they only indirectly touch mass media issues. Accordingly editors have nothing to offer potential advertisers about demographics, etc. They also have no idea about audience needs and do not take any attempt to find out. As a result, with a few exceptions, much media content, print in particular, does not have any practical value for the audience. For example, *Ulduz* literary magazine published by the state-supported Union of Writers only has a monthly circulation of 300 copies; the editorial team is composed of 10 people and the annual allocation from the state budget is AZN 60,000 (\$37,500).

Audience measurement is not commonly used by media. Occasionally there are seasonal and annual formal ratings are carried out. The existing media environment does not demand the existence of such measurements. There is no trustworthy audit of circulation numbers for newspapers. Each outlet presents circulation numbers independently and at their discretion.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Azerbaijan Objective Score: 0.98

There is no trade association to unite owners and editors of broadcasters or other mass media outlets. The same is true for a union or professional association for journalists. One entity claims to be such a union, but in Soviet tradition it is closely tied to the government; in modern terms it qualifies as a GONGO. The organizations that do exist rarely stand up for the rights of journalists, especially when a journalists or media outlet is independent, critical of the government, or opposition controlled.

There were attempts in 1997 and 1998 to create a trade union for journalists and they made some attempts to defend the rights of journalists. The founding chairman of one of these, Azer Hasrat, was particularly adamant in standing up for media professionals. However he has now turned into a pro-government activist. The first director of the other attempted union, Aflatun Amashov, now heads the government-controlled Press Council and is a proponent of "defending statehood against the Western information war."

The Press Council, despite the high hopes when it was created, did not fulfill journalists' expectations. "It defended, and defends, the positions of the president's office, not of the journalists," one panelist noted. Indeed, it supports and lobbies in favor of draft legislation originating from the president's office, while denying the existence of any problems related to freedom of speech and freedom of the media in the country.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Those NGOs that continue to exist (many were forced to shut down as a result of an on-going crackdown) have more or less open cooperation with independent media outlets, inviting them to their press conferences and sharing information about new initiatives. NGOs that once backed political reform efforts, like Far Center and Hūquq Maarifçiliyi Cəmiyyəti (Legal Enlightenment Society) are now deprived of finances from Western institutions. Intigam Aliyev, head of the Legal Enlightenment Society is in jail, and is not the only NGO leader behind bars. There are few remaining individuals providing assistance to journalists in trouble and more often than not legal assistance is provided via third party international organizations.

Prior to the crackdown on NGOs that began in 2013, some NGOs openly supported freedom of speech and worked with local independent media outlets to promote it. *Azadlıq* newspaper and IRFS worked together to support freedom of speech and media independence. However the shutdown of independent media outlets severely limited the space for any such work in Azerbaijan.

Quality academic journalism programs in Azerbaijan are becoming less common and very restrictive. Entrance to one of the best journalism faculties offered by the private Khazar University ceased in 2012 (the class of 2016 will be the last). Government-run Baku State University is the only remaining school providing a degree in journalism. Professors at this faculty are notorious for their outdated teaching style and are detached from real journalism. Entrance examinations are test-based and centralized, however changes made to the legislation in recent years require applicants for journalism faculties to go through an additional written “talent” examination to be admitted.

The non-profit organizations that once offered training for journalists, such as IRFS, Media Rights Institute, and the Dutch School have been forced to cease their operations due to criminal cases opened against them by the Azerbaijani authorities. Most of the remaining practical training opportunities reside at Baku School of Journalism, which provides both students and journalism practitioners with better tools and know-how through a network of trainers and teachers. In many cases, journalists must travel to Georgia or Turkey to increase their capacity in journalism.

Just like in media, a few independent publishing houses such as Qanun have also faced harassing audits similar to those that NGOs and independent media outlets endured. It was assessed high fines and as a result Qanun was almost forced to cease operations. Other printing companies are concentrated in the hands of the government.

One panelist noted that Azerbaijani customs still charges up to 40 percent VAT and customs fees on digital video equipment and, unlike the media owned by the oligarchs, the independent media cannot afford such extra costs.

Television channels, all of which are either state owned or owned by businesses/individuals close to the government, have no problem distributing their content. State-sponsored media outlets own their transmitters. All television broadcasts in the country are carried by the Teleradio Production Union, which is a state entity. The authorities are in full charge of satellite services and radio frequencies, and can revoke licenses at will.

The problems selling newspapers through kiosks continued in 2015. Kiosks in Baku have been replaced with more “vintage” looking green ones, which look more like a small grocery store, with all the snacks and drinks, rather than a newspaper and magazine selling booth. Newspapers are clearly a secondary product. The pro-government Qasid company that runs kiosks continued to refuse selling issues of any newspapers running stories that run afoul of censors and will return all copies at the end of the day, saying they are “unsold.” The only private distributor, Qaya, controls a handful of kiosks in Baku and still awaits the release of several kiosks confiscated by the government many years ago and not returned despite the president promising to do so. Subscription delivery in the provinces is practically impossible. Newspapers once effectively sold their copies through street vendors, but this practice has now been banned.

The Internet is widely available in the capital city and at reasonable cost. Since the second half of 2007, Azerbaijan does not have a free Internet Exchange Point (IXP). Delta Telecom, whose ownership is not transparent, controls the only IXP and charges the same amount for local and international traffic. During the government’s raid in Nardaran, Internet users in Baku experienced Internet interruptions. Some believe that the Internet was cut on purpose in case things got out of control during the semi-military operation. The Internet was also interrupted for a few days when a fire broke out at Delta Telecom’s headquarters following the dismissal of the minister for communication and information technologies. Notwithstanding the case above, state filtering and direct censorship of online content are not major problems in Azerbaijan.

According to reports by independent investigative journalists, the ownership of all three mobile telephone companies and the only global Internet provider rests with one family high in the government. For several months in 2015, free calls through WhatsApp and Viber were blocked.

List of Panel Participants

Due to the restrictive media environment, participants in the Azerbaijan study will remain anonymous. An Azerbaijani journalist developed this chapter after a series of structured interviews in January 2016 with colleagues having first-hand knowledge of the media sector.

On a positive note, the panelists said that it has become highly unpopular for media outlets to dodge ethical standards, especially when reporting about children.



GEORGIA

A year ahead of the parliamentary elections, an ownership struggle over Rustavi 2 TV created a drama with high stakes for media freedom in Georgia. Kibar Khalvashi claimed that he was forced by ex-President Mikheil Saakashvili to relinquish his shares in 2006. He successfully sued Rustavi 2's current owners to demand that the television station be returned. The case was accompanied by a series of injunctions by the city court judge, who made negative remarks about Rustavi 2's content in his opinion, which appointed interim management for the channel. Prior to these verdicts, fearing that Khalvashi might push for a speedy execution of the court decision, a Rustavi 2 lawyer appealed to the Constitutional Court seeking a stay on the immediate enforcement of the city court verdict.

Rustavi 2 is linked with the United National Movement (UNM) right-wing party and is seen as an outspoken critic of the current establishment. Nika Gvaramia, director of the channel, accused the government of attempting to silence a critical voice. Prime Minister Irakli Garibashvili then declared, "This is a private ownership dispute between the two parties," signaling that the government had no intention of interfering.

Startled by these developments, Georgian media, civil society, and international organizations called on the government and the court to ensure media freedom guarantees in the process. The courts partially modified the verdict concerning interim management, reinstating Gvaramia as the station director.

Mid-year, the country pulled off a successful transition to digital broadcasting after a relatively short period of time—less than two years. Despite risks of political manipulation during the switch, the government managed to run the entire process smoothly, avoiding such interference, panelists said. On the other hand, shortcomings in the switchover's technical execution left some rural areas without access.

The beginning of the year brought amendments to the Law on Advertising, in keeping with EU directives, which limit television advertising time and sponsorship services. While none of the panelists or other industry experts argued against the amendments, many have criticized the rush around its enactment. They expressed concern that it negatively impacted the advertising market in a year when the currency was severely weakened, causing the market to shrink by around 17 percent compared with the previous year.

The media faced other challenges in 2015, including the stalled election of two members of the Georgian Public Broadcaster (GPB) board of trustees; rising concern over the infiltration of pro-Russian narratives in Georgian media; and the closure of the Journalists Legal Defense Center at Georgian Young Lawyers Association (GYLA), which left journalists without legal support. On a positive note, the panelists said that it has become highly unpopular for media outlets to dodge ethical standards, especially when reporting about children. Reflecting all of these developments, the overall MSI score slid just slightly.

GEORGIA at a glance

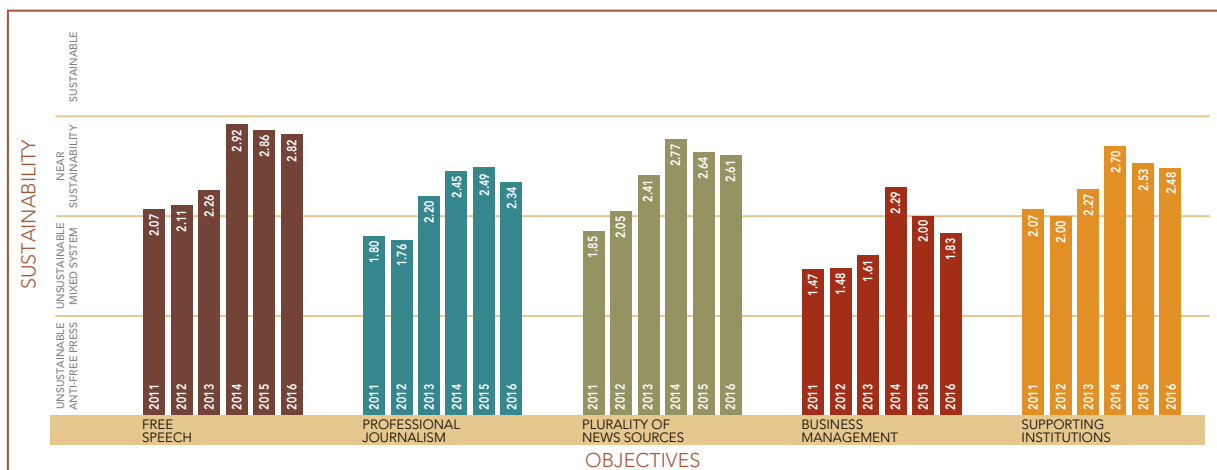
GENERAL

- > Population: 4,931,226 million (2015 est., *CIA World Factbook*)
- > Capital city: Tbilisi
- > Ethnic groups (% of population): Georgian 83.8%, Azeri 6.5%, Armenian 5.7%, Russian 1.5%, other 2.5% (2002 est., *CIA World Factbook*)
- > Religion (% of population): Orthodox Christian 83.9%, Muslim 9.9%, Armenian-Gregorian 3.9%, Catholic 0.8%, other 0.8%, none 0.7% (2002 est., *CIA World Factbook*)
- > Languages (% of population): Georgian 71% (official), Russian 9%, Armenian 7%, Azeri 6%, other 7% (2015 est., *CIA World Factbook*)
- > GNI (2014-Atlas): \$16.74 billion (World Bank Development Indicators, 2016)
- > GNI per capita (2014-PPP): \$ 7,510 (World Bank Development Indicators, 2016)
- > Literacy rate: 99.8%; male 99.8%, female 99.7 % (2015 est., *CIA World Factbook*)
- > President or top authority: President Giorgi Margvelashvili (since October 27, 2013)

MEDIA-SPECIFIC

- > Number of active media outlets: Print: 313 newspapers (National Statistics Office of Georgia, 2015); Television: 41 satellite, 54 digital terrestrial and 76 cable channels; Radio Stations: 76 (Georgian National Communications Commission, 2015)
- > Newspaper circulation statistics: *Rezonansi* (4,000–5,000 daily), *Kviris Palitra* (55,000 weekly) (individual newspaper claims)
- > Broadcast ratings: Highest rated television stations: Rustavi2 (4.94%), Imedi (3.89%), Comedy Channel (1.09%), Maestro (1.03%), Chanel 1 (0.66%) (TV MR GE, 2015)
- > Annual advertising revenue in the media sector: Television: approximately \$30 million; Radio: \$4.5 million (Georgian National Communication Commission, GNCC analytical portal, 2015)
- > News agencies: info 9, Black Sea Press, Iveroni, NovostiGruzia, Sarke, Interpressnews, Iprinda, ItarTass, Kavkazpress, Media News, Prime Time News, Pirveli, Georgian Business Consulting News, Georgian HotNews, GeoNews, Expressnews, World Sport, ambebi.ge, Business Press News, Droni.ge, epn.ge, Aianews.ge, Kakheti Information Center, Primetimenews.ge, Kvemo Kartli Information Center, Mtkheta-Tianeti Information Center, for.ge, Frontnews, civil.ge, agenda.ge, economic.ge (www.yellowpages.ge).
- > Internet subscribers: 581,813 (Georgian National Communications Commission, 2015)

MEDIA SUSTAINABILITY INDEX: GEORGIA



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Georgia Objective Score: 2.82

The panelists' evaluation deteriorated for indicator 1, on legal and social norms protecting and promoting free speech. The drop was largely the result of the Rustavi 2 ownership struggle. Still, the owners resolved the case without creating a dangerous precedent, through the help of the separation of powers between executive, legislative, and judiciary branches; civil society organization advocacy; and pressure from international organizations and diplomatic missions.

In regard to the legal environment, media experts continue to say that the main problem is not the laws, but their implementation. Freedom of speech is protected and is subject to regulations, which makes Georgia's legislation among the region's best, the panelists said. Interestingly enough, the score for this objective increased slightly over last year's score.

In the Rustavi 2 case, the city court judge's justification of his decision to hand over the interim management of the channel from its current directorship to a temporary director outraged the panelists the most. They ruffled particularly over his statement that leaving the current managers of Rustavi 2 in place would "possibly affect the

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

FREE-SPEECH INDICATORS:

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

format of [Rustavi2] activities, might lead to cancellation and/or modification of several programs, including the most watched ones; and, therefore, there also exists a threat for the attention of the Broadcasting Company Rustavi 2 and its staff to be directed solely towards the coverage of the ongoing [court] dispute." He continued: "This would not only undermine the ratings of the company and its financial status, but would also create a serious threat for the media to lose its main role and function—protection of public interest."¹

The management decision came on November 5, two days after the judge ruled that company shares should be handed back to the plaintiff. The Rustavi 2 lawyer protested the verdicts, and media organizations, rights groups, and civil society and international organizations expressed their concerns as well. As Civil Georgia reported, OSCE Representative on Freedom of the Media Dunja Mijatović asserted: "Editorial decisions should be made in newsrooms, not courtrooms." US Ambassador to Georgia Ian Kelly warned, "Attempts to change the management of the station, in advance of the appeal process, have profound political implications. In a democratic society, critical opinions should be encouraged, not silenced."²

Panelists said the verdict offers a perfect example of the government's attempts to exert a firm grip on independent media—in the instance of Rustavi 2, the most watched television station in the country. The most recent data from TVMR, Nielsen Television Audience Measurement's official licensee, show that at the end of December, 29.43 percent of television viewers watched Rustavi 2.³

Nata Dzvelishvili, executive director of the Georgian Charter of Journalistic Ethics (GCJE), shared her view: "I believe that the court verdict, with remarks about the content of Rustavi 2, was noteworthy and posed a risk to the freedom of speech and expression." Nino Danelia, an independent media expert and a communications professor at Ilia State University, expressed the belief that Urtmelidze's references toward the media constitute direct involvement in the station's editorial policy.

Rustavi 2 and its supporters have long questioned the credibility of the city court judge, positing that criminal charges brought against Urtmelidze's mother while he was presiding over the Rustavi 2 case rendered him vulnerable

¹ "Judge Orders Rustavi 2 TV's Chief Executives to Be Replaced." *Civil Georgia*. Nov. 6, 2015. www.civil.ge/eng/article.php?id=28748

² "In Quotes: Int'l Reactions to Rustavi 2 TV Case." *Civil Georgia*. Nov. 7, 2015. www.civil.ge/eng/article.php?id=28756

³ Nielson Television Audience Measurements, Georgia. <http://tvmr.ge/>

to government influence.⁴ Although there is no direct proof stating that Khalvashi is linked to the government, critics note that his sister Pati Khalvashi is a lawmaker of the ruling Georgian Dream Coalition party. Some panelists also criticized the High Council of Justice of Georgia's backing of Urtmelidze's remarks about the media. Independent media expert Zviad Koridze said that it is dangerous that the state organization has commented on media's performance and it "tells you that it is legitimate to limit the freedom of speech."

Amid the legal standoff over Rustavi 2, the Ukrainian website uarevo.in.ua published secretly recorded conversations between Saakashvili and Gvaramia discussing how to defend Rustavi 2. "Get boeviks (a Russian term for fighters), who will defend apparently referring to defense of Rustavi 2 TV HQ), because eventually it will definitely end up with shooting, Saakashvili told Gvaramia," *civil.ge* reported. Gvaramia confirmed the conversation and contended that the leaked recordings prove his previous allegations about the government blackmailing him, threatening to expose his personal life and recordings unless he steps down as the director of Rustavi 2.⁵

Prime Minister Garibashvili and ex-Prime Minister Bidzina Ivanishvili—the latter accused by Rustavi 2 supporters supervising the case from behind the scenes—fended off the allegations. President Giorgi Margvelashvili admitted the case was a "problem," and said, "Everyone must remember that free media is of a supreme value in contemporary Georgia."⁶

Nino Jangirashvili, director of the small television company TV Kavkasia, said the successful handling of the case relates to the fact that the two major political forces (the Georgian Dream Coalition and United National Movement) balance each other by being dispersed at various levels of the government.

"What worked is that the government is multifaceted," Danelia said. "What worked is that the court is not ruled by one person only. Different branches of the government have acquired the monitoring functions for one another because they are influenced by different political forces. For example, the Constitutional Court is under United National Movement. During the previous government, the executive, legislative, and judiciary powers were under the control of one person, one party. We don't have this now."

⁴ "Georgia's Rustavi2 Case: Was Justice Served?" *Eurasianet's Weekly Digest*. Nov. 16, 2015. <http://www.eurasianet.org/node/76111>

⁵ "Wiretapped Recordings of Saakashvili Discussing Rustavi 2 TV Leaked." *Civil.ge*. Oct. 30, 2015. www.civil.ge/eng/_print.php?id=28713

⁶ "President: Recent Developments in Georgian Media 'Triggers Serious Questions.'" *Civil.ge*. Oct. 3, 2015. www.civil.ge/eng/article.php?id=28620/ <http://rustavi2.com/en/news/27902>

The switchover to digital terrestrial broadcasting—another major event of the year according to the panelists—started in July 2015, and was a success from legal, political, and technological perspectives. The Georgian National Communication Commission (GNCC), the media regulator in charge of the process, was apolitical in its work, the panelists added.

Georgia has two private national and 17 regional multiplexes (digital signal bundles), with an additional one that only GPB uses. The Institute for Development of Freedom of Information (IDFI), an NGO that took an active role in strategic planning and monitoring of the switchover, stated in an interim progress report that the multiplex system can carry a minimum of 20 and a maximum of 60 channels free-of-charge per settlement. Those numbers are in contrast to the 10 free-of-charge channels per settlement under the analog system.⁷ Georgian TeleradioCenter, which is obligated by the law to carry GPB programs, serves its multiplex exclusively.

Following the switchover, authorities abolished general and special licensing for television broadcasters. Content producers now are allowed to enter the television broadcasting market through a simplified authorization procedure. Panelists noted a risk: that the switchover could potentially result in monopolization of the media market, creating barriers for media. But that did not happen. "Anyone can get an authorization. There are plenty of places in multiplexes," said Jangirashvili, whose television company operates a multiplex along with three other partners. "This government has been treating the process quite fairly; it (the government) took into consideration the advice and concern of almost every interested party. This market is free. We were even reimbursed the licensing fees."

Jangirashvili observed that the digital switchover legislation is vague regarding the access that multiplex operators can use to grant access to broadcasters. "The law stipulates that there are three priority criteria regarding who shall be granted access to a multiplex. The first is using HD broadcast format, the second one is the order (e.g. who applied first), and the third one is that the priority should be given to those broadcasters satisfying the terms of general broadcasting. So, I have a question here—if I have only two spots available in my multiplex, which of these three criteria should I use for granting access to broadcasters?" Natia Kuprashvili, director of the Georgian Association of Regional Broadcasters (GARB), explained that GNCC is preparing a

⁷ *Institute for Development of Freedom of Information (IDFI)*. <https://docs.google.com/viewerng/viewer?url=https://idfi.ge/public/upload/IDFI/Digital/shualeduri-angarishi-23.11.pdf>

set of amendments to be included in the Law on Electronic Communication and the Law on Broadcasting.

Radio remains on an analog platform; therefore, broadcasters require a license to use radio frequencies. Online broadcasters also require authorization. Mamuka Andguladze, media program officer at the Council of Europe, said that besides the benefits that small online broadcasters can obtain through authorization, the procedure also imposes on them all those responsibilities of authorized regular television broadcasters. "The problem is in the approach; these two platforms (small television broadcaster and online media outlet) differ dramatically," Andguladze emphasized.

In the beginning of the year, the Public Defender's Office lodged a lawsuit in the Constitutional Court against the highly controversial legislative amendments on secret surveillance to the Law on Electronic Communication. The lawsuit claimed the amendments do not protect privacy rights as enshrined in the country's constitution. Media experts pointed out that the existing legislation does not guarantee journalist privacy, and hands law enforcement easy access to telephone and Internet operators.

In June 2015, amendments were brought to the Article 2391 of the Criminal Code of Georgia, adding "calls for violent actions" among the list of criminal offenses. The initial draft bill contained confusing wording, according to some of the panelists. Andguladze said that the initial version of the bill carried the danger that failure to properly use the definition would "easily squelch the freedom of expression of the media and beyond; but it was fixed afterwards." The wording was revised from "calls inciting strife" to "calls for violent actions aimed at causing discord between racial, religious, national, ethnic, social, linguistic or other groups." The article also specifies that criminal punishment be applied only if such calls pose direct and obvious threats.⁸ Still, Andguladze said, "the existing legislation is sufficient to ensure that hate speech is not practiced."

A few panelists said that Georgian society is becoming less likely to pressure the media into repressing certain themes. Jangirashvili said that 2015 saw significant improvements in this regard. "Even themes related with religion are covered more openly... There is definitely an improvement," she noted.

Panelists agreed that media members are physically attacked, but the public is not always aware. Dzelishvili said that verbal attacks happen often in social media, and the evidence is easily deleted. Gela Mtvilishvili, director

⁸ "Bill That Would Have Criminalized 'Strife-Inciting Calls' Revised." *Civil.ge*. Apr. 7, 2015. www.civil.ge/eng/article.php?id=28184

of Kakheti Information Center, recalled how the media relations advisor to the Minister of Defense, Imeda Darsalia, publicly threatened to punch him in the jaw on Facebook.

Transparency International reported 15 cases of mistreatment of the media⁹ in the past two years, in the form of physical and verbal abuse by public officials. According to the report, the most frequent victims are the journalists in the regions of Adjara and Kakheti, while several instances of such pressure were also documented in Guria, Imereti, Samegrelo, Kartli and Samtskhe-Javakheti.

Nino Narimanishvili, editor-in-chief of *Samkhetis Karibche*, published in the minority-populated Akhaltsikhe region, shared an incident that took place there. When she was covering a fire at the house of a relative of the head of the local mayor's Department of Infrastructure, the owner verbally abused her and threatened to smash her cameras. She said she made a public statement, but the police did not react.

Ekaterine Tsimakuridze, coordinator at GYLA, said that sometimes investigations start but they never seem to end, pending eternally at the prosecutor's office. Upon receiving a request, the prosecutor's office refused to disclose statistics on pending cases under investigation.

In August 2015, Imedi TV announced a temporary suspension of political and social shows, shutting down two programs: "Reaktsia" (Reaction) and "Imedi Kvira" (Imedi Week). Some months before the closure, anchor Inga Grigolia claimed that the ruling party had pressured her and attempted to influence the talk-show agenda. In September, the Georgian Public Broadcaster discontinued Eka Mishveladze's talk show, "Pirveli Studia." Channel managers declared that the decision was related to the conflicts of interest caused by Mishveladze's marriage with Alexi Petriashvili, deputy chief of the Free Democrats party.¹⁰

Various watchdog organizations, alarmed by the threatened suspensions, appealed for media diversity and political processes in the country ahead of the 2016 elections. GPB invited Mishveladze to host a renewed talk show in the beginning of 2016, and Imedi TV launched a new political talk show, "Shalva Ramihvili's Show." Maia Mikashvidze, an independent media expert and communications professor at Ilia State University, asserted, "This is not just happenstance, as it occurs right before the elections. When the talk shows are suspended, they always say that the

⁹ "Pressure on Regional Media." *Transparency International*. Oct. 13, 2015. www.transparency.ge/en/blog/pressure-regional-media?page=4

¹⁰ "Who Owns Georgia's Media?" *Transparency International*. Oct. 19, 2015. www.transparency.ge/en/post/report/who-owns-georgia-s-media

decision is part of the editorial policy and they will launch a new and better one.”

Last year saw a stalemate over the GPB Board of Trustees that has dragged on without resolution for almost two years now, with two empty chairs on the board. Largely acclaimed by media professionals and civil society, the 2013 amendments to the Law on Broadcasting introduced the two-seat quota for minority representatives (from UNM), for a total of nine members. Most panelists agreed that the political control of the broadcaster is explicit. Some panelists also viewed the appointment of the channel’s head of information service as a political decision. Jangirashvili questioned the professional skills and knowledge of Giorgi Gvimradze, the political scientist who landed the position in October. “If he doesn’t know how to prepare the content, how can he assess journalistic work? How can he instruct journalists?”

Access to public information worsened in the past year, according to most of the panelists. Mtivlishvili said he prepared 40 administrative complaints in 2015 against public organizations. “It is commonplace... this complicates everything, as it is much harder for a journalist to prepare a complaint than it is for an average person. On one occasion, I won a case against the Kakheti governor, and it took 12 months,” he said, but added that the agency investigating and in need of relevant information was liquidated a month later.

According to the IDFI report, between January and November 2015 the responsiveness of public organizations dropped to 86 percent (from 90 percent in 2012-13). The report named the Ministry of Justice, Ministry of Economic Sustainability and Development, and Administration of the Government of Georgia among the least open organizations.¹¹

Panelists complained that public agencies’ most frequently cited reason for withholding public information is privacy rights and personal data protection. Nestan Tsetskhladze, a marketing manager for Netgazeti.ge, said that she requested information about herself to test the legislation. In the beginning, the Ministry of Interior showed willingness to help, but eventually stopped responding. Despite this, Tsetskhladze said, the tools for requesting information make the entire process more convenient now. The Data Exchange Agency launched an open data portal, data.gov.ge, in 2015 as part the country’s Open Government Partnership (OGP) initiative. The portal allows government institutions to post

data that can be freely accessed, used, and reused, in open formats. But few public organizations are listed on its menu.

Currently, the norms and restrictions on public information are scattered across various laws and legal provisions. Dzelishvili mentioned that in the frame of OGP, lawmakers are preparing a Freedom of Information Act, which will replace all the existing norms. “The legislative amendments will enforce stricter sanctions against organizations that decline to provide public information, and will also introduce an Ombudsman’s Institute,” she said.

“Our public servants have very small understanding of the importance of freedom of information, and of the fact that freedom of information is not for journalists only. Rather, it should be the right of every citizen,” Koridze said.

Libel has been a civil offense since 2004. Panelists recalled only one case in 2015 in which a media outlet was taken to court. Mamuka Khazaradze, the president of one of the richest private banks in Georgia, TBC-Bank, won a case against the Georgian tabloid *Asaval Dasavali* on defamation charges. The case relates to a 2014 series of articles blaming Khazaradze for physically assaulting the leader of the national movement of 1980s, dissident Merab Kostava. The articles also accused Khazaradze of misappropriation of the assets of Elit-Electronics and Borjomi company, and an attempt to drive the Goodwill Company to bankruptcy. In lodging the lawsuit against the newspaper, Khazaradze requested GEL 160,000 (\$70,000) in compensation. According to the ruling, *Asaval Dasavali* will have to apologize for spreading defamatory allegations against Khazaradze.

At the end of November, a Georgian pro-Islamic State (IS) group released video footage of four Georgian-speaking men calling on Muslims in the country to join the “caliphate” (Islamic state) and threatening to execute “infidels,” civil.ge reported.¹² As a result, state security services blocked access to two websites, among them WordPress, while both remained available outside the country. Even though the service was recovered in a few hours, the panelists unanimously condemned the state’s decision. The panelists were concerned that the security services over-reached in this situation. Tsetskhladze said, “We have no information on how they (security services) accomplished this from technical perspective—whether they had a relevant document from the court, or if they addressed a provider. Can they simply make a call and cut off access? In this case, this seems to be a real threat.”

¹¹ “Access to Public Information in Georgia - Report Summarizing 2010 – 2015.” *Institute for Development of Freedom of Information*. Dec. 11, 2015. <https://idfi.ge/en/access-to-public-information-in-georgia-report-summarizing-2010%E2%80%932015>

¹² “Islamic State Group’s Georgian-Language Propaganda Video Emerges.” *Civil.ge*. Nov. 23, 2015. www.civil.ge/eng/article.php?id=28796

Kuprashvili added that in the wake of this incident, media members are noting the vagueness of the normative documents regulating the Internet, allowing multiple interpretations. “Our legislative acts (the Law on Electronic Communication) obligate a network provider to monitor the .ge domain (Caucasus Online) and revoke forbidden content. Such content can encompass anything, and it is unclear what the term means. The mistake in the case of WordPress, or whatever it might be called, has made us think about the problems with legislation.”

All panelists agreed that access to foreign sources of information is free for the media. However, Dzvelishvili stressed that online media outlets are negligent regarding intellectual property rights and copyright laws when using various foreign sources.

The government does not restrict access to the profession at the university level, and entrance to the field is largely free. Bloggers and freelance journalists require authorization to attend press briefings and gain access to public organizations. Some panelists noted cases in which bloggers, freelance journalists, and photographers were denied accreditation just because they did not belong to a specific media outlet.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Georgia Objective Score: 2.34

Media outlets that meet professional norms and standards are few in the country, and the political fealties of some media spurred the panelists to question Georgian journalists’ professionalism and neutrality. These shortcomings explain the slight dip in the Objective 2 score this year.

“You may have a penchant for certain political beliefs... but your objective should be informing those for whom you write an article or prepare a news report so that they learn more, not because you have to pay lip service to the owners,” Koridze said.

A momentous statement by Rustavi 2 director Nika Gvaramia, regarding the ideological preferences of the channel at a public debate on *Reflections: Media and Ideological Values*, sparked an argument on the standards of neutrality and balance in the Georgian media. During a discussion on September 22 at Frontline Georgia, a media club that serves as a neutral venue, Gvaramia announced that his channel follows a right-wing centrist ideology. “When UNM departed from the chosen path of serving the ideology, Rustavi 2 made a mistake by following the party,” Gvaramia added. Some panelists said that after Gvaramia’s

announcement, Georgian journalists will have to revalue professional standards of neutrality and impartiality in producing media content.

“Rustavi 2 said directly that it represents the side; [it said] ‘I’m the television with the worldview.’ This is fairly new in our reality. If before this was disguised, now it has become trendy to talk about it... And there is Obiektivi TV, which said ‘I do what I want to do.’ As if it has become common practice that [professional] standards are not important and are not required any more,” Jangrashvili said.

Still, media members have been discussing ethical standards more, some panelists said. The government’s broadcast code of conduct sets regulations to broadcasters, consequently making Georgian broadcast media more inclined to maintain the quality. To strengthen the practices of ethical reporting on children’s issues, some national and regional broadcasters imposed additional self-regulatory mechanisms by signing a memorandum of understanding (MoU) prepared by the Georgian Charter of Journalistic Ethics and UNICEF.¹³ Jangirashvili said that she is skeptical about the MoU, claiming that Kavkasia TV can fulfill the duties outlined in the broadcast law without additional tools. “If I make a mistake, I will try to repair it myself,” she said. “I don’t need anyone’s complaint, and I don’t agree to obligating myself to certain regulations that otherwise are not envisioned by the law [on broadcasting].”

¹³ “Ethical Reporting on Children and Self-Regulation Mechanisms – Memorandum of Understanding with Broadcasters.” UNICEF. www.unicef.org/ceecis/media_28340.html

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

“You may have a penchant for certain political beliefs...but your objective should be informing those for whom you write an article or prepare a news report so that they learn more, not because you have to pay lip service to the owners,” Koridze said.

Still, hate speech, sensationalism, and plagiarism are prevalent in mainstream Georgian media. Media Development Foundation (MDF) examined these practices in its study, “Financing of media outlets spreading anti-Western sentiments and hate speech from the state budget, 2015.” The study identified the television company Obieqtivi as affiliated with the political Union of Georgian Traditionalists, and newspapers *Sakartvelos Respublika*, *Alia*, and *Asaval Dasavali* among those outlets that promote hate speech and anti-Western rhetoric.

In October 2015, the online media picked up and circulated footage of sexual abuse posted on the Ukrainian website *Tube.ua*.¹⁴ The videos were originally discovered in the Georgian city of Zugdidi in 2013. Some parts of the video materials were destroyed upon their finding; others were kept for investigation purposes. Dzvelishvili said that the footage went viral instantaneously, with online media considering certain ethical aspects or professional standards.

In terms of quality, Georgia has a handful of print and online publications providing in-depth and highly professional reporting. They include magazine *Liberalli*, *netgazeti.ge*, the newspaper *Batumelebi*, and *24Saati.ge*. Other quality online news services available in the Georgian language are *civil.ge*, with its new analytical portal, The Clarion; and the Georgian service of Radio Free Europe/Radio Liberty.

Self-censorship is practiced, but hard to detect, panelists said. Kuprashvili contended that the ideological media might easily verge on censorship and compel the journalists to self-censor. “If the discourse says that ideological media is acceptable, the same discourse might say that certain events that are unacceptable to the ideology shall be censored.” Jangirashvili recalled a recent case involving the father-in-law of the prime minister, aired on Kavkasia TV. She said that even though there were journalists from other media outlets covering the case, the story did not get reported elsewhere in the media.

¹⁴ “Civil Society Groups Condemn PM’s ‘Violence-Inciting’ Remarks.” *Civil.ge*. www.civil.ge/eng/article.php?id=28687

Many of the panelists agreed that Georgian media report on key events. Some panelists said that if certain media outlets omit certain news for whatever reason, other outlets always step in.

Pay for journalists differs across media sectors and between the capital and the regions. “The marketplace is unbalanced, as some are paid tens of thousands and some not even a thousand,” said Koridze. An exploitative approach to internships has become more prevalent. Dzvelishvili said that internships are mostly unpaid, and the rights of the interns are poorly protected. The interns accept unfair terms because they are interested in getting their foot in the door. Dzvelishvili said that they are told they will eventually get contracts, sometimes even years later.

Media outlets will commonly evade the employment law and keep journalists working without formal agreements. Tsetskladze said that some media managers engage in corrupt deals with advertisers to pay high salaries for their journalists. Andguladze noted that the revenues of the media outlets do not necessarily guarantee high salaries for journalists. He gave an example of Palitra holding, a media company with big budget where journalists draw slightly above average salaries.

Georgians have many choices for both entertainment and news, panelists said. They agreed that news and entertainment programs on most channels are balanced, ensuring that entertainment programs do not override the news—even during prime time. The same balance is kept between entertainment and general license-holding channels in the country.

Following the digital switchover, broadcasting companies have been slow to make technical upgrades to their equipment, Kuprashvili said. Even Rustavi 2, the country’s most innovative television channel, failed to change its equipment to HD. Kuprashvili said that regional broadcasters are especially suffering in the process, with some forced to borrow bank loans to cover the costs of the upgrade.

Niche journalism is scarce in Georgian media. Panelists expressed different views on what makes media outlets prioritize or downgrade niche journalism. Jangirashvili claimed that it is the sectorial difference between television and newspapers affecting the decision of television stations. Zurab Gumbaridze, executive director of Rustavi 2 Sales House, disagreed, saying that the issue is connected more with the availability of resources. He noted that small publications with tight budgets might not be able to keep up with niche reporting requirements.

Nino Zuriashvili, an investigative reporter at Studio Monitor and chair of GCJE, said that investigative reporting is

underdeveloped and media companies are reluctant to invest in the field. Although the law requires GPB to air investigative stories, its only such effort is the program “Investigative Reporter.” The program has been on the air since October 2014, but the panelists questioned its quality.

At the meeting of GPB’s self-regulatory body in November, MDF complained about the investigative film “Rustavi2’s Known and Unknown Buyers and Sellers.” MDF’s charges focused on statements about its loan to Rustavi 2 and the airing of its webpage.

“Investigative reporting is a very big product,” Zuriashvili said. “It requires a lot of time; you delve into the themes and events, and your product comes slow. It needs a lot of effort. I understand that not everyone can spend so many resources. GPB should have them, but it does not...and nobody asks it. Instead, you can find some small online resources offering in-depth reporting and journalistic investigations.”

Studio Monitor (monitori.ge), a small investigative media outlet, is the only Georgian company that has been producing high-quality investigative content. The recipient of a number of awards and prizes, its programs were aired by Maestro TV once a month for the past several years. At end of 2015, Maestro TV decided to start own investigative programing and terminate the contract with Studio Monitor. Daneila expressed the belief that television companies are not interested in airing quality investigative programs, because they are afraid to lose their control over the content.

OBJECTIVE 3: PLURALITY OF NEWS

Georgia Objective Score: 2.61

Panelists said the diversity of news sources ensures a plurality of viewpoints in Georgian media, and left the score for this objective at 2.64.

In the past few years, Georgian mainstream news outlets have re-affiliated along various political lines. Despite Gvaramia’s claims that Rustavi2 follows a right-wing centrist ideology, some panelists said that its ties with UNM cannot be ignored. After the 2014 mass departure of the journalists from Maestro TV, and the statements by the channel’s top management about the need to pursue values other than Western,¹⁵ a pro-Russian narrative is believed to have penetrated the channel’s content. Georgian Dream Studio (GDS) is owned by the billionaire Ivanishvili’s family and run by his son. In March 2015, Ivanishvili launched the talk show

¹⁵ “Maestro TV Hit by Mass Departure of Journalists.” *Civil.ge*. Dec. 24, 2014. <http://civil.ge/eng/article.php?id=27935>

“2030,” prepared by his organization and airing on GDS. The idea behind the program, as he explained, was to “change the media landscape”—which, he said, is dominated by the opposition UNM party’s “agitation machine” Rustavi 2.

Another major national broadcaster, Imedi TV, is not affiliated with any political party, but it follows the government, Danelia said. According to Transparency International,¹⁶ in March 2015, Inga Grigolia, then-anchor of Imedi’s political talk shows “Reaktsia” and “Imedi Kvira,” faced demands from the parliamentary majority of the Georgian Dream party. They insisted that her shows not address information about the UNM’s planned protest actions.

According to a survey¹⁷ conducted by CRRG for NDI, 87 percent of Georgians name television as their first source of information; 20 percent of television viewers watch the news on foreign channels; and out of those, the majority rely on Russian channels. Among the most watched are Russian Channel One, RTR, and Russia 1. CNN, Euronews, and BBC World Service share the fifth, sixth and the eighth places on the list. Pro-Russian narrative can also be heard in some Georgian media as well.¹⁸

¹⁶ “Who Owns Georgia’s Media.” *Transparency International*. Oct. 19, 2015. www.transparency.ge/en/post/report/who-owns-georgia-s-media

¹⁷ “Public Attitudes in Georgia.” *National Democratic Institute*. Apr. 2015. www.ndi.org/files/NDI%20Georgia_April%202015%20Poll_Public%20Issues_ENG_VF_0.pdf

¹⁸ “Russian Influence on Georgian NGOs and Media.” *Institute for the Development of Freedom of Information*. Jul. 22, 2015. <https://idfi.org>

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

A study by MDF¹⁹ revealed that Obiektivi TV, known for spreading xenophobic, homophobic and anti-Western sentiment, relies on Russian sources. Obiektivi is included in standard packages of all major cable distributors, and broadcasts on Channel 25 in Batumi. In Tbilisi, Radio Obiektivi is available on FM 105.1. The same study reported openly pro-Russian editorial policies with the newspaper and Internet portal Geworld.ge and the news agency Saqinformi as well.

In the roll-out of the digital switchover, Kuprashvili said that the government failed to guarantee the entire population's right to access information. According to Kuprashvili, about 50,000 set top boxes or digital convertors were sold, but a small number of people in the remote regions were left out. "And these are the places where the newspaper circulation is almost non-existent—where Internet infrastructure is poor and where the people depend on the television," he added.

Narimanishvili said that the predominantly Armenian-speaking Javakheti region, where people have always had difficulty receiving local news, is affected. Now the reception is even scarcer, and people will be compelled to watch Russian channels, she said.

Fiber-optic Internet remains a challenge as well, with access for less than half of the Georgian population, according to Tsetskhladze. Mobile Internet is available widely to people even outside the capital. According to the GNCC analytical portal, registered users for mobile Internet (persons and legal entities) is 1.566 million.

Tsetskhladze mentioned the project Internetization and Broadband Development of Georgia, funded by the Ivanishvili-owned Cartu Fund. The project is implemented under the auspices of the Ministry of Economy and Sustainable Development and will cost around \$150,000. It aims to set up fiber-optic Internet infrastructure in about 2,000 settlements in the country, ensuring Internet penetration of 91 percent of the population. The project will be coordinated by the Innovation and Technology Agency of the Ministry; while Open Net, registered under Innovation and Technology Agency and the German company Detecon, a member of Deutsche Telekom group, will be responsible for technical implementation.

A few panelists expressed their concern regarding the project's sustainability in the aftermath of the 2016 fall parliamentary elections. "When we asked what happens if

Georgian Dream party loses the elections in 2016, we didn't receive an answer," Tsetskhladze said.

As for new media and social media platforms, Facebook has been traditionally the most popular news source, with Twitter gaining traction. Approximately 1.8 million users are registered on Facebook in Georgia, according to Internet World Stats.²⁰

Despite being slammed for its political messages, GPB has improved, some panelists said. "But it is not as good as we want it to be," Kuprashvili added. When it comes to cultural and public affairs, public television does provide programming that differs from the private broadcasters.

In Koridze's view, a main challenge of GPB is its absence international reporting. "When the Paris attack happened, GPB did not go there. It did not go to Ukraine for an entire year, nor did it go to Turkey. Despite all the incidents, it didn't send a journalist... In other words, GPB tells you that you should be closed up in your own shell. I am very concerned with GPB's lack of global vision," he said. Dzelishvili added that GPB has little ambition to produce in-depth or timely reporting.

On the positive side, GPB's talk show "Realuri Sivrtse" won a special Public Service Award of Georgian Institute of Public Affairs Josh Friedman Special for its in-depth coverage of the disputed Sakdrisi Gold mine case.

Georgia has ample news agencies providing all sorts of material, the panelists said. Jangirashvili mentioned that most are contracted by various state and public agencies. Mediachecker.ge, a portal monitoring the media's performance, reported that press releases disseminated by contracting organizations comprise at least 80 percent of the content that news agencies supply. "Making the division between editorial content and content provided through contracting party, i.e. state bodies, is a big issue," Dzelishvili said. "For example, when the prime minister's press office shared information about his visit to Paris, just by Googling the keywords, you would have found identical coverage in most news agencies with the identical title."

Zura Vardiashvili, editor of *Liberali*, talked about her experience a few months ago, when he was contacted by a Ministry of Defense representative. The person was inquiring about the reasons for critical coverage of the ministry, and afterwards, he was asked a question: "Haven't you signed an agreement with us?" Some days later, the ministry delivered the message that it might terminate its contract with the magazine.

ge/en/russian-influence-of-georgian-ngos-and-media

¹⁹ "Public Funds for Media Promoting Hate Speech and Anti-Western Sentiments." *Media Development Foundation*. 2015. <http://mdfgeorgia.ge/uploads/Report%20on%20Obiektivi%20&%20others,%20Eng.pdf>

²⁰ Internet World Stats www.internetworldstats.com/

Since the 2011 amendments to the Law on Broadcasting, which obligates media outlets to disclose information about their owners, media ownership has been fairly transparent. Nevertheless, Jangirashvili said that ambiguities exist regarding the ownership of Rustavi 2. “Karamanashvili’s case is legendary. Everyone knows that they are not real owners. Transparency is ensured, so that the people can make judgments and conclusions. There is no absolute transparency,” she said.

A Transparency International report²¹ that sought to update the ownership information of the major media outlets, including some new media, concluded that broadcasters have not made significant changes in ownership. The report further determined that several cable and Internet outlets are owned by anti-Western and religious organizations. “Their declared revenue is rather small, making it unclear what resources these channels have been using to be able to broadcast,” the report stated.

The media sector has carried out important initiatives in recent years to ensure that ethnic minorities have access to information about public life in the country. *Samkhetis Karibche*, a small newspaper in the Javakheti region, manages to publish once every two weeks in Armenian and Russian languages. The publication of the newspaper was cancelled in 2014 due to financial hardships, but was restored in October 2015 with the financial support of the US Embassy in Tbilisi. GPB has a few newscasts offered in Armenian and Azerbaijani languages. Kuprashvili said that GARB produces substantial content in the languages of the minorities, but it is still not enough. The community radio station Nori debuted in the region in early 2015 in Russian, Armenian, and Georgian languages. Koridze expressed the belief that the positive impact of this station will be visible a few years from now.

Some panelists said that language barriers and scarcity of programming in minority languages widen the existing gap between the regions and the center of the country. More than the half of the population in minority-settled regions continue receiving their news from Russian channels, Mikashavidze said. Media outlets in the capital city are not keen on reporting the stories that are important to the minority-populated areas. Narimanishvili recounted that in the beginning of 2015, some media spread information about the distribution of Russian passports in Javakheti region, but mainstream Georgian media reporters never visited the place. “The situation is alarming. Narimanishvili cautioned. “If we consider Javakheti region, I wonder how these people

²¹ “Who Owns Georgia’s Media.” *Transparency International*. www.transparency.ge/sites/default/files/post_attachments/who_owns_georgias_media.pdf

receive any news about this country, where they live. Nothing to say about the content diversity... And then they are surprised that people have pro-Russian sentiments.”

Kuprashvili said that sparse reporting in minority languages, and absence of the content familiar to them, also determines their viewership. Mikashavidze said that not knowing exactly what type of content is available about Georgia results from the lack of analysis and research of the media content. “We don’t offer an alternative, and we don’t know what they watch.”

Certain international topics catch the attention of the Georgian media, but coverage of international news is never systematic. Netgazeti.ge runs a section on the South Caucasus with daily updates of the events from the three Caucasus countries. Koridze said that if not for this section, it would be difficult to learn about current events in Armenia and Azerbaijan.

OBJECTIVE 4: BUSINESS MANAGEMENT

Georgia Objective Score: 1.83

The decline in the Objective 4 score is a clear indication that the panelists do not see the media as operating as efficient and self-sustaining enterprises. That viewpoint is probably due to the weakening of the advertising market, along with the economic crisis in that shook the country in 2015.

“I believe that one of the challenges of the Georgian media is financial stability, because Georgian media are more dependent on donor money, as they are not able to cover

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

their expenses from advertising revenues,” Dzvelishvili said. “In our country, media are seen as political instruments, and instead of using media as a platform for political debates, they attack the media.”

Gumbaridze provided statistics on advertising. “For the first time after 2009, the advertising market in 2015 shrank, dropping from around \$48 million the previous year to \$41 million,” he said. The economic crisis and streamlined changes made to the Law on Advertising in 2015 are the key reasons blamed for the decline. “It could be foreseen when the governing bodies decided to adopt EU directives in a rush and without considering all probable consequences,” Gumbaridze explained.

The Parliament of Georgia enacted the amendments to advertising regulations, limiting advertising time to 12 minutes per hour and four minutes for sponsorship services from April 1, 2015. The enactment was a rejection of suggestions of many media outlets and experts to postpone enforcement to 2016. “The decision was based upon GNCC member Koba Bekauri’s inaccurate, page-long conclusion projecting that this (the amendment) would increase the ad market,” said Gumbaridze.

The panelists noted that to address the challenges brought by the new legislation, national broadcasters raised ad prices. Consequently, advertisers cut budgets for small-scale media but maintained advertising at Rustavi 2 and Imedi TV, as these channels ensure national reach. According to Gumbaridze, although Rustavi 2 had no increase this year, it still took some 61-62 percent of the total television advertising revenues. Around 31 percent went to Imedi TV, while Maestro’s revenues decreased significantly from the previous year’s 6 million to 2-3 million Georgian Lari. “Perhaps almost 98 percent of the total television advertising revenues is distributed among these three channels,” Gumbaridze said.

Forecasts for dispensing advertising money to small-size media outlets, in the wake of the amendments, were not fulfilled. In fact, revenues of small and regional media diminished in 2015. Most media struggle to find multiple revenue sources to get by. Tsetskhladze said that Netgazeti.ge’s advertising money is only 23 percent of its total income; the rest comes from international donors.

The digital switchover brought additional financial problems to regional media. Advertisers terminated long-term contracts with local media, doubting the outlets’ ability to manage the switch to digital broadcasting.

The panelists agreed that the industry is not big enough to support the whole media sphere. The fact that Rustavi 2 has become profitable in recent years is considered as

an accident, not an industry standard, and it is because the channel’s ratings are high, and sales are efficient. “If tomorrow it happens that Imedi TV develops effective management and takes more market share, then... Rustavi 2 will become ineffectual,” commented Gumbaridze. Jangirashvili further noted that the market is not stable, as all television channels require subsidies to function.

The economic crisis also forced businesses to cut down on advertising budgets. The market shrank considerably at the expense of local businesses “because they were incapable to keep with rising advertising prices,” said Gumbaridze, tying this outcome to the fast-paced changes in regulations. He further explained that international companies have a luxury to maintain advertising activities when sales go down—something that local businesses cannot afford.

Jangirashvili offered a pessimistic overview of the 2016 market, claiming it would be “difficult” and “financially unstable” because of the emergence of the new measurement authority. The panelists argued that television companies and advertising agencies will have to either choose one or subscribe to both. This will further affect the already-stagnating market. Some panelists said that they see political interests in the launch of the second research agency. “It enters the market without the typical industry invitation,” said Gumbaridze.

In summary, the broadcast media market is underdeveloped and relies predominantly on advertising money. The media does not diversify commercial revenue sources. Gumbaridze spoke of the foreign trend, in which ad revenues are becoming less important for broadcast media; while direct sales, such as cable payments and repeated reruns, become more significant in revenue generation. None of this is practiced in Georgia, where the market is considered too unstable. Gumbaridze gave examples: “Silknet and Caucasus Online, IP television stations, do not pay even a Tetri to any television channels in Georgia while rebroadcasting the channels and generating revenues,” he said.

He also noted that ad agencies facilitate development of Georgia’s advertising market. “The agencies have proficiency and expertise in media planning. They are far better prepared now than they used to be,” he said.

According to the panelists, Georgian banks do not offer any special loan packages for media outlets, because they refuse to admit that media is a special type of business. Therefore, banks provide only consumer loans to develop services or mortgage loans to purchase property. Kuprashvili said that Georgian banks think the media sector lacks sustainability, and is riskier than other businesses. “When we needed to purchase equipment, none of the banks gave our television

companies a loan. The print media share the same fate,” Kuprashvili added.

The Media Development Loan Fund, sponsored by philanthropist George Soros, provided a loan to Batumelebi with a two percent annual rate. Tsetskhladze said that Batumelebi repaid the loan in mid-2015.

Government tenders are distributed unevenly, panelists said. For television channels, they are announced under a quota system, i.e. in line with their ratings. Almost the same amount of money is dispersed to Rustavi 2 and Imedi TV, the two leading channels in the market. Tsetskhladze said that tenders are given to large media companies with bigger viewerships. “Companies like us will never participate in such competitions,” said Kuprashvili.

In 2015 some solid steps were also taken towards improving existing practices of measuring online media. Advertising agencies purchased AdRiver, a system for managing and monitoring Internet advertising that enables targeted online sales and monitoring of ad campaigns in Georgia. According to the panelists, TV MRGE also initiated the installation of online media measurement tools. These were very important initiatives toward developing the advertising market.

In terms of measuring audiences, however, practices did not advance any further compared to 2014. Only the television industry is measured by TV MR GE, a licensee of Nielsen that utilizes international measurement standards. Cable television, radio, online, and print media have to cope with not having such universal audience data. Panelists named this as a key reason behind the uneven distribution of advertising money among outlets.

Regional television stations face the same problem. “No agency measures audiences in regional media,” said Kuprashvili. TV MR GE works only in several big cities in the regions, leaving out some of the most well-off provinces such as Kakheti, Samtskhe Javakheti, and Kvemo Kartli. These provinces have higher spending per head and could be attractive to potential advertisers, noted Kuprashvili.

Some online media outlets commonly use Google Analytics, which is not sufficient to speculate about the demographics of the websites or eventually affect sales volume. Advertiser’s lack of trust in the data that websites provide also affects sales decisions. “If there were international measurement agencies and targeted sales in the Internet market, it (the market) would be three times bigger,” said Gumbaridze.

Limited official information is available on print media circulations. On its online portal geostat.ge, the National Statistics Office of Georgia reports 313 registered

newspapers in the country, with a circulation of 60.4 million in 2015. However, no circulation data is available for individual publications.

In 2016, a new audience research agency, Tri Media Intelligence (TMI), a Kantar Media partner, entered the Georgian market. One of the agency founders is an editor at Palitra TV. TMI director Tsothe Mirtskhulava explained that the agency will offer a larger and more balanced research panel compared to TV MR GE, along with better technologies and measurement of more television channels. While Kuprashvili argued in favor of the TMI research panel, Gumbaridze expressed doubt that the entire population will be measured even with two agencies. Kuprashvili also pointed out that “TMI doesn’t have plans to measure regions properly, and only intends to set people meters in the same towns where TV MR GE is present.”

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Georgia Objective Score: 2.48

The score for this objective remained almost the same as last year. A handful of professional associations, together with civil society groups, work to promote the interests of individual journalists and media outlets, but not all of them are functioning, the panelists said.

“Some of the existing associations and unions failed to live up to their purpose,” said Ia Mamaladze, chair of the Georgian Regional Media Association and publisher of *Guria*

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

News. The Georgian Press Association maintains a formal existence, and the Journalists' Trade Union has never really managed to evolve.

The Media Advocacy Coalition unites media and rights groups including GYLA, Transparency International, GARB, GCJE, and Medioclub. The coalition showed some success in 2015 in advocating for media interests, and has taken an active role in supporting Rustavi2 journalists. Still, according to Gela Mtvlishvili, the Georgian Regional Broadcasters' Association has by far remained the most active organization among those that are lobbying for media interests and are fundraising. "If not for this association, regional media would not be able to switch to digital broadcasting," said Dzvelishvili.

Free from political and government influences and commercial interests, GCJE has become more powerful in the past years, panelists said. The charter's work has gone beyond journalistic circles, raising the importance of ethical standards among the general public. "When politicians or public figures say something and they are disgruntled by the media's reaction, but defamation is absent, they go to the charter to complain," Tsimakuridze said. In 2015, GCJE launched the media portal mediachecker.ge, which analyzes flaws in television, radio, online, and print media. Dzvelishvili noted that mediachecker.ge raised the susceptibility of the Georgian media to ethical breaches.

Currently, CGJE has approximately 254 members both in the capital and in the regions, according to Zuriashvili, who chaired the organization in 2015. Throughout 2014, CGJE discussed and resolved 35 complaints.

In September 2015, The Ministry of Defense lodged a complaint through GCJE against several journalists and a producer at Rustavi 2, on the charges of airing unverified news. One such news report was on the controversy surrounding the possible involvement of Georgian soldiers in the sexual assault of children in Central African Republic while serving as peacekeepers. A GCJE committee investigation revealed that original news reports were based only on interviews with local community members.

A gap remains in legal support for journalists, now that GYLA has closed down due to donor funding termination.

Panelists expressed concern that few organizations remain working on the protection of journalists' rights. Tsetsckhadze recalled that when Netgazeti.ge sued TV Ertulovneba, the company affiliated with Georgian patriarchy, for violating broadcast ethics, it was challenging for her outlet to handle the case. "The procedure was very difficult for us, with filing the lawsuit, preparing the legal documents, et cetera. We had to ask an independent media lawyer to help us," Tsetsckhadze said.

Since these organizations rely on donor funding, their visibility wanes and thrives depending on the flow of funds. At the end of December 2015, GYLA announced the start of a new media project with funding from the East-East Management Institute's ACCESS project. The project aims to investigate violations of journalists' rights, interference in the work of media outlets, and the government's reactions to such instances. GYLA's website announcement states that it will only provide legal support for journalists and media outlets in special cases.

Andguladze said that even though the Council of Europe (CoE) is not a donor organization, it will support GCJE in 2016 with the framework of a EU/CoE joint project "Promoting Freedom, Professionalism and Pluralism of the Media." The council will also provide networking possibilities with similar organizations in the South Caucasus region and Eastern Europe. USAID continues to support media through the Media for Transparent and Accountable Governance (M-TAG) program, whose Regional Media Sustainability Initiative aims to assist regional media outlets in their efforts to become profitable, viable businesses.

Georgia has more than 40 journalism programs offered at approximately 20 universities, but panelists said that they are somewhat out of touch with market needs. Panelists disagreed as to whether these schools offer hands-on training and quality education to its students. "Since we are assessing the overall situation, we cannot judge about the quality of the new graduates of affluent journalism schools," Mtvlishvili said. Narimanishvili agreed, adding that young journalists often lack basic skills. Maia Tabagari, a news producer at Imedi TV, claimed that innovative approaches implemented in some media schools with the help of donor organizations have yielded favorable outcomes. The

journalism multimedia centers at the Georgian Institute of Public Affairs and Tbilisi State University have been functioning for several years now.

The panelists said that the type and level of training programs and workshops that foreign experts offer do not always correspond with the wishes of Georgian media professionals. "For example, the foreign trainers coming here teach us to register on Twitter," Tsetskhladze said. But needs-based training programs are also on rise; Dzvelishvili mentioned classes organized by GCJE in the framework of IREX's Health Care Program as one example.

Sometimes, the timing of the training programs is not ideal for Georgian journalists. Editors and journalists on the panel said that sometimes, even though they would want their new journalists to attend, they are not able to do so because of the lack of human resources. "If they all go to trainings, we must stop working," Tsetskhladze explained.

Most printing houses are owned privately, and the printing industry is free from government interference. But publishing quality suffers drastically, and panelists named this as the most damaging factor to the print media. "There are very few publishing houses that print newspapers at all, and even fewer that print on a quality level," said Nestan Tsetskhladze, noting that she was utterly disappointed with the experience she had with printing *Kviris Palitra*. "The color and text was difficult to recognize," she said. Some newspapers, like *Netgazeti*, refuse to use the services provided by Asaval Dasavali. "I know it is business, but for me, it is a question of principle and matter of values," explained Tsetskhladze. High prices on printing is another problem in Georgia.

Channels of media distribution (including cable, television towers, and multiplexes) are apolitical and not monopolized. But Kuprashvili said that Channel 25 in Batumi faced impediments with installing digital equipment on the television tower in Adjara, which made her believe that political interests were involved. For three months, Channel 25 tried to obtain permission from Adjara Public Broadcaster and the Ministry of Economy and Sustainable Development, which owns the land where the tower is located.

List of Panel Participants

Nino Danelia, journalism professor, Ilia State University; Independent Media Expert, Tbilisi

Nino Jangirashvili, director, TV Kavkasia, Tbilisi

Natia Kuprashvili, executive director, Georgian Association of Regional Television Broadcasters, Tbilisi

Ia Mamaladze, publisher, *Guria News*, Chokhatauri

Maia Tabagari, director, Imedi TV news service, Tbilisi

Zura Gumbaridze, executive director, Sales Department, Rustavi 2, Tbilisi

Nino Narimanishvili, editor, *Samkhretis Karibche*, Akhaltsikhe

Gela Mtvlishvili, director, Kakheti Information Center, Gurjaani

Ekaterine Tsimakuridze, coordinator, Georgian Young Lawyers Association, Tbilisi

Mamuka Andguladze, project officer, Council of Europe, Tbilisi

Maia Mikashavidze, professor of journalism, Georgian Institute of Public Affairs, Tbilisi

Nestan Tsetskhladze, editor, *Netgazeti.ge*, Tbilisi

Nata Dzvelishvili, Executive Director, Ethics Charter of Georgian Journalists, Tbilisi

Nino Zuriashvili, investigative reporter, Studio Monitor, Tbilisi

Zura Vardiashvili, editor, *Liberali*, Tbilisi

Zviad Koridze, independent media expert, Tbilisi

Moderator

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The panel discussion was convened on December 5, 2015.



**RUSSIA AND
WESTERN
EURASIA**

The internet is increasingly the medium of choice for Belarusians, with more than 60 percent using it to receive news and analysis, increasingly via mobile devices after 4G was launched in December 2015 by one mobile operator.



BELARUS

Significant recent changes in Belarus include the impact of Russia's annexation of Crimea and the conflict in Ukraine; the economic crisis and drop in value of the Belarusian ruble, which in August 2015 had fallen over 30 percent for the year; a presidential election in October 2015; and a thawing of relations with the West. Little, however, has changed with regards to civil and political life and freedom of speech: President Lukashenka maintains his autocratic political system. If anything, government control over civil society and independent media got easier, as foreign funding has significantly dipped due to tightened national budgets in donor countries, shifting priorities to the Middle East, and a form of appeasement to Lukashenka as he skillfully plays the role of mediator between Russia and Ukraine.

The government maintains its usual tools of constraint on traditional media and continues to tighten its controls over the internet. Cumbersome and loosely-worded registration and licensing requirements stonewall the print and broadcast media from presenting alternative points of view. Menacing legal requirements remain in place under the pretext of creating responsible media. As a result, the media are forced to continue practicing self-censorship. Barriers around accreditation prevent journalists from reporting on topics such as corruption or the financial crisis. Meanwhile, division along ideological lines damages standards of accuracy and fairness.

The government controls around 75 percent of the GDP, composed mostly of unreformed state-run businesses that do not see a need to advertise their products or services, and avoid the independent media. The advertising market shrank significantly in 2015 as the economic crisis hit; most local experts say it dropped by as much as 30 percent to some \$83 million, but dollar comparisons are distorted by the drop in the ruble. The national government's direct funding and other public support of state-run media was roughly stable. This means the impact of the drop in advertising has disproportionately hit the independent media. Thanks to state support some 600 state-controlled media outlets present one point of view largely aligned with the government.

The internet is increasingly the medium of choice for Belarusians, with more than 60 percent using it to receive news and analysis, increasingly via mobile devices after 4G was launched in December 2015 by one mobile operator. Internet media have suffered too, but most commentators suggest the drop in their share of advertising has been closer to 15 percent. Additionally, the authorities are beginning to pay heed to the importance of internet media; the blocking of one influential website might portend things to come.

The difficult operating environment in Belarus prevented the inclusion of input from an in-country panel discussion this year. This chapter represents desk research, interviews, and the results from questionnaires filled out by several people familiar with the state of media in the country.

BELARUS at a glance

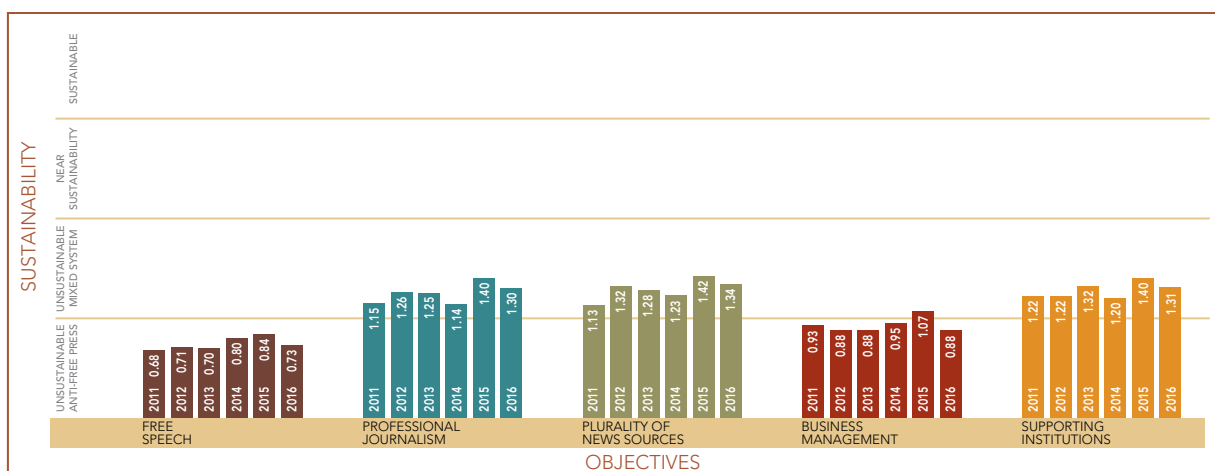
GENERAL

- > Population: 9,589,689 (July 2015 est., CIA World Factbook)
- > Capital city: Minsk
- > Ethnic groups (% of population): Belarusian 83.7%, Russian 8.3%, Polish 3.1%, Ukrainian 1.7%, other 2.4%, unspecified 0.9% (2009 est., CIA World Factbook)
- > Religions (% of population): Eastern Orthodox 80%, other (including Roman Catholic, Protestant, Jewish, and Muslim) 20% (1997 est., CIA World Factbook)
- > Languages (% of population): Belarusian (official) 23.4%, Russian (official) 70.2%, other 3.1% (includes small Polish- and Ukrainian-speaking minorities, unspecified 3.3% (2009 est., CIA World Factbook)
- > GNI (2014-Atlas): \$69.53 billion (World Bank Development Indicators, 2016)
- > GNI per capita (2014-PPP): \$17,610 (World Bank Development Indicators, 2016)
- > Literacy rate: 99.7 %; male 99.8 %, female: 99.7% (2015 est., CIA World Factbook)
- > President or top authority: President Alexander Lukashenka (since July 20, 1994)

MEDIA-SPECIFIC

- > Number of active media outlets: Print: 723 newspapers, 823 journals and magazines; Radio Stations: 173; TV stations: 100 (2015, Ministry of Information); Internet News Portals: 25 (2014, Gemius)
- > Newspaper circulation statistics: Top three by circulation SB. Belarus Segodnia (weekly circulation 2,000,000, state-owned), Komsomolskaya Pravda v Belorussii (weekly circulation 436,000, private, Russian-owned), Respublika, (circulation 160,000, state-owned) (December 2014, Medusa advertising agency)
- > Broadcast ratings. Top three by share: NTV-Belarus (14.8%), ONT (13.97%), RTR-Belarus (13.27%) (December 2014, GEVS)
- > News agencies: BelTA (state-owned), BelaPAN (private), Interfax-Zapad (Russian-owned), Prime-TASS (Russian-owned), Ecopress (private), Agentstvo Grevtsova (private), Minsk-Novosti (state-owned), Registr Information and Legal Agency (private) (Belarus Ministry of Information, 2014)
- > Annual advertising revenue in media sector: \$116.3 million (\$62.4 million television, \$19.9 million Internet, \$10.5 million print, \$6 million radio) (Vondel Media advertising group, December 2014)
- > Internet usage: 5,595,608 (www.internetworldstats.com, November 2015)

MEDIA SUSTAINABILITY INDEX: BELARUS



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Belarus Objective Score: 0.73

As documented in previous reports, the Belarusian constitution and several laws, including the media law, as well as international treaties ratified by Belarus, guarantee freedom of speech. Yet what the law actually says is less important than the arbitrary way in which it is oftentimes applied. “In 2015 little legislative change was introduced, instead the authorities worked hard at implementing the law on media and other acts adopted in late 2014. The blocking of website Kyky.org in June 2015 was a chilling illustration of the power of the new law,” one interviewee commented. On the other hand, the former “black list” of banned websites, including www.charter97.org, www.belaruspartisan.org, spring96.org, has been cancelled.

The laws impacting freedom of expression are kept menacing but vague. For example a media outlet may be punished by the government regulator, the Ministry of Information, over a minor technical mistake or for publishing information that turned out to be incorrect, even if there is no harm done.

As noted in last year’s MSI, in December 2014 the Belarusian parliament adopted amendments to the already restrictive media law that impose stringent rules on online media similar to those traditional media have had to abide by for

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

FREE-SPEECH INDICATORS:

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

many years. According to the vaguely worded provisions, any website that distributes information—including blogs and social networks—is considered to be a media outlet. Although no formal registration is required for online media, they can be closed down after two warnings from Information Ministry just like “regular media.” In addition, online media and hosting providers can now be held accountable for all comments posted on their websites, and the state’s power to block Internet resources has been extended. While previously only propaganda inciting war, violence, cruelty, or extremism could be blocked, now any information that can harm Belarus’s “national interests” may trigger the shutting down of a website, and materials published as far back as three months are allowed to be blocked.

Foreign websites have to receive permission to be distributed in Belarus. Other provisions allow the ministry to block access to any website if it violates those or other requirements. The new law also bans the distribution of information deemed to be extremist or capable of harming national interests, defined in similarly vague language as in other laws.

Confidentiality of news sources is guaranteed by law, yet may be overridden by a court order or a request from an investigating authority as part of a court hearing or criminal investigation. However there have been no cases demanding a source be provided to a court in recent times.

The media law requires registration of traditional media (print, television and radio stations, and news agencies). Both registration and licensing procedures remain cumbersome and politicized. Applicants need to provide numerous details on the would-be outlet, including topics to be covered, frequency, distribution area, as well as information about the sources of funding and the editor-in-chief. The latter must have a journalism diploma and at least five years of work experience as an editor. There must also be a company or a non-profit organization to act as publisher or a broadcaster.

There is no equal access to the frequency spectrum. The National State Television and Radio Company—a conglomerate of four television and five radio channels and five regional television and radio companies—as well as broadcasters founded by the president or the Council of Ministers—receive frequencies without a bidding process.

Meanwhile, in accordance with the law, frequencies are allocated via a tender administered by the Republic Commission on Television and Radio Broadcasting—the nine-member body of government officials headed by the minister of information. Applicants need to provide detailed information, most notably on what kind of programming the station will be offering. Successful bidders

are then required to receive a license from the Ministry of Communications and Informatization to use that frequency.

With few exceptions, market entry for media outlets is the same as for businesses in other sectors. Most notably, the media law restricts foreign ownership of broadcasters and publishers to 20 percent. Separately, publishers and broadcasters cannot be registered as sole proprietors. Media receive no tax breaks, although state-owned television and radio networks have been exempt from VAT and profit taxes for years.

Physical crimes against journalists remain rare. There is however continual harassment of media professionals: police interference with working journalists, usually during demonstrations, arrests and detentions for hooliganism, and ad-hoc “questioning” by the security services. In a somewhat positive development, the Belarusian Association of Journalists (BAJ), a domestic press freedom watchdog, reported about 19 counts of short-term arbitrary detentions of journalists in 2015, down from 29 a year earlier and 45 in 2013. “The lack of repression against journalists and media after the presidential election” is mentioned by BAJ as another positive trend of the year. At the same time, the number of incidents with police interference into journalistic activities increased in 2015 in comparison with the previous year. A total of 47 incidents were registered in 2015 (19 cases of detention and 28 administrative cases for cooperation with foreign media) versus 39 incidents (29 cases of detention and 10 administrative cases) in 2014.¹

A commentator noted, “Another important trend is the escalating campaign against freelance journalists cooperating with Belarusian media broadcasting from abroad, most notably, Belsat and Radio Racyja. There were more than 25 cases since March 2015, with some journalists fined several times.”

The law guarantees editorial independence of all media outlets, either private or state-owned (Belarus has no public media). The state-run media organizations however depend heavily on government paychecks and subsidized tariffs. More importantly, their editors are appointed by the government, with editors of key national outlets appointed by the president himself. Quite common are “coordination meetings” with editors of state outlets where they receive guidance on how certain affairs should be covered in order to maintain a consistent official line.

Libel remains criminalized in Belarus, punishable by up to six months in prison. Yet there were no reports of libel cases lodged against journalists or media outlets in 2015.

¹ <http://baj.by/en/analytics/e-newsletter-mass-media-belarus-bulletin-646-brief-annual-review>

Meanwhile every year Belarusian media face dozens of civil defamation suits. In such cases, a plaintiff does not have to prove actual damage to reputation and the burden of proof rests on the defendant. Plaintiffs often seek around \$5,000 (the country’s average annual salary) in damages.

An interviewee claimed, “Belarus has started its liberalization and turned a bit toward the west: there are no more detentions for 15 days or so as was once a popular sentence for arrested demonstrators or journalists covering marches. At the same time, the quantity of fines increases exponentially: in 2015, there were at least twice as many fines (in quantity and in amount) issued for journalists for doing their work.” Another commentator stated, “In the past, the Ministry of Information was the main regulator for the media, but now with new Law on Media, Law on Advertising, and numerous regulations on the internet—as well as due to the crisis—internet-media are regulated and monitored by many other state agencies, including the Ministry of Trade and tax authorities. This has had a really negative impact not only on freedom of expression but also daily operations and sustainability. It’s a struggle for survival, in which it’s almost impossible to think about development.”

As noted above, the law does not hold government officials to a higher standard with regard to proving damages. According to Belarusian laws, “insult of a representative of the authorities” is punishable by up to six months in jail. The penalty for “insulting the president” is up to two years in prison and “calumny toward the president” is punishable by up to four years.

Online publishers and hosting providers are still liable for litigation even if they take material down following an initial complaint. Many news websites therefore implement some sort of pre- or post-moderation policy to avoid potential legal implications.

The Belarusian government has sustained a culture of secrecy and many government agencies keep as much information as possible behind closed doors. Although the 2009 Law on Information, Informatization and Protection of Information guarantees access to, and distribution of, public information, it also allows many exemptions. Almost 60 state agencies, regional governments, and state-run companies have the right to qualify their information as secret. Furthermore, government officials are only allowed to talk to the press after a go-ahead from their bosses. Government public affairs officers (in many cases still named ideology officers) have been imposing more barriers onto journalists’ reporting practices for years.

A journalist’s right to information is no different from any other citizen. Before 2009, media requests for information

required a response within 10 days. After the revision of the media law, the only way to seek disclosure of public information is via the 2011 law on requests by individuals and legal entities. It requires an organization (or a government agency) to reply within 15 working days (30 days when additional inquiry is required).

Privately-owned media outlets, especially those that criticize government policies, have the most trouble receiving public information. In many cases government agencies refuse to release certain information (usually statistical data) on the grounds that it takes too long to retrieve it. Sometimes fees are charged for fulfilling an information request. Requests from private media are often dismissed on the grounds that such information has already been given to state-owned outlets. A largely unregulated system of accreditation is another tool to keep critical reporters away: private outlets are sometimes denied accreditation on the grounds that a sufficient number of other outlets (in most cases state-run) have already received accreditations and can offer sufficient coverage.

The government does not restrict access to and use of both domestic and foreign news sources. Copyright definitions remain vague and many news organizations borrow stories from other outlets without even rewriting them, although in many cases credit is given to original sources. Use of pirated photos is widespread.

Entry into journalism remains unrestricted. Still, the media law defines a journalist as a staff member of an officially registered domestic news outlet. Citizen journalists, bloggers, and freelancers are considered non-journalists and lack those very few benefits their official status might have given them. One of those is fewer problems with law enforcement agencies during newsgathering. People using professional photo and video equipment in the streets might expect to have their press credentials checked by the police. Another is access to events that require accreditation, which one receives from an officially registered media outlet.

Reporting for a foreign news outlet requires accreditation with the Ministry of Foreign Affairs. So-called exiled Belarusian media (registered and broadcasting from outside of Belarus) struggle the most. Belsat has been refused repeated and annual requests for accreditation making the work of its journalists a constant stress and legal challenge. Euroradio has succeeded in maintaining a registered bureau since 2009, with between 10 and 12 accredited journalists but the accreditation is kept on an annual basis. All requests for a three-year accreditation have been refused.

State journalism schools apply ideological vetting as part of the student application process. Yet the process is more of a formality as there are almost no denials on the grounds

of political loyalty. Belarus still has a Soviet-style practice of obligatory job placement for university graduates. Graduates of tuition-free programs are required to work for two years wherever the commission of university and government officials sends them. Most of these positions are with small regional newspapers.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Belarus Objective Score: 1.30

As reported in previous MSI editions, the Belarusian media fail to meet high standards of professional journalism. The main obstacles preventing journalists from producing quality reporting and carrying out their work includes restricted access to public information, a lack of human resources, the dominance of state owned and state controlled media, and varying degrees of self-censorship.

State-run outlets have long been swayed into toeing the government line and are allowed very little space to criticize the government's policies or to hold officials accountable. Private outlets are more likely to follow standards of fairness and accuracy.

Attempts by private outlets to receive comments from government officials are largely stonewalled. Sometimes, when a story requires several opinions, objectivity is simulated by providing quotes from several people who share similar views, rather than giving a different perspective.

Belarus has two professional associations of journalists: the state controlled Belarusian Union of Journalists and the independent Belarusian Association of Journalists. Both organizations have codes of conduct that are quite similar and seek to promote standards of accuracy and fairness.

However most outlets are pressured into self-censorship, which remains entrenched across the industry.

In general, state-run media have to follow government-mandated editorial guidelines or at least be selective about the topics they choose to cover. Therefore there is no positive coverage of the opposition. At the same time, state-controlled outlets might address social issues, even criticize certain problems and provide critical coverage about a local official. Yet they would never directly discuss weak laws or dysfunctional government policies.

Despite the pressure, both political and economic, independent outlets report on most issues, including the financial crisis. There remain some 60 independent publications in Belarus, made up of 20 newspapers (6 national and 14 regional), and 15 national independent online media.

The remainder are niche media such as City Dog, 34Mag, Kyky.org, and periodicals such as Arche Magazine (covering culture) and Delo Magazine (business-oriented).²

Pay levels in the media remain low. There also remains a significant variation between national and regional media outlets, and in many cases between state-owned and private (the former sometimes pay twice as much). Those working for local private newspapers tend to be at the lower end of the pay scale. Reporters in regional outlets can expect around \$150 to \$200 a month and up to \$400 to \$500 in the capital, and editors earn 30 to 50 percent more. Meanwhile, the national monthly mean salary is \$300. In order to earn a livable amount of money, many journalists tend to work for multiple outlets or take part-time jobs in other sectors, most notably public relations and advertising. Some are leaving for other sectors, and very few outlets can afford to hire new staff as downsizing is not uncommon. The financial crisis and drop in advertising revenue is merely exacerbating an already bad situation.

The level of pay impacts the quality of journalism, as does the economic well-being of the media. Although there is significant training available many outlets do not have the resources to implement best practice and allocate sufficient time for journalists to produce quality reports. One interviewee, however, commented that there has been a “definite increase in and improvement in photo and data journalism capacity in Belarus due to donor supported capacity building (but no improvements in the state media). There’s also been a lot of strengthening of

² http://www.belpost.by/download_files/urpsmi/Kat_percent20RB_1-2016.pdf

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

photojournalism with an increase in the use of Belarusian generated content (rather than Russian); a good example is ‘Memory photo’³ showing in striking visuals the losses on Ukraine’s eastern front.”

As noted elsewhere the terms of broadcast licenses seriously limit news and information content while allowing entertainment. Russian entertainment content is prevalent, as is almost any other form with the usual strong showing of American entertainment.

Both state and non-state media have sufficient newsgathering equipment. State media are generally better equipped as professional photo and video equipment is too expensive for most media, especially regional media. However, cheap modern alternatives including smartphones and pirated software are common.

An interviewee commented that given the growing financial constraints “in-depth and investigative journalism remain rare, as does well researched quality reporting and following an issue over time. Euroradio [based in Warsaw but accredited with a bureau in Minsk] is one of the leading producers of original content along with TUT. by [a leading portal with an increasing focus on news], *Nasha Niva* [a national newspaper] and Naviny.by and Belsat [Warsaw-based satellite television], a small number in the national context.”

OBJECTIVE 3: PLURALITY OF NEWS

Belarus Objective Score: 1.34

Belarus has a large number of media of many different kinds. However the quality and content vary significantly and many outlets do not produce their own news or unique content. For this reason the quantity of outlets does not translate into a variety of viewpoints offered within the Belarusian media landscape. In addition, the quality and depth of reporting are limited due to the worsening financial constraints of the media and by political and social constraints.

According to official data, Belarusians are exposed to a multitude of media voices. A country of 9.5 million people has almost 1,900 “traditional” media outlets. There are 723 domestic newspapers, 823 magazines and journals, 42 bulletins, 12 catalogues, 100 television stations, 173 radio stations, and nine news agencies, according to the Ministry of Information. Together, there are around 4,000 foreign and domestic newspapers and magazines available

³ <http://vasukovich.com/foto-na-pamyat>

as well as 200 foreign television channels are distributed throughout the country. There are hundreds of online media organizations that are exempt from official registration with the government, therefore there is little data on the number of these organizations.⁴

An interviewee explained: "In the past year nothing has changed significantly; no external broadcaster got a license to broadcast inside Belarus, no internal broadcaster shut down. The leading online sources of news stayed generally the same. Maybe governmental sources such as BELTA state news agency or *SB - Belarus Today* newspaper of the administration of the president increased their ratings a bit, but otherwise there's been no real change. Russian pro-Kremlin media continue to play a significant role, with their news and entertainment shows available on TV channels that are free of charge."

There has been no new media consumption data since the 2014 MSI, which states that an average Belarusian is watching seven television channels, accessing five websites, reading three newspapers and listening to three radio stations. Television remains the most popular source of news, with 84.9 percent of those polled saying they are using it to receive news and information. That is, however, 7.7 percent less than in 2013. Online media yielded 64.5 percent (2.4 percent more than in 2013). Newspapers and radio are less popular as sources of news, with 32.6 and 29.4 percent respectively. Furthermore, both demonstrated a huge decline (41 and 34.3 percent respectively) compared with 2013.

Approximately 70 percent of all registered outlets are privately-owned—yet state-run media organizations dominate the market in terms of audience. However the terms of registration for many private outlets require them to offer little or no news and analysis, and to focus almost exclusively on entertainment.

Most media that do touch on news and information do not vary from the official content of the state dominated media. A few outlets do try to offer alternative viewpoints, most notably Euroradio, Belsat, *Nasha Niva*, and TUT.by; although the latter also aggregates news from a multitude of sources it is increasingly generating its own content. A commentator noted, "...despite the tremendous pressures, independent media have impact on public opinion in Belarus and their popularity, especially of online media, is growing. The majority of Top 50 news and information websites in Belarus are either independent or opposition run [according to Akavita ratings; note three of the top 10 are state-run media]. Independent media are successful in using social networks as additional channels of disseminating news

⁴ <http://www.belarus.by/en/about-belarus/mass-media-in-belarus>

and information. They have many followers, their posts are clicked, shared and discussed. State media websites have few readers and their communities in social media (when they have them) are dead."

An interviewee noted, "A positive trend is the development of online niche media, like CityDog.by, Kyky.org, or 34mag.net with clearly targeted audiences, a good sense of building communities, and understanding the nature of internet communication. They create original content, innovate with technologies, and show some success with monetization through native advertising and additional services."

Access to both domestic and foreign media is not restricted by law. However, in order to be distributed in Belarus, foreign outlets or their distributors require permission from the Ministry of Information. Installing a satellite dish requires a permit from local housing authorities, yet that is a mere formality. Besides, as internet access is getting faster and cheaper, more people are choosing IPTV over satellite television. Improvements of online access and other telecommunications mean that access to foreign and alternative sources of information continues to increase. However, the economic crisis is bringing affordability into increasing question. Subscriptions to printed material is increasingly difficult to afford, pushing many people to online alternatives. A 2015 poll showed 93 percent of 18 to 29 year olds got their news online, but for 61 and older that drops to just 22.8 percent.⁵ Foreign media too are

⁵ <http://mediakritika.by/article/3451/kto-chitaet-novosti-v-internete> (research published in November 2015)

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

increasingly turning to pay per view options, limiting their availability.

Nine media companies are registered with the government as information agencies, yet only four of those companies—BelaPAN, BelTA, Interfax-Zapad, and Prime-TASS—sell newswire services to other media. BelTA and BelaPAN are domestic media organizations, while Interfax-Zapad and Prime-TASS are Russian-owned.

There is no discrimination on the part of news agencies in supplying news to media organizations, yet state-controlled outlets rely on services provided by BelTA, the official agency of the Belarusian government, and sometimes Interfax-Zapad. Private outlets are more likely to choose BelaPAN, a privately owned agency, since it offers more balanced coverage with alternative opinions. Only a handful of large media can afford the services of international news agencies like the Associated Press, Reuters, and AFP. At the same time, pirating of their material including photos is common.

On average, domestic news agencies charge approximately \$300 per month for daily news updates and twice as much for real time/hourly news alerts. Apart from newswire services and news websites, BelaPAN and BelTA offer photos, multimedia stories, and infographics. BelaPAN sells specialist analytical reviews on a variety of topics. BelTA, publishes a weekly newspaper and an economic journal, as well as building and maintaining websites for local media outlets and government agencies.

Although the Ministry of Information has over 1,200 private outlets in its registry, few of them produce their own news or information content. Most magazines and newspapers offer entertainment or practical advice on things like cooking or gardening. Private broadcasters also supply entertainment content with current affairs constituting a very small proportion of their overall output, in most cases restricted to local non-political news, sports, accidents, and weather. Radio stations are music-based and television stations rely on entertainment and other programming provided by Russian television networks. There are no independent radio or television stations broadcasting from within Belarus and with a Belarusian broadcasting license.

Still, there are several dozen private newspapers, both local and national, that cover current affairs and offer independent outlooks on current affairs. They are more likely to offer unbiased coverage and alternative viewpoints. Reliance on stories syndicated from other sources is widespread, especially amongst online media; and not infrequently with disregard to copyright issues.

Private media ownership is not concentrated, however media as a whole are largely in the hands of the government, which controls more than 600 outlets. Foreign ownership remains insignificant, with Russian companies owning two popular newspapers, Komsomolskaya Pravda v Byelorussii and Argumenty i Fakty, two news agencies, Interfax-Zapad and Prime-TASS, and VTV, an entertainment television channel. The media law forbids foreign citizens and companies from holding more than a 20 percent stake in Belarusian media businesses. The media law requires disclosing the owners of founding companies behind traditional media organizations.

Belarusian media mostly focus on domestic issues. Many outlets cover local and international affairs, yet to varying degrees. Local media organizations tend to concentrate on local and regional news, and also report extensively on national ones. Their international perspective is rather limited and in many cases neglected. National outlets mostly offer a mix of national and international news and analysis and their coverage of regional and local news remains scant. At the same time aggregation of news from other outlets is quite common across the sector.

OBJECTIVE 4: BUSINESS MANAGEMENT

Belarus Objective Score: 0.88

The media business environment, mimicking other business environments in Belarus, is not a normal market environment. Media, neither state nor independent, can be described as efficient enterprises. State media and private media under state influence are subsidized directly with funding and indirectly with political support. Independent media are subsidized by international support. The advertising market is small and shrinking and is—as described above—not free of political influence.

Media outlets do not disclose financial statistics that would allow one to gauge performance. Even the government, the biggest media owner, is reluctant to report on how it manages public assets. Over the past 12 months in particular, but also in previous years, most independent media have received significant professional support in order to produce business plans, consolidate newsrooms (combine online, print, and broadcast production). Marketing and sales management support and training have also been provided. However during the same period the advertising market has shrunk and international support has dropped, and the Belarusian market and currency have been very unstable. The result is a turbulent economic environment, where even short- and mid-term budgeting is problematic.

Having certified accountants is a legal requirement. Large companies hire dedicated specialists to supervise advertising sales but often issues like finance, marketing, and personnel management are dealt with by the director of a media company, who is also oftentimes the editor-in-chief. That is especially common for smaller outlets. Few media can afford even part-time lawyers to take care of compliance with the many regulatory requirements imposed by the authorities, and many hesitate to pay for even ad-hoc advice.

Most outlets have several sources of revenue. The government directly supports state owned and run media organizations and also provides indirect support in the form of tax breaks and subsidized rent. State-imposed press subscriptions underpin the circulation of many state newspapers. At the same time many government-owned outlets also depend on advertising revenue; their subsidized status allows for them to undersell their privately owned competitors.

Advertising sales are essential for private outlets and newspapers also depend on copy sales. Many local media organizations also rely heavily on publishing personal messages like birthday greetings. In some cases, outlets depend on the owners' revenues from other businesses or are sustained by grants from foreign donors.

One interviewee said, "The advertising market dropped some 20 percent over the year, but within the online advertising market there was moderate growth of 10 percent as this is the most active sector in the industry and it has been boosted by increased internet penetration, increased use of and accessibility to computers, tablets, and smartphones and the advent of 4G. The relative and steady reduction in the cost of connections is also boosting online consumption and the online market."

Most of the lucrative advertising accounts are managed by a handful of international advertising agencies. It is not uncommon for smaller media organizations, especially regional ones, to rely on their own advertising sales teams and revenues from small private businesses. In some cases, the media are reluctant to offer discounts on their headline prices to advertising agencies, although that is a common practice.

Although many owners feel pressure to sell more advertising, the law restricts the amount of advertising to 30 percent in newspapers and magazines (25 percent in state-owned titles) and 20 percent on radio and television (including 30 percent during primetime). To accommodate more advertising, some newspaper owners also publish freestanding non-news titles that are not subject to an advertising cap. Those titles are usually distributed as inserts in the newspaper.

Only large web portals like TUT.by or Onliner.by have successfully monetized their existing online traffic. One interviewee said, "More independent media are trying to experiment with monetization models as international support drops, but these are mostly informal youth, travel, and culture outlets such as citidog.by, 34travel.by, etc. who develop and sell info projects. Horki.info and some other outlets with a significant readership base are trying monetizing through context advertising. But otherwise there've been no significant changes."

Government subsidies continue to distort the media sector by propping up hundreds of state-owned outlets as noted above. State-controlled media enjoy indirect subsidies in the form of discounted newsprint, printing, and postage fees, lower rent, etc. The three biggest state-owned media companies, television networks ONT and STV and the National State Television and Radio Company, have been exempt from value-added and income taxes for several years.

The government and state-controlled companies buy very little advertising, yet both state and private businesses have been under pressure for many years to not place advertisements in outlets critical of government policies. The law also requires businesses and non-profit organizations to publish their legal notices in certain state-owned newspapers.

Market research is limited in Belarus and what exists is underused. State-run media, for example, do not feel the need to adjust their editorial policies or strategic goals to audience needs. Some professional research is being contracted though, usually commissioned either by advertising agencies or large media companies, and at times

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

international donors. In most cases, media organizations do not have access to their results. And even if they did, the media would be unlikely to utilize the results. Surveys usually research the national market leaving smaller outlets, especially regional outlets, with little information to inform editorial policies or pass on to potential advertisers.

Some media companies occasionally run their own in-house surveys, usually via online or paper questionnaires. In order to tailor their content and lure advertisers, many outlets rely on the likes of Google Analytics to track traffic on their websites.

Several private companies produce broadcast ratings, press readership data, and Internet statistics. GEVS offers television ratings (obtained via Peoplemeters) and also measures radio and press audiences via phone interviews.

The internet research company Gemius provides good Internet statistics. It uses a combination of website counters, online panels, and offline research and offers both usage statistics and demographic profiles. Many outlets with an online presence rely on basic data provided by the online counter Akavita, in most cases to keep track of competing outlets. Meanwhile, advertisers rely on stated print-runs from newspapers and magazines, as there is no audit of circulation.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Belarus Objective Score: 1.31

Two new initiatives, though small, have potential to have an impact on the ability of supporting institutions to serve the media sector. Mediakritika.by is a promising online initiative that fills the gap where the traditional players like the Belarusian Association of Journalists (BAJ) are slow to react. An interviewee said they “raise questions on quality of journalism, promote ethics, and pay attention to media coverage of underrepresented groups. Mediakritika works with journalists from state and non-state media and is a popular resource among media professionals.” The other is the Press Club Belarus in Minsk, which aims primarily to promote exchanges between Belarusian and international journalists and act as a source of information and networking for Belarusian journalists. The Press Club Belarus is an associate member of the International Association of Press Clubs and supported by Press Club Polska in Warsaw. Press Club Belarus was founded by 18 journalists, editors, and publishers from independent Belarusian media.

Trade associations of newspaper publishers, television broadcasters, and cable operators as well as print distributors exist in Belarus. United Mass Media represents 13 regional newspaper publishers in central and western

Belarus. The Telecommunications Industry Union has almost 100 members, mostly local television stations and cable operators (as stated above none are independent). The Union of Publishers and Press Distributors serves the press distribution industry. It has eight full members (state-owned press distribution companies) and 17 more affiliated members (mostly printing houses, yet also several newspaper publishers). All of those organizations have hardly had any role in shaping the way their industry works. They mostly provide networking and learning opportunities for their members, attempt to sell advertising in bulk, and purchase newsprint and programming rights.

There are no trade unions for journalists in Belarus, yet media workers have two professional organizations to choose from. The Belarusian Union of Journalists (BUJ), the “official” organization for journalists, brings together around 2,000 media professionals employed by state-controlled outlets. The independent BAJ has more than 1,000 members, mostly from private outlets. Both organizations vow to promote quality journalism and have developed ethical codes that members are obliged to follow.

BAJ is much more active in protecting the rights of journalists and freedom of speech in general. In addition to providing legal assistance to its members, BAJ monitors and publicizes information about violations of free speech. The BUJ is largely subservient to the government and a hangover from the Soviet era union. BAJ runs several professional development programs and also provides legal support and advice to journalists.

Domestic NGOs remain weak. There are no organizations—other than BAJ—dealing specifically with issues related to free speech. Under its mandate, however, BAJ is only allowed to protect its members. Elsewhere, human rights groups and think tanks sometimes deal with such issues. Most notably, Viasna and the Belarusian Helsinki Committee react to violations of freedom of expression by providing legal defense and publicity.

Several universities offer journalism degrees; most notable is the Journalism Institute at the Belarusian State University in Minsk. The institute offers courses in print, broadcast, and online journalism, as well as editing, media management, and international journalism. It has 1,500 students. Independent media criticize the curricula and the quality of training as “overly theoretical.” As a result many graduates are not job-ready. Similar training is offered by state universities in Brest, Homiel, Hrodna, and Viciebsk, as well as several private institutes in Minsk.

The European Humanities University (EHU) operates as an exile Belarusian university in Vilnius, Lithuania. EHU has several hundred students divided among four relevant

majors; mass communication and journalism, visual culture (cinema, television and Internet), design and visual media, and new media. The education they offer is definitely more liberal, and modeled on Western rather than Soviet standards and the university offers practical training in a modern multi-media journalism facility for students established with the support of the European Union.

Employment prospects for graduates in the media industry are bleak. Many graduates choose other sectors, most notably public relations and advertising. As noted above, graduates of state journalism schools who receive their diplomas for free are subject to mandatory job placements. They have a choice of working either wherever the government would send them or reimbursing the cost of their tuition. Usually, most of these job placements are with small newspapers run by local governments, with salaries of up to \$200 per month.

Short-term training opportunities are plentiful. Numerous training courses are offered for free by both domestic and foreign media development organizations as well as professional and trade associations. Formats vary from one-day webinars and master classes to workshops, long-term distance learning, and mentoring. Most training opportunities still target newsroom staff. There has been a recent increase in needed capacity building in finance, marketing, and advertising.

There has also been a welcome increase in training for web editors, website managers, and those responsible for social

media marketing as international donors have increasingly recognized the importance of online media.

Access to printing plants and sources of newsprint remain politicized and strictly controlled by the government. Most printing houses are state-owned and only three private companies are licensed to print newspapers. The law holds owners of printing facilities responsible for the content of printed materials they produce. Most newspapers are printed domestically and at state-run printing plants. Panelists said that price discrimination against privately-owned newspapers is a common practice. At the same time some glossy magazines are printed abroad, in Ukraine, Lithuania, or Latvia.

Similar to printing facilities, press and broadcast distribution channels are controlled by the government. Most news is sold via Belsajzdruk, a state-owned network of around 1,500 newspaper kiosks. Press subscriptions are mostly handled by state postal monopoly Belposhta. Around a dozen private regional newspapers have been denied access to either one or both of those distribution systems since 2006. They have relied on their own distribution systems ever since, as well as sales at private shops. Digital subscriptions remain insignificant. Most television and radio broadcasting equipment is state-owned; few independent transmitters are controlled due to strict licensing and compliance procedures. Many cable networks are owned by private companies, yet local governments approve the list of channels that are included in the packages.

Internet and telecommunications infrastructure continues to improve in Belarus, most notably with regards internet penetration which exceeds 71 percent (among those aged 15 to 74) and 61 percent of internet users surf the web every day. Internet subscriptions are increasingly affordable, and with the exception of less populous rural areas, the country is well served by both mobile operators and internet service providers.

Although Belarus has several points of entry for international internet connectivity, almost all of the traffic in and out of the country flows through systems owned by the state monopoly Beltelecom. All internet service providers are required by law to filter websites.

List of Panel Participants

Note: The difficult operating environment in Belarus prevented the inclusion of input from an in-country panel discussion this year. This chapter represents desk research, interviews, and the results from questionnaires filled out by several people familiar with the state of media in the country.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Instead, the political battles polarized the media, some of which openly went to the barricades. For example, some of the most influential media outlets, affiliated with the DP, covered the local elections with heavy bias in favor of DP candidates.



MOLDOVA

In 2015, the Republic of Moldova went through a profound sociopolitical crisis. The contest between pro-European and pro-Russian parties in the March elections for governor of the Autonomous Territorial Unit of Gagauzia, the local general elections in June, scandals related to the airport concession in 2013, and the plundering of three banks—including the largest, BEM—known as “the theft of the billion” all shook Moldovan society. The elections in Gagauzia were won by the former Communist and pro-Russian Irina Vlah. In Chişinău, the incumbent Liberal Party mayor won a heated contest against the pro-Russian Socialist Party candidate. In Bălţi, the largest city in the northern part of the country, Renato Usatai, a controversial politician and businessman with dealings in Russia and the leader of Our Party (OP), won decisively the election for mayor. Ilan Shor, another controversial businessman who, according to the media, was involved in the “theft of the billion” and was tied to several criminal cases, became the mayor of Orhei, located 40 kilometers from Chişinău.

Five prime ministers were replaced in 2015. When the government of Iurie Leancă was not approved by Parliament at the beginning of the year, Leancă left the Liberal-Democratic Party of Moldova (LDPM). In February, after voting with the Communist Party (CPRM), the LDPM and the Democratic Party (DP) invested a minority government headed by Chiril Gaburici, who resigned in mid-June. At the end of July, a new LDPM government run by Valeriu Streleţ was invested. He was discharged on October 29 as a result of a no-confidence motion. By the end of the year, no new government had been invested by the Parliament.

The political instability in the country generated social instability. In the spring, the so-called civic platform Dignity and Truth was established and organized protests against the government in Chişinău and elsewhere that saw the participation of tens of thousands from all over the country. On September 6, the platform announced non-stop protests and set up tents in front of the Large National Assembly, the main square in the country. At the end of the year, the members of Dignity and Truth announced that they would create a political party.

Compared with last year when the EU Association Agreement was signed, the pro-European messages of the authorities and of the media saw a dramatic decrease in intensity and visibility. Instead, the political battles polarized the media, some of which openly went to the barricades. For example, some of the most influential media outlets, affiliated with the DP, covered the local elections with heavy bias in favor of DP candidates. Persistent propaganda from Kremlin-controlled Russian stations rebroadcast in Moldova and an online portal of the Russian multimedia news agency Sputnik was launched in Chişinău, further destabilizing the media sector.

MOLDOVA at a glance

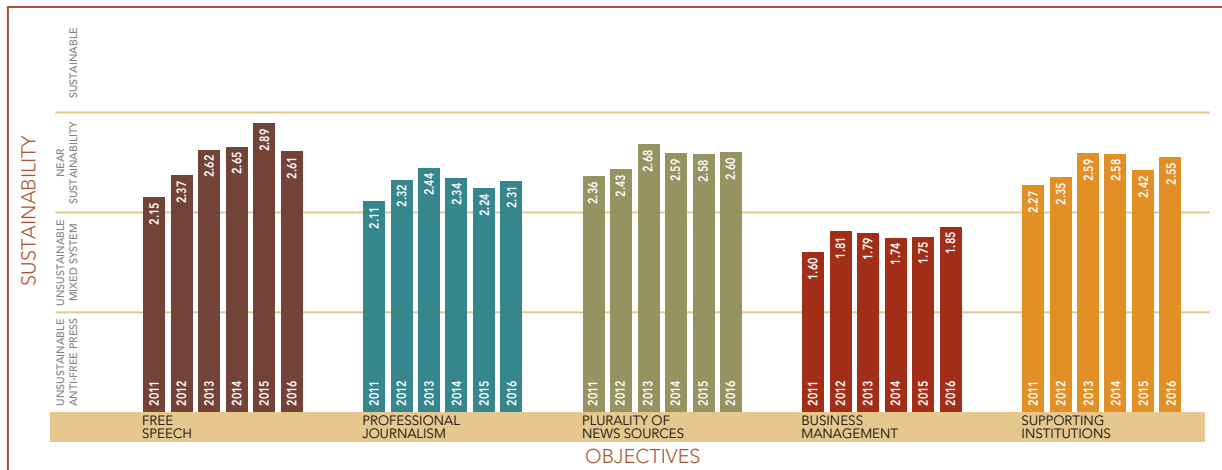
GENERAL

- > **Population:** 3,546,847 (July 2015 est., *CIA World Factbook*)
- > **Capital city:** Chişinău
- > **Ethnic groups (% of population):** Moldovan 75.8%, Ukrainian 8.4%, Russian 5.9%, Gagauz 4.4%, Romanian 2.2%, Bulgarian 1.9%, other 1%, unspecified 0.4% (2004 est., *CIA World Factbook*)
- > **Religions (% of population):** Orthodox 93.3%, Baptist 1%, other Christian 1.2%, other 0.9%, atheist 0.4%, none 1%, unspecified 2.2% (2004 est., *CIA World Factbook*)
- > **Languages:** Moldovan 58.8%, Romanian 16.4%, Russian 16%, Ukrainian 3.8%, Gagauz 3.1%, Bulgarian 1.1%, other 0.3%, unspecified 0.4% (2004 est., *CIA World Factbook*)
- > **GNI (2014-Atlas):** \$9.090 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-PPP):** \$5,500 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 99.4%; male 99.7%, female 99.1% (2011 est., *CIA World Factbook*)
- > **President or top authority:** President Nicolae Timofti (since March 23, 2012)

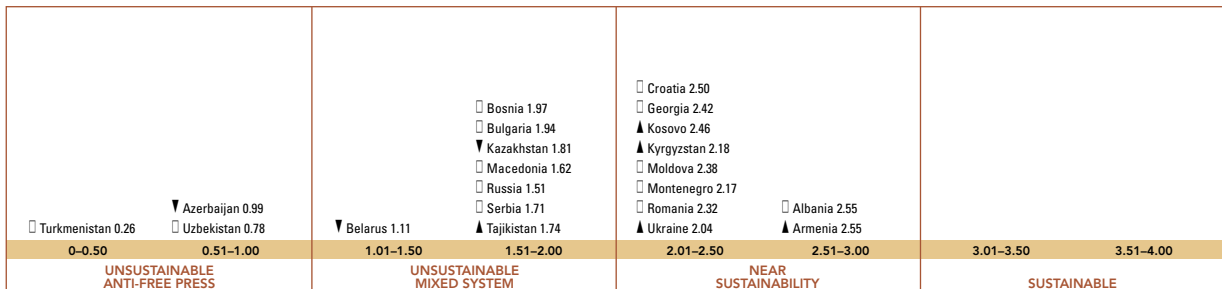
MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 171 newspapers, 258 magazines (National Bureau of Statistics, 2015); Radio Stations: 58 (Broadcasting Council, 2015); Television Stations: 72 (Broadcasting Council, 2015); Internet News Portals: top three: point.md, protv.md, unimedia.md (Gemius, 2015)
- > **Newspaper circulation statistics:** *Komsomolskaia Pravda* (37,802), *Argumenti l Facti* (14,000), *Makler* (11,331), *Antenna* (11,268), *Unghiu* (10,000), *Timpul de dimineata* (6,488), *Ekonomiceskoe Obozrenie* (5,651), *Panorama* (3,300) (BATI, 2015)
- > **Magazine circulation statistics:** *Rabotai & Otdahai* (8,000), *Aquarelle* (3,500), *Business Klass* (2,500) (BATI, 2015)
- > **Broadcast ratings:** Competing surveys produce dissimilar results. According to IPP (2014): Top three television: Prime TV (private), Moldova 1 (public), Jurnal TV (private). Top three radio: Radio Noroc (private), Radio Moldova (public), Russkoe Radio (private). According to AGB Moldova (2013): Top three television: Prime TV, Moldova 1 and TV7; Top three radio: Hit FM, Russkoe Radio, and Radio Noroc
- > **News agencies:** IPN, Moldpres (state-owned), Infotag, Info-Market, Sputnik Media, Basa-press, Deca-press, Novosti-Moldova
- > **Annual advertising revenue in media sector:** Television: €14.48 million; Radio: €0.6 million; Internet: €2.7 million; Print: €2 million (AAPM, 2015 est.)
- > **Internet usage:** 1.6 million (2014 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: MOLDOVA



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Moldova Objective Score: 2.61

National legislation guarantees the freedom of speech and is largely compliant with EU norms, but its enforcement by the government is flagging. This is why Objective 1 scored about three-quarters of a point lower than the 2.89 it achieved last year. Petru Macovei, the executive director of the Association of Independent Press (AIP), said, “During the reporting period, claiming the need to eliminate foreign propaganda—mainly from Russia—Parliament tried to enact two draft laws that could have jeopardized the freedom of expression and the editorial independence of media institutions.” The draft laws raised concerns among media NGOs; their call to reject them that was signed by more than 20 NGOs in Moldova. Dunja Mijatović, the OSCE representative for the freedom of the press, also harshly criticized the draft laws. Not all developments were negative: media law expert Olivia Pîrțac pointed out, “The legislative framework was not amended radically in 2015 but was complemented with provisions to ensure the transparency of ownership of media institutions.”

Legislation in the Transnistria region also guarantees freedom of speech on paper, but this right is violated routinely by the authorities. Luiza Dorosenco, director of the Media Center in Tiraspol, said, “The law stipulates that the

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

FREE-SPEECH INDICATORS:

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

officers of state media are, according to principles of parity, the president and the Supreme Council [the local Parliament]; the Supreme Council has currently been removed from the list of officers. Its representatives have complained several times that they cannot access state media.”

Legislation in Moldova stipulates that radio and television stations must be licensed. The licenses are granted by the Audiovisual Coordinating Council (ACC), the national regulatory authority in this field. The ACC has been constantly criticized for how bids for granting broadcasting licenses are conducted. The panelists expressed a common view that the ACC is politically influenced in its decision-making. Galina Zablovskaya, executive director of the Association of Advertising Agencies (AAA), said, “All attempts to appoint ACC members based on criteria of professionalism have failed.”

In 2015, the ACC received three new members, one of whom was the former minister of culture in the CPRM government. He was expelled from the CPRM after he voted in May to suspend rebroadcasts by television station Rosiia 24 in Moldova, a decision contested by the CPRM. The ACC decision was unanimous and came in the wake of their monitoring of several television stations to check how they covered events in Ukraine. According to the panel, it might have seemed that the ACC was making efforts to fight propaganda; however, in reality, it reacted to a complaint from LP member of parliament (MP) Gheorghe Brega, who said that Rosiia 24 broadcast a film in which it justified the annexation of Crimea, and to a complaint by Nicolae Dudoglo, candidate for governor in Gagauzia, who felt that this station was biased in covering the election campaign. “In fact,” said Rodica Mahu, editor-in-chief of *Jurnal de Chișinău*, “the ACC only pretended to fight propaganda because the Russian media group Sputnik broadcasts in Chișinău on the frequency of the radio station Univers FM without a license. We notified the ACC of this, and their answer was that no station in the country has a contract for rebroadcasting radio station Sputnik from the Russian Federation. Nevertheless, Sputnik radio station broadcasts with no impediments, and the ACC keeps silent.”

Legislation does not restrict the entry of media outlets into the market or make any provisions that might force media to operate under unequal conditions compared with companies in other sectors. Ruslan Mihalevschi, editor-in-chief of the newspaper *SP* in Bălți, said, “National media outlets should have some tax breaks compared with foreign entities, otherwise many independent newspapers, especially local ones, might disappear.” Andrei Bargan, owner and manager of Media TV in Cimișlia, regretted that only the “print media are exempt from VAT but not the broadcast media.” “According to the law, entry into the market is free, but it

“In fact,” said Rodica Mahu, editor-in-chief of Jurnal de Chişinău, “the ACC only pretended to fight propaganda because the Russian media group Sputnik broadcasts in Chişinău on the frequency of the radio station Univers FM without a license.”

is extremely difficult given the monopolies in the broadcast market and in commercial advertising,” noted Macovei. Macovei was referring to the fact that DP leader Vladimir Plahotniuc is the owner of four of the five national television stations and believed to also control the advertising agency Casa Media Plus SRL, which controls about half of the television advertising market. A similar situation can be seen in the Transnistrian region. “The state media receive subsidies from the budget, but the independent media do not receive any support from the state and are left on their own,” Dorosenco reported.

Moldova demonstrated that it is a relatively safe country for journalists, as serious offenses against them are rare. However, 2015 was tumultuous, with many street protests that saw plenty of incidents involving journalists, photographers, and camera operators. “Some incidents were widely publicized, but the media did not monitor whether those who were guilty of assaulting journalists were sanctioned or not,” noted Pîrţac. “The only exception was the case of journalist Vadim Ungureanu from the news portal deschide.md who, after being abusively detained last year, claimed illegal actions were committed by the employees of the Penitentiary Institutions Department. The General Prosecutor’s Office opened a criminal case that the media widely reported,” recalled Valentina Enachi, department head of the University of European Studies of Moldova (UESM). It should be noted that at the beginning of October, a press release from the General Prosecutor’s Office stated, “The Anti-corruption Prosecutor’s Office finalized the criminal investigation and filed criminal accusations against three employees of Penitentiary No.13 of Chişinău with the Central Court for abuse of power in the case of journalist Vadim Ungureanu.”¹

The panelists cited more than 10 cases of intimidating journalists that occurred in 2015. In March, for example, Jurnal TV announced that one of its reporters was assaulted by the companion of a DP MP, while in July it announced

that its news crew was assaulted in the Orhei mayor’s office. In August, a deputy general director of the National Agency for Food Safety tried to intimidate RISE Moldova reporter Vladimir Thoric, accusing him of making an on-the-spot investigation into attempts to circumvent the Russian embargo on fruit. The incident inflamed public opinion and the government discharged the deputy general director. During the protests by Dignity and Truth in November, the demonstrators physically assaulted a cameraman of the portal Today.md, who suffered a concussion. In December, Ana Harlamenco, the former president of public company Teleradio Gagauzia (GRT), announced at a press conference that some politicians put pressure on the regional press and its managers on the eve of the elections for the Popular Assembly of Gagauzia.

Program host at Publika TV Vitalie Dogaru considered, “The polarization of society has made the criticism of journalists’ actions more acute. On September 6, during the meeting held by the Dignity and Truth platform, a group of people asked for the removal of the news crew of Publika TV. There are journalists who refuse to attend such events fearing they will be assaulted or subjected to ill-treatment.”

“In the Transnistrian region, journalists, bloggers, photo-reporters—nobody feels protected,” said Dorosenco, recalling the famous case of the activist and journalist Serghei Ilcenko, arrested by the Tiraspol security forces for “extremism” based on posts he made on social networks and opinions he expressed in the forums in the Transnistrian region. The journalist was detained for four months.

Regarding the legal independence of public media, media law expert Pîrţac said, “National legislation protects their editorial independence, and the funding is transparent; however, the enforcement of the legislation is flawed, which was demonstrated in 2015 especially on the occasion of the ‘mock’ election of the president of Teleradio-Moldova [TRM] and of the members of the Observers’ Council [OC].” “The funding is transparent but not sufficient as the law says and, when there is no money, it is very difficult to have editorial independence,” added journalist Valentina Ursu of Radio Free Europe. Macovei said that in 2015 the OC members were also appointed based on political criteria contrary to the legislation: “Of the new OC members, one was a former ACC member, one was the former manager of the Press Service of the Ministry of Information, Technology, and Communications, and one was the former head of the press service in the Filat government.”

The panelists were skeptical about the capacity of the OC to monitor the editorial independence of TRM given that after it did not operate in 2014 because of the lack of a quorum (only three out of nine members were in office). It resumed

¹ <http://media-azi.md/ro/stiri/trei-angaja-percentC5-percentA3i-ai-penitenciarului-nr-13-sunt-acuza-percentC5-percentA3i-percentC3-percentAEn-dosarul-jurnalistului-vadim-ungureanu>.

its activity amid scandals. On March 14 at the first meeting, the chairman of the OC was elected with four votes (the law requires at least five). A short time afterwards, as a result of public hearings the OC surprisingly appointed Olga Bordeianu as president of TRM. The press wrote about her: "Former employee of the Russian stations STS and Russkoie Radio is the new president of TRM." On the next day in a public meeting, OC member Petru Grozavu requested the annulment of his vote for the president claiming that he suspected her of plagiarism and of including false data in her CV.

The media NGOs that analyzed the election process issued a press release requesting the resignation of the OC members who had voted for the candidate without having sufficiently analyzed her background. Because there was no feedback from the OC, the media NGOs presented an independent evaluation of the candidates' files at a press conference. According to that evaluation, the OC had selected the weakest candidate for the position of TRM president. The NGOs requested the cancellation of the results, but the OC, supported by TRM legal experts, declared that Petru Grozavu's request was invalid and left the decision in force. At a new meeting of the OC on July 10, Petru Grozavu announced that he would go to court to ask for the cancellation of the election; OC chair Ludmila Vasilache then resigned, claiming that she could not represent a "divided team."

"The ACC does not have clear criteria for appointing candidates for OC membership, neither does the specialized parliamentary committee. In this situation, it is very easy to influence the independence of TRM through one's partisans," Ursu said. Currently, the OC has two vacant seats. In line with the legislation in force, the ACC proposed four candidates to the parliamentary committee that oversees it: two former ACC members, one employee of the CPRM newspaper *Comunistul*, and a writer who is thought to be affiliated with the LDPM. At the end of the year, the committee decided in a working meeting to propose two candidates at the parliamentary plenary session to be voted on in 2016: the writer and the employee of *Comunistul*.

The GRT was also shaken by scandals throughout 2015. "The GRT operated for almost one year without a president after the OC discharged Ana Harlamenco in April and did not appoint a new one. I have the feeling that the politicians in Comrat [capital of Gagauzia] openly intend to dictate to journalists how they should work," said Macovei. The GRT crisis drew the attention of civil society and of the local parliament. Ivan Burgudji, chairman of the committee of the Comrat legislative body that oversees GRT, opted for the reorganization of the GRT into a state company that, according to the panelists, is a dangerous sign for the destiny of Gagauzia's public radio and television stations.

In the Republic of Moldova, libel has been decriminalized; only the Civil Code contains sanctions against it. Pîrțac noted, "Not only the legislation, but also its enforcement complies with European standards and best practices because no obvious abuse occurred. The Law on the Freedom of Expression provides a positive framework for press activity, and those who do not have any control over the content published (Internet providers, etc.) cannot be held liable for offensive content. The task of bringing evidence in a civil lawsuit is balanced and equally distributed between the plaintiff and the defendant." Alexandru Burdeinii, editor-in-chief at the news agency InfoMarket, believes, "The media publish derogatory material written on command, but those who are referred to seldom decide to go to court."

No sensational cases occurred during the year, but there were some attempts. For example, in February CPRM leader Vladimir Voronin told Jurnal TV and Constantin Cheianu, the moderator of Jurnal TV's satirical and critical talk show, that he would sue them for libel and would ask for MDL 1 million (about \$50,000) as compensation for moral damage, but the case did not go to court even though both the station and the moderator continued to act in the same vein. Another case mentioned by the panelists was the one in which the newspaper *Komsomolskaya Pravda v Moldova* was forced by the court to publicly apologize and pay MDL 9100 (\$450) for moral damage to Domnica Cemortan, witness to the wreck of the Italian cruise ship *Costa Concordia*. In January 2012, the newspaper had published an article that, according to the court, contained untruthful information.

The development of the Internet and of new technologies contributed in 2015 to consistent progress in e-governance, open government data, etc. Moldova was 22nd out of 122 states in the Global Open Data Index 2015, which ranks open data worldwide. This was 21 positions higher than its ranking in the previous year. The government portal for open data—date.gov.md—launched in 2011 contains 879 sets of data provided by 48 central public authorities. Recently, date.gov.md had a record of over 1million downloads. In 2015, the Association of Environment and Eco Tourism Journalists launched the mobile phone application Official Alert, which allows users to receive notifications when the web pages of the 38 government institutions, including 16 ministries, are updated.

There were, however, cases of limited access to information in 2015. "At the local level, law enforcement bodies often send us to the press officer for information, but for example, the Cimișlia court does not have a press officer while the police have one for several districts. There are employees who must ask for their manager's permission to talk to the press. This impedes us from receiving prompt reactions

to events that take place,” stated Bargan. Mahu stated that she could not get information she needed in three instances: from the Chamber of Commerce and Industry, from the president of Edinet District and from the General Prosecutor’s Office which, she said, “...is usually open but does not provide information about extraordinary cases. We asked who funded Renato Usatai’s protest this autumn in front of parliament and what happened to the files opened in relation to him. We were asked to lodge an official request and received the answer three weeks later, but the information was incomplete and irrelevant.” Pîrțac agreed, “Indeed, there are authorities, including the Center for the Protection of Personal Data, that in the context of overall progress seem to regress regarding transparency, which cannot be justified from the perspective of public interest.” “Transnistrian legislation sets out clearly the procedure for providing information upon request by the media but says nothing about sanctions for those who do not provide it. So, ignoring a request and the failure to provide formal information are not punished,” noted Dorosenco.

Access by the media to local and international news and sources of information is not restricted in any way. “Although there have been constant discussions throughout 2015 about protecting our information space, and although TV station Rossiya 24 has been suspended, the enforcement of this principle has not changed,” Pîrțac declared. While the experts appreciated the unrestricted access of the media to local and international news, they also mentioned a downside. “One problem is that not all journalists faithfully report the sources of their information,” said Dumitru Ciorici, editorial manager and co-founder of the portal Agora.md. Burdeinii shared his opinion: “In 2015, the number of cases when journalists ‘forgot’ to mention that the news article was not theirs had not decreased.”

The experts expressed a common view that choosing to enter and practicing the profession of journalism is absolutely free in Moldova. “The faculties have state-funded places, but the access of students to paid education is free,” noted Enachi of UESM. “I know a case when a student who was a LDPM member was recruited by the press service of parliament directly after graduation, but this is an unusual case rather than a common phenomenon.”

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Moldova Objective Score: 2.31

The panelists noted an improvement in the quality of journalism compared with the previous year, when parliamentary elections and the pressure of politics on the media was stronger. In addition, the influence of the information war launched by the conflict in eastern Ukraine decreased in 2015. The change was, however, small. “Professional journalism is expensive and requires investment, while the media is poor,” said Ciorici. Bargan considered that journalists “in pursuit of promptness often provide erroneous information. Very often, instead of presenting a second source in controversial reports, journalists opt for the usual excuse that the accused could not be found or did not answer the telephone.”

The media has had limited capacity thus far to resist the massive influence exerted on it during elections. Macovei said, “The most influential TV stations sometimes even openly campaigned for some of the DP candidates in the local general elections.” It should be mentioned that as a result of weekly monitoring, the ACC applied sanctions to a number of stations including Prime TV, Publika TV, and Accent TV, which improved the quality of the coverage of local elections somewhat. Dogaru, program host and producer at Publika TV, explained the problems of accuracy in reporting by the fact that, “Most media continue to

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

depend financially and editorially on people with economic and political interests. Subjectivity is therefore possible due to pressure from some media owners who impose their points of view and because journalists do not have the power to influence editorial policy.”

Reports on the relations between Chişinău and Tiraspol that are published in the Transnistrian media have usually only one source, the official one. “This unbalanced information can also be seen when other subjects are addressed. There are many reasons for it: difficult access to information, insufficient professional training, and small number of independent experts, among others,” Dorosenco declared.

Moldova has a Journalist’s Ethical Code, whose provisions comply with international standards. There is also the Code of Conduct for Broadcasters. TRM has a similar internal document. The Press Council has been operating for several years and has demonstrated its effectiveness. “It’s good that we have an ethical code, but not everyone has signed it and many violate it,” stated Mihalevschi. “Although the Press Council encourages the enforcement of ethics, there are multiple violations because commercial considerations are at stake and what is ethical does not ‘sell’ to the same extent,” Pîrţac added.

The panelists agreed that while there were fewer serious ethical violations in the past year, they still occurred. Panelists cited, for example, a Pro TV newscast that gave airtime to a story from Romania where a man secretly recorded his former lover—a schoolteacher—engaged in a sexual act with another man. The report raised an outcry in society. The Press Council and the ACC reacted and 28 civil society organizations declared a boycott of ProTV Chişinău for defying the ethical code. Pro TV made an apology on its website, but not in the evening news bulletin in which the report was aired.

Self-censorship continues to be practiced. “The fear of being accused of libel makes some journalists select general phrases and avoid specific figures or names,” said Zablovskaya. “Journalists comply with the editorial policies of the institution that employs them. If the institution belongs to somebody, the journalist uses self-censorship to avoid upsetting the owner,” added Enachi. Bargan said, “Not only the owner. For example, an agricultural company in Basarabeasca district (SADAC AGRO) refused to continue paying for subscriptions to the newspaper *Gazeta de SUD* for its employees because it was criticized in one of the newspaper’s articles.”

The panel participants thought that journalists exercised self-censorship not because their lives might be threatened but rather for a minimum level of comfort in their jobs

and for the possibility for promotion. Panelists felt most could nonetheless find jobs where they would have more freedom to work honestly. Things are more worrisome in the Transnistrian media, where self-censorship has become a very frequent phenomenon. “If a journalist’s articles do not coincide with the editorial policy, they are not published. The journalists who express opinions other than those of their editors, or to be more exact of their owners [often a Transnistrian official or agency], will soon be dismissed, and it is very difficult to find a job in the local media as the territory is small and the economic situation is precarious,” Dorosenco noted.

In Moldova, there is no perception that the media ignore important events; however, when such events are publicized, the slant depends on the media owners’ interests. “Journalists attend all announced events, but not all of them are important for the public, and journalists seldom look for events themselves. Some make an event when a politician makes a statement and another politician replies,” noted Bargan. “There is the ‘herd effect’: Somebody writes a news piece and everybody copies it while a number of subjects are either ignored or little publicized, such as culture or the issues of small communities,” Burdeinii stated. “In the Transnistrian region there is a specific exception,” said Dorosenco, “as the events held by NGOs are very rarely publicized and the organizer is not named unless they are aimed at ‘patriotic education.’”

As for reporters’ and editors’ wages, Pîrţac thought, “For a poor country like Moldova, the level of wages in journalism is not discouraging; rather, it is a profession that can provide a decent living.” This view was not, however, shared by the other panelists. Burdeinii considered, “The wages in the independent media are low. The journalists working for the media institutions of rich owners and oligarchs get high wages but do not have any freedom.” Zablovskaya thought that reporters and editors are poorly paid and, “They are either forced to work additional jobs or they leave for abroad.” Bargan said, “One of our reporters who got MDL 3000 (\$150) per month from Media TV went to the South Regional Development Agency to work for MDL 5000 (\$250) per month.” Ursu added, “There is no obvious discrepancy between wages in public and private media.” “The discrepancy is not large between journalists’ wages and the wages of other professions either. University lecturers get MDL 3000 per month on average. Graduates complain that beginners in media receive much lower salaries than employees with more experience,” noted Enachi. In 2015, no cases came to the public’s attention in which journalists produced reports in exchange for payments or gifts, although the panelists believe that such practices might exist.

“There are sufficient news bulletins in Moldovan media so that everyone is informed about the most important events in the country and abroad,” said Pîrțac. All the panelists shared this opinion. “Overall, there is a balance between news and entertainment so that people can choose what they are interested in,” added Burdeinii. The situation in the broadcast media has also improved because the ACC requires that at least 30 percent of broadcasts are produced locally. Broadcasters have started to increase the amount of local products, first by introducing news programs and then other types. In any case, the presence of a number of local news bulletins on radio and television has not caused consumers to shift their attention to other types of media products.

The panelists believed that the materials and technology required for collecting, producing, and broadcasting information are not real problems for the Moldovan media. “There is room for improvement, especially in the case of public or local media, but the technologies allow them to adequately operate and meet people’s needs. The Internet is accessible anywhere and is cheap. What is still lacking is journalists ability to use the available technologies with high productivity,” declared Ciorici.

Mihalevschi said, “In Moldova, things related to specialized reports and programs are OK.” This opinion was shared by other panelists who referred to the growing number of journalistic investigations conducted by *Ziarul de Garda*, *Ziarul National*, *Panorama*, the Center for Journalistic Investigations, RISE-Moldova, Jurnal TV, TV7, and Publika TV among others. Online media like mold-street.md, deschide.md, omg.md, and realitatea.md also carry out investigations in a very professional way. “There are many investigations, but the high-quality ones are rare,” was the opinion of Zablovskaya. She saw two reasons for this: investigations are expensive and do not have the expected impact if the authorities react inadequately.

There are journalists who specialize in specific areas such as education, economics, ecology, culture, and sports, and there are specialized media institutions including some online. Nevertheless, “Reporters should be better trained,” said Ursu. “I think that politics and negativism dominate our media,” added Burdeinii, while Bargan said, “There are many fewer specialized journalists and many fewer investigations in the local media.” “In Transnistria, most journalists are generalists, but there are also journalists who are specialized, especially in addressing the Moldovan-Transnistrian conflict,” Dorosenco noted.

OBJECTIVE 3: PLURALITY OF NEWS

Moldova Objective Score: 2.60

According to the panelists, there are many sources of information for people in Moldova—newspapers, magazines, radio and television stations, wired and mobile Internet—and their number are gradually increasing. “People have the possibility to be informed and to check sources of information since the media presents different perspectives, including those of the political parties even though some of [the parties] have their own press services,” said Enachi.

In 2015, two new television stations were licensed: Vocea Basarabiei, a general station, and TV Agro Moldova, a specialized station, in addition to the news portal Sputnik.md in Romanian and Russian, which some panelists said is a propaganda tool of the Russian Federation. In 2015, the Russian media holding STS Media suspended broadcasts of the STS MEGA TV station in Moldova, and in June of that year broadcasts by station Rossia 24 were banned by an ACC decision.

“There are many sources of information, but some of them are manipulative,” Ursu noted. Ciorici shared this view given that, “Some of the sources are politically controlled.” “People must use a number of sources to understand what is really happening,” added Macovei. The Internet also provides significant possibilities to get information. According to statistics, 75 percent of households have connections to wired and mobile Internet, and 67 percent

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

of them use the Internet to access news websites. People are increasingly using social networks. Odnoklassniki, for example, is used by 860,000 people while Facebook is used by 570,000. Instagram and LinkedIn are also popular.

In Transnistria, all types of media exist. "Older people trust the print press more while the young trust the online press. The media reflects different political opinions, but there is pressure on the opposition press or on the press that criticizes the government," Dorosenco declared.

Media institutions have mobile applications for iOS, Android, and others. At the end of the year, the news portal point.md presented the mobile application Point News for Apple iOS users in which, in addition to reading and leaving comments on the news, there is a function for adding news. The login to the user's account can be performed via a SimpalsID account or via Facebook, Google, Yandex, or Mail.

Moldovan citizens face no restrictions on using national and international media; authorities do not block access to foreign websites. In addition, access to information is not expensive. "In rural areas, there is Internet and local media, but Chişinău is more privileged because it is the capital city," said Enachi, and her view was shared by all the panelists. "Access to the media is not the same in all communities, but the free and cheap Internet facilitates the adequate provision of information to all those who want it," added Pîrţac. In 2015, Moldova ranked second in the world for affordability of packaged Internet and digital television at €7.30 per month on average, according to a survey conducted by SecDev.

The situation in Transnistria is different. Access to the Internet is not limited, but, "Some websites that criticize the authorities cannot be accessed in the region. Starting in 2012, at least 16 websites and forums were blocked, and there were cases of hacking into groups on Facebook. For instance, in November [during the local election campaign], the group 'Transnistria without Şevciuk' [Transnistria's president] turned into 'Transnistria is for Şevciuk' overnight. In addition, media in Moldova do not have access to Transnistria," added Dorosenco.

Public media outlets fulfill their missions to a large extent, including by airing educational and cultural programs that do not receive sufficient attention in the private media. "As an election year, 2015 facilitated the monitoring, including by comparison, of public media performance compared with that of private media and saw a pretty good situation in this regard," Pîrţac observed. "TRM provided a balanced perspective on the political range in the country and room for alternative comments," Enachi said. Mahu thought that, "In some cases, TRM put more focus on the policies of the governing alliance or on specific components of the alliance

like DP and LDPM. For example, the LDPM is obviously privileged in terms of air time on Radio Moldova."

It seems that some TRM journalists have not yet managed to leave behind their propaganda pasts colored by the Soviet period. The public national and regional broadcasters are still vulnerable because they "are funded from the state budget and the OC members are appointed based on political criteria," Macovei remarked. In Transnistria, not only the state media is heavily politicized. "The state television, for example, propagates the ideas of the Transnistrian leader, while TSV, which is private, promotes the ideas of the party Obnovlenie. More than half of the members of the Supreme Council are members of the Obnovlenie party," stated Dorosenco.

The most important news agencies in the country are Moldpres, the state agency, and private agencies IPN Neo and Infotag. "They mainly provide media with balanced news, but the agency Sputnik.md that was created this year is the megaphone of the Russian pro-imperial forces," Enachi observed. "There are news agencies, but it's up to the media institutions to find money to pay for subscriptions. Unfortunately, not all the media institutions have that financial ability, not to mention subscriptions to international news agencies," added Mihalevschi, whose view was shared by all the panelists. The news agencies mostly provide text, but IPN, for example, also offers audio and video content. For the second year, IPN provided news to a number of regional radio and television stations on the basis of a subscription paid to the agency by the ACC from the so-called Fund for Supporting Broadcasters (the Fund is financed by a 1 percent fee on broadcasters' revenue).

The panelists agreed that the Moldovan media, including that from the Transnistrian region, produces its own content, including news. "The amount of content produced by the national and local media is increasing and the quality is getting better every year," Burdeinii declared. "It is true that everyone produces content, including news, irrespective of whether they are broadcasters [an ACC requirement], print press, online press, or bloggers, but not all of them manage to do it well," was the opinion of Pîrţac. Macovei agreed and added, "Media with sufficient resources also produce manipulative news, while bloggers instead express opinions rather than writing news, although we can also find good material everywhere."

In 2015, there was some legislative progress in terms of transparency of ownership for broadcast media outlets. In line with the amendments made to the Audiovisual Code, the ACC asked broadcasters to declare their owners. "Thus, we learned in November that DP sponsor Vladimir Plahotniuc is also the owner of four national TV stations—Publika TV, Prime TV, Canal 2, and Canal 3—and of three

radio stations—Publika FM, Muz FM, MaestroFM. LDPM MP Chiril Lucinschi is the only owner of TV7, and Jurnal TV belongs to businessman Victor Topa. The public found out about the owners but cannot influence the monopoly that exists in the broadcast media,” noted Enachi. “There is a real monopoly in broadcast media. One structure controls 53 percent of the audience, but the Competition Board says that this is a dominant position, not a monopoly,” Zablovskaya said.

“We know the owners of radio and TV stations, but not the owners of the other types of media, especially portals and blogs,” Mihalevschi remarked. “In any case, if we look at the messages, we can easily understand who controls which media institutions,” added Ursu.

In the Transnistrian region, it is also known to whom the media belong. “Most media institutions belong to the authorities, but the actual founder is either the Transnistrian leader or the Sheriff Company,” Dorosenco declared.

In Moldova, foreign investment in the media sector is virtually absent, and press institutions change their owners not based on economics but rather on political considerations.

There is no perception that the interests of minorities are infringed upon in any way. “Irrespective of ethnic background, minorities use the Russian language, and a huge amount of information is broadcast in Russian,” Pîrţac noted. In the minority communities there are media sources in their languages: Gagauzia and Taraclia District (largely inhabited by Bulgarians) serve as examples. The national public broadcaster produces programs weekly in Ukrainian, Gagauz, Bulgarian, Roma, and Belarusian.

“The central private media address a large range of issues, but those related to ethnic minorities or sexual orientation are less covered. These subjects are probably not attractive from a commercial point of view,” Zablovskaya remarked. “The media is mainly in Russian and Moldovan. Media products in the languages of minorities are not demanded, and if there is no demand, there is no supply,” added Burdeinii. Even though in the Transnistrian region there are three official languages—Russian, Moldovan and Ukrainian—Russian prevails. Dorosenco noted, “The newspapers Гомін and Адевэрул Нистрян are published every week in Ukrainian and Moldovan, but their circulation is very small and they are not popular, just like the programs in these languages on state television.”

“A number of national TV stations, first of all the public one, have news and programs with material from the regions, but they are few. This shortage is complemented by the local media that cover a broad range of problems, not only cultural events as was the case five to seven years

ago,” Bargan observed. Pîrţac added, “Media institutions do not exist in all the districts, and not all communities are covered in an equal and balanced way with qualitative local information while national media outlets seldom manage to address important local events.” Media in general do not focus on a specific type of news; rather, “International news is simply copied not knowing how objective it is because outlets can’t afford to have their own correspondents abroad,” said Mihalevschi.

The inhabitants of the Transnistrian region do not, however, receive sufficient information on a number of topics from the regional media. According to Dorosenco, “The topic of European integration is addressed in only a negative context, the activities of NGOs are not covered and the contribution of European/international funds to the development of civil society or of the economy is ignored.”

OBJECTIVE 4: BUSINESS MANAGEMENT

Moldova Objective Score: 1.85

Of all the objectives, Objective 4 received the lowest score from the panelists although it did show slight improvement compared with last year, increasing by 0.10. There was very little deviation from the average among the indicators, with the exception of indicator 5, government subsidies and interference in the media market. Panelists did point to positive changes, such as a number of online media outlets have matured and that TRM managed its budget in a transparent way. For much of the rest of the media, the old problems persist.

Mihalevschi saw a direct relationship between “management problems and the financial instability of several media outlets.” “Many of the media outlets are not even conceived by their owners as businesses but rather as tools for applying pressure and/or for ideological manipulation. Consequently, their financial management is not based on tools and mechanisms that are required in a market economy,” Macovei declared.

The situation in Transnistria is similar. Dorosenco said, “The state central and municipal media institutions serve the interests of the president’s team, while the media institutions founded by the Sheriff Company serve the company’s interests. The independent press face major problems. In 2015, the independent newspapers *Chelovek i yego prava* and *Grazhdanskoye obshchestvo* closed down due to a lack of funds.”

“It is unlikely that somebody at the local level has marketing experts or business plans to follow,” Bargan pointed out. “At

the central level, radio, television and print press constantly lose funds. Online media is an exception, but not all of it. Even though there are business plans, it is very difficult to enforce them because of the economic instability in the country," Zablovskaya added. The economic problems generate double accounting, which "although it is not publicly referred to, exists in a number of media outlets," declared Ursu and Burdeinii.

Media outlets usually have revenue from several sources, but the most influential ones, "...have a basic funder in the person of an oligarch or a politician who determines their editorial policies," Pîrțac stated. "At present, media accept any source of funding, even with the risk of losing editorial independence. The main task now is to survive," Zablovskaya observed. "The local media get about 30 percent of revenue from advertising, about 30 percent from grants and projects, and about 40 percent from television services (reports, paid programs). The 40 percent is vulnerable because it depends on the mood of the local administration. If you criticize it, they might drop the paid programs," Bargan warned. Few media institutions have the managerial skills that would enable them to diversify their sources of revenue so as not to have their editorial independence threatened, but most of them, "...have somebody behind them who requires loyalty," Ciorici concluded.

The economic crisis has had an impact on the underdeveloped advertising market. There are no accurate estimates on the extent to which the market has shrunk, but it is thought to be by 30 percent. Zablovskaya said, "The supply of services far outruns the demand because the poor economic situation does not allow many businesses to advertise in the media." Most suppliers of advertising

have been mobile telecommunications companies, sellers of pharmaceutical products, and large retailers. "The big players focus strictly on targeted demographic groups and try to obtain maximum efficiency from the funds they invest in advertising while the small suppliers act as they deem necessary, including based on nepotism, but in all cases the rates are set by the demand in the market," she added.

According to its governing legislation, public media can broadcast advertising under the same conditions as private media, but panelists do not think the rates public media charge undercut those of private media. Television continues to have the largest share of the advertising market. Advertising on television stations is secured from advertising agencies (both local and international), from advertising consolidators, or directly from the sales departments at the stations. The sales departments of television stations access about 15 percent of the advertising volume. Small businesses usually operate directly with television stations in a sporadic manner and with no advertising strategy.

For some years, the most important operator in the media market has been Casa Media, with about 70 percent of sales, controlled by oligarch Vladimir Plahotniuc. Alkasar, controlled by Gazprom-Media and LDPM MP Chiril Lucinschi, has about 9 percent and Nova TV has about 3 percent. "There is some form of monopoly in TV advertising that does not give too many chances to players other than those protected by these three media sellers," Pîrțac observed. Nonetheless, the advertising agencies work with all the media institutions but most actively with the television stations and online media because, "They are the most transparent and the most demanded by advertisers," Zablovskaya observed. The biggest operators in the online market are Pro Digital, Numbers, Alkasar, and Media Contact. The panelists pointed out that the quality of about half the advertising spots had increased compared with previous years.

At the local level, the media have a hard time finding advertising for two main reasons: "Advertising is mainly focused in the capital city and the audience measurements that the advertising suppliers request more and more frequently are conducted for the big radio and TV stations that can pay for the services of [AGB Nielsen Media Research]," Bargan noted. Mahu added, "Small ads, such as public summons, condolences, congratulatory messages, are often the only advertising in the newspaper."

In Transnistria, the print media with limited circulation cannot attract the attention of advertising suppliers; consequently their basic revenues, "...come from congratulations, obituaries...and very little advertising from small and medium-sized companies," Dorosenco stated.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

The share of revenue generated by advertising varies among the media. "Except for the ones protected by the big advertising companies and by some successful Internet portals, the revenues from advertising are more of a supplement to the amounts provided by the owner-funder," Pîrțac stated. There are media institutions—especially national radio and television stations—that use all the time allowed in the legislation for advertising (12 minutes per hour or 15 percent in 24 hours); however, things are different at the local level. Bargan from Media TV in Cimișlia said, "In fact, the advertising space is used at five to seven percent of the 15 percent stipulated by the legislation, and even this percentage is often used for free social advertising." The situation improves during election campaigns when revenues go up, but this is not due to increased supply and not better sales techniques by media outlets.

The public broadcasters and the state media in Transnistria are not very interested in attracting advertising since they are funded from the state budget, so they do not make full use of their advertising time.

There are no government subsidies for supporting private media. In addition, the government and the local authorities are not important suppliers of advertising. At the same time, "There is no monitoring to specify how public money is spent on advertising. At the moment, there is no perception of violations, and the advertising coming from the authorities is not very visible. It is necessary to monitor the situation and to develop a regulatory framework that will impose strict and equitable rules for selecting the media that will broadcast advertising coming from the state," Pîrțac concluded. The legislation covering issuance of official and legal public notifications does not favor specific media institutions.

Although media outlets acknowledge the importance of market research for strategic planning, they can seldom afford them. "Market studies are costly and few media outlets can order them, maybe only the strong TV stations," Burdeinii said. There are some market studies, but they are neither frequent nor well known. "The situation in Moldova has not convinced media managers that market studies are efficient and that they can bring returns on investments," Pîrțac observed, while Macovei stated, "Normally, knowing the market helps you to adapt your products to demand and to the growth of the audience; however, in our country the growth of the audience does not necessarily mean growth in revenues from advertising, especially since there is a monopoly in this segment." However, Zablovskaya from the AAA noted, "In all situations, the media outlets must know that advanced advertising agencies do not start an advertising campaign without using data on the audience."

In Transnistria, there are no market studies or specialized agencies. "Probably experts from Russia have conducted some market studies for state media, but nothing has been communicated about them," Dorosenco noted. The local/regional media cannot afford to order market studies. "We can use the results of a study only if somebody carried it out on the basis of a grant. For the rest, we can judge the profile of our audience through questionnaires that are filled out in the field or from phone calls on the air or in the office," Bargan stated.

Things are different with the online media. The Office for Circulation and Internet Audit (OCIA) has measured the online audience in the Moldovan market since 2012 through the Study of Measuring Traffic and Audience on the Internet conducted in partnership with GemiusAudience. For instance, a study was carried out in the third quarter of 2015 to learn the profile of Internet users, the frequency of Internet use, and a ranking of the most popular websites. OCIA provided data about the general socio-demographic profile of Internet users as well as data about the profile of the audience of every website included in the study. The study showed that 88 percent of these visitors used the Internet every day; 53 percent were female; most Internet users (65 percent) were aged 20 to 49 and of those the largest share (28 percent) were aged 20 to 29; 56 percent were actively employed or entrepreneurs; most had medium to high incomes while 34 percent had net monthly incomes under MDL 10,000 (\$500).

Data on the radio and television audience in Moldova is provided by the company TV MR MLD, the official representative of AGB Nielsen Media Research. It measures monthly the audience of 15 television and 6 radio stations. Data on print circulation and Internet traffic is produced and provided by OCIA. "Although it is independent, there are many suspicions about—and little credibility attached to—the AGB data," Pîrțac observed, mentioning several cases that were brought to the public's attention when AGB was accused of rigging data in favor of some television stations. Zablovskaya from the AAA says that the OCIA data, "...is acknowledged in the market and is taken into consideration by advertising agencies, just like the data provided by Gemius."

The panelists noted nevertheless that not all media outlets can pay for the services of companies that measure their audiences. "At the local level, there are no measurements of the audience," Bargan stated. "Only the rich media outlets have access to data on the audience, while data with free access either does not exist or is very limited," said Burdeinii.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Moldova Objective Score: 2.55

Compared with last year, this objective improved slightly, up 0.13 points from 2.42 to 2.55. Panelists felt this is due primarily to the increased activity of media NGOs and the development of infrastructure for information technology and communications. In other areas, some of the same challenges exist.

Despite the fact that there are no legal restrictions to impede the establishment and operation of trade associations, very few exist and even then only two are more or less active in the broadcast sector. Pîrțac observed that the Employers' Association of Broadcasters, which seems to be dependent on political forces and the Cable Operators' Association, "...are heard only when they must lobby for these forces' interests. They give the impression that their activity is ad-hoc, aimed at lobbying, is not permanent and does not serve the professional interest of the independent media." Zablovskaya explained, "There are many contradictions even inside the profession. There are managers who collaborate with international organizations but who would not sit at the same table with other managers of Moldovan media. In addition, the registration procedure [for organizations] is complicated and registration at the Ministry of Justice must be renewed every year." At the local level, "The managers are not involved and do not feel the support of the Employers' Association," she added. Dorosenco further stated that in Transnistria, "There are no

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

associations of this kind." The Cable Operators' Association is funded from membership fees while the source of funding of the Employers' Association of Broadcasters is not known.

There are a number of professional associations whose aim is to promote quality in journalism. These include the Sports Press Association of Moldova (SPAM) affiliated with the International Sports Press Association, the Guild of Agricultural Journalists, the Association of Environment and Eco Tourism Journalists (AEETJ), and the Young Journalist's Center. Some are quite active; for example, SPAM annually organizes the Olympic Games for Sports Journalists and at the end nominates the best athletes, coaches, and teams in Moldova. AEETJ participates in the annual Environmental NGOs Forum. The Young Journalist's Center organized for the second consecutive year the Gala of Young Journalists.

Mihalevschi considered, however, "These associations and clubs are still fragile because they usually operate using external funds that they receive." Dogaru thought, "There has never been cohesion in this field that would result in the creation of a trade union that might protect the interests of media professionals, and I don't think that one will be created soon."

In Transnistria there is a trade union where membership can be obtained by filling in an application form and a separate Journalists' Union that requires with three years of work experience for membership. "In reality, neither the trade union nor the Journalists' Union does anything to protect journalists' rights. In addition, training journalists or lobbying is not part of their activities either. The Journalists' Union does not cooperate with similar international organizations. The trade union and the Journalists' Union get revenue from membership fees, which is not sufficient for them to become active. Both structures have close relations with the Transnistrian authorities that they fully support," Dorosenco stated.

For several years there have been NGOs in the country that protect the freedom of speech and journalists' independence. Enachi considered, "The Independent Journalism Center [IJC, the local organizer of this study] is functional, active and viable. In 2015, there were media awareness activities for several categories of beneficiaries to which foreign representatives, including from Ukraine and Georgia, were also invited. The IJC collaborated with universities and high schools in Chișinău, Cahul, Bălți and Comrat." Pîrțac thought that several media NGOs, "... continue to operate efficiently and are prolific in the number of their projects and initiatives." This opinion was supported by Mihalevschi: "Unlike the professional associations, the media NGOs are active and influential. They provide significant support to journalists and protect the interests of the media in crises."

In 2015, the first media forum in the country was held under the aegis of the Press Council in partnership with the Association of Independent Press, IJC, and the Electronic Press Association (APEL). It was attended by about 150 representatives of the profession and by decision makers. Macovei considered that the success of the forum was due to the fact that the participants, "...developed a roadmap with many activities to be implemented in one year by the authorities and by the journalism community." One of the actions stipulated in the roadmap was the approval of the new Audiovisual Code developed by APEL back in 2011. This was reviewed by three European institutions but has parliament has not acted on it since the three public parliamentary committee hearings at the end of 2015. Burdeinii was convinced that the media NGOs, "...take an active part in improving the legislation and are ready to defend the freedom of the press," referring to the amendments made to the Audiovisual Code regarding the transparency of media ownership as a result of an IJC initiative.

Bargan regretted that, "There are few specialized NGOs at the local level, and they are not very active." In Transnistria, one of the active NGOs is the Media Center that protects journalists' interests and collaborates with international institutions. Dorosenco, its director, said, "There are no legal restrictions on the registration and operation of the NGOs, but there are threats. Currently, the draft law on non-commercial organizations is with the Supreme Council. According to this draft, the NGOs that receive financial support from outside will have the status of foreign agents with all the accompanying consequences."

The panelists believed that there are sufficient educational programs for training journalists in the country. Enachi of UESM said, "50 percent of the subjects in the UESM curriculum for journalists have a practical orientation. The newspaper *UESM Reporter* is written and published by students. It is edited by a linguist professor, and the articles are not censored." A student newspaper is also produced at the State University of Moldova (SUM) where there is also an online student radio station, Tera bit. Both faculties teach information technology, where students are informed about new techniques for creating media products. Pîrțac thought, "Those who want to become good journalists have all the possibilities to achieve that goal because in addition to the faculties, there is also the School of Advanced Journalism, an IJC project with a focus on practical skills." Zablouvskaia noted that the faculties train too many journalists for whom, "It is a challenge to find highly paid jobs."

In 2015, the international project "TEMPUS-TACIS: Cross-Media and Quality Journalism" was finalized. It resulted in the creation of a master's degree with a double diploma from Moldova and Germany. Specialized

cross-media laboratories were created at SUM and UESM under the project. Students can also study abroad within the ERASMUS+ program that offers student exchanges for one or several quarters. The program started recently and panelists were unsure whether or not they will return to Moldova.

The educational program in Transnistria focuses on theoretical knowledge. The graduates are not prepared to work in the media, except those who managed to work in a media institution while they studied. "They manage to find jobs after graduation, but there are not enough jobs," said Dorosenco. "There are no student publications. The students are encouraged to write for the newspaper *Pridnestrovskiy universitet*, but their articles are closely reviewed by the editor and the chair of the department. According to official statistics, all journalism graduates find jobs. This is reached due to the fact that before the presentation of the final diploma, future graduates are required to produce written confirmation that a media institution is ready to employ them after graduation. Fearing that the absence of this confirmation might have a negative impact on their exam results, the graduates obtain it by any means. In many cases, these confirmations are fictitious," she added.

The panelists said that there are many possibilities for different categories of employees in the media to attend trainings and short-term in-service courses. They are affordable because in most cases they are free and are delivered by national media NGOs often with the participation of international experts. The courses usually meet the journalists' needs and cover a wide range of problems from addressing subjects related to human rights, public health, ecology, gender equality, journalism ethics, data journalism, and investigative journalism. Others cover the use of modern techniques and technologies in the creation of media content, such as hackathons, drone filming, multimedia content, etc. Ciorici appreciated the usefulness of the existing short-term courses but added, "It can be felt, however, that long-term training courses are necessary." This opinion was also shared by Ursu: "A national in-service training center is required because the media is different and the priorities are different." Pîrțac indicated the need to, "...institutionalize short-term courses and give them a stable and predictable character." Most media managers encourage their employees to participate in training sessions, "...but organize such courses in their own institutions quite rarely," said Mihalevschi. Dorosenco painted a starkly opposite picture of the situation where she works, declaring, "In Transnistria participation in training provided by NGOs is not welcomed by editorial managers."

The suppliers of media equipment, sources of paper for newspapers, and printing companies are apolitical, are not monopolies, and there are no restrictions on working

with them. "All you need is money," Burdeinii noted. However, "There are problems with the quality of services," Mihalevschi said and Zablovskaya stated, "The printing quality is poor and many are forced to print their products abroad, wasting time and money."

In Transnistria, the situation is different. Dorosenco mentioned, "Among the few printing companies in Transnistria, Tipar is state owned and operates in Bender City. The rates are lower, but the company provides services selectively. If the media institution is not loyal to the regime, the printing company can reject the order, claiming limited production capacity."

The panelists felt that many of the means for distributing media products, such as kiosks, cable, Internet, and mobile telephony are apolitical and unrestricted. At the local level, "There are no attempts by the authorities or political parties to control the means of transmitting media content, but the means themselves are expensive for us," said Bargan. "Currently at the national level, I.S. Radiocomunicatii holds a monopoly on transmission for radio and television stations, whereas Posta Moldovei holds a monopoly on distributing the print media," Ursu remarked. In some circumstances, these companies, "...can put pressure on the media," Mihalevschi stated. "This threat will not vanish even after the shift to digital terrestrial television because according to the program approved by the government, the first two of the three national digital multiplexes will be run by I.S. Radiocomunicatii," added Macovei.

Over the last year, there were no cases when access by the media to mobile telephony or to the Internet was restricted or blocked. The online press and bloggers have the full freedom to choose software, platforms, domains, and IP addresses as they wish; however, "One obstacle is licensed software which is too expensive and not everybody, especially at the local level, can afford it," Zablovskaya observed.

In Transnistria, the Internet, television towers and transmitters and mobile telephony networks are controlled by the authorities and/or the monopoly company Sheriff. "In 2012 and 2013, this enabled the blocking, with no explanation, of over 10 websites and Internet forums that were not loyal to the government. Such practices still exist," Dorosenco declared.

The experts shared the opinion that the infrastructure for information technology and communications in the country is well developed and able to meet both the needs of the media and of individuals. Enachi said, "Access to the Internet is sufficient both in urban and rural areas, and people can

use [SMS and/or audiovisual MMS] as they wish. In the domestic market, there are enough mobile phones to meet people's needs for news and information." The situation is similar in Transnistria, but according to Dorosenco, "The mobile phones that enable access to online news websites are not widely used because they are still expensive." Bargan expressed his concern that some local and regional broadcasters, "...might vanish after the shift to digital terrestrial television due to a lack of money if they cannot replace the analog transmitters they have at present or if they cannot work together and build regional multiplexes."

List of Panel Participants

Petru Macovei, executive director, Association of Independent Press, Chişinău

Olivia Pîrţac, freelance media law expert, Chişinău

Vitalie Dogaru, program host and producer, Publika TV, Chişinău

Andrei Bargan, owner and manager, Media TV and Radio Media, Cimişlia

Luiza Dorosenco, director, Media Center, Tiraspol

Rodica Mahu, editor-in-chief, *Jurnal de Chişinău*, Chişinău

Dumitru Ciorici, editorial manager and co-founder, Agora.md, Chişinău

Ruslan Mihalevschi, editor-in-chief, SP, Bălţi

Valentina Ursu, journalist, Radio Free Europe, Chişinău

Valentina Enachi, department head, University of European Studies of Moldova, Chişinău

Alexandr Burdeinii, editor-in-chief, InfoMarket, Chişinău

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

Galina Zablovskaya, executive director, Association of Advertising Agencies, Chişinău

Moderator & Author

Ion Bunduchi, media expert, Chişinău

The Moldova study was coordinated by, and conducted in partnership with, the Independent Journalism Center, Chişinău. The panel discussion was convened on December 10, 2015.

The ability of independent media to inform the public is limited by a number of laws, including quite broadly interpreted anti-extremism provisions.



RUSSIA

In 2015, the Russian government continued its march to re-establish Russia as one of the leading world powers—through support to self-proclaimed republics in Eastern Ukraine, a grand scale celebration of the 70th anniversary of the victory in World War II, and military action against ISIS in Syria. Fixation on the notion that Russia must withstand negative external pressure dominated internal policy. Active application of the law on foreign agents, adoption of the law on unwanted international organizations, the law limiting international ownership in Russian media companies, the law that requires media companies to report receipt of international funding to regulatory authorities—all aim to curb international influence on internal affairs.

The authorities leaned heavily on the state media—which dominates the Russian media sector—to promote their viewpoints. “The main function of media is to adequately inform society so that an informed public might control the authorities. At present, a majority of media is very effectively performing the absolute opposite task—feeding untrue information to the public, which gives authorities control over society,” said prominent Russian journalist Nikolay Svanidze in a lecture delivered in 2015.

The ability of independent media to inform the public is limited by a number of laws, including quite broadly interpreted anti-extremism provisions. In 2015, President Putin passed a decree that classified Russian military losses in peacetime during special operations as a state secret. Russian media lawyers noted that this decree seriously restricts the ability of media to cover the military.

The Russian economy was hit by a crisis triggered by EU and US sanctions imposed in 2014 as well as falling oil prices. The media sector suffered sharp blows: over the first nine months of 2015, television and radio lost 19 percent of advertising revenue, and newspapers lost 25 percent. Independent media, which do not receive state funding, were starved to the brink of survival.

With a handful of exceptions, Russia’s media sector does not score in the “near sustainability” range as measured by the MSI indicators. The only areas where Russia consistently meets many aspects of MSI indicators include free entry into the journalism profession, efficient facilities and equipment, production of news by private media, the availability of short-term training, and the development of ICT infrastructure. A number of indicators received scores in the “unsustainable” range. Libel is covered by the criminal code. Self-censorship flourishes. State media do not reflect the views of the political spectrum and serve the authorities rather than the public interest. Distribution of government subsidies and advertising are non-transparent, unfair and distort the market.

Due to laws restricting NGO activity and contacts with U.S.-based NGOs, the participants in the Russia study will remain anonymous. This chapter was developed by a Russian journalist in December 2015 after a series of structured interviews with colleagues in the media sector.

RUSSIA at a glance

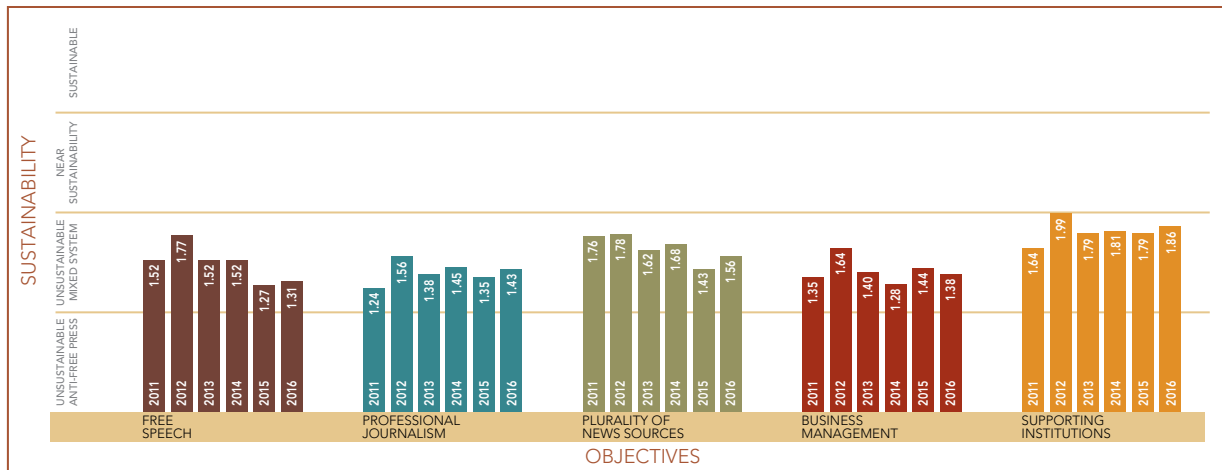
GENERAL

- > Population: 142,423,773 (July 2015 est., *CIA World Factbook*)
- > Capital city: Moscow
- > Ethnic groups (% of population): Russian 77.7%, Tatar 3.7%, Ukrainian 1.4%, Bashkir 1.1%, Chuvash 1%, Chechen 1%, other 10.2%, unspecified 3.9% (2010 est., *CIA World Factbook*)
- > Religions (% of population): Russian Orthodox 15-20%, Muslim 10-15%, other Christian 2% note: estimates are of practicing worshipers; Russia has large populations of non-practicing believers and non-believers, a legacy of over seven decades of Soviet rule (2006 est., *CIA World Factbook*)
- > Languages (% of population): Russian (official) 96.3%, Dolganc 5.3%, German 1.5%, Chechen 1%, Tatar 3%, other 10.3% note: shares sum to more than 100% because some respondents gave more than one answer on the census (2010 est., *CIA World Factbook*)
- > GNI (2014-Atlas): \$1.931 trillion (World Bank Development Indicators, 2016)
- > GNI per capita (2014-PPP): \$24,710 (World Bank Development Indicators, 2016)
- > Literacy rate: 99.7% (male 99.7%, female 99.6%) (2015 est., *CIA World Factbook*)
- > President or top authority: President Vladimir Putin (since May 7, 2012)

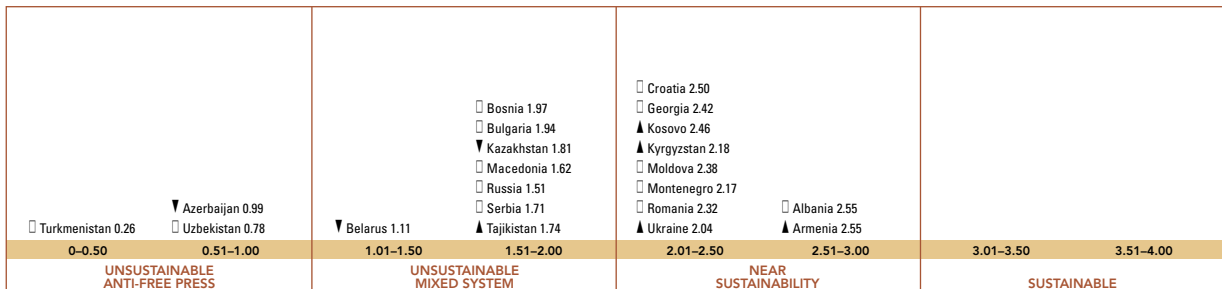
MEDIA-SPECIFIC

- > Number of active media outlets: Print: 25,781 newspapers, 31,714 magazines; Radio Stations: 3,182; Television Stations: 3,761 (Federal Agency for Press and Mass Communication, 2015)
- > Newspaper circulation statistics: Top three general interest daily newspapers by circulation: *Metro* (1.899 million), *Rossiyskaya Gazeta* (896,700), *Moskovski Komsomolets* (738,600) (TNS Russia National Readership Survey, May – October 2015)
- > Broadcast ratings: Top three national TV channels by audience Russia 1 (14.5%), Channel One (13.4%), NTV (10.3%) (TNS Russia TV Index, 2015)
- > News agencies: ITAR-TASS (state), Russia Today (state), Interfax (private)
- > Annual advertising revenue in media sector: RUB 209 billion (\$3.68 billion, Association of Russian Communication Agencies, 2014)
- > Internet Users: 84.4 million users (2014 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: RUSSIA



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Russia Objective Score: 1.31

Russia considerably meets only two out of nine indicators of the Freedom of Speech objective. Access to and use of local and international news and news sources as well as access to the journalism profession are not restricted in any way. But free speech is not valued. Access to public information is complicated. Libel is a criminal code case.

The Russian Constitution and the Media Law guarantees free speech on paper, and interfering with and obstructing the work of journalists counts as a criminal offence. At the same time, the society and even the journalism community do not place a high value on freedom of speech and media freedom. Many journalists believe that they should protect the interests of the state (that is, of the authorities rather than the country), and engage in propaganda rather than news, commented one of the panelists.

Sociologists, for example the director of the Levada-Center Lev Gudkov, report that over the past 25 years since the fall of the Soviet Union the structure of the government and major social institutions, including military, judicial, law enforcement and education systems, barely changed and mostly retained their totalitarian nature. Much of the society still feels the trauma of the loss of the powerful Soviet

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

FREE-SPEECH INDICATORS:

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

state, and thus welcome any demonstration of power by the Russian authorities like "bringing Crimea back to Russia" or Russian military involvement in Syria.

The media sector also retained many characteristics of the Soviet times. A majority of media outlets belong to and are funded by the authorities, and serve government interests rather than the public. Few opposition and independent media outlets fit well into this system, and must operate under mounting pressure. Legal restrictions on media content continue to grow: media are not allowed to carry "extremist" materials, cover methods of producing drugs and committing suicide, or provide information about underage victims of violence. The law enforcement bodies interpret extremism quite broadly: for example, publication of World War II photos that include Nazi symbols can be considered Nazi propaganda. Two violations of these restrictions in the course of a year give media authorities the right to revoke the registration of the media and to bring the case to court, demanding the closure of the media outlet.

The authorities block online media and blogs for a number of reasons, including appeals to engage in unauthorized public meetings, riots and extremism. Publication of information about a planned meeting not authorized by the authorities can be interpreted as an appeal, and publication of a religion-related caricature can be interpreted as extremism.

The cost of non-compliance with the growing number of restrictions has also increased. Over the past three years, the size of fines that can be imposed on media outlets has soared up to 10 times as high, and several fines would be enough to close a small media outlet.

Media lawyers express concern that the increasing number of restrictions on media appear politically driven. "Extremism and inciting hatred were never allowed, but now the *Roscomnadzor* (the agency that oversees Russian media) is ready to qualify a caricature featuring religious figures as manifestation of extremism...At the same time, outside of the political news domain, free speech is unrestricted: there are no legal barriers to critical television programs like *Revizorro* (which shows negative aspects of restaurant and hotels operation)," said Olga Pleshanova, head of the analytical department of the legal company *Infralex* in a *Kommersant* interview.¹ Several panelists also noted that the media have more freedom to cover topics that do not intersect with the priority interests of the authorities.

¹ "Смирительные Законы." *Media Rights Protection Center*. Jun. 4, 2015. www.mmdc.ru/news-div/site-news/smiritelnye_zakony/?year=2015&month=6

The Russian people are more concerned about their economic well-being than political freedoms, including free speech. In the course of the 2015 survey conducted by the Levada Center, 46 percent of Russian citizens said that they would be ready to forego free speech and the right to travel abroad without restrictions if the state guaranteed them decent salaries and pensions.

According to the joint study conducted in 2015 by the Center for Global Communications Research and Russian Center for Public Opinion Research, 49 percent of Russian citizens believe that Internet content including foreign media (45 percent of respondents) and other foreign websites (38 percent) should be censored, while only 10 percent said that Internet should be free from censorship. This correlates with the fact that 42 percent of respondents believed that foreign states were using the Internet against Russia. If access to Internet was blocked, most of the respondents would not see it as a violation of their rights but a complication of communications with family and friends and the purchase of goods. "Russian society has one peculiar feature. When it comes to free speech and political rights, a majority of citizens support them to some extent. But as soon as people get the feeling that democratic freedoms may become a threat to the country's stability, Russians are ready to accept restrictions to these freedoms," commented Tatiana Stanovaya of the Center for Political Technologies.²

Registration of print media is straightforward and transparent. Anyone can file an application with *Roscomnadzor*, and pay a registration fee. A registration fee for national print media is RUB 6,500 (less than \$100), or RUB 3500 (about \$50) for regional media outlets. However, amendments to the Media Law, which went into effect January 1, 2016, prohibit foreign citizens and companies as well as Russian companies with foreign ownership to register and run media in Russia as well as to own more than 20 percent of shares of a media outlet. Previously, the only limitation applied to foreigners was that they could not own more than 49 percent of shares of national television and radio stations. According to *Roscomnadzor*, these amendments should have affected about 150 television and radio stations and about 1,000 print media.³

Licensing is required only for broadcast media. There are very few independent television and radio stations that offer news programming. TV2, an independent television company from Tomsk, Siberia, lost its license near the end of 2014, after it was denied access to a state-owned

transmitter. In 2015, the independent Crimean Tatar community television channel *ATR* was denied a Russian broadcasting license and had to halt regular broadcasting, and closed its office in Simferopol (it now broadcasts via satellite from Kiev). As a result, the Tatar-language news options in Crimea were reduced considerably. These facts indicate that licensing of broadcast media are not apolitical and do not serve the public interest.

The government requires media outlets to register as businesses. Market entry is unlimited, except for foreign-owned media companies. These limitations became effective in 2016, but caused many major foreign publishing houses to leave Russia in the course of 2015. In addition, in 2015 Russia adopted a law that requires all media to report to authorities any funding received from international or foreign organizations as well as Russian NGOs recognized as foreign agents.

Before 2015, Russian media enjoyed some tax breaks, e.g. they had to pay smaller social tax on staff salaries. In 2015, the government took away these perks. Overall, panelists who own and manage media outlets consider the taxes they pay fair. At the same time, the independent media face unfair competition from state-owned media that receive funding from the state budget but also draw revenue from advertising and circulation sales.

In 2015, the Glasnost Defense Foundation registered three cases of journalists who were murdered or died from injuries after violent attacks (two in Crimea and one in Khakassia). There were 65 registered cases of assaults on journalists and bloggers and two cases of damage to the offices of media outlets (one in Crimea, where the office of the Tatar language *Yany Diunya* was looted, and one in the Ivanovo region, where the office of *Rodnaya Nova* was set on fire). Most often journalists, especially television crews, are attacked in the process of collecting information.

Crimes against journalists do not stir public outcry, and largely go unnoticed. The panelists expressed concern that crimes related to professional activities of journalists are not investigated vigorously—a concern shared across the Russian journalism community. For example, in November 2015 one of the delegates of the III Media Forum of the Northern Caucasus region reminded participants that none of the murders of prominent journalists in the region were investigated and prosecuted.

Russian laws do not differentiate between state and private media, and equally protect their editorial independence. In reality, state media are controlled by authorities and serve their interests by presenting only their point of view. In February 2015, the Glasnost Defense Foundation reported that journalists working for the regional state newspaper

² Stanovaya, Tatiana. "Inside the Anti-Freedom Networks." *Institute of Modern Russia*. Aug. 10, 2015. <http://imrussia.org/ru/аналитика/политика/2376-в-сетях-несвободы>

³ "Restricting Foreign Participation in The Russian Media." *Roscomnadzor*. 2015. http://rkn.gov.ru/docs/1Prezentacija_seminar.pdf

Murmansky Vestnik wrote a letter to the Murmansk regional legislature complaining that editorial materials were reviewed and vetted by the regional administration. After this review, some editorial materials were never published, and some were changed without the approval of their authors.

Libel is a criminal code case. Libel is not punished by prison sentences, but an offender faces a fine ranging from RUB 0.5-5 million (while the average salary in Russia is about RUB 33,000 per month) or 160-480 hours of community service. "But public officials rarely lodge libel cases against journalists. They prefer to use defamation laws, because they place the burden of proof on the media and allow claims for financial compensation for moral damage," commented one of the panelists. In 2014 in Russia, there were about 1,000 defamation cases lodged against journalists. "We faced a couple defamation cases this year, which is the about the same as in the previous years, said one of the panelists, the editor of an independent online media outlet. The courts handle the cases very professionally and without prejudice; we have not lost a single case."

Journalists have preferential rights of access to information: public officials have to respond to their requests for information within seven days, while they are allowed 30 days to respond to requests from citizens. Information about public budgets and procurement is now available online, which to some extent has improved access to information. But problems remain. The panelists were concerned that responses to media requests for information are often very perfunctory. It is very difficult to obtain a commentary from public officials, and journalists are requested to go through press offices. Authorities often give preferential access to information to loyal media and bloggers. "There are several bloggers in our city. If they are loyal to police, they get information easily," while outlets deemed disloyal do not fare so well, commented one of the panelists.

Journalists, especially those working for independent media, are regularly denied accreditation by state agencies. In 2015 the All-Russia People's Front, a coalition of Russian NGOs led by President Putin, started the review of accreditation practices used by regional and municipal authorities. For example, they found that the legislature of the Ryazan region did not have any rules for media accreditation, leaving it up to the heads of committees to allow or deny journalists access to committee meetings. The administration of the Belgorod region had accreditation rules, but these rules limit the number of journalists who can get accreditation to 30 people and grant the press office the right to deny accreditation to thematic media, in violation of the Media Law.

Media access to local and international news sources is unrestricted. Media are allowed to reprint and rebroadcast news from both local and international media. In some media, a significant share of content is made of reprinted materials. Online media encourage users to share their materials via social networks. Thus, the corresponding indicator received one of the highest scores under the Freedom of Speech objective.

Entry to the journalism profession is free. The entrance to journalism schools is not controlled and is based on merit. Journalism education is not a prerequisite for getting journalism and editorial jobs. But several panelists were concerned that introduction of the state-approved professional standards for journalists and editors in 2016 may change this situation.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Russia Objective Score: 1.43

Russia considerably meets only two out of eight indicators of the Professional Journalism objective: coverage of key events and issues, and modern and efficient facilities and equipment for gathering, producing, and distributing news. But in the state media—which make up the bulk of the media—reporting is not fair, objective, and well-sourced, and self-censorship is flourishing.

The Russian media sector is divided into three uneven parts. A vast majority of media outlets belong to the authorities and pro-government businesses. They operate as a propaganda branch of the state, and present only state point of view. There is a small group of oppositional media that present an alternative the point of view. "Oppositional media were more visible this year," noted one of the panelists. "They write about themes and topics that are not covered by state media. Yet they are also biased, because they present only the part of the story that is not covered by state media."

Another small group is made of independent private media, both national and local, that adhere to principles of fair, objective, and well-sourced journalism. Practicing this kind of journalism in Russia is difficult. "It is easier now than it was the Soviet times, but still it is very difficult. I have already told many times—and have irritated some people by doing so—that at present there is no journalism in Russia. There is no fourth estate that would really influence the situation and draw attention of authorities to the things that go wrong. Practicing journalism is difficult, given that the officials are somewhat authoritarian and directly or indirectly control media," said Vladimir Pozner, one of the

most prominent Russian journalists, in October 2015.⁴ “The segment of independent media is shrinking. But the quality of journalism in this segment is getting better, because people understand that reputation is invaluable,” noted one of the panelists.

One of the concerns raised by panelists this year was that many journalists engage in politics and openly express their political opinions, especially through their blogs and in social media. Another concern was that because of declining advertising and circulation revenues, media outlets had to lay off journalists and reduce their working hours. This has already had a negative effect on the quality of materials in small local media. The content of local state newspapers is comprised mostly of press releases coming from state agencies, often taken verbatim. Small independent newspapers still try to cover all sides of the story, but their number of sources is dwindling.

In 1994, the Russian Union of Journalists established the Russian Journalist’s Professional Ethics Code, which is in line with ethical standards developed by international professional journalist associations. There is a jury tasked to settle ethical conflicts within the journalist community. At the same time, many journalists are not even aware about the existence of this code, and the overall observance of ethical standards in the media is low. “Ethics is unpopular because Russian journalists stopped caring about their reputation. Journalists either do not give it a thought, or work under conditions where their reputation does not

⁴ “Просто в Париже мне комфортней.” Lenta.ru. Oct. 15, 2015. <http://lenta.ru/articles/2015/10/15/pozner/>

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

matter,” commented one of the panelists. “When journalists work in propaganda, they become partisan, in clear violation of professional ethics,” said another panelist.

Self-censorship has become a common practice. “Journalists more and more try to play it safe and avoid the most important topics,” commented one of the panelists. Another panelist noted the economic reasons for self-censorship: “Local newspapers can openly criticize federal authorities. But they are careful when they cover the local situation, because local authorities can create economic troubles, e.g. reduce funding, for them. On the other hand, national newspapers, for example state newspaper Rossiyskaya, periodically publishes critical materials about regional governors, but would never criticize federal authorities.” The corresponding indicator received the lowest score in Objective 2.

The panelists were evenly split on whether journalists cover all key events and issues in the country. But they all agreed that this coverage, especially in national media, is largely one-sided and serves the interests of authorities. Media is used to move the focus of public attention from internal issues like high inflation and the declining economy to the situation in Ukraine and Syria. “Media cover what authorities want them to cover. A lot of social issues like health care, education and social services are not covered, said one of the panelists. However, at the local level, the situation is better. Even municipal newspapers cover most of the local problems. And this is the result of the influence of the local independent media, according to the panelists. At the same time, there are events that are completely ignored by the state media. For example, near the end of 2015 the Anti-Corruption Foundation, run by opposition activist Alexey Navalny, published a report and a video that presented findings of an investigation into suspected illicit actions of Russian Attorney General Yuri Chaika and his family. Major independent media and some independent media outlets in the region covered the report, which was also widely circulated on the Internet and on social media. More than four million people watched the video within a month after it was posted on YouTube. The state media ignored the report.

Panelists did not see a direct connection between the level of pay and corruption; they believe that corruption depends instead on the editorial policies of media outlets. The pay levels for media professionals vary considerably. National media based in Moscow pay considerably better than media outside the capital. In 2015, the website planerka.org analyzed the salaries offered by media outlets seeking to hire journalists and editors. The average journalist received a salary of RUB 22,800 per month, while editors on average received RUB 30,600. This falls below the average Russian salary of about RUB 33,000 per month in 2015. In Moscow,

salaries are considerably higher. The average salary offered to a journalist in Moscow was RUB 42,900 per month, RUB 45,200 for an editor. But these salaries are lower than average salaries in Moscow of about RUB 63,000. “The differences in salaries of journalists are very high. Over the past several years, I see a consistent trend that experienced journalists leave media to take jobs in press offices where pay is higher and the level of stress is lower,” commented one of the panelists.

Several panelists also noted that in the course of 2015, declining revenues forced many media outlets to lay off journalists or reduce them to part-time. Some journalists who lose their jobs in media turn to blogging and try to make their living by placing paid ads in their blogs.

The amount of news content on television and radio is increasing, but panelists expressed concern that it is often pseudo news disguising state propaganda. “Television channels have launched more political and news-related talk-shows. But this is propaganda rather than real discussion of news. Authorities need to make citizens to see the world their way. As the economic and social situation in the country gets worse, they need to draw the public attention away. And new programs serve this purpose. They do not talk about retirement benefits, health care or education; they focus on what happens abroad,” commented one of the panelists.

In 2015, the propaganda television talk shows became more sophisticated. “Initially they were quite simple and provided only a singular point of view, ignoring the alternative ones. Now, the approach has changed. On every show, there are one or two guests that present an alternative to the official point of view. And these are smart people who can present their point of view well. But as the television hosts and all other guests are against them, they always appear to lose in the discussion,” noted prominent Russian journalist Nikolay Svanidze in a lecture delivered in 2015.⁵

Russian media have sufficient facilities and equipment for production and distribution of news. Due to the development of new technologies, equipment for news production became affordable. Smartphones help journalists produce and distribute news effectively, noted the panelists. Another panelist noted that the costs of website development have decreased dramatically.

Quality niche reporting exists, but it is rare. “Quality analytical reporting is possible only under conditions of editorial independence, but independent media are few,”

⁵ “The Journalist Nikolai Svanidze: Major Media Have Taken on the Role of the Ideological Department of the Central Committee of the CPSU.” 7x7. Jul. 15, 2015. <http://old.7x7-journal.ru/item/63774>

“The segment of independent media is shrinking. But the quality of journalism in this segment is getting better, because people understand that reputation is invaluable,” noted one of the panelists.

noted one of the panelists. “There are some journalists who specialize in certain topics, but most of them report very superficially. Even theater and book reviews are declining,” said another panelist.

Investigative reporting is also rare because it is time consuming and expensive. The very concept of what constituted investigative reporting is diffuse. Criminal reporting, tabloid/paparazzi journalism, and coverage of the results of investigations conducted by law enforcement agencies are often seen as types of investigative journalism. Sometimes the “limits” are stretched even more, e.g. to include “investigations” of paranormal phenomena.

Still, there are journalists who deliver high-quality investigative reports. For example, *Pskovskay Gubernia* investigated the story of Russian paratroopers who died in combat in Ukraine and were secretly buried in Pskov, and a journalist from St. Petersburg investigated an abandoned nuclear waste site in the Leningrad region.

OBJECTIVE 3: PLURALITY OF NEWS

Russia Objective Score: 1.56

Russia considerably meets three out of eight indicators of the Plurality of News objective: citizens’ access to domestic or international media is largely unrestricted, private media produce their own news, and media cover local, national, and international issues. But state media, which make up the majority of Russian media, serve the authorities rather than the public interest. Still, some alternative viewpoints can be found in independent media, mostly print, online, and on social media channels.

According to *Roscomnadzor*, there are about 80,000 media outlets in Russia—including television, radio, print and online. Through Russian Post, people can subscribe to about 15,000 newspapers and magazines. According to Yandex research, there are 4,500 online media. In 2015, one of the major national cellular companies launched a service that offers mobile users access to e-versions of newspapers.

“At present, civic discussions are concentrated on Facebook. But social networks considerably diffuse this discussion, as it is more difficult to create a discussion platform. The groups are separated, and discussions continue within groups of friends.”

Research conducted by Levada-Center shows that about 50 percent of Russian people do not have access to sources of alternative viewpoints, and rely only on information provided by state-owned federal television channels. Approximately 30-40 percent of people have access to media presenting alternative viewpoints, and 10-15 percent use only independent media, according to this research.

Levada-Center also reports that television remains the main source of information for Russian people: 45 percent watch television news and analytical programs on a regular basis, and 47 percent do it occasionally. For about half of the Russian population, television is the only source of information: 46 percent never or rarely read news online, 52 percent do not listen to news programs on the radio, and 58 percent do not read newspapers. Among television channels, people usually watch news at the four state-owned channels: Channel One (78 percent), Russia-1 (66 percent), NTV (51 percent) and Russia-24 (41

percent). In the radio sector, key sources of news also belong to the state: Radio Russia (15 percent) and Mayak (15 percent). Only nine percent of the population report listening to Echo of Moscow, the oldest Russian radio station that offers a plurality of viewpoints, for news. In the print sector, the major sources of information are private national newspapers Argumenty & Factly (20 percent) and Komsomolskaya Pravda (11 percent), while 19 percent of people get news from local newspapers. The main online source of news is YandexNovosti (27 percent), which aggregates news from online news sources.

One of the panelists noted that four major state television channels that receive both state funding and advertising revenue provide programs of a very high technical quality, creating high audience expectations in this respect. Independent television channels like Dozhd in Moscow and regional outlets that must operate under serious financial constraints fall short of these expectations and lose the audience.

Another panelist noted that since 2012, blogs were progressively filling a role as the source of information to social networks: “At present, civic discussions are concentrated on Facebook. But social networks considerably diffuse this discussion, as it is more difficult to create a discussion platform. The groups are separated, and discussions continue within groups of friends.”

Access to domestic and international media is not restricted. A majority of panelists believe that Russia considerably met the corresponding indicator. People in major cities still have better access to media than people in the rural areas, but falling costs of Internet subscriptions (including mobile Internet) and mobile devices that allow for Internet access helps to reduce this gap. According to the Public Opinion Foundation, 66 percent of Russians go online at least once a month. In urban areas, Internet access is about 70 percent (75 percent in Moscow and St. Petersburg); in rural areas, it is 55 percent.

Still, Levada-Center data shows that relatively few media consumers (10 percent in Russia in general and 21 percent in Moscow) seek information from several (more than three) independent sources, which would allow them to compare information. One of the panelists, the director of a regional private media house, noted that in 2015 more people became interested in analytical materials: “I see that more people are reading long texts on our website. As the text provides analysis of the economic situation in the region or regional strategy, there are more people who read it and read the whole of it.”

Several panelists noted that language could be a barrier to access to foreign media. People with lower incomes also face

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

economic barriers to access media. Levada-Center research to some extent supports this: the share of affluent people (those who can afford expensive consumer goods) is higher among those who use several sources of information: 65 percent compared to 40 percent for all of the population.

State media does not reflect the views of the political spectrum and engages in propaganda rather than news production. A majority of panelists believe that Russia did not even minimally meet the parameters of corresponding indicator, giving that indicator the lowest score for Objective 3. There is public television, but it “does not cover politics. They cover culture, education. This is a nice channel, but it is absolutely apolitical,” commented one of the panelists.

Major national news agencies Russia Today and ITAR-TASS belong to the state and are not editorially independent. They are well equipped and provide a variety of services, including high quality video and infographics. Services are available both by subscription and on ad hoc basis. Various media outlets, including independent outlets, use their services; Russia Today and ITAR-TASS also have websites open to the public.

“There are quite a few news agencies in the regions. But they do not distribute news by subscription. And it is difficult to know if they are editorially independent. State media holding companies in regions now establish their own information agencies, but they definitely do not provide objective news,” said one of the panelists. These news agencies usually operate as online media and don’t provide news by subscription. Another panelist noted that there were several cases when independent media outlets had to close their print editions due to declining revenues, they turned into online news agencies. The independent TV2 that lost its television license in the end of 2014 maintained part of its editorial team to produce new via TV2 online news agency.

A majority of private television channels in the regions operate as partners of national television channels and rebroadcast their programs. Still they usually produce their own news programs with regional and local news. The same is true for private radio stations. Private newspapers, both national and local, also produce their own news. The content of private independent local media differs considerably from that of the state media, and often these media are the main source of alternative news and viewpoints in their markets. A majority of panelists thought that Russia met the corresponding indicator. Its score is the highest for the Plurality of News Objective.

The state is the major media owner in Russia. “The state has consolidated control over all major media—at the federal, regional and municipal levels. And the information function of these media was reduced to relaying the point

of view of authorities and state companies,” commented one panelist. All-Russian State TV and Radio Company owns five national television channels, plus five national and more than 80 regional radio stations. The state also owns 51 percent of shares of television Channel One, national newspapers *Rossiyskaya Gazeta* and *Parlamentskaya Gazeta*, and two major news agencies. Gazprom-Media holding company, a subsidiary of the state Gazprom company, owns national television companies NTV and TNT, satellite television company NTV-PLUS, five radio stations including Echo of Moscow, Publishing house Seven Days, and online video hosting platform Rutube. National Media Group, the largest private media holding company owned by state-affiliated businesses, has a stake in Channel One (25 percent), TV and Radio Company Petersburg – Channel Five, national REN-TV (68 percent), the national *Izvestia* (73.2 percent), radio *Russkaya Sluzhba Novostey* (100 percent), and *METRO-Petersburg* (100 percent).

As mentioned above, in late 2014, Russia adopted a law limiting foreign ownership in Russian media companies to 20 percent, and the law went into effect January 1, 2016. As a result, in the course of 2015 foreign publishers were selling their Russian media assets. For example, Bonnier Group sold 80 percent of its shares of Delovoy Petersburg to the Russian company Fort Group, which runs 11 trade centers in St. Petersburg. Fort Group is owned by Maxim Levchenko and Boris Paikin. The latter worked at the head of one of Gazprom’s subsidiaries until 2013. In 2015, Delovoy Petersburg reported that owners of Fort Group were close to Gazprom management and Russian authorities. Axel Springer sold its Russian subsidiary that publishes *Forbes* as well as several glossy magazines to Russian businessman Alexander Fedotov. In an interview to RBC, Fedotov said that *Forbes* was too politicized and he wanted it to adjust its focus and cover only business and economic issues and avoid political topics.

Ownership of small local media is less transparent, but media consumers are not interested in this kind of information. “Nobody cares. The information culture of the majority of the population is low, and people do not pay attention to this kind of thing,” commented one of the panelists.

Russian media also do not reflect a broad spectrum of social interests. “The spectrum is rather limited. Media predominantly focus on the activities of authorities. The coverage of issues such as gender and minorities are plagued with stereotypes. Even where there are minority language media, their distribution is restricted to the minority covered and they never reach to the rest of the population,” commented one of the panelists. “A variety of social interests is reflected only minimally. A broad spectrum is reflected by social media, rather than regular media.

There are several reasons for this, including propaganda and political engagement, so there is no space left for other things,” noted another panelist.

In Russia, to a certain extent due to the size of a country made of 85 regions, there is a traditional “division of labor” between national and local media. The former focus on national and international news, while the latter cover mostly local news and issues. As a result, people have very little information about events in other regions. Coverage of international news is patchy and one-sided. In 2015 international news coverage focused on Ukraine, the Russian military operation in Syria, and the conflict with Turkey over the Russian warplane shot down near the border with Syria.

OBJECTIVE 4: BUSINESS MANAGEMENT

Russia Objective Score: 1.38

Russia does not considerably meet any of seven indicators of Objective 4, according to the panelists. In 2015, the whole media sector suffered from the economic crises that started in 2014 after the US and EU imposed economic sanctions against Russia, and the situation worsened in 2015 because of rapidly falling oil prices. In 2015, the Russian economy fell by about four percent, and national currency considerably depreciated; demand for consumer goods fell by about 10 percent. Advertising sales fell even more. According to the Association of Russian Communication Agencies, over the first nine months of 2015 television and radio lost 19 percent

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

of its advertising revenue, while newspapers lost 25 percent. The Association of Press Distributors, meanwhile, reported that newsstand sales dropped more than two percent, and subscription sales decreased by six percent. Newspapers also faced rising newsprint costs and the growth of subscription distribution costs as the state discontinued subscription subsidies the Russian Post, the major subscription operator in Russia.

These negative developments considerably undermined the economic viability of independent media outlet, driving them to the edge of survival. Many media had to lay off staff or reduce their working hours. Several publishers discontinued production of newspapers and retained only online media.

“All media outlets that do not belong to the state or oligarchs have to operate efficiently, because they need to make money to sustain themselves. These media prepare and follow business plans, and hire highly qualified professionals. But these media are a minority,” noted one of the panelists. State media, which make up a majority of the media sector, are less concerned about efficiency. A majority of panelists believe that Russia did not considerably meet the corresponding indicator.

In the course of 2015 the sources of media revenue were drying up. “Before the crisis the situation was okay, but now it is getting progressively worse. We are rapidly losing sources of revenue,” commented one of the panelists, the head of small local independent newspaper. “Local businesses that were our main source of advertising revenue are closing down. We just do not have advertisers any more,” noted another panelist.

Many print media also lost circulation revenue. For example, according to Association of Press Distributors, the independent *Vedomosti* lost 20 percent of its subscription circulation, while the state *Rossiyskaya Gazeta* lost 11 percent. At the same time, some independent local newspapers managed to retain circulation, even though they had to increase copy prices.

In 2015, the Russian advertising market was negatively affected by economic crisis and restrictions imposed by government, e.g. the ban of advertising on paid television channels. There are estimates that because of legal restrictions in 2015, only federal television channels have lost about RUB 50 billion of advertising revenue.⁶ And Russian

⁶ Druzhinin, Andrey. “Advertising Market 2015-2016: Results and Prospects.” Sostav.ru. Dec. 29, 2015. www.sostav.ru/publication/reklamnyj-rynok-2015-2016-itogi-i-perspektivy-20487.html

legislators came up with new initiatives to impose more restrictions on media advertising, including proposed bans on advertising of processed food products and pharmaceuticals.

In the course of 2015, the structure of advertising content changed. While the advertising of food brands fell by 22 percent, beauty goods by 30 percent, and soft drinks by 15 percent, pharmaceutical companies hardly cut their advertising and became the leading advertisers in Russia. Ads of pharmaceutical products now account for about 20 percent of advertising market, retail companies. According to TNS, the top Russian advertisers are global companies: Novartis, Mars Russia, Procter & Gamble, PepsiCo, Reckitt Benckiser. Major Russian advertisers include pharmaceutical companies and mobile operators.

The only growing segment of the market is contextual advertising (up 17 percent over the first nine months of 2015). The most problematic segment of the market is print media. Advertising specialists believe that the problems in this segment could be attributed to the lack of cooperation between print media, inadequate pricing policies and deficiencies in working with advertising agencies and clients.⁷

According to the Association of Russian Communication Agencies, the Russian advertising market is controlled by 10 major advertising agencies that are part of five global advertising groups. In 2014, these 10 agencies managed 65.3 percent of all advertising budgets.⁸ On the local markets, advertising agencies play a less prominent role. According to one of the panelists they account for 7-10 percent of the market, so media outlets directly market themselves to advertisers.

The amount of advertising in Russian media is legally restricted: it cannot exceed 15 minutes per hour on television, 20 percent of air time per day on the radio, 40 percent of space in non-advertising print publications. Declining advertising and circulation sales revenues force media managers to seek other sources of revenue, including government subsidies.

In 2015, the Russian budget allocated about RUB 398 million for subsidies to print media to support their social projects. RUB 83 million were earmarked for national press, and RUB 270 million for the regional and local press. Subsidies were to be distributed on a competitive basis by the Russian Press

Agency. As of October 2015, the Agency had disbursed RUB 286 million for 719 social projects of 547 print media. According to one of the panelists familiar with the process, the competition for these subsidies was transparent and fair. At the same time, All-Russia People's Front publicly raised concerns that the application procedure was too complicated and laborious, deterring many small media from applying.

Panelists also expressed concern about the so-called information service contracts that authorities make with media. In essence, under these contracts media produce advertorial materials covering the activities of authorities. The content of these materials is usually approved by state press offices. But when these materials are published or go on air, they are usually not marked as advertising or advertorials. "Information service contracts are the most common type of subsidy to media at present. The awarding of these contracts is non-transparent and plagued with corruption, and it undermines the economic viability of the media that do not apply for them," noted one of the panelists. The corresponding indicator received the lowest score within Objective 4.

Marketing research is used mostly by large national media companies that work with major advertisers and advertising agencies. "Large sustainable media-holding companies commission and use marketing research, while the rest of the media do not ... State companies do not really need this kind of information, because they receive money from the state budget regardless. And private media cannot afford marketing research," commented one of the panelists.

TNS Russia and Synovate Comcon are two major players in the media measurement market. Both measure television and radio broadcast ratings and press readership. Their data is recognized by advertisers, but media outlets show more suspicion. One of the limitations of the existing media measurement system is that it covers only cities with a population above 100,000 people.

Print run figures are controlled and verified by the National Circulation Service and Circulation Audit Bureau. The National Circulation Service publishes a blacklist of media outlets that overstate their circulation numbers. In 2015, about 960 Russia print media certified their print runs. At the same time, nobody verifies the circulation sales, which is seen as one of the limitations for advertising in press.⁹

⁷ Druzhinin, Andrey.

⁸ "10 Largest Agencies in Russia Control More than Half of Advertising Budgets." *Vedomosti*. Jul. 14, 2015. www.vedomosti.ru/technology/articles/2015/07/14/600435-10-krupneishih-agentstv-v-rossii-kontroliruyut-bolshe-polovini-reklamnih-byudzhetrov

⁹ "6 Major Media Market Trends in Russia." *Sostav.ru*. Dec. 21, 2015. www.sostav.ru/publication/6-glavnykh-trendov-rynka-reklamy-v-presse-20353.html

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Russia Objective Score: 1.86

Russia considerably meets five out of eight indicators of Objective 5. As a result, the score for this objective scored the highest among the five MSI Objectives. At the same time, professional associations remain weak, and problems with media distribution continue.

Television and radio companies are united via the National Association of TV and Radio Broadcasters (NAT), which celebrated its 25th anniversary in 2015. The largest press association is the Guild of Press Publishers (GIPP). GIPP includes over 400 members that account for about 80 percent of the Russian press. Both associations cooperate with international trade associations, conduct trade fairs, provide analytical, information and training services to their members, and try to lobby the Russian government to advance the interests of their members. Operation of these two associations is funded by membership fees and state grants.

While membership in NAT and GIPP is open, membership in the Alliance of Independent Regional Publishers (ANRI) is conditioned on the criteria of editorial independence and is open only to private media outlets based outside Moscow that publish high-quality general interest newspapers. In 2015, ANRI members suffered from declining advertising and circulation sales, and about 10 members had to discontinue their membership because they lacked the money to pay their fees. Membership fees collected by ANRI are never

sufficient to cover operating expenses, so it must seek grants and state contracts to organize national media conferences.

Trade associations are not particularly powerful, but being a member gives media outlets a support network. "If a media outlet faces problems with the authorities in its region, and other members write letters in support of this media outlet to the governor, it helps a lot," commented one of the panelists.

A majority of panelists expressed skepticism about the work of Russian Union of Journalists (RUJ), the only professional association of Russian journalists. "Journalists do not particularly trust the Union of Journalists. At the same time, it has established some very progressive self-regulatory mechanisms, e.g. the Public Board where people and organizations can lodge complaints against media. But very few people know about this institution," commented one of the panelists. RUJ conducts a broad range of activities: training, journalist competitions and festivals, production of professional publications including the magazine *Journalism and Media Market*. There is a hotline for journalists seeking to protect their rights. RUJ attempts to protect the rights of media, journalists and NGOs supporting free speech, e.g. by making public statements, but the authorities mostly ignore these efforts.

NGOs supporting free speech and independent media are few. In the course of 2015, the leading media NGOs—the Glasnost Defense Foundation, the Center for Protection of the Rights of Media, and Novosibirsk and St. Petersburg Institute for Press Development branches, were investigated by authorities and were designated as foreign agents (that is, NGOs that receive foreign funding and engage in political activity). Substantial fines were imposed upon all organizations that did not voluntarily register as foreign agents. All organizations appealed the designation, and the Institute for Press Development – St. Petersburg actually won an appeal in the Supreme Court. Still, NGOs continue to operation.

In 2014, the Russian businessman Boris Zimin established the Foundation for Russian Media Support, known as Sreda. The Foundation intended to provide direct financial support to high-quality Russian independent media to address the problem that there is "a very strong cohort of state media that take more and more of media space, and a weak independent media sector," as Zimin explained in one of his interviews. In February 2015, Sreda awarded RUB 22.5 million to nine media outlets, including TV2, television channel *Dozhd*, *Pskovskaya Gubernia* and *Svobodny Kurs*. But in the summer of 2015, Sreda had to stop operating after being labeled a foreign agent, because its funding was coming from abroad endowment established by Zimin's family.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

The media industry is not satisfied with the quality of journalism degree programs. During the NAT International Congress that took place in Moscow in summer 2015, the Deputy Minister of Communication and Mass Media noted that while Russia has too many journalism schools, their graduates are unqualified to work in media. "Academic programs in the classic universities focus on fundamental education; they provide knowledge rather than practical skills," commented one of the panelists.

The quality of journalism education is connected with the qualification of teachers who provide this education. "There are universities where journalism schools are well funded. They establish multimedia classes and well-equipped newsrooms. But they do not have teachers capable of using this equipment and training students. Still, some solid practice-oriented programs emerge where there are teachers with a lot of practical media experience," said one of the panelists. The best journalism programs exist in capital cities—Moscow and St Petersburg, where schools are able to invite the best media practitioners to work with students. "But I see that in other universities, the generation of Soviet teachers is gradually leaving and being replaced by people who are familiar with modern media. Another positive change is that the state educational standards for journalists now include multimedia journalism, though investigative journalism is still not part of the curriculum," commented another panelist.

One of the panelists expressed concern about the values that journalism schools instill in the students: "I asked students about how they see their role as journalist. The response was that they should shape public opinion," rather than inform people. Thus, journalism education also contributes to the fact that many Russian journalists fail to see the difference between news and propaganda.

Short-term training opportunities are offered by universities, NGOs and private companies. NGOs are still able to offer training to a limited number of journalists for free. Others provide training on a paid basis, but the use of modern technologies, e.g. offering training via webinars, reduces the costs and makes training more affordable to media outlets. But as the revenue of media outlets dries out, their ability to send staff to paid training diminishes. One of the panelists also noted that as media have been forced to minimize the number of staff, they could not send people to training any more because their work could not be reallocated.

Sources of media equipment and printing facilities are apolitical, not monopolized, and unrestricted. Printing firms are sufficient and efficient enough to support the media. But the situation with the newsprint grew more problematic in 2015, when Russian sources of newsprint raised their

prices by 10-15 percent. Depreciation of the ruble made the export of newsprint more profitable, and increasing exports resulted in a deficit of newsprint in the domestic market.

Channels of media distribution remain restricted; thus the corresponding indicator received the lowest score within Objective 5. The model of transition to digital broadcasting proposed by the authorities anticipated that regional television channels would be distributed on a paid basis by cable operators. But the ban for paid channels to carry advertising adopted in the end of 2014 made cable distribution economically unviable. In the course of 2015, the authorities and regional television companies were discussing distribution models that would allow regional television to survive.

The network of press kiosks continued to decrease: according to the Association of Press Distributors, in 2015 three percent of existing kiosks were closed. In addition, some kiosks were relocated from high traffic areas on the streets to quiet areas inside residential blocks, where press sales were slower. National retail networks remained closed to local newspapers. As a result, in 2015 the number of copies sold dropped by 15 percent and newsstand sales dropped by 2.2 percent.

The subscription market is highly monopolized. The main subscription operator is the Russian Post. In 2015 government stopped subsidizing subscription operations of the Russian Post, and raised subscription prices. As a result, subscription circulation dropped by 16 percent, and subscription sales fell by six percent.

The existing information and communications technology (ICT) infrastructure sufficiently meets the needs of the media industry. According to the Ministry of Communications and Mass Media, 33 percent of the Russian population uses cable television, and 31 percent uses satellite television. Broadband and mobile Internet is available to a majority of the population. There are still differences between cities and rural areas and between regions; providers start introducing new technologies and offer better prices in the more populated areas. For example, people in major Russian cities already have access to high-speed 4G networks. The cost of Internet access, both broadband and mobile, in the Far East still exceeds the European part of Russia, although the corresponding indicator received the highest score within Objective 5.

List of Panel Participants

Due to laws restricting NGO activity and contacts with U.S.-based NGOs, the participants in the Russia study will remain anonymous. This chapter was developed by a Russian journalist in December 2015 after a series of structured interviews with colleagues in the media sector.

Another challenge for 2016 is battling impunity for crimes committed against journalists, especially as the number of these crimes has been increasing and as the Ukrainian government has shown little capacity to overcome this impunity and to protect journalists from offenses.



UKRAINE

Throughout 2015, Ukraine experienced a severe recession. The GDP fell by 12 percent and the currency (hryvnia) dropped approximately 70 percent against the U.S. dollar over the past two years. For a second year, the war in eastern Ukraine continued, as well as the information war with Russia. Ukraine is in a transformational period with a population full of fear and disappointment from the current political situation and living conditions. The government has postponed reforms and citizens are losing trust in other social institutions as well.

Nearly all Ukrainian citizens have experienced reduced wages and lower consumption as a consequence of the current economic crisis. Most Ukrainians are not confident that the government will successfully implement reforms. According to *Democratychni Initsiatyvy* in July 2015, there is only a 30 percent approval rating of the current reform progress. A 72 percent majority considers corruption, economic oligopoly, inefficient governance, and a lack of social and economic strategy to be the main causes for crisis; only 28 percent blame the conflict in Donbass, eastern Ukraine.

For media, 2015 was a remarkable year in legislative reforms; the main challenge throughout 2016 is to further improve the practical implementation of the law. Ukraine now has the opportunity to develop independent public broadcasting, which will begin with destatization reform, or the gradual decline of state influence over local print media. Although journalists now have access to a large amount of public documents, laws regarding access to public information need further improvements. Furthermore, the law on transparency of media ownership will require public monitoring to ensure responsible implementation.

Another challenge for 2016 is battling impunity for crimes committed against journalists, especially as the number of these crimes has been increasing and as the Ukrainian government has shown little capacity to overcome this impunity and to protect journalists from offenses. The establishment of the Independent Media Council is a promising sign for regulation within the media community.

The panelists also noted improvements, as demonstrated by increased scores for Objective 1, freedom of speech, and Objective 4, business management. The scores for other objectives remained similar to the previous year. Despite the small improvement in the business management, it received the lowest score and remains within the “unsustainable, mixed system” range. Without greater progress in the ability of media to achieve financial stability and independence, the gains made to date—not to mention future gains—remain precarious.

UKRAINE at a glance

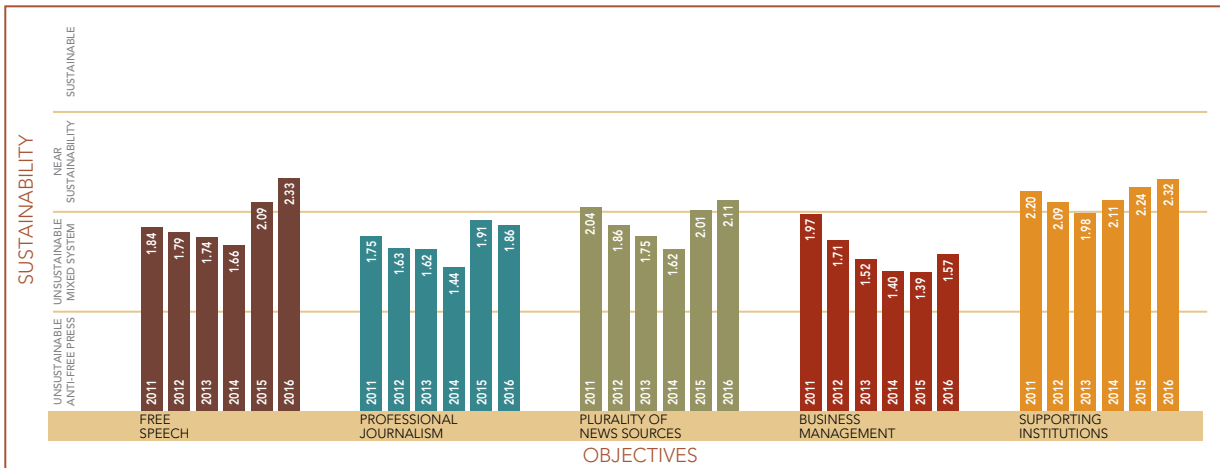
GENERAL

- > Population: 44,429,471 (July 2015 est., *CIA World Factbook*)
- > Capital city: Kyiv
- > Ethnic groups (% of population): Ukrainian 77.8%, Russian 17.3%, Belarusian 0.6%, Moldovan 0.5%, Crimean Tatar 0.5%, Bulgarian 0.4%, Hungarian 0.3%, Romanian 0.3%, Polish 0.3%, Jewish 0.2%, other 1.8% (2001 est., *CIA World Factbook*)
- > Religions (% of population): Orthodox (includes Ukrainian Autocephalous Orthodox (UAOC), Ukrainian Orthodox - Kyiv Patriarchate (UOC-KP), Ukrainian Orthodox - Moscow Patriarchate (UOC-MP), Ukrainian Greek Catholic, Roman Catholic, Protestant, Muslim, Jewish (2013 est., *CIA World Factbook*)
- > Languages: Ukrainian (official) 67.5%, Russian (regional language) 29.6%, other (includes small Crimean Tatar-, Moldavian-, and Hungarian-speaking minorities) 2.9% (2001 est., *CIA World Factbook*)
- > GNI (2014-Atlas): \$152.1 billion (World Bank Development Indicators, 2016)
- > GNI per capita (2014-PPP): \$8,560 (World Bank Development Indicators, 2016)
- > Literacy rate: 99.8%; male 99.8%, female 99.7% (2015 est., *CIA World Factbook*)
- > President or top authority: President Petro Poroshenko (since June 7, 2014)

MEDIA-SPECIFIC

- > Number of active media outlets: Print: 1638 newspapers and 2,163 other periodicals (State Committee on Television and Radio Broadcasting of Ukraine, March 2015); Television: 42 national channels, 130 regional channels, and 201 local channels; Radio: 15 national, 57 regional, and 223 local radio stations (National Council for Television and Radio Broadcasting, 2014)
- > Newspaper circulation statistics: Top three dailies: (all private) *Segodnya* (661,000), *Fakty i Kommentarii* (631,000), *Vesti* (609,000) (TNS audience research MMI Ukraine, 2015)
- > Broadcast ratings: Top television: (all private) Studio 1+1, STB, Kanal Ukraina, Novyi Kanal, Inter, ICTV (Nielsen, 2015); Top network radio: (all private) Hit FM, Radio Shanson, Russkoe radio Ukraine, Lux FV, Retro FM, Nashe Radio (GfK Ukraine, 2015)
- > News agencies: Interfax, UNIAN, Ukrainski Novyny, LigaBiznesInform, RBC-Ukraine, RIA Novosti Ukraine (all private); UNIA Ukrinform (state-owned)
- > Annual advertising revenue in media sector: Television: \$146 million; Print: \$48 million; Radio: \$11 million; Internet: \$86 million (2015 est., All-Ukrainian Advertising Coalition)
- > Internet usage: 16.8 million users (2014 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: UKRAINE



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Ukraine Objective Score: 2.33

According to the EU-Ukraine Association Agreement, signed in June 2014, Ukrainian legislation is to become more aligned with European standards within two years. In May 2015, the Cabinet of Ministers eliminated the highly-criticized National Expert Commission of Ukraine on the Protection of Public Morality, which acted as the body of censorship and operated for more than 10 years. The National Strategy on Human Rights was adopted in August 2015, ensuring appropriate use of public broadcasting, freedom of editorial policy, transparency of media ownership and financing sources, safety of journalists, as well as access to public information and information resources including the Internet. The National Strategy on Human Rights also highlights key problem areas in media such as excessive state regulation, insufficient protection of journalists, state propaganda and restrictions on free expression, influence of media owners on editorial policy, and improper implementation of the law on access to information. In January 2016, the Parliamentary Committee on Freedom of Speech and Information Policy adopted a strategy for the legislative transition, which includes changes to the constitution as well as the adoption of laws for

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

FREE-SPEECH INDICATORS:

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

“Journalists are not confident that in the future they will be protected by law enforcement and, in fact, are not confident that they will not again be directly targeted,” Tomilenko added.

broadcasters, self-regulation or co-regulation, counteracting monopolization and concentration of media markets, and state media literacy programming.

The panelists highlighted the legislative achievements regarding public broadcasting, destatization of state owned and municipal media, media ownership transparency, and increasing criminal responsibility for offenses against journalists. Kostyantyn Kivrt, the board chair of Internews-Ukraine, also noticed positive trends in progressive legislation like access to public information, but notes the importance of their implementation and enforcement. According to Natalia Gumenyuk, chair of Hromadske.tv, although the government does not actively repress media rights, it exercises a certain inertia and unwillingness towards destatization. For example, the quality of responses to information requests has improved, but not throughout all agencies. The chief editor of *Kramatorsk Post*, Andriy Yevchenko, acknowledges that legal mechanisms for the protection of free speech exist and are used; however, social norms and behaviors are less oriented towards freedom of speech and violations do not tend to upset individuals.

Regarding licensing and other requirements, the state is rather tough on media broadcasting. “There are still many regulatory mechanisms, including financial ones, like the license fee for non-profit broadcasters. There is an unwillingness of officials to get rid of the regulatory mechanisms,” according to Gumenyuk. Yevchenko added that registration of a print media organization is simple but often becomes complicated with bureaucratic procrastination. For example, one newspaper has been attempting to renew registration for seven months. Sometimes the speed of the process appears to be dependent on the influence of political affiliations. Gennadiy Sergeev, director of Chernivtsi city television and radio company and board chair of the Independent Association of Broadcasters (IAB), is frustrated with the National Council’s delay to correct mistakes from a 2011 event. As a result, about 130 regional and local television companies all over Ukraine have been denied frequencies for broadcasting. This case is currently being considered in the European Court for Human Rights.

According to Sergiy Tomilenko, first secretary of the National Union of Journalists of Ukraine (NUJU), impunity for crimes against journalists remains a very critical issue. Law-enforcement authorities either sabotage investigations of such crimes or are not able to conduct effective investigations. For example, hundreds of cases from the brutal 2013 attacks on journalists at Euromaidan in have still not been properly investigated. A law within the Criminal Code, adopted in May 2015, has increased responsibility for actors in crimes against journalists, including threats and violence, damage to property, attempted murder or murder, kidnapping, etc. The law also establishes compensation to journalists and their families for the death or injury of a journalist while performing professional duties.

The Institute of Mass Information (IMI), established in September 2015, requested status updates on 273 cases of crimes against journalists from 2013 to 2015; however, the General Prosecutor representatives only had reports for two. Tomilenko believes that despite political declarations, again, there is a lack of political will and understanding by new law enforcement and government officials. "Journalists are not confident that in the future they will be protected by law enforcement and, in fact, are not confident that they will not again be directly targeted," Tomilenko added. In October 2015, the journalist Mykhaylo Tkach and cameraman Kyrylo Lazarevych, from the investigative television program and Radio Liberty project *Schemy*, were violently arrested and detained near a Security Service of Ukraine office while filming the employees' luxury cars. Shortly thereafter Security Service of Ukraine officials publicly apologized and committed to a full investigation. In January 2016, the journalists won the case and the respective guards were sentenced to two days of community service.

NGO Telekritika recorded 311 violations of journalists' rights in 2015: 140 cases of governmental and law enforcement officials denying access to public information, public events etc.; 104 cases of beatings, threats, and attacks; 43 cases of political pressure; 10 cases of bribery; 13 wrongful dismissals; and one case of censorship. Although the number of violations has decreased compared with the previous year, crimes against journalists that took place in 2013 and 2014 have not yet been properly investigated, with the exception of one murder of a journalist, Vyacheslav Veremiy, killed in February 2014 by *titushki*, a common Ukrainian term used to describe mercenaries that carry out street beatings, carjackings and kidnappings.

In February 2015, Sergiy Nikolayiv, photojournalist for *Segodnya* newspaper, was killed while reporting on the conflict near Piski village. A freelance journalist and fixer from Luhansk, Maria Varfolomeyeva, was abducted in

January 2015 and held by her captors until early March 2016, when freed as part of a prisoner exchange. The lives of those reporting on war and conflicts clearly remain under threat. According to the NGO Telekritika, media outlets do not prioritize the security of their reporters, even when they are working in combat areas. For example, most media outlets do not provide reporters with security training, medical kits, insurance, or danger pay; furthermore, most do not monitor the status of employees reporting in Anti-Terrorist Operation (ATO) areas. Access into ATO areas requires a special press-card for journalists as well as a request filed with authorities indicating dates and specific locations.

Media Law Institute director Taras Shevchenko has been quoted saying he hopes that the destatization process will result in "liberation from slavery" and the end of the glorification of local government. According to panelist Yevchenko, municipal media organizations controlled and financed by their respective local governments do not conduct independent editorial policy. "The mechanism of financing is the key for controlling media. The outlet managers are appointed for political reasons and represents the interest of parties and clans that rule that locality," Yevchenko said.

Considered a civil law issue since 2001, in libel lawsuits, the plaintiff is always responsible for proving accusations. As of April 2014, the burden of proof in defamation cases is now placed equally upon both parties. Lyudmyla Opryshko, media-lawyer of the Regional Press Development Institute (RPDI), outlined that this practice does align with European Convention on Human Rights (ECHR) standards. The Plenum of the Supreme Court of Ukraine supports the notion that damage from libel is more detrimental to politicians and public officials than average civilians. Court fees for damage claims are calculated on a progressive scale in order to curb excessive damage sums; however, RPDI media lawyer Lyudmyla Pankratova, added that judges often fail to distinguish between facts and opinion. Pankratova also noted that, in 2015, defamation claims became more frequent, but the damage claims tend to be moderate.

Adopted in 2011, Ukraine has one of the most advanced laws on access to public information in Europe; however, its implementation is weak. Throughout 2015, implementation has shown signs of improvement and parliament is considering an amendment to correct ambiguous clauses. The Ukrainian government's digitalization program should make 300 new catalogues of information available to the public in machine-readable format in April 2016. Oleg Khomenok, independent journalism trainer and senior media advisor of Internews Network, emphasized that the number of accessible records is maximal and very close

to Scandinavian standards. It is a giant breakthrough, Khomenok said. Now the challenge is completeness of each database or catalogue as well as the relevancy of the available data.

Volodymyr Torbich, chief editor of Rivne Agency for Investigative Reporting, agreed that “access to records has improved, and the numbers of available records are increasing. Journalists request records often, but they still have to be insistent and demand this right, sometimes in court. For instance, we are suing the General Prosecutor’s office for not providing salary records for the prosecutor who recently resigned,” Torbich said. Opryshko confirmed that simple requests are answered pretty easy, but in more complicated cases when officials can use any reasons to deny the request and they do so. Opryshko continued that since September 2015, the court fee was increased for any case regarding access to public information. This financial burden can limit journalists’ access to court and, consequently, to the public information. Although many records became available in 2015 and some have good search filters, many are not well organized, Opryshko said.

The only barriers for media and journalists to access and use local and international news sources are knowledge of the relevant foreign language and the associated costs, if any exist. Media often reprint and re-broadcast foreign news programs and reports; however, some of the most reputable foreign sources are unaffordable for Ukrainian media outlets. Occupied territories, such as Crimea, parts of Donetsk, and Luhansk remain deprived of Ukrainian media and other information sources.

Generally, entry into the journalism profession is absolutely free of hurdles. Industry efforts to set up a uniform press card have failed so far, and from time to time various authorities question the status of a journalist from an online media outlet.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ukraine Objective Score: 1.86

According to Kvurt, 2015 was the year of local elections [in October] and this tends to have a negative impact on professional journalism standards in Ukraine. *Jeansa*, a common Ukrainian term for unmarked paid stories or hidden advertising, is still present as is political advertising. “Ukrainian journalism remains superficial, copying-pasting prevails, and there is a lack of quality analyses. However, anti-corruption investigative programs are being broadcast more frequently and gaining public attention. The public watches them, but no criminal cases have resulted.

Nataliya Steblyna, expert group coordinator for Pylyp Orlyk Institute of Democracy, stated that compliance of professional standards in Ukrainian media is one of the most challenging issues for her institute. The Pylyp Orlyk Institute of Democracy monitors the state of regional media. The number of news articles based solely on press releases has increased and *jeansa* is also increasing. For example, 30 to 40 percent of the stories in June were *jeansa*, likely in anticipation of the local elections in October 2015.

Yevchenko explained that events aligning with the media outlet owner’s interests receive more time and, therefore, more attention, controlling the media as a tool of influence. Media organizations do not publicize the fact that stories are editorial or paid, especially during election campaigns. For example, when Yevchenko worked in Kremenchuk, only one of seven popular media outlets was independent and unbiased. Only an attentive reader would be able to determine the affiliation and bias of the owner by the way the outlet covered the election.

Based on the monitoring efforts of NGO Telekritika, the professional level of journalists as well their compliance with professional and ethical standards has fallen catastrophically. “The information war being carried out by Russia against Ukraine is a powerful factor influencing the current quality of reporting. Journalists are being drawn into this conflict and have started performing a counter-propaganda role, which consequently makes media discourse biased, engaged, and emotional,” says Diana Dutsyk, executive director of NGO Telekritika. “Journalists repeatedly express their positions in social networks and in broadcasts and they often appear as ‘owners of truth,’” Natalia Gumenyuk,

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

“The information war being carried out by Russia against Ukraine is a powerful factor influencing the current quality of reporting. Journalists are being drawn into this conflict and have started performing a counter-propaganda role, which consequently makes media discourse biased, engaged, and emotional,” says Diana Dutsyk, executive director of NGO Telekritika.

board chair of NGO Hromadske Telebachennya added. Gumenyuk believes that the publication of unverified facts remains the largest problem of Ukrainian journalism, even in the large publications. Steblyna described that due to small budgets and few staff, journalists are overwhelmed with assignments and admit to not having enough time to verify or balance information.

During elections Sergeyev noticed that some channels refused to accept advertising from certain political parties, commenting that there are some signs of increased self-censorship. According to Gumenyuk, self-censorship has become a standard in war reporting, to the extent that some journalists have even stopped noticing it. Topics of war crimes are being ignored, with a few exceptions. Unfortunately, many editors and journalists admit to censorship, Gumenyuk added. Steblyna mentioned a case where censorship was exercised to protect an advertiser: a real estate developer was criticized for issues with a building and later the media outlet deleted the webpage with the story.

There are some primary issues regarding Ukrainian journalism, according to IMI, which hosted focus group discussions with regional journalists to compile this list. Mainly, journalists do not trust media themselves, as they understand the political influences at play and can even predict how certain media organizations will cover specific events and issues. Overall, there is connivance for *jeansa* instead of outrage or attempts to resist manipulations. According to IMI, local journalists do not always have time to explain, analyze, or learn more about certain event or issues. Additionally, the media organizations do not compensate journalists well and do not prioritize journalist safety while traveling to the conflict areas in eastern Ukraine. Regional media outlets lack the capacity for in-depth analysis on local government decisions and, meanwhile, journalists

themselves are not trained experts in interpreting and analyzing these governmental decisions and actions.

According to Steblyna, newspapers are full of informational material, which is copied from other sources or simply based on press releases. The newspapers tend to lack first-hand accounts based on exclusive sources and thorough analysis. Often paid stories, or *jeansa*, imitate analytical materials and websites, in particular, prioritize criminal and political news, with *jeansa* every third or fourth article. Often journalists violate the standards for balancing opinions and clearly distinguishing between facts and opinions.

Steblyna expressed particular concern with the coverage of internally displaced people (IDP). *Jeansa* articles feature politicians providing help close to election time or press releases from the authorities are published wholesale, stating that all the needs of IDPs have been met, yet the articles would exclude quotes from IDPs themselves. Khomenok agreed that even stories with quotes from IDPs were not necessarily real and that there is instead an agenda being driven by the media owners. According to Gumenyuk, understanding of importance of various issues is challenging and constantly changing. For instance, in winter 2015, the government introduced restrictions on IDPs and thousands of peoples' lives were endangered, but an egotistical political quarrel became the more important headline. “News topics, which directly influence people’s lives, are not often taken into account if they are not popular. Once the IDPs stopped being a popular topic for the audience, they disappeared from the reports,” explained Gumenyuk.

In accordance with the national economy, media salaries are decreasing, noted Kvurt. According to Dutsyk, journalists' salaries are minimal, even declining in major cities such as Kiev. This has resulted in an inflow of under-qualified personnel lacking motivation for development and continuing education. Yevchenko confirmed that pay levels for journalists are very low, especially in more rural regions; even there they are often lower than average for the regions. This leads to downfall in performance and quality of work as well as decreased prestige of the profession. Tomilenko agreed that extremely low salaries, saturation of the media market, and political influence of media outlet owners are all key factors that discourage the professionalism and quality of journalism. Sergeyev said that it is possible this trend may change as the presentation of Ukraine’s situation, as the national news has attracted more viewers and increased subscriptions; on the other hand, people will likely tire of this constant stream of bad news.

Appropriate equipment is critical to present quality media broadcasts and panelists agree that equipment has become

cheaper with technological advances, but the declining Ukrainian currency still leaves some of this equipment out of financial reach for some outlets. Khomenok added that although Ukraine is delayed with the introduction of 3G and 4G technologies, the price for broadband Internet through fiber optic is lower than in Europe, other eastern neighbors, the Caucasus, and Central Asia. Gumenyuk added that although technical equipment has improved with global development, many regional media outlets are still using extremely unsatisfactory technology.

Oleksiy Pogorelov, general director of Ukrainian Association of Press Publishers, believes that practically all beat reporting and specialized journalism have disappeared from Ukraine and mass production of news dominates instead. Dutsyk expressed concern that quality niche journalism is nearly absent in Ukraine. The topic of business is in decline and there are no experts on foreign relations among the journalists, for example. “The cult of universal journalism, designed and encouraged primarily by large television holdings, has led to the liquidation of niche journalists as a class, as well as foreign desk journalists in particular. The media market has not created demand for such experts. Attractive correspondents and offices do not compensate for the lack of in-depth content,” Dutsyk said.

However, startups and other networks are beginning to form, focusing on investigative journalism, Khomenok shared. He listed three reasons for this: demand of the audience, access to public information, and the critical mass of journalists able and motivated to produce investigative reports. On the other hand, there is no critical mass of journalists who can qualitatively cover education, health care, economics, banking, and household maintenance etc. “So, on one side we have hunters of corruption and crimes, and on the other—the army of rewriters,” Khomenok added. Other panelists admitted noticeable growth in the field of investigative journalism in 2015, both at the national and regional levels. However, Dutsyk believes that, while investigative reporting has increased, there are no tangible results. Law enforcement officials are not yet forced to respond to information exposing corruption, for example.

OBJECTIVE 3: PLURALITY OF NEWS

Ukraine Objective Score: 2.11

There are numerous sources of news in Ukraine, but not all offer reliable, unbiased information to citizens. Provision of multiple perspectives is not a standard for many media outlets. The panelists agree that eliminating

Sergeyev complained that the newly adopted law on media ownership transparency is not being properly implemented yet. IMI monitored the websites of national channels and local television in early November and found that none had published the ownership structure.

barriers to access of a wider range of media depends on the development of the Internet, as well as other modern technologies. Khomenok pointed out that Wi-Fi is available in public transport in some cities as well as various public places in smaller towns. In western Ukraine, more people from senior generations are becoming Internet users as a way to connect with relatives abroad. Kvurt still sees the problem of the last mile, or access to Internet for the most distant districts.

According to a survey coordinated by Lviv Media Forum and the School of Journalism at Ukrainian Catholic University and carried out by FAMA in August 2015, 5 percent of Ukrainians do not follow any media at all. The average Ukrainian spends one hour per day catching up on news and 60 percent give priority to regional news versus national.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Television remains an everyday source of news for almost 90 percent of the population and online resources are favored by 55 percent. Only 25 percent of Ukrainians listen to radio as a news source. According to a survey ordered by Telekritika and conducted by Kyiv International Sociology Institute in May 2015, 72 percent of Ukrainians receive news primarily from Ukrainian programming, while 22 percent use a mix of Ukrainian and Russian sources.

In the October 2015 survey by Society for Consumer Research (commonly known by its German acronym, GfK), ordered by MediaVarta NGO, 71 percent of Ukrainians agreed that mainstream media is highly subject to political and business influence, which undermines quality journalism. When asked to name the specific influencers on media content of major Ukrainian channels 54 percent identified media owners, 35 percent recognized the government, and 29 percent described jeansa, or the political forces ordering paid stories and articles. A mere 6 percent named journalists and 2 percent said that viewers influence the content.

According to ConsumerLab research executed by Ericsson, 35 percent of Ukrainian consumers state that it is important to be able to watch user-generated content; 57 percent noted that they have the capability to watch Internet content on their televisions and 87 percent have access to all desired services and applications. If the option were available, 42 percent of Ukrainians would pay for viewing absent of advertising immediately. Younger consumers (16- to 24-years old) would pay double for mobile access with video content compared to what those older than 45-years are willing to pay.

Yevchenko emphasized that people have a diverse choice of media sources and platforms, but not all of them, especially at the local level, demand high quality content. A major barrier to accessing diverse media is the paying capacity of citizens, especially for newspapers and television. Dutsyk agreed and went on to state that there are too many media outlets in Ukraine and that the advertising market cannot support such numbers. These media outlets supply citizens with diverse information; however, there is a lack of information about important issues. Instead there is a focus on entertainment. Gumenyuk and Steblyna confirm that the level of plurality in Ukrainian media is high, but every channel has its own opinion based on the media owner's corporate connections. For citizens to put a together a full story on a particular topic, they must watch different media.

Dutsyk emphasized that local media are in crisis, and society is responding to them with distrust and dismissal as a credible source of news. According to the 2015 survey from the Kiev International Institute of Sociology, ordered

by Telekritika, 51 percent of Ukrainians would not notice if local media disappear. The main source of local news for 63 percent is word-of-mouth from relatives, friends, and colleagues. Torbich noted that in one particular region, Rivne Oblast, almost every town has an activist-owned website with news stories revealing corruption. However, more traditional news outlets seem to ignore these stories, including local newspapers that instead copy-paste stories from other sources.

Tomilenko highlights that there is a lack of full coverage of the ATO territory controlled by Ukraine and Torbich added that there is a majority of Russian and pro-Russia media available in that area. The Ministry of Information Policy assures citizens that Ukrainian broadcasts are available all over ATO territory, but only 50 percent of people in occupied territories have access to Ukrainian channels. Inhabitants of several districts near occupied Crimea receive no broadcasts of Ukrainian television channels and would need a transmitter installed in order to gain access; instead they are able to view only Russian television.

Due to the military conflict in eastern Ukraine, the re-broadcasting of Russian channels has been banned over cable networks in the rest of Ukraine. Still, journalists and technically advanced citizens can obtain access to Russian media through the Internet or satellites. Kvurt believes that restricting Russian channel re-broadcasts is a necessary defense from propaganda and hostile influence. Otherwise, the Ukrainian government does not block new media or foreign sources of information, but they are not always accessible to the majority of the population for economic reasons as well as language barriers.

Yevchenko reminded panelists that media controlled by local governments tend to be biased, prejudiced, and not seeking to serve the public interest. Panelists added that even more financially independent community outlets still adhere to self-censorship because they depend on the office space provided by the local government and rely on subscription support.

Major Ukrainian news agencies include the private UNIAN, Interfax, Ukrainski Novyny, LigaBiznesInform, RBC-Ukraine (Ukrainian agency of the Russian RosBiznesKonsulting Group) and the state-owned Ukrinform. Yevchenko stated that local media rarely subscribe to national or foreign wire services, as they cannot afford them.

The panelists agreed that private media produce own-source quality news content. Still, the practice of copying-pasting and press release re-printing is too common. Yevchenko added that while private media produce their own news,

financial resources of the outlets and limited professionalism of employees restrict both the quantity and quality.

According to Dutsyk, sociological surveys show a critical downfall in the level of trust citizens have in media; however, that does not imply a universally high level of media literacy. Rather, it is the converse: the public does not know and does not care to know the owners of major television channels, for example, and the public does not understand the importance of such information. Consolidation of major media in the hands of a few conglomerates continues, and these owners interfere with editorial policy, noted Pogorelov. Six private television channels dominate the current Ukrainian market; three of them STB, ICTV, and Novyi Kanal belong to the oligarch Viktor Pinchuk, the son-in-law of ex-president Leonid Kuchma. The richest person in Ukraine, billionaire Rinat Akhmetov owns Ukraina Media Group; 1+1 is owned by oligarch Ihor Kolomoiskyi, and Inter is owned by billionaire Dmytro Firtash and Sergiy Levochkin (ex-chief of Yanukovich's administration). President Poroshenko owns 5 Kanal and has confirmed that he has no intention to divest his ownership.

With support from the Organized Crime and Corruption Reporting Project and Radio Liberty Ukrainian Service, the structure of ownership of 60 Ukrainian media outlets was analyzed in early 2015. Of the 60 organizations, only 12 directly stated the name of the financial backer(s) in the outlet registration documents. The backers of 43 media outlets are hidden in offshore companies. The usage of multi-level systems of owners and companies is widespread, even among those whose owners are known to the public. The Ukrainian parliament adopted a law that came into effect on October 1, 2015 requiring media broadcasts and outlets to publish organization ownership structures on their official websites, in addition to submitting the information to the National Council. It is also now illegal to have offshore companies among the owners.

Sergeyev complained that the newly adopted law on media ownership transparency is not being properly implemented yet. IMI monitored the websites of national channels and local television in early November and found that none had published the ownership structure. The fines for not disclosing information by April 1, 2016 are rather small, at five percent the cost of a license fee for a large channel, which is the equivalent to a few dozen seconds of advertising during primetime. The future challenge will be to introduce similar mechanisms that disclose the owners of print media; Internet media owners will be a challenge to divulge as well.

Steblyna emphasized that although media plurality is high, various social groups are not evenly represented. Dutsyk mentioned that due to war in eastern Ukraine, there are now new groups of people that require special attention, for example, internally displaced persons. NGO Telekritika's coverage of conflict-sensitive topics has highlighted the lack of channels covering internally displaced persons and volunteers. For every one story covering these groups, there are 12 stories about the armed forces.

Steblyna noted that various regional media cover the news differently. The Lviv region publishes regional, national, and international news, while media in Chernivtsi, Odesa, Zhytomyr, Dniepropetrovsk, and Sumy focus primarily on local news. Kharkiv broadcasts both local news and entertaining international news and the Donetsk Oblast region features both Ukrainian and international news in the context the current conflict.

OBJECTIVE 4: BUSINESS MANAGEMENT

Ukraine Objective Score: 1.57

Overall, the state of business, as it relates to media, remains unchanged from the previous year and is still overshadowed by the economic recession. Kvurt mentioned that as the economic crisis persists, the advertising market is also in a downfall. There is not much positive progress that can be highlighted and there have been no new investments in television improvements. Khomenok added that the majority

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

“In Zhytomyr’s media, we found up to 40 percent of the advertising to be improperly marked,” Steblyna said. “In online media, the advertisements are hidden under subheadings such as ‘company news’ and ‘politics.’”

of media owners do not even aim to make a profit from their media businesses.

Yevchenko emphasized that some Ukrainian media, including online outlets, are efficient and well-managed. In a different market, this would be relevant to, and may even imply, financial success as well as high-quality programming and satisfied customers. There are other media outlets that are funded by owners and, therefore, oriented to present the owner’s political preferences. Such media are unprofitable and inefficient, Yevchenko emphasized. Sergeyev agreed and mentioned that out of four local television companies in the city of Chernivtsi only the company Chernivtsi is self-sustainable and operates on profits earned from the market; one other is state-owned and the remaining two channels are funded by their owners.

Kvart reminded panelists that the national television channels are also unprofitable, based on public accounts from recent years; however, there is financial transparency on those with offshore accounts.

Local media generally lack adequate and stable sources of financing. For instance, the advertising portion of revenue for *Kremenchuckiy Telegraph* newspaper decreased from 20-25 percent to 5-10 percent in 2015. Local municipal media are not limited to local government funding, in that they may also sell advertising space and receive funds from other sources. In general, websites tend to make more profits than newspapers. The number of newspapers deliveries by Ukrposhta has dropped 37 percent, from 16.752 million in January 2013 to 10.569 million copies in January 2016.

Oleksiy Pogorelov, general director of Ukrainian Association of Press Publishers, commented that economic conditions are forcing more outlets to look for ways to work efficiently. Some use market research more often and in a more purposeful manner to meet audience needs. Some local newsrooms, such as *Kremenchuckiy Telegraph*, use personnel management software, which helps distribute the work and, in turn, builds employee morale. Panelists emphasized that since local outlets earn very little money from subscriptions they are shifting more to business-to-business exchanges, commonly providing analysis services for products in return.

Gumenyuk believes that the advertising market is, in fact, unhealthy and media outlets remain subsidized, with few exceptions. Independent media are supported with grants from Western donors. Torbich challenged with examples of new online media groups in the Rivne region that cannot cover their expenses. However, earlier established online media have seen increasing advertising revenues. In fact, Rivne website VSE reports to be not only cost-effective but also slightly profitable. Sergeyev explained that many local television channels work as political party leaflets and are subsidized by those parties. According to Yevchenko, local media, including online outlets, receive revenue from various sources. Some media must operate with only one source of funding, which has a negative impact editorial policy.

Khomenok stressed that the advertising and research markets remain corrupt. Pogorelov added that bribery, lack of professionalism, and the information war do not foster a healthy advertising market. He also pointed to trends indicating an increase in television advertising, Internet revenue growth, and the declining share of print sales revenue. Steblyna added that media organizations make money from improperly marked or hidden advertising. “In Zhytomyr’s media, we found up to 40 percent of the advertising to be improperly marked,” Steblyna said. “In online media, the advertisements are hidden under subheadings such as ‘company news’ and ‘politics.’”

According to the All-Ukrainian Advertising Coalition, the 2015 media advertising market, which includes television, radio, print, and Internet, totaled UAH 7.965 billion (\$300 million), a decrease of approximately 0.5 percent from 2014 (UAH 8.0 billion or \$302 million). However, the All-Ukrainian Advertising Coalition projects 12 percent growth during 2016. The 2015 television advertising market increased to UAH 3.986 billion (\$150 million), up 1.4 percent from 2014. Television advertising is projected to grow by 16 percent in 2016. Print outlets decreased advertising revenues to UAH 1.320 billion (\$50 million), down 21 percent from in 2014; and newspapers lost 24 percent, while magazines lost 18 percent. According to the All-Ukrainian Advertising Coalition’s forecasting, print media may dip another 5.5 percent in 2016. However, radio advertising increased by 5 percent to UAH 304 million (\$11.5 million) and is expected to grow by 9 percent in 2016. Lastly, Internet advertising grew 11.3 percent to UAH 2.355 billion (\$88.9 million) with an anticipated 17 percent increase in 2016.

According to Pogorelov, the total amount of government subsidies and advertising has decreased, but the distribution remains the same. Out of more than 500 municipal newspapers throughout Ukraine, the most market-oriented have strengthened and became more sustainable since 2014. Pogorelov estimates that 20 percent do not receive

budget subsidies, while another 20 percent receive very small subsidies and earn profits. Tomilenko added that in 2014, municipal newspapers received subsidies totaling UAH 73.9 million (\$2.8 million), amounting to 20.7 percent of their total revenues. Overall, 127 municipal newspapers (22.9 percent) work without subsidies or receive less than UAH 15,000 (\$566) per year. A separate group of newspapers receives subsidies of more than UAH 150,000 (\$5,660) annually on average. There are also examples of subsidies ranging from a few hundred thousand to one million hryvnia. Another form of receiving public funds is to cover local government activities, a kind of “advertising cost” paid by local governments. However, local authorities tend to allocate these funds to more loyal municipals rather than to the most popular media outlets in the area.

Most regional media cannot afford professional market research and regular television and press research does not include regional and local media outlets. According to Yevchenko, market research results accessible to advanced local media are used for planning content and improving media products. In critical circumstances, local media may conduct their own polls regarding newspaper and website content. Sergeyev does not know of any regional television outlets that have used professional research, as it is financially out of reach. Instead, these outlets rely on qualitative research such as focus groups. Any attempts to organize a pool of regional outlets to share the costs for combined research have still failed as a result of the expense.

Regular television market research has been ordered by the Industrial Television Committee (ITC), which unites four major television groups (Inter, 1+1, Ukraina, and Pinchuk’s StarLight Media), 5 kanal, four main media groups (Publicis Groupe Media, Omnicom Media Group, ADV Group, and Group M), and the Media Arts Group Ukraine agency. Since 2014, ITC has contracted Nielsen instead of GfK Ukraine carry out the study.

GfK Ukraine, contracted by the Industrial Radio Committee (IRC), has been surveying radio since 2012, but the market research is being carried out by TNS for 2016. TNS will use new a software application, SuperNova, which is specially designed for radio surveys and will complete 80 percent of the interviews on cell phones, as 95 percent of the target audience uses mobile phones. IRC unites the largest radio holding companies TAVR, Ukrainian media holding, Business Radio Group, Lux, as well as network advertising agencies Publicis Groupe, ADV Group (Initiative), Group M, UMG, and Radio Expert, as well as managing partner Independent Association of Broadcasters (IAB).

There is no audit bureau to certify circulation statistics of print publications. TNS market research surveys 128

publications, but there are approximately 4,500 in total. Regarding Internet statistics, there are at least three different methodologies that do not overlap and are not comparable; these include Gemius, Google analytics, and Bigmir meter. Additionally, TNS has made a commitment to develop a new tool that will correlate media usage and consumption.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ukraine Objective Score: 2.32

Ukraine has a fairly well developed network of trade associations, media trade unions, and media-supporting NGOs. The trade associations are the Industrial Television Committee (ITC), the Independent Association of Broadcasters (IAB), the Industrial Radio Committee (IRC); the Ukrainian Press Publishers Association (UAPP) and the Association of the Independent Regional Publishers of Ukraine (AIRPU) in print media; the Ukrainian Internet Association and the Ukrainian Association of Internet Advertising in Internet media.

The panelists agreed that IAB and UAPP provide effective training, informational support, and legal assistance to their members. Both associations also lobby for certain legislation, negotiate with government officials, represent the industry or the members on various civic and supervisory boards, and help members obtain grants for special projects. According to Sergeyev, IAB supports the transition from analogue to digital television and negotiates directly with the National

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

On the topic of training, Tomilenko drew attention to the lack of training on economic and management skills for media professionals. Financial sustainability is not less important than content, but these types of trainings are not typically prioritized.

Council to support television companies denied digital frequencies. Pogorelov mentioned that UAPP, in particular, has also fought for legislative initiatives. AIRPU has hosted an annual media congress since 2009 as well as training camps and study tours for editors and other media professionals.

Tomilenko commented that the National Union of Journalists of Ukraine (NUJU) has identified the protection of journalists' interests and their safety as a priority. NUJU manages an emergency hotline, conducts training workshops, and maintains safety equipment that journalists can borrow; it also provides special support for journalists working in conflict areas. Along with others in the media community, NUJU contributed to the adoption of the destatization law, and even trained state media outlets on sustainability. With mediation from the OSCE Representative for Freedom of Speech, Dunja Mijatović, NUJU maintains active dialogue with the Union of Journalists of Russia on topics regarding the safety and solidarity of journalists in captivity.

Dutsyk noted that NUJU and the Independent Media Trade Union have intensified their activities, but their influence on the media environment is not sufficient to change the situation, at least in terms of compliance with journalism standards and ethical principles. "They should rather look for ways to exert effective pressure on media environment," said Dutsyk. Torbich mentioned a discussion among journalists in the Rivne region surrounding the value of media trade union; reasons included needing support or insurance in the case of labor conflicts, the ease of acquiring visas when journalists have press cards, and added credibility when making public statements. Steblyna commented that the NUJU regional

chapters do not provide member services or represent the interests of journalists. Media NGOs, like Internews Ukraine and IMI, put more effort into protecting freedom of speech and training; their contributions are substantial as they focus on national, regional, and local media.

Dutsyk noted that since 2014, media-supporting NGOs have been actively involved in media legislation. Kvurt said that due to increased attention on Ukraine, more donor funds are becoming available for media-related innovative projects and programming. Without media NGO projects there would be less structure and professionalism in Ukraine media. Torbich said that due to NGOs that focus on media, journalists have opportunities for training and conducting investigations.

Steblyna described the peculiar education situation, with the Ukrainian Catholic University in Lviv and the Kyiv Mohyla Academy having the best curricula. However, there are approximately 40 other journalism institutes or education departments across Ukraine, all with professors who have poor reputations for professionalism. According to Dutsyk, these other institutes and departments cannot guarantee a thorough understanding of the proper skills required for future journalists to be successful. Regardless, these education opportunities for journalist are quite popular. Kvurt added that these educational programs and the curriculum are both outdated, and Khomenok hopes that there will be new legislation regarding a higher standard of education, although it will take several years to implement. Dutsyk emphasized that training programs are becoming more common and are often conducted by highly reputable professionals.

On the topic of training, Tomilenko drew attention to the lack of training on economic and management skills for media professionals. Financial sustainability is not less important than content, but these types of trainings are not typically prioritized. Recently, key training topics include war reporting, safety, internally displaced persons, fighting corruption and reforms, and EU integration. There has been a rise in opportunities for workshops on war reporting, which is important; however, a small pool of the same journalists attend these workshops, instead of other journalists from major television channels who often are propagandists themselves, said Gumenyuk.

Ukrposhta, the national postal service of Ukraine, has 11,000 offices across the country, yet the service is inefficient and outdated in their handling of retail, delivery, and subscriptions. Dutsyk stated that print delivery remains problematic, especially in rural areas. Pogorelov shared that Ukrposhta doubled its delivery fee, which is critical for regional and local publications. Following this financial hit, UAPP and other industry representatives negotiated for months to persuade Ukrposhta to support the industry by promoting subscription data. Now, UAPP can request subscription data from the postal service, which was previously reluctant to cooperate.

Overall, the capacity of information and communications technology more or less satisfies the existing needs of media outlets and consumers. However, Dutsyk emphasized certain infrastructural problems. For example, Ukraine substantially lags behind in the latest technologies, having transferred to the 3G mobile standard only in 2015 while much of the world was using 4G; Ukraine will likely transition to 4G in 2017. Industry experts believe that with the introduction of 4G, Ukrainians will prefer multimedia content via mobile Internet to television.

The transition from analog to digital broadcasting has been postponed to 2017, possibly even 2019. According to the international agreement from the 2006 Regional Radiocommunication Conference in Geneva, Ukraine was to fully transition to digital broadcasting in June 2015. Ukrainian television is now broadcast on both analog and digital channels.

In December 2014, the Ukrainian multiplex operator Zeonbud, was fined UAH 44 million (\$1.66 million) by the Anti-Monopoly Committee; the case is currently being appealed in court. Cyprus-based Planbridge Limited, whose ownership is unknown, owns Zeonbud. However, observers in the media community suspect that the owners may be the son of former president Yanukovich, Rinat Akhmetov (the wealthiest man in Ukraine), and businessman Dmytro Firtash. Placing the transfer of broadcasting in the hands of unknown players is an issue of national security.

List of Panel Participants

Oleg Khomenok, independent journalism trainer and senior media advisor, Internews Network, Kyiv

Kostyantyn Kvurt, board chair, Internews-Ukraine, Kyiv

Lyudmyla Opryshko, media lawyer, Regional Press Development Institute, Kyiv

Oleksiy Pogorelov, general director, Ukrainian Association of Press Publishers, Kyiv

Tetyana Rikhtun, director, IPC Sebastopol, Kyiv

Gennadiy Sergejev, director, Chernivtsi Television and Radio, board chair, Independent Association of Broadcasters, Chernivtsi,

Nataliya Steblyna, coordinator of experts group, Pylyp Orlyk Institute for Democracy, Kyiv

Sergiy Tomilenko, first secretary, National Union of Journalists of Ukraine, Kyiv

Volodymyr Torbich, chief editor, Rivne Agency for Investigative Reporting, Rivne

Andriy Yevchenko, chief editor, Kramatorsk Post, Kramatorsk

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

Diana Dutsyk, executive director, NGO Telekritika, Kyiv

Natalia Gumenyuk, board chair, Hromadske Telebachennya, Kyiv

Moderator & Author

Kateryna Laba, media expert, Kyiv

The panel discussion was convened on December 21, 2015



CENTRAL ASIA

Amendments to the television and radio broadcasting law were also adopted, prohibiting the broadcasting of foreign advertising on cable networks.



KAZAKHSTAN

Throughout the past year, Kazakhstan endured economic hardship, which in turn hurt the media industry. Key political events included presidential elections, entry into the World Trade Organization, declining oil prices, and the sharp devaluation of the Kazakhstani currency, the tenge. Amidst the economic downturn, advertising in the media declined by one third, many periodicals shut down, and some investors left the country entirely.

New Kazakhstani legislation tightened controls over the freedom of speech, and as the human rights situation declined social tensions heightened. These legislative initiatives were unquestionably influenced by the Ukraine-Russia conflict and the general intensification of conflict throughout the world. In 2015, a record number of journalists, bloggers, and citizen activists were prosecuted for provoking ethnic and religious conflict, distributing inaccurate information resulting in breaches of public order, and for separatism and terrorism. Many of those prosecuted received actual prison sentences.

Despite the president's appeals for general economizing and state budget reductions, the government has not decreased media funding. However, as before, the money is not being spent in a transparent or effective way and, instead, is often used for propaganda and funneled to pro-government media loyal to the authorities.

In late 2015, new legislation on access to public information was adopted, according to which Kazakhstan plans to join the Open Government Partnership, an international platform for domestic reformers committed to making their governments more open and accountable. Amendments to the television and radio broadcasting law were also adopted, prohibiting the broadcasting of foreign advertising on cable networks. Another new law, regarding the work of NGOs in Kazakhstan, strengthens the state's financial control: now NGOs must enter a special government registry.

In summary, the freedom to express opinions in Kazakhstan is in a perilous state. New legislation is directly promoting fear among citizens and media, and has an intimidating effect on realizing the right to freedom of speech. As a result, Kazakhstan's MSI score fell slightly, from 1.93 to 1.81. While all five objectives experienced some backsliding, it was Objective 1, Freedom of Speech, and Objective 2, Professional Journalism, which experienced the most significant losses in score.

KAZAKHSTAN at a glance

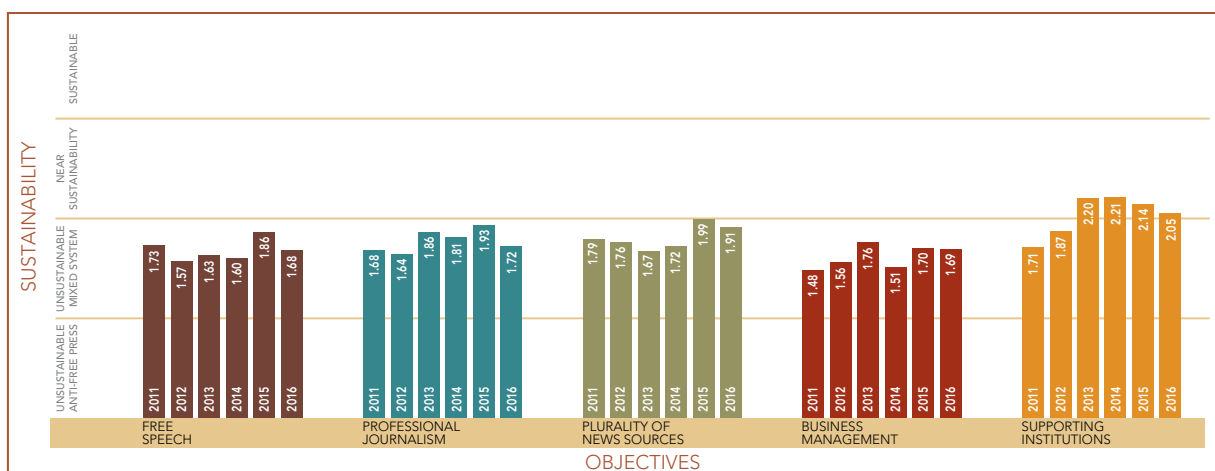
GENERAL

- > Population: 18,157,122 (July 2015 est., *CIA World Factbook*)
- > Capital city: Astana
- > Ethnic groups (% of population): Kazakh (Qazaq) 63.1%, Russian 23.7%, Uzbek 2.9%, Ukrainian 2.1%, Uighur 1.4%, Tatar 1.3%, German 1.1%, other 4.4% (2009 est., *CIA World Factbook*)
- > Religions (% of population): Muslim 70.2%, Christian 26.2% (mainly Russian Orthodox), other 0.2%, atheist 2.8%, unspecified 0.5% (2009 est., *CIA World Factbook*)
- > Languages: Kazakh (state language) 74%, Russian (official, used in everyday business) 94.4% (2009 est., *CIA World Factbook*)
- > GNI (2014-Atlas): \$204.8 (World Bank Development Indicators, 2016)
- > GNI per capita (2014-PPP): \$21,710 (World Bank Development Indicators, 2016)
- > Literacy rate: 99.8%; male 99.8%, female 99.8% (2015 est., *CIA World Factbook*)
- > President or top authority: President Nursultan Abishuly Nazarbayev (since December 1, 1991)

MEDIA-SPECIFIC

- > Number of active media outlets: Print: 1,367 newspapers, 531 magazines; Television Stations: 95; Radio Stations: 58; Cable Operators: 99; Satellite Operators: 8 (Ministry of Investment and Development, 2015)
- > Newspaper circulation statistics: Top four, by circulation, are *Karavan* and *Karavan-Class* (partly private, weekly) circulation 500,000 combined; *Yegemen Qazaqstan* (state), in Kazakh, five times weekly, 201,750; *Kazakhstanskaya Pravda* (state), in Russian, five times weekly, 100,000; *Ekspress-K* (partly private), in Russian, five times weekly, 100,000
- > Broadcast ratings: Top 4: 1 Channel Eurasia, NTK, KTK, 31 Channel (<http://www.tns-global.kz>)
- > News agencies: 65 news agencies, most-used include Kazakhstan Today, KazInform, KazTAG, Bnews, Business Resource, Interfax-Kazakhstan (Ministry of Investment and Development)
- > Annual advertising revenue in media sector: Advertising agency statements vary widely. Estimated annual revenue in media is \$154 million, distributed as follows: TV 67%, radio 12%, print 10%, internet 5%, outdoors 6% (TNS Kazakhstan)
- > Internet usage: 10.6 million users (2014 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: KAZAKHSTAN



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Kazakhstan Objective Score: 1.68

Despite Kazakhstan's constitutional provisions on freedom of speech and freedom of dissemination of information, national implementation does not guarantee the protection or respect of these freedoms. In 2015, media law became more restrictive, particularly for journalists and bloggers, distancing the country even further from the international standards on freedom of speech enshrined in the International Covenant on Civil and Political Rights (ICCPR).

Severe political control is exercised over media in Kazakhstan, including constant monitoring of media production, blogs, and Internet resources. "In such a suffocating atmosphere, Kazakhstan's journalists and bloggers are deprived of the ability to exercise their right to freedom of speech and the dissemination of information. For this reason, self-censorship and censorship by media owners is prevalent, particularly where state media are concerned," says Internews-Kazakhstan media-lawyer Olga Didenko.

State control is exercised over major television, radio and Internet media, which, through various channels, receive funding from the state as well as other pro-government domestic and foreign institutions. Government-funded

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

FREE-SPEECH INDICATORS:

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

"People do not view press as either official or independent press, but instead distinguish between government and opposition press. If media report that a journalist is attacked due to professional activities, the public reaction is, 'well, it's the opposition press,'" said Azhenova.

media also receives priority access to official statements and information. According to National Association of Broadcasters media-lawyer Sergey Vlassenko, society has forgotten the meaning of freedom of speech, and it instead has been replaced by the idea of access to information and Internet.

At the beginning of the year, a new Criminal Code came into effect that establishes liability for "dissemination of knowingly false information resulting in disturbance of the public order" and provides for sentences of up to ten years imprisonment. Further restricting freedoms, the phrase, "through the use of networks of information communication," meaning Internet and mobile communications, has been added to all articles. Similarly, the new communications law affords the general prosecutor the right to block websites on his own initiative without a court order, Birzhanova notes. Also in 2015, the court ordered a ban on the use of all anonymizers.

After several years of being shutdown, the blog LiveJournal was unblocked in 2015. Sites are blocked for various reasons, most often associated with the dissemination of information that authorities consider unlawful. All sites are subject to local jurisdiction, although some are blocked by court order in more extreme cases, such as pornography, advocating violence, extremism, and terrorism; no institution has taken responsibility yet for the blocked independent websites ratel.kz and zona.kz. Many popular online sites were blocked in Kazakhstan for showing the film *President* by Russian television journalist Solvyev, which shows Kazakhstani children undergoing military training and threatening to kill unbelievers in ISIS camps.

Nevertheless, the panelists consider Internet media much freer than traditional media, such as print media. In Kazakhstan it is easy to launch an online resource and distribute information on social networks.

There are very few independent Kazakh-language media, *Dat* and *Obshchestvennaya Positsiya*. Russian-language media tend to be prosecuted more than Kazakh-language

media. According to Profi-Azia media-trainer Asqat Yerkimbay, social- and economic- themed programming is becoming more common in Kazakh-language media. However, there is essentially no investigative reporting; instead some Kazakh-language publications may write extended news pieces. "This is a manipulation of social awareness and an attempt to divert attention from real problems," according to the director at Adil Soz Foundation Galya Azhenova.

Regarding licensing, the situation in Kazakhstan is unchanged for print media and television. The new information law, which enters into force in 2016, requires websites to register as online publications; however, many of the concepts and standards of the law remain unclear and inexact. Yet the absence of a license or tax registration certificate is used as a basis for shutting down media, which Birzhanova notes as excessive and in violation of international standards.

The media industry does not differ from other markets, and media receive no tax concessions. However, one obstacle to the development of the media market is the 20 percent cap on foreign media ownership, though BIZ-Media president Tulegen Askarov explains that many circumvent this prohibition. Additional limitations were introduced in 2016 on foreign broadcasting, blocking all Russian broadcasts channels on cable systems. Owner of *Tvoy shans*, Sergey Mirolubov, mentioned that the rules for conducting business are not the same for public and private media.

In the print media market, the authorities provide competitive advantages to the government press; certain publication subscriptions are required by state companies and implicit priority is given in their distribution. "State-funded media have guaranteed subscriptions and there is no market justice," the Mirolubov added.

Journalists do not feel protected by Kazakhstan laws, and the new legislation further foments fear. Mid-2015, journalist Bota Zhumanova was severely beaten outside her own home and the assailant was found only but only due to widespread publicity on the social media instead of police investigation. A total of nine attacks on journalists were recorded during the year. However, Kazakhstan authorities have never officially categorized such offenses as relating to the professional activities of any journalist. The public response to such event varies. "People do not view press as either official or independent press, but instead distinguish between government and opposition press. If media report that a journalist is attacked due to professional activities, the public reaction is, 'well, it's the opposition press,'" said Azhenova. "The public value freedom of speech, but fear makes people silent."

As to editorial independence, the situation in Kazakhstan is consistently bad. "Independence is a direct result of the conditions under which funding is provided, which makes state-funded media an instrument of government for propaganda and not a reliable and objective source," Didenko remarks. This practice creates serious problems; for example, during the election campaigns the political parties and candidates do not have equal access to government media to present their positions.

Throughout Kazakhstan, government media structures have complete control over some regional programming. Kazakh Press Club president Assel Karaulova adds that the content of public media is dictated by the Office of the President. As a result of efforts to privatize government assets, a number of regional media have successfully transitioned to private ownership, which is a progressive development. However, due to the current economic crisis, more private media, particularly regional media, are turning to the government for funding, sacrificing editorial independence. "In the regions, the fact the even basic local concerns are not addressed in the news is an issue," Karaganda general director Ruslan Nikonovich remarks.

Libel and defamation are criminal offenses in Kazakhstan; and in 2015, there were 52 cases, six of which led to convictions. Many received prison sentences between two to five years. In these six convictions, traditional press materials, Internet materials, as well as personal WhatsApp communications served as the basis for the verdicts. According to MEDIANET director Igor Bratsev, "Criminal punishment for defamation is a primary driver for self-censorship in the media." A particularly high-profile case was that of the Pavlodar journalist, Yaroslav Golyskin, who conducted a journalistic investigation of a rape in which the son of a mayor was allegedly involved. As a result, the journalist was tried for extortion and sentenced to eight years in prison.

Lawsuits over the protection of honor, dignity, and professional reputation are common. In 2015, 91 cases were reported. The lawsuit brought by Kazkom bank against the website *nakanune.kz* is considered one of the most high-profile cases. In addition to the compensation journalist Guzyal Baydalinova was ordered to pay to the bank, criminal charges were also filed against her and several others for disseminating knowingly false information.

At the end of the year, the Access to Information Act, strongly supported by many Kazakhstan activists, entered into force. All of the panelists noted, despite containing several progressive provisions, the legislation is still lacking in certain areas. The law contains many exceptions to its scope and divides information into only two categories:

generally accessible information and information with limited access. The latter category includes sensitive government and legal documents, as well as state information marked “for official use only.” Also, no structures have been created to consider complaints and disputes.

In practice, journalists are regularly denied access to information. As Azhenova remarked, “Throughout the last 20 years, officials have become accustomed to thinking that journalists are interfering with their work. They have fought with them at all levels, attacked them, damaged their equipment, and threatened their lives. For this reason, one may speak of access to information only with great reservation.”

Access to foreign sources of information is practically unlimited; however, Russian content is the standard source of information. Due to the fact that it is largely propagandistic in content, it is unreliable, particularly in the coverage of conflicts. According to Nikonovich, “Foreign media are more interesting to listen to and read than our public media.” Kazakhstani media are able to reprint and cite other news agency reports and also have the right to rebroadcast, assuming that the media being rebroadcast has acquired the appropriate registration from an authorized government agency.

Entry into the profession of journalism is free. However, access to all events is not free, so in order to cover activities of the parliament or the government journalists must obtain specific accreditation and credentials.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.72

Despite the panelists noting that there is a large variety of media and sources of information in the country, media do not represent various viewpoints. Media is divided into public and private press. Because Kazakhstan has an opposition in the classic sense of the word, government propaganda is disseminated in the media and any contradiction to government policy is simply discredited as opposition opinion.

According to Azhenova, journalists seldom check their facts. “Content is superficial and rarely includes reliable sources and professional experts.” Stories are frequently written based on one source of information. In the end, these situations tend to turn out differently than they are originally reported. Azhenova notes that the Kazakh-language press is particularly subjective.

In the capital, “parquet journalism” or “lazy journalism” is practiced more and more frequently. Journalists do not engage in any analysis, but simply describe events or publish press releases. Public media typically makes no effort to develop reports, and instead merely praising authorities and reprint stories from the Internet. Media outlets are noncompetitive and, for this reason, Russian channels induce fear are more popular in Kazakhstan.

Private media are typically objective, specifically including such organizations as *Nasha gazeta* in Kostanay, *Diapazon* in Aktyubinsk, *Vecherniy Taldikorgan* in Taldykorgan and *Uralskaya nedelya* in Uralsk. As Birzhanova says, the only independent press is now in the regions, outside the capital.

Currently, the country has no general standard of journalistic ethics recognized by the entire community. As Askarov notes, a code of ethics was adopted by the Kazakhstan Editors-in-Chief Club, but this was primarily a gesture of support for the election campaign. This lack of ethical standards leads to nonobjective, low-quality journalism and publications that promote propaganda and corruption among journalists. Commercialized news coverage is widespread and particularly evident on television and radio, but also appears in Internet resources and in social media. Recently, “brand ambassadors” have been operating with certain bloggers to cover events on a commercial basis. Similarly, government agencies and large businesses are frequently organizing press tours in order to publicize their activities in exchange for trips and gifts.

Particularly notable are the ethical problems in coverage of children’s issues. Journalists reporting on instances of child

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

“The authorities do not have to review all the stories produced by mass media, since the reporters themselves know the limits that exist regarding the subjects that can be covered,” Bratsev remarked.

suicide, child abandonment, and pedophilia tend to focus on sensationalism and disregard moral principles.

As Bratsev explained, a recent survey revealed that self-censorship exists among Kazakh media experts. Reporters, editors, and owners agree that the problem is less censorship in the classic sense, but self-censorship by journalists and the owners of publications. “The authorities do not have to review all the stories produced by mass media, since the reporters themselves know the limits that exist regarding the subjects that can be covered,” Bratsev remarked. Employees of certain government-funded publications and television channels noted that they have a list of persons and subjects that are taboo. Furthermore, some editors report that they are in constant contact with authorities regarding corrections of stories. For example, evidence of the personal debts of the daughter of President Darig Nazbayev was publicized on one website, but this information quickly disappeared from the Internet.

In late 2015, a story involving the London correspondent of the television channel Khabar, Bela Kудaybergenova, became highly publicized. Kудaybergenova stated that she was fed up with not reporting the truth and accused her employer of disseminating knowingly false information. This was widely covered on the social networks. While, some considered her statement public activism, others suspected that the journalist was seeking a pay raise.

Editors have noted their fear of preparing stories on social and political issues. Reporting on these subjects can lead to complaints from officials, lawsuits with potential to ruin the media organization, and loss of work.

As a whole, only a handful of media cover citizen activists and protests. Therefore, the prosecution brought against activist Boltabek Blyalov for inciting ethnic unrest was covered by the website Azattyk and a few bloggers. Similarly, the protests against banks that occurred in December in Almaty received very little coverage. Anything related to national security, public protests, the president’s family, or events in Ukraine and Russia is a forbidden subject for the majority of the media. Information about such topics can only be found on the Internet. Birzhanova notes that

public media have almost no coverage of foreign politics and instead concentrate on domestic coverage.

Due to the current economic crisis, the pay level of journalists is declining, the number of reporters is has reduced, and certain publications have closed or are on the brink of closing. Journalists’ salaries depend on the region; the monthly pay varies on average between KZT 80,000 and KZT 250,000. The panelists’ note that experienced journalists are in high-demand and there is even a shortage, due to limited training opportunities in Kazakhstan. Journalists frequently leave for public relations jobs, where there is a greater possibility of financial stability and opportunities for press secretary jobs at large companies. Many journalists must work for more than one publication. This is particularly characteristic of the regional media, which are under both administrative and economic pressure.

Didenko believes entertainment content is becoming a higher priority. This is particularly characteristic of radio programming. According to Karaluova, journalism in the country is becoming less risky and more entertaining; the content is neutral and neither statements from experts nor opinions are supported by facts or statistics. However, in a society dissatisfied with a large quantity of entertainment, the people need current and important information, Azhenova remarked.

Large, government-funded television and radio companies are very well-equipped with technology, while this is only moderately the case for the others. Frequently, the editors recruit workers through the Internet at no cost. However, journalists do not use voice recognition applications and unlicensed software is frequently used.

Specialized or niche journalism exists in Kazakhstan, including focuses on business, medical, sports, and women’s journalism, among others. In 2015, a new economic website was published, Atameken Business Channel.

Specialization in social and political publications remains a problem. Askarov is certain that the majority of top media managers are not interested in this type of reporting, since it is more convenient to have journalists who cover a variety of subjects, even at the cost of quality. Moreover, specialized journalists are in great demand by the press as well as public relations departments of large companies, banks, and government agencies, where they are assured of higher and more stable pay as well as a benefits package. For this reason, the pool of specialized media is dwindling. For example, a whole chain of business publications actually operate without a journalistic staff. The migration of journalists abroad, and particularly to Moscow, also continues.

As for investigative journalism, this virtually does not exist in Kazakhstan and is dangerous both professionally and personally for the journalists. Moreover, the public does not demand investigative journalism. "High-quality reporting and analytical pieces are gradually disappearing," Karaulova observed.

OBJECTIVE 3: PLURALITY OF NEWS

Kazakhstan Objective Score: 1.91

More than 5,000 media outlets are registered in Kazakhstan, 82 percent of which are considered private. However, in reality, the number of operating media is much smaller and, in most cases, the private media are affiliated with the government in one way or another. Didenko believes that the government's information policies are not aimed at developing a large number of information sources that would enable people to compare information, draw conclusions, and make decisions on social and political issues. The intent of the government is to promote a political agenda and self-advertise.

All types of media are represented in the country, including television, online, print, and radio, but the majority of them publish innocuous analytical content or are simply transmitters of news. Considering the technical development of media, nearly all print media have Internet versions, presenting a variety of multimedia content, which respond to the varied demands of the user. Increasingly, online media

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

are creating mobile apps. This is in response to the constant growth of the Internet audience, which reaches around 10 million users in Kazakhstan. Yerkimbay believes that information on the Internet is also more current than in the traditional media.

According to Askarov, in 2015, the rapid development of broadband and mobile access to the Internet, along with the growing popularity of social networks is resulting in the gradual exit of traditional media from the market. Significant reductions in mobile Internet service costs are also a contributing factor to the changing market. Print, television, and radio media cannot easily reduce production costs and, therefore, struggle to remain competitive. Newsprint and magazine paper, ink, and printing and telecommunications equipment are not typically produced in Kazakhstan; for this reason, their costs are tightly connected to the exchange rate of the U.S. dollar with respect to the Kazakh tenge. "Accordingly, advertising budgets are being redistributed in favor of the online media and social networks," Askarov remarks. Allegedly, one of the oldest business publications in Kazakhstan is preparing to move solely to an online format.

Kazakh citizens experience some challenges in access to media; for example, distribution of the print press to remote regions is a problem. With the transition to digital broadcasting and the shutdown of analog, some rural populations are without access to television until they purchase and install a decoder. This represents a significant financial expense, which not every resident can afford, Nikonovich observed. The absence of public television access throughout the country significantly affects both the quality and quantity of information sources available to Kazakhstanis.

Access to foreign media is limited, unless one disregards blocked websites. One severe limitation to international media is a lack of knowledge of foreign languages among the population. As a result, Kazakhstanis receive information on the Ukraine-Russia conflict primarily from Russian media. Similarly, media have more access to foreign sources if they possess an understanding of English, Turkish, or Chinese. However, there are no high-quality Kazakhstani media published in foreign languages and even the leading Russian newspapers are also leaving the Kazakhstani media market. In 2016, legislative amendments are anticipated to prohibit international advertisements on foreign television channels broadcasting in Kazakhstan.

Media does not reflect the whole spectrum of societal and political issues since they are managed by the government. The Kazakhstani Media Law does not limit the ability of the government to create and own media resources. The majority of media, including the most popular television channel,

With the transition to digital broadcasting and the shutdown of analog, some rural populations are without access to television until they purchase and install a decoder. This represents a significant financial expense, which not every resident can afford, Nikonovich observed.

Eurasia Channel One, are government-funded, even though they may be managed by private companies or individuals. In the case of Eurasia Channel One, the owner of the channel is TOO Evraziya + ORT. Financing from the government budget, whether whole or partial, has a critical effect on the quality of the objective content and the presentation of alternative points of view. Government media presents only one perspective and avoids the publication of information that may be critical of or uncomfortable for the authorities.

Many Kazakh-language media are completely dependent on the government budget. However, as Yerkimbay notes, certain individuals are currently contributing to Kazakh Internet projects. Last year, for example, Bogiada held an open competition for improving their quality of content. A competition was also organized by Kazakiya, which is supported by the ruling Nur Otan party.

Interfax Kazakhstan, Kazinform, KazTAG, Reuters, and Bloomberg are the major news agencies with the most current information used by all Kazakhstan media. These major news agencies are fully accessible to many publications, some available at no cost and offering fee-based services. Bratsev notes that there has been a positive trend of referencing sources in reporting third-party information, although instances of content theft, particularly in online media, are still frequent.

Kazakhstan media produce their own programming content, particularly in the news format. Television channels are the most independent in this regard, creating their own news and analysis programming. Public media present the most innocuous content, while private media have a more critical approach to reporting but are often diverted to cover minor events.

International news and reports on conflict have extremely weak coverage in Kazakh's media and are not represented from the national perspective. Instead the content is based

on Russian information and may not be objective. However, it is high-quality, both from the methodological and analytical level, making this coverage of the news attractive for an uncritical audience.

In the area of media ownership, there is a complete lack of transparency. The law does not require that names of media owners be disclosed and no one does so voluntarily. The law only requires that the name of the media proprietor be indicated, without disclosing the ultimate benefactor. Frequently, the proprietor is a person or organization that is hired for the specific role, so that the real owners' identities remain concealed. For this reason, the audience does not actually know who owns and controls one media resource or the other, Birzhanova remarked.

Beginning in 2017, foreign media will be required to reveal their proprietor within Kazakhstan in order to carry on their activities. Otherwise, they will be prohibited from distributing their programming in Kazakhstan. According to Vlassenko, such conditions for foreign media are intended to not only limiting their activities, but also to create conditions that foster the development of domestic media and increase their competitiveness.

Kazakhstan has considerable media in minority languages, including publications in Uigur, German, Azerbaijani, and Ukrainian; and the policy of tolerance and multi-nationalism is well respected. However, each media organization approaches minorities and minority issues differently. Public funding is equally available to minorities as well, with the exception of sexual minorities.

According to Bratsev, private media cover these subjects more harshly, and frequently with the use of discriminatory language. This is particularly characteristic of the Kazakh-language media, which are subjective in their coverage of these issues and sometimes openly intolerant to sexual minorities. Karaulov emphasized that the issue of sexual minorities is taboo in many editorial offices. A journalist from one of the capital's publications stated that he was prohibited from doing stories on this subject. Difficult stories that cover religious and national minorities are also rarely covered in the media. Journalists are simply afraid of being accused of inciting religious hatred.

Regional media outlets report local events in newspapers as well as on the television and Internet. The practice of disseminating information by telephone and short message service (SMS) or text messaging lists is not yet developed in Kazakhstan, although mobile phones are commonly used for viewing news on the Internet.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.69

The Kazakhstan media market is evolving and the specific state of each media sector differs from the next. In business press, such as advertising publications, administration, management, and marketing processes are subject to the same general rules of any commercial Kazakh business. To build productive relationships with advertisers and effectively target audience preference, media must secure a certain level of viewership must also operate within competent management and organizational structures.

Askarov is confident that the sharp 2015 devaluation of the Kazakh tenge combined with inflation has negatively impacted previous business models media market as a whole. Domestic businesses have been similarly impacted, the cost of which growing continually as the value of the Kazakh tenge fluctuates. In such a difficult economic period, the main financial resource again becomes government funds, which, in turn, negatively impacts media management and, particularly, independent media. Independent media owners struggle to sustain their previous business models, and many cannot, by simply increasing contributions at a rate that counteracts the effects of currency devaluation and inflation. For example, the well-known journalist Vadim Boreyko resigned from his position as editor-in-chief of Forbes.kz when his employer failed to pay his salary at the adjusted tenge-dollar exchange rate.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

In challenging economic times, Bratsev is certain that media outlets often depend on owners for finance support to or to simply maintain the organization altogether. Based on annual results, some media are anticipated to close operations within the year, as was the case with the website headline.kz in 2015.

Karaulova remarks that the overwhelming majority of media do operate as a business. Although, not all organizations have business plans, conduct marketing studies, consider user interests, and strategize financially. Instead, many media are focused on owner and benefactor interests and serve their business goals; few media managers understand or have business experience.

There are also those companies which depend on government funds. In 2015, the state allocations for media totaled more than KZT 48 million. Depending on various circumstances, government contributions may cover anywhere between 40-100 percent of the outlet's publishing expenses. Government assistance is distributed on both a competitive and noncompetitive basis; however, this process is not transparent or objective, frequently has negative impacts on competitiveness, misrepresents the audience, and undermines editorial independence. Editorial independence largely determines the quality of the information that is disseminated. Many media attempt to diversify their sources of revenue; however, under the conditions that exist in Kazakhstan, this is not easy to accomplish. Alternatives to government-funding may include advertising, retail sales, subscriptions, service activities such as printing, Internet advertising, and photograph sales. Recently, bloggers are also turning to crowdfunding as a source of revenue.

Azhenova is not convinced that the media revenues are large enough for outlets to be independent of political influence. However, there are a few examples of self-sustaining private Kazakh publications, including the newspaper *Ak Zhayyk* (KZT 300 per issue) and the magazines *Anyz Alama* and *Zhuldyzdar Otbasy* (KZT 400 per issue).

The advertising market in Kazakhstan is in crisis. The panelists described 2015 as a "black year" for advertising agencies and the media, since the advertising market dropped 30 percent. New successful competitors of advertising companies include bloggers, brand ambassadors, and other Internet-based recipients of advertising budgets that are using online methods to promote goods and services. The influence of the latter is steadily increasing. For example, the blogger and brand ambassador, Alisher Yelikbayev, reported that on the basis of his call, the airline

Scat delayed a flight so that passengers prevented from getting to the airport due to a blizzard could make the flight. At the same time, there has been a transition in the other of relations between advertisers and the media; many advertisers are going directly to social networks, bypassing media and public relations companies.

Given the current conditions of economic uncertainty, the advertising market has become stagnant. Advertisers are showing frugality and intention in their annual budgets, focusing half of all funds on television advertising. This has negative impacts on other media, particularly for online publications whose share in the advertising budget is only 7 percent.

Vlassenko notes that foreign advertising is prevalent in both Kazakhstan's foreign and domestic media. In order to keep advertising money in Kazakhstan, legislation has been proposed to prohibit foreign television channels from advertising. However, this may increase the popularity of foreign channels since they will no longer have advertising interruptions.

According to Karaulova, advertising revenues usually constitute 10 to 20 percent of the total revenue of an organization. Media also carry paid stories that are not marked as advertisements or otherwise indicated. There is no division between editorial policy and advertising policy, and editors tend not to be independent. Advertising is well developed, but because the market is not transparent, advertisers are unable to identify and evaluate their specific audience.

Didenko notes that the media market is distorted by the mismanaged and nontransparent process of government funding. The presence in the market of companies that receive government funding and, at the same time, participate in the advertising market, creates conditions for unfair competition and deprives the media that do not receive government funding from a certain share of advertising revenues. Birzhanova added that, according to some media owners, they do not welcome government influence and would eliminate government finding if they could.

Surveying media distribution, reproduction, and advertising and marketing is complex. Thus, for example, only one independent measurement service operates in the country, TNS Central Asia, which measures the media market. There is not only a shortage of independent measurement services, but also of specialized institutes that assist in the development of media businesses. These would include, for example, an institute to measure circulation of the print press – a circulation audit bureau. Since there is no such

institute, publications frequently manipulate circulation data, misleading foreign advertisers and their own audience.

Many media do not conduct any regular marketing studies. This is particularly true of print and online publications. As a result, the media have limited understanding of their target audience. To a great extent, this is connected to the absence of means to carry out such regular studies. However, television channels are an exception. Many do carry out market research of their target audience. These studies are generally conducted by a professional research company that specializes in television and radio, and it is their measurements and ratings that media managers and potential advertisers rely on. The most popular sources of measurement for Internet hits come from zero.kz, Google Analytics, and sanaz.kz.

According to Askarov, distinct from developed countries and Russia, no full-service media researchers operate in Kazakhstan and no regular public opinion surveys are conducted. Also, there are no reliable circulation measurement services for print media, which results in a common practice of exaggeration. Similarly, online media, including blogs, frequently overrate their traffic in order to attract advertisers.

All of the experts noted that there are very few reliable studies conducted by independent companies and their data are seldom respected by advertisers.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kazakhstan Objective Score: 2.05

The current list of business groups representing the interests of the media is quite small. One such group is the National Association of Television and Radio Broadcasters (NAT) of Kazakhstan, which is made up of regional television stations. NAT provides various consulting services for television development and generally influences the legislation regulating the media. The NAT is supported by association member contributions. One of the clear examples of the NAT's lobbying activities is their work against the amendments prohibiting foreign advertising on Kazakhstan channels. NAT attempted to prevent these amendments, arguing that this supports the interests of the cable broadcasters. However, the parliament adopted the proposed legislation. The Association of Cable Operators is also known for its effort to stop the amendments to the prohibition of foreign advertising. The Internet Association of Kazakhstan, made up of domestic providers, is also active. A new group was formed in 2015, The Association

of Bloggers of Kazakhstan; however, this association is still developing its mission and activities. Some business associations frequently benefit from government financing in the form of procurements and, therefore, cannot be described as independent of the government.

Participation in international organizations is weak and, according to Birzhanova, as is journalist trade union membership. Trade unions are more common within specific regional publications. At the end of the year, after many bureaucratic delays, the Media Workers Union was finally registered, Azhenova said. Journalist and founder of the Media Workers Union Lyudmila Ekzarhova was met with administrative resistance and, for an extended period, the Ministry of Justice denied registration, citing insignificant inaccuracies in the registration forms. Though they are finally registered, the union is still not popular due to the fragmentation of the journalistic community, the frequent turnover of staff in the media sector, and the low pay of journalists. As International IT-University senior lecturer Aleksandra Tsay remarked, the journalists working in editorial offices almost never arrange cooperative agreements, despite the fact that this practice is very widespread in other areas.

In Kazakhstan, there are many media NGOs that are committed to supporting freedom of speech and the media, primarily legally and through education. As Bratsev notes, despite the fact that these organizations operate primarily in large cities, such as Astana and Almaty, they also actively cooperate with the regional media. These NGOs engage in

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

"In recent years, courses on modern technologies were taught as well as journalists' rights. However, many students prefer not to be involved with legalities and are more interested in issues of culture and society," remarked Azhenova.

regular monitoring of media rights and freedom of speech, represent journalists and publications in legal proceedings, conduct public campaigns and advocacy, and actively lobby for media legislation. Accordingly, several media NGO supported the development of the law regarding access to information, including Legal Media Center, Internews, and the Center for the Study of Legal Policy.

However, as Birzhanova notes, there are pro-government NGOs. These do not tend to offer services to journalists, but are created for the purpose of receiving grants from and promoting the interests of the government. For example, the Guild of Court Reporters, supported by the Supreme Court of Kazakhstan, was formed in 2015 to increase the professionalism of journalists covering court proceedings.

Most media NGOs are by grants from international organizations, such as the Organization for Security and Co-operation in Europe (OSCE), the European Union, and USAID, and from the embassies of foreign countries. NGOs actively cooperate with these international organizations to carry out joint projects directed at supporting freedom of speech, the exchange of experience, and effective practices. According to Kazakh Press Club president Assel Karaulova, media NGOs strive to make positive change, but they regularly encounter pressure and indifference from the government and the media market.

At the end of the year, amendments were adopted to the law on noncommercial organizations that may severely limit the activities of NGOs working to protect freedom of speech as well as business associations working to safeguard the interests of their members. The new legislation requires that NGOs submit additional accounting records and that grants be distributed through a single operator. The panelists note that these changes may negatively impact NGOs' activities, specifically to those that support freedom of speech and provide assistance to journalists and the media.

OSCE representative on issues of media freedom Dunja Mijatović issued a statement to Kazakhstan authorities regarding the amendments to the law on noncommercial

organizations. In her statement, Mijatović points out that “the adoption of the law, which may place the work of NGOs under strict government control, including control in obtaining foreign grants, is disturbing news for participants in civil society. Since the draft law opens the possibility for government agents to restrict the priorities of NGOs and remove freedom of the media from their scope of work, it may represent a serious threat to free media in the country.”

The panelists’ opinions regarding quality of professional training of journalists are quite diverse. The majority consider it low level. University teaching faculties include few practitioners and the majority of older-generation teachers do not have mastery of the necessary technological skills. According to Bratsev, “Academic education does not successfully adapt in accordance with the development of the market, neither at the technological level nor at the level of the teaching staff.”

Previously, curriculum was previously dictated by the government. Now, students can select course like photo journalism, investigative journalism, and financial journalism. “In recent years, courses on modern technologies were taught as well as journalists’ rights. However, many students prefer not to be involved with legalities and are more interested in issues of culture and society,” remarked Azhenova.

Kazakh National University deputy head of the journalism department Karlyga Musaeva notes that the Kazakh National University has student-run media, including television, radio, and newspapers, and there is a student press center specializing in public communication.

There is sufficient opportunity for entry to university journalism programs and the competition for admission is mediocre. However, the majority of graduates actually work in public relations since there is not always demand for qualified journalists.

Many short-term trainings and in-service courses are available to journalists. One noteworthy institution is Aegis Media School, the first tuition-free school in Kazakhstan for future media managers. The Aegis Media School was organized by Dentsu Aegis Network Kazakhstan and is carried out by the Kazakhstan Press Club with the support from the iMedia project of the Soros-Kazakhstan Fund. The Aegis Media School trains Kazakhstan journalists in the creation and comprehensive promotion of multimedia startups and projects, as well as the skills of media entrepreneurship and monetization of content. Trainers include practicing journalists from the New York Times, USA Today, CNN, the Huffington Post, Pro Publica and others, together with professors the School of Journalism of Missouri State University and the Grady College of Journalism and Mass Communication of Georgia State University.

This year marked the tenth anniversary of MediaShkola, the only alternative journalism education program in the country. The majority of students combine traditional university studies with MediaShkola or they have achieved higher education and want to learn specialize in a particular area. Instruction is led by practicing journalists, public relations specialists, analysts, and jurists, and is in both Kazakh and Russian languages.

For years, the Legal Media Center has been offering tuition-free training courses and seminars for journalists in legal literacy, Internet regulation, and specialized journalism. In a 2015 joint project with UNICEF, the center developed course curriculum on the rights of children in the media.

There is also a lack of competition in the market for distribution and delivery of print press due to monopoly AO Kazpochta, whose fees are quite high for subscriptions and delivery in remote regions. Publishers often must find alternative types of delivery. The absence of competition and limited development of modern technologies for the production, distribution, and delivery of information products undermines the media market. Although access to printing houses remains stable, all are subject to government influence and preference. Lastly, regarding access to equipment, professional training software for publishing activities is quite expensive and not every publishing house can afford such programs.

Regarding media distribution, public access to media through mobile phones and cable networks is increasingly common, but still not widespread in Kazakhstan due to the high charges, according to Didenko. The panelists note that authorities may exercise influence on the media through the distribution channels, in particular, by blocking websites. Information and communications technologies are monopolized and Kazakhtelekom is able to control and regulate the transmission of information by blocking sites, denying service, and using other instruments of pressure. There are also significant differences between the development of information and communications technologies in the cities and in the remote regions, where they may not have sufficient power.

Mobile apps are being developed to enable media and the public to obtain information in various formats. Confidence in social networks is higher among the educated public, but the general public is under the influence of the government ideology. Russian media also have influence to shape the information space and the public opinion of Kazakhstan’s population, particularly in the northern and eastern regions of the country.

List of Panel Participants

Sergey Mirolyubov, publisher, *Tvoy shans* and *Nasha Gazeta*,
Kostanay

Ruslan Nikonovich, general director, TV Art, Karaganda

Karlyga Musaeva, deputy chair, Journalism Department,
Kazakh National University, Almaty

Assel Karaulova, president, Kazakh Press Club, Almaty

Tulegen Askarov, financial journalist; president, BIZ-Media,
Almaty

Gulmira Birzhanova, media-lawyer, Legal Media Center,
Astana

Asqat Yerkimbay, head of new technologies and Kazakh
language research projects, Vlast.kz; media trainer,
Profi-Azia. Almaty

Galya Azhenova, director, Public Center of Expertise on
Information Disputes, Adil Soz Foundation, Almaty

Alexandra Tsay, senior lecturer, International Information
Technology University, Almaty

Sergey Vlassenko, media lawyer, National Association of
Broadcasters, Almaty

Igor Bratsev, director, MEDIANET, Almaty

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

Olga Didenko, media lawyer, Internews-Kazakhstan, Almaty

Moderator & Author

Diana Medvednikova, director, Legal Media-Center, Astana

*The Kazakhstan study was coordinated by, and conducted in
partnership with, the Legal Media Center, Astana. The panel
discussion was convened on January, 15, 2016.*

Observers of election coverage noted that state-affiliated media favored the ruling political party, devoting the majority of news programming to activities of the president.



KYRGYZSTAN

In 2015, several key events determined the course of the country's foreign policy and internal political climate. These include the Kyrgyz Republic's entry into the Eurasian Economic Union (EEU) and parliamentary elections. While previously Kyrgyzstan's foreign policy was directed by its unique ability to maintain close relations with both the United States and Russia, joining the EEU has resulted in a shift in the country's preferences and has started a process of legislative harmonization between the Kyrgyz Republic and the Russian Federation.

Kyrgyzstani lawmakers proposed legislation against propaganda of non-traditional gender relations, which civil rights activists inside the country as well as international donors decried as discriminatory. The draft law is not only a derivative of its Russian counterpart that outlaws gay propaganda and specifies fines for those who breach the law, but the Kyrgyzstani version also proposes up to one year imprisonment. Another initiative that aimed to align Russian and Kyrgyzstani legislation was the proposed law regarding foreign agents, which would assign such a status to all NGOs involved in Kyrgyzstani political activities that receive funds from abroad. The country's political leaning towards Russia has also resulted in unilateral denunciation of the 1993 cooperation treaty with the United States, after the latter declared its support of human rights defender Azimzhan Askarov, accused by the Kyrgyz Republic Supreme Court of incitement of interethnic hatred and murder.

The 2015 parliamentary elections affected state regulation of media. Significantly, the Central Election Committee changed its accreditation standards so that online media outlets are required to acquire accreditation, while online outlets are not legally considered mass media in Kyrgyzstan. Observers of election coverage noted that state-affiliated media favored the ruling political party, devoting the majority of news programming to activities of the president.

However, these preferential tendencies did not hinder access to alternative programming from other mass media. This is likely due to the fact that all competing political party leaders have their own or affiliated media outlets, including Tushtuk, created by Kamchybek Tashiev, and NTS, affiliated with Omurbek Babanov, for example.

Unlike previous election campaigns, the 2015 parliamentary elections were not as lucrative for regional newspapers. Instead, the majority of political advertisements were broadcast on television as well as online media outlets. Traditionally, media see election periods as an opportunity to make a profit. In that manner, the Public Television-Radio Company (commonly known as OTRK, Obschestvennaya Tele-Radio Kompaniya) earned over KGS 90 million (\$1.25 million) from parties' campaign funds and was permitted by the state to keep the profit for modernization of the television station.

KYRGYZSTAN at a glance

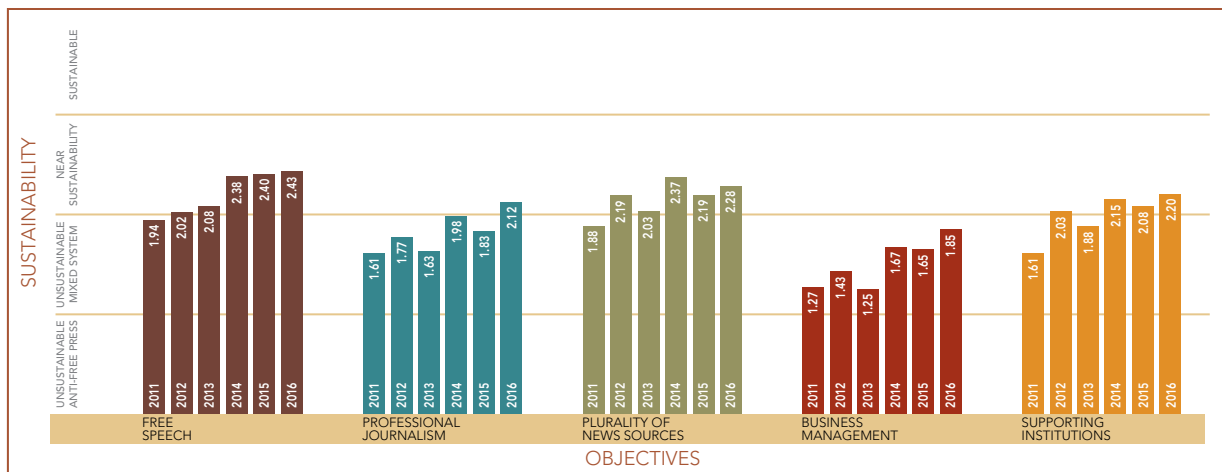
GENERAL

- > Population: 5,664,939 (July 2015 est., *CIA World Factbook*)
- > Capital city: Bishkek
- > Ethnic groups (% of population): Kyrgyz 70.9%, Uzbek 14.3%, Russian 7.7%, Dungan 1.1%, other 5.9% (includes Uyghur, Tajik, Turk, Kazakh, Tatar, Ukrainian, Korean, German) (2009 est., *CIA World Factbook*)
- > Religions (% of population): Muslim 75%, Russian Orthodox 20%, other 5% (2009 est., *CIA World Factbook*)
- > Languages: Kyrgyz (official) 71.4%, Uzbek 14.4%, Russian (official) 9%, other 5.2% (2009 est., *CIA World Factbook*)
- > GNI (2014-Atlas): \$7.318 billion (World Bank Development Indicators, 2016)
- > GNI per capita (2014-PPP): \$3,220 (World Bank Development Indicators, 2016)
- > Literacy rate: 99.5%; male 99.6%, female 99.4% (2015 est., *CIA World Factbook*)
- > President or top authority: President Almazbek Atambaev (Since December 1, 2011)

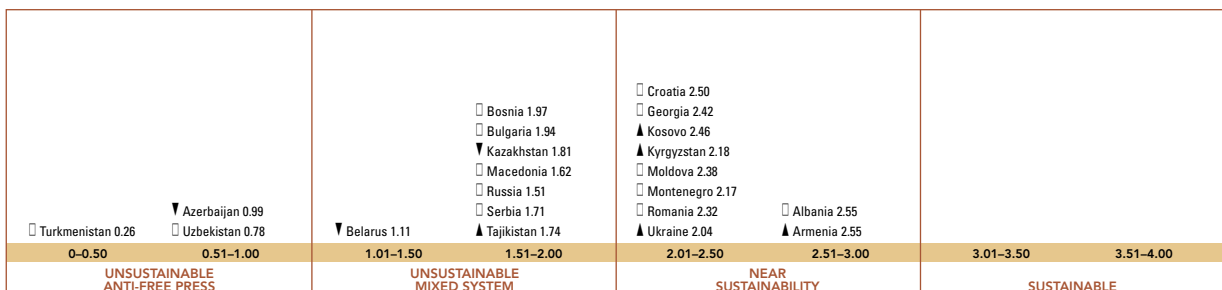
MEDIA-SPECIFIC

- > Number of active media outlets: More than 1,500 registered media. Print: 159 including 3 main dailies and 4 other major papers; Radio Stations: 26; Television Stations: 25 terrestrial, 3 local cable networks, 3 IPTV (Ministry of Justice, 2013)
- > Newspaper circulation statistics: Top three by circulation: *Super Info* (private Kyrgyz-language daily with 120,000 circulation), *Vecherniy Bishkek* (private Russian-language daily with 150,000 circulation), *Delo No.* (private Russian-language weekly with 16,000 circulation)
- > Broadcast ratings: Top five television: OTRK (several channels: Culture and Music, Children, Sport, state-owned), EITR (state-owned), 7th Channel (private)
- > News agencies: Kabar (state-owned), AKIpress (private), 24.kg (private), www.tushtuk.kg (private), K-News (private), www.kyrtag.kg (private), Sputnik.kg (private)
- > Annual advertising revenue in media sector: Television: \$7.9 million; Internet: \$500,000; Radio: \$1.8 million (Jan. – Sept. 2013 est., Expert Consulting Agency)
- > Internet usage: 1.4 million users (2014 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: KYRGYZSTAN



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Kyrgyzstan Objective Score: 2.43

The constitution of the Kyrgyz Republic guarantees freedom of speech and prohibits criminal prosecution for free speech. There is also a specific law “on protection of the professional activity of journalists,” designed to protect freedom of speech. In May 2014, these basic rights were jeopardized when the president signed a law stipulating imprisonment for up to five years for “making a knowingly false accusation;” however, in January 2015, the Constitutional Chamber of the Kyrgyz Republic invalidated the law, effectively deciding that reporting in mass media does not constitute a crime, thus, journalists cannot be prosecuted for their work, even if shoddy.

The panelists noted the disparity between constitutional provisions for freedom of speech and the government’s initiatives that infringe upon this right. Among such legislative attempts was the draft law which introduced amendments to the law “on mass media,” such as including the Internet as a mass media outlet. Panelists viewed this as an attempt to control mass media and freedom of speech before the parliamentary elections; they also noted that the proposed amendments resonate with the Russian law “on Foreign Agents,” which aims to restrict opportunities for NGOs and control their activity. As a result of discussions with civil society representatives, the draft law has been withdrawn.

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

FREE-SPEECH INDICATORS:

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

The panelist Almaz Ismanov provided an illustrative example from a conference on religious extremism, from which the Ministry of Internal Affairs representative refused to provide a transcript of his presentation, justifying his refusal on the pretext of national security.

One of the most important political events in 2015, the parliamentary elections, has also brought changes to mass media legislation. The Central Election Committee has defined requirements on accreditation for mass media that offer paid political advertising, reserving the right to revoke their accreditation. Furthermore, the decision of the judicial assembly of the constitutional chamber to prohibit local mass media from rebroadcasting news segments that disgrace the honor of candidates was ruled constitutional.¹ The judicial assembly’s conclusion exhibits that pre-election campaigning is disparate from freedom of speech and information, and the right for expressing one’s opinion.

The panelists did not observe any discrimination in the sphere of print media licensing, although they did note the attempt to control the Internet media by proposing registration as mass media. Panelist Almaz Ismanov mentioned the suggestion made by the ministry of justice in February 2015 to “punish journalists for unprincipled work by expulsion from profession, which can be considered as a certain form of licensing the profession.”

The issue of licensing is crucial for television and radio companies since the country officially transitioned to digital broadcasting in June 2015. However, it is worth noting that the official entrance into digital broadcasting has not led to the disconnection of the analog signal. According to the new regulations, television and radio companies that intend to broadcast in the digital format need to undergo the licensing procedure again.

Prior to the parliamentary elections, some newly established television companies received their registration and license in a mere two or three days, as opposed to the standard two or three months. Yntymak news editor Akylbek Orozmatov viewed this as a possible example of authorities

¹ Eshenalieva, Ainura. “Constitutional Chamber: Invalidity media reports does not constitute a crime under Art. 329 of the Criminal Code,” Institute for Media Policy. January 15, 2015. <http://www.media.kg/news/nedejstvitelnost-soobshheniya-v-smi-ne-mozhet-rascenivatsya-kak-zavedomo-lozhnoe-i-ne-obrazuet-sostava-prestupleniya-predusmotrennogo-statej-329-uk-kr/>.

supporting certain mass media outlets in exchange for favors and personal benefits. Orozmatov also mentioned the local channel OshTV, which is registered as a limited liability company, but received a large amount of money for technical modernization and was included in the social investment package for state digital broadcasting.

The panelists emphasized the problem that the Kyrgyzstan Central Electoral Commission officially accredits individual journalists to report on particular events, instead of accrediting a media outlet. Events that require accreditation include large political events, foreign delegation visits, and overseas trips of the president, for example. The panelists explained that the practice of accrediting individuals is problematic, if that individual is absent, they cannot be replaced.

The media tax structure is similar to other sectors of the economy and the requirements for mass media outlets are the same as business enterprises. However, as a result of economic decline, there has been a significant drop in print media circulation and some organizations are shutting down. Circulation of socio-political publications, for example, does not exceed 2,000 copies. Traditionally perceived as a political instrument, press is undergoing a critical period with a lack of effective management in private press, a lack of funding, and political dependence on state press.

As for crimes against media professionals, the panelists considered 2015 to be relatively calm, with the exceptions of a few cases. One example is that of Daria Podolskaya, a journalist from news agency 24.kg was violently attacked near her home, allegedly without the intent to burglarize, so law enforcement categorized the crime as an act of hooliganism. Another incident occurred in July 2015, the Bishkek office of the newspaper *Achyk Sayasat* was pelted with stones, but law enforcement representatives regarded the act as simple vandalism.

Kyrgyzstani law on mass media protects the editorial independence of public media; however, the state is often actively involved in the editorial policies of OTRK and EITR television, as well as some radio organizations. The panelists suggested that the state appoints editors and members to these outlets' supervisory boards, in addition sponsoring the promotion of particular news stories.

The 2015 parliamentary elections are a vivid example of mass media outlets' political partiality. There has been a lack of analytical pieces and editorials, journalistic investigations, and political analyses. Coverage of the election campaigns was limited to paid advertisement pieces in news programs

that were difficult to distinguish from other news pieces. The state-funded mass media predominantly released very positive coverage of the president's and government's activity. It was noted by panel participants that the Central Election Commission abused its authority when many bloggers and freelance journalists were denied accreditation. The panelists emphasized that there were severe violations of freedom of speech surrounding accreditation during the election period.

Several cases caused panelists to question the execution of laws protecting the freedom of speech. In 2014, legislation regarding libel was replaced with the article "on the protection of a person's honor and dignity." Under the enforcement of this legislation, journalist Daryir Orunbekov was accused of libel for writing a controversial article. Orunbekov's case was nearly dropped as a result of the new Kyrgyz Republic criminal code decision that presenting knowingly false information does not constitute a crime. However, the general prosecutor's office initiated an additional criminal case against Orunbekov, for the same article, accusing him of discrediting the honor and dignity of the president. The court found Orunbekov guilty and sentenced him to a fine of KGS two million.² Many panelists believe this ruling was unconstitutional. Panelist and editorial advisor at OTRK Tamara Valieva, added that "these lawsuits about damaged honor and dignity against individual journalists and mass media are accomplishing the goal of the authorities. Editorial staff and journalists are losing the majority of the lawsuits and are forced to pay large fines and waste their time on endless trials. The next time they act, they do so more cautiously, resulting in self-censorship."

The panelists' opinions regarding access to information were not uniform. Some panelists identified no problems in the legislation on access to information, while others pointed to its weaknesses and lack of clarity. The panelist Almaz Ismanov provided an illustrative example from a conference on religious extremism, from which the Ministry of Internal Affairs representative refused to provide a transcript of his presentation, justifying his refusal on the pretext of national security.

There are no limitations on access to local and foreign news, although one of the panelists noted that not all regional media outlets have reliable access to the Internet.

² Kudryavtseva, Tatiana. "Prosecutor General's Office filed a lawsuit against the journalist, defending the honor and dignity of the President of Kyrgyzstan," 24.kg. April 18, 2015. http://www.24.kg/obschestvo/11005_genprokuratura_podala_v_sud_na_jurnalista_zaschischaya_chest_i_dostoinstvo_prezidenta_kyrgyzstana/.

Also, Kyrgyzstan's Internet providers operate from Russian operators, either directly or through Kazakhstan; therefore, the websites blocked in Russian are also unavailable in Kyrgyzstan. The panelists noted a clear division among media outlets in the Kyrgyz Republic, with one group pro-United States Department of State and the other pro-Kremlin. Such a division has an obvious impact on content and programming.

There are no official limitations or entry barriers into the journalism profession; however, in practice, journalists encounter a variety of problems obtaining accreditation, as discussed previously. In some instances, members of the parliament have revoked accreditation due to journalists' appearance when they wear tee-shirts and jeans.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kyrgyzstan Objective Score: 2.12

Kyrgyzstani editorial independence within media is questionable and, therefore, it is unlikely that events are covered thoroughly and objectively. Some panel participants believe most Kyrgyzstani journalists are professional and responsible, and that the important events are covered accordingly. However, the majority of panelists brought up issues with the competence and diligence of journalists. Throughout 2015, there have been many instances of news reports based on only one source as well as unverified sources and information, leading to many refutations. In September 2015, the online news outlet Maida.kg was

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).

accused of publishing unreliable information based on a controversial article, by Nurgazy Anarkulov, which alleged that a deputy candidate from the ruling political had close ties with Uzbek leaders accused of separatism. The news report was republished by radio and other media before Anarkulov issued an apology for misinformation. However, Anarkulov later made a statement that the apology was a fake, leaving readers with questions of overall media reliability.³

Although some panelists believe news journalism in the Kyrgyz Republic meets professional standards, all the panel participants agreed that there is a lack of analytical reporting and investigative journalism. It was also noted that journalists do not consistently cover issues in an objective manner. One primary reason, according to the panelists, is the lack of adequate journalism schools in the country. As panelist Isamova explained, "Osh State University (OshGU) journalism faculty teach according to Soviet standards and professors are resistant to change their programs." The panelists also mentioned the lack of time and the expectation to report on events as soon as they take place, as another reason for low quality journalism. This practice does not allow time for verification of sources and information. Furthermore, panelist Adel Laisheva from the Kyrgyz Public Radio and Television Corporation (KTRK), highlighted financial causes, "Investigative journalism has not taken root for several reasons, first and foremost, for economic reasons. It is just not profitable to have an employee researching one story for many months."

Ethics in journalism remains an issue in the professional community; as a result self-regulation persists. One type of violation is hidden advertising, which occurs when journalists interview the owners of businesses about their success and include product advertisements in the reporting without informing the audience about the marketing nature of the interview. Hidden advertising can occur in political form as well. During the parliamentary elections campaigning period, many media outlets and freelance journalists favored candidates in their reporting, promoting one politician's agenda or reporting negatively on competing candidates or parties in exchange for gifts and money.

All panelists noted the ethics violations that occurred during the child abuse reports, which were frequent and

³ "Nurgazy Anarkulov: I do not apologize party "Kyrgyzstan" and personally Sharshenbeku Abdykerimova ..." *Gezitter.org* (Source: Sayasat.kg). October 1, 2015. http://www.gezitter.org/vyborny/43936_nurgazyi_anarkulov_ya_ne_prinosil_izviniy_partii_kyrgyzstan_lichno_sharshenbeku_abdykerimovu/.

As panelist Ismanov put it, “Many newspapers and websites freely posted photographs of the victimized children. They also published the home addresses of the accused individuals, at the suggestion of law enforcement agencies.”

widely discussed in 2015. These reports also demonstrated a lack of editorial policy. As panelist Ismanov put it, “Many newspapers and websites freely posted photographs of the victimized children. They also published the home addresses of the accused individuals, at the suggestion of law enforcement agencies. The media outlets that chose to abstain from publishing the graphic photographs struggled over the decision. Despite the existence of an ethics code, journalists were not prepared for the influx of information surrounding such a sensitive topic as violence against children.” Similarly, journalists faced an ethical dilemma when covering the escape of prisoners from the Bishkek pretrial detention center. Several prisoners, detention center staff, and civilians were killed during the incident. Panelist Laisheva comments on the reporters’ actions, “Several publications televised the events live; showing faces of the operatives. The actions of these journalists interfered with the work of the law enforcement agencies, yet the journalists considered themselves heroes.”

Panelist Tokoev of Journalists NGO also noted that self-censorship is high due to a lack of solidarity and desire to support each other when covering certain challenging topics. Tokoev added that journalists have confessed their fear of reporting on sensitive topics, especially when it relates to high-ranking politicians.

Overall, the panelists agree that the media covers all main events in the country in a timely manner. Yet, there are topics that journalists tend to avoid. Several panelists mentioned the lack of interethnic coverage in Kyrgyzstan, which they called a “sensitive topic.” Panelist Isamova, brought up the situation in Zhapalak village, which is majority Kyrgyz, where residents complain about the cleanliness of the water in the Aravan-Ak Buura channel, which they use for drinking. However, the neighboring village of Osh upstream, which is majority Uzbeks, directs their sewage into the channel. Isamova explains that

although the issue is both environmental and health, many television outlets refused to report on the situation because of the interethnic relations. Allegedly, Osh city officials requested that stories not be broadcast regarding the issue. When journalists or editorial staff anticipate backlash from government officials, they tend to cover the story in a more timid manner to avoid accusations of ignoring certain events.

Generally, journalists in Kyrgyzstan receive low salaries, at a rate that has not significantly changed since 2005. In large regional media, such as television companies, journalists earn approximately KGS 10,000 to KGS 15,000 per month; smaller publications receive KGS 5,000 to KGS 7,000. In the capital, the average monthly salary is KGS 22,000. However, salaries at Azattyk radio, Vecheniy Bishkek publishing house, and *Super Info* newspaper are considered the highest-paying opportunities, where journalists make \$800 to \$1000 a month and editors earn \$1000 to 1300. Journalists working for state-owned media also receive annual leave allowances and maternity leaves; whereas, those in private media do not and must take time off at their own expense.

Many managements prefer to pay employees “off the books” to avoid high taxes. Journalists tend to earn less when they signed a contract, so the majority work without a contract and receive cash payments. This form of employment is unstable in terms of social security, as they do not make pension contributions or earn tenure. In order to earn a decent salary, many journalists work for several media outlets, take additional positions not related to their profession, or take on additional work, such as editing, translations, and speech-writing. According to panelist Valieva, many journalists joined political parties to make additional income during the parliamentary elections.

Entertainment programming generally does not eclipse news and informational programming, with the exception of radio stations, where entertainment is overwhelming and radio hosts do not tend to prepare their own reports and interviews. The panelists noted that broadcasting is overloaded with news programs, especially political news concerning the activities of parliament, the president, and the government. Internet-based media outlets and local television are also dominated by news broadcasting.

For television stations, the production of entertainment content requires significant financial resources; therefore, the broadcasting focuses on other types of content. Panelist Valieva, described an attempt to produce content and cover

stories from remote areas of the country. The KTRK *Kerbeni* program, in particular, about residents from other regions of Kyrgyzstan and their achievements, has gained popularity. The panelists have also noticed certain shifts in the editorial choices of some media outlets, for example, radio Azattyk, which generally covers political news made a slight shift towards entertainment when it covered the journey of a Kyrgyzstani singer on the Russian entertainment show “Golos” (commonly known by the English title, *The Voice*). On the other hand, *Super Info* newspaper primarily features entertainment, but has increased the volume of political news stories.

When it comes to access to equipment necessary for data collection, production, and distribution of news, the opinion of the panelists was not unanimous. While some panel participants did not see any issues with access to the Internet and availability of equipment in remote regions of Kyrgyzstan, the majority stated that regional media outlets encounter shortages of desktop computers, laptops, scanners, and digital cameras. Not all editors at regional media outlets provide Internet access to their employees, so journalists face challenges uploading their materials. Journalists continue using FTP servers, from which they receive information from the government and presidential press service. Among novelty technology, some panelists mentioned the use of quadcopters or drones for aerial video recording, streaming journalism, and live broadcasting.

Specialized or niche journalism is trending towards development, economic, and social journalism, as well as some investigative journalism. A number of television channels have introduced programs based solely on journalists’ investigations, including the investigative Capital program. Azattyk radio journalist Kubanychbek Zholdoshev specializes in investigations and video blogs. Among media outlets and journalists that specialize in investigative journalism, many receive financial support from donor organizations or represent larger international media outlets; such is the example Azattyk radio.

One reason there is little investigative programming in Kyrgyzstan is the lack of required courses at universities or trainings offered by media organizations and outlets. Insufficient outlet funding and limited access to investigative information also hinders specialized reporting. Panelists agree that journalists do not typically have a specialization and instead cover a wide range of topics.

OBJECTIVE 3: PLURALITY OF NEWS

Kyrgyzstan Objective Score: 2.28

Residents of Kyrgyzstan have access to various forms of mass media, including traditional print, television, radio, and Internet, as well as international and local media. Media in languages of ethnic minorities was previously more common than it is currently. However, media experts agree that Kyrgyzstani media cannot be considered objective or inclusive. Some media outlets, panelists specifically mention OTRK, 24.kg, Vecherniy Bishkek and Zanoza.kg, are limited in their coverage of certain topics which are counter to their editorial policy. The angle of the coverage is also influenced by the state when it comes to sensitive issues, such as interethnic conflicts, the national budget, and the actions of high-ranking government officials.

Access to alternative means of information, such as mobile Internet is gaining popularity. Yet, few media outlets have mobile versions of their website; these include Akipress, KNews, Azattyk, OTRK, Sputnik, and Vecheniy Bishkek. Social media websites and apps, such as Facebook, Twitter, Odnoklassniki, and YouTube, have become a regular means of getting news for the younger generation and are even

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Ismanov noted, "In rural areas and small towns, due to the absence of local media and limited access to national media, local residents primarily have access to rebroadcasted Russian TV channels."

becoming more popular among middle-aged audiences. One panelist, Ismanov, assumed that the increasing trust in online social media may be a result of the public losing trust in traditional media. Acknowledging this trend, some media outlets are encouraging citizen journalism by inviting users to submit their own news videos. Many of these stories consist of car accidents and other traffic violations as well as inebriated fights.

In the regions of Kyrgyzstan where the main source of information is television, print media options are also available but are costly. Radio is free and generally offers entertainment broadcasting, with rare exceptions, such as Birinchi radio. Many regions in Osh, Jalalabat and Batken oblasts receive Uzbekistani channels in Uzbek. The newspaper *Biz* is also issued in Uzbek, as are Yntymak television and radio broadcasts, among others.

Due to insufficient funding, Kyrgyzstani correspondents are not typically sent abroad for report and, therefore, local media cannot produce first-hand international news. International news is instead under the influence of Russia and these television and radio broadcasts are shown from the perspective of mainstream Russian media.

There are no legislative limitations on access to media sources in the country; however, there are various barriers to different populations' access to different types of media. Due to economic constraints, not everyone can afford to buy newspapers, and although Internet access is becoming less expensive every year, not everyone can afford it yet; the same restrictions apply to mobile Internet. As for access to digital broadcasting, the social package includes only state media channels, which are highly dependent on the government agenda. Receiving alternative television channels requires additional payment, which is not affordable for all. Internet access is also not economically accessible to all, even in Bishkek, where unlimited low-speed Internet connection can be obtained for KGS 400 per month. Residents living on the outskirts of the city have to spend much more as Internet cables are not available in all the areas.

State and public media do not reflect the spectrum of opinions throughout society; instead stories about the president and government activities dominate the programming for those outlets. Political bias during election periods is obvious and media generally considered recent the parliamentary elections as an opportunity to gain funding, by devoting paid air time to the campaigns. During the election period, positive coverage of the president consumed 29 to 42 percent all political airtime, while coverage of the candidates accounted for only seven to 17 percent of political content.⁴

Panelists described OTRK and Yntymak as media outlets that attempt to serve the public interest and cover all aspects of politics in the country, emphasizing OTRK radio broadcasting as more open to alternative views. When discussing the editorial bias of Kyrgyzstani media, panel participants brought up the case of the constitutional court judge Klara Sooronkulova's dismissal. Coverage of the dismissal was scarce and many media outlets did not even mention the story. The panelists also noted that reports on Kyrgyzstan joining the Customs Union were one-dimensional, lacking alternative views.

Several media outlets refer to themselves as information agencies in Kyrgyzstan, including AkiPress, 24.kg, KirTag, Kabar, and KNews; however, they operate mostly as informational websites and do not supply news to other media on a subscription basis. All the information available on their websites is accessible for free, with the exception of AkiPress, which makes its archive available for a fee. Panelists noted that other media outlets often plagiarize the stories from these information agencies and even copy entire articles without citing the source; this practice is generally not considered unethical in Kyrgyzstan.

One panelist stated that local media use international information agencies, such as British Broadcasting Corporation (BBC), Reuters, Associated Press (AP), Agence France-Presse (AFP), as well as Russian and Turkish outlets. However, the majority of panelists disagreed, explaining that these services are considered expensive by local media and that the subscription procedure is complicated.

State media generally create their own news and informational programming more often than private media. The content of most of these news programs is dominated by reports on the president. Some private media outlets can

⁴ "International mission on election observation, Kyrgyz Republic – parliamentary elections, Statement about preliminary conclusions and results," OSCE. October 4, 2015. <http://www.osce.org/ru/odihr/elections/kyrgyzstan/189481?download=true>.

develop their own news content that differs from that of the state media; however, not all private media broadcasts news. Panelists also noted that the quality of certain media outlet broadcasting is low.

Information on ownership of media outlets is typically private. Regardless, the panelists assume that the general public can identify the benefactors from one outlet to another based on the tone of materials and choice of topics, but even journalists do not always know who the owners are and rely on rumors. In Kyrgyzstan, there are no commercial corporations in the media market, rather media are owned by deputies and ministers.

In the past, media outlets have broadcasted in languages of ethnic minorities, but after such programs disappeared, the issue has become even more marginalized. Some attempts to devote programs and entire outlets to ethnic minorities speaking languages other than Russian and Kyrgyz have been made with the support of international aid agencies. One such project resulted in the public regional television and radio company Yntymak, which broadcasts approximately 30 percent of its programming in Uzbek. There is also a newspaper *Biz*, which was initially issued in both Kyrgyz and Uzbek, but due to the high demand only the Uzbek version remains. Ismanov suggested, "The Dunghan community thinks it is impossible to create a media outlet without knowing Russian or Kyrgyz. Similarly, the Uighur community believes they could not create their own media organization because they do not speak the language of the majority and, instead, their language is based on Arabic." Laisheva mentioned the media outlets owned by diasporas, suggesting that the few ethnic minority groups that can afford it, issue newspapers in their native languages. She also mentioned Dostuk radio on OTRK, which is broadcasted on Birinchi radio in Uighur, Dunghan, Tatar, Polish, and Ukrainian languages. However, the panelists also noted that there are no popular web-resources in Uzbek.

The legislative initiatives from parliament to pass a law against the propaganda of non-traditional relationships would infringe upon the rights of the lesbian, gay, bisexual, and transgender (LGBT) community. Even without legislation, there are not many media outlets willing to cover such issues or assume a supportive position in their reports. In May 2015, members of the nationalist groups Kalys and Kyrk Choro attacked members of the LGBT community during a private event. Kloop Media is an ally of the LGBT community, so when the police detained both the attackers and victims and confined them in the same jail cell, journalists of Kloop Media arrived at the police station

to broadcast live coverage of the event, remaining there for several hours until the victims were released.⁵

Interest in international news has been on the rise over the past year due to an increasing number of reports of citizens moving to Syria and ISIL attempting to recruit Kyrgyzstanis. However, it is not possible for local media to produce first-hand reports on foreign affairs due to the absence of overseas correspondents. As a consequence, when covering international news, local media have to rely on media of other countries. News from Russian channels continues playing a significant role in forming the public opinion and agenda.

The panelists explained that regional news, apart from crime reports, is not covered by public and state media. Ismanov noted, "In rural areas and small towns, due to the absence of local media and limited access to national media, local residents primarily have access to rebroadcasted Russian TV channels." However, more online resources dedicated to covering regional events and stories are starting to appear.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kyrgyzstan Objective Score: 1.85

The majority of panelists do not believe that media outlets are successful and sustainable businesses. Instead, they are of the opinion that business planning is rare in this industry in Kyrgyzstan. State media depends on the state budget and private media depends on their owners' funding. Print media circulations are declining, which can be attributed to the loss of interest in print media as the Internet has become more popular. Ismanov also suggested that print media audiences are switching to the Internet, just as regional television channels are turning into production studios.

According to the panelists, 2015 was not representative of a typical year, as parliamentary elections are always considered an opportunity to earn additional money in the media industry. Television and radio stations received the largest portion of money spent on political campaigns, Internet-based media are gaining popularity during election periods, and the smallest amount was earned by print media. The international commission on election observation found that on television channels 77 to 95 percent of all airtime allocated to the election campaign was provided

⁵ Bayaz, Malik. "Kalys and Kirk Choro attacked the event in honor of the Day Against Homophobia," *Kloop Media*. May 17, 2015. <http://kloop.kg/blog/2015/05/17/kalys-i-kyrk-choro-atakovali-meropriyatiev-chest-dnya-borby-s-gomofobie/>.

Tokoev explained that the Ministry of Culture, Information, and Tourism recently announced subsidies for the production of national audio and video segments in order to develop local content and support local broadcasters. The state allocated KGS 11 million for these projects, which does not substantially influence the advertising market.

for payment; 5 channel and Piramida did not allow any free airtime on top of what is required by law. State-funded national newspapers ignored the requirement to provide free space for parliamentary candidates; two of the three state-owned newspapers provided only half of the required free space and *Slovo Kyrgyzstana* did not provide any space free of charge.⁶

According to almost all panelists, the only media outlet with a chance of becoming self-sustaining is OTRK, a state media. OTRK is the only media outlet in Kyrgyzstan that receives substantial earnings from advertising, for the rest of media advertising is not the main source of income. Valieva, panelists and editorial advisor at OTRK, shared that with the new director general there have been some

⁶ "International mission on election observation, Kyrgyz Republic – parliamentary elections, Statement about preliminary conclusions and results," OSCE. October 4, 2015. <http://www.osce.org/ru/odihr/elections/kyrgyzstan/189481?download=true>.

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.

positive changes, including building repairs new equipment purchases, which allegedly not carried out with funding from the state budget. The head of OTRK, Ilim Karypbekov, has reported that the election campaign brought the channel more than KGS 90 million.⁷ Moreover, according to the 2011 government decree, OTRK is required to return 50 percent of all earned revenue at the end of the year. In 2015, the government waived this tax for one year, thus, OTRK was allowed to keep over KGS 40 million in profit.⁸

According to the panelists, Kyrgyzstan media have few sources of income. The majority of advertising spend goes to television companies; newspapers earn money only through paid publications, advertisements, and special issues. The advertising market is narrow in Kyrgyzstan, there are only several players who are willing to spend substantial amounts on advertising and are oriented to media, among them are mobile communication operators and Kumtor gold-mining company. Valieva reported that the estimated volume of the advertising market in Kyrgyzstan is \$10 to \$12 million. Panelists also identified several media outlets, such as Vecherniy Bishkek, AvtoGID, and OTRK as the ones covering the majority of the advertising market; among regional media they noted Reklama na Issyk-Kule, Rek Park, and Vest. Other media outlets receive earnings from the small share of the advertising market that remains.

Tokoev explained that the Ministry of Culture, Information, and Tourism recently announced subsidies for the production of national audio and video segments in order to develop local content and support local broadcasters. The state allocated KGS 11 million for these projects, which does not substantially influence the advertising market. Government advertising is usually printed in newspaper *Slovo Kyrgyzstana* and does not play a significant role for the media market, Tokoev said.

Panelists agreed that without reliable data from market research, advertisers cannot make informed decisions about where to place their ads and what audience to target. One of the possible reasons for the lack of development in the advertising market is the absence of regular media studies. The panelists expressed that traditionally television companies order media research, but only for certain programs and specific television companies, thus, the results remain private. Moreover, one panelist noted that allegedly,

⁷ "Ilim Karypbekov told which of the parties as the First Channel paid for airtime," Vesti.kg. October 27, 2015. http://m.vesti.kg/index.php?option=com_k2&view=item&id=37518:ilim-karypbekov-rasskazal-kakaya-iz-partiy-skolko-zaplatila-pervomu-kanalu-zafirnoe-vremya&Itemid=80.

⁸ Usenov, Begaim. "I. Karypbekov: RRTTS KTRK exempt from 50 percent of net profit," Institute for Media Policy. December 25, 2015. <http://www.media.kg/news/i-karypbekov-rrtc-krk-osvobozhden-ot-uplaty-50-chistoj-pribyli/>.

some television companies pressure research companies to falsify the data to present more favorable results, which leads to more profitable advertising contracts. In 2013, public foundation Zhurnalisty conducted a small-scale survey among journalists and editors, but some panelists mentioned that the results were unreliable. Zhurnalisty planned to produce a second issue of Kyrgyz Republic Mass Media Catalog in 2015, but according to Tokoev, financial issues have stalled the publication.

There are no organizations or companies in Kyrgyzstan that measure circulation numbers and rating of mass media outlets. Among print media, only newspapers printed by the Media Support Center publishing house have circulation numbers.

The monitoring of ethics violations among mass media in Kyrgyzstan has revealed that print media ignores the legal requirement of stating the circulation number on each issue, including the state newspaper *Slovo Kyrgyzstana*. Internet traffic ratings reported by online media raised doubts among panelists; they believe that the majority overstate the numbers for page visibility and unique visitors. One panelist specifically noted that AkiPress is often suspected of inflated their numbers.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kyrgyzstan Objective Score: 2.20

The Association of Radio and Television broadcasters (ART) and the Association of Publishers and Distributors of Print Media have been inactive in Kyrgyzstan for several years. These associations previously lobbied at the legislative level, but now only exist on paper. Along with the process of switching to digital broadcasting a business association of private media Digital Technologies, LLC was established and united 22 private Kyrgyzstani television channels. Digital Technologies, LLC's efforts resulted in receiving the right for two multiplexes, although it did not lobby for lowering the cost of entrance into the digital multiplex for private television broadcasters, which amounts to KGS 32.4 million.⁹

Formally, there were two professional associations that focused on protecting the rights of journalists, the Trade Union of Mass Media and the older Union of Kyrgyzstan Journalists. However, neither received wide support from journalists. All panelists assessed the activity of both trade unions as passive and invisible. The only success story mentioned by panelists was that in Osh city 17 mass media

⁹ "Kyrgyzstan was unable to hold a competition for a place in the digital package of channels," *Cableman.ru*. November 9, 2014. <http://www.cableman.ru/node/12499>.

After 2010, cooperation between civil rights organizations and journalists began decreasing and became further complicated following Kyrgyzstan's entry into EEU, mainly due to the rising anti-Western climate.

workers purchasing apartments on a subsidized loan due to the support of the Trade Union of Mass Media in Osh Oblast and its chair Zhyldyz Bekbaeva.¹⁰ It was also mentioned that trade unions primarily provide legal consultations and make official statements in support of journalists when their rights are violated, on rare occasions, they protect journalists in court. The alternative trade union, under the chair Meri Bekeshova, was established on a grant from the Finnish government, it currently operates on grant money and is not yet sustainable on membership fees alone. Overall, trust in trade unions is very low among the panelists; they see them as short-lived initiatives with grant money. Among the problems trade unions face, panelists noted a general lack of financial support; as Valieva put it, "Once the grants run out, trade unions run out."

After 2010, cooperation between civil rights organizations and journalists began decreasing and became further complicated following Kyrgyzstan's entry into EEU, mainly due to the rising anti-Western climate. Generally, panelists expressed a favorable attitude towards media NGOs

¹⁰ Dzhumasheva, Aida. "In Osh, 17 media employees were given an apartment in the mortgage," *ZAO Evening Bishkek*. December 1 2015. http://www.vb.kg/doc/330111_v_oshe_17_sotrydnikam_smi_vydali_kvartiry_v_ipoteky.html.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

and their efforts to support journalists' activities and protection of their rights. The Media Policy Institute and its active participation in the revision and monitoring of mass media-related legislation as well as its legal support provided to journalists and mass media outlets was regarded positively by almost all panelists. The Media Development Center was also noted among active organizations that conduct monitoring of legislation and violation of journalists' rights. Among donor organizations, they mentioned Soros – Foundation Kyrgyzstan, which is offering support throughout the transition to digital broadcasting. Panelists emphasized that the decline in grant support has resulted in a drastic decrease of media NGOs throughout Kyrgyzstan, only Naryn and Karakol still have functioning organizations. Many media organizations have decreased activities; for example, the public foundation Zhurnalisti no longer has an office and transitioned to remote work or telework.

Throughout 2015, there have not been significant changes in the professional, academic, and training programs offered to journalists in Kyrgyzstan. Media editors continue to criticize the academic programs offered at local public and private universities. As stated by Tokoev, "Students graduate from universities with outdated curriculum and without practical knowledge." Some stated that students are not even taught the most basic skills of Internet use. In 2014, the majority of panelists noted the high quality of education at Kyrgyz-Turkish University Manas, which is technically equipped for practical exercises and employs highly-qualified teachers; one panelist also mentioned the American University of Central Asia, but noted that practical training is also minimal.

With weak professional academic programs, young journalists rely on short-term and in-service trainings to acquire skills. There have been attempts to organize alternative forms of professional training for journalists with varying degrees of success. The school of Kloop Media, funded by the Dutch fund Hivos, offers trainings for young people at the beginning of their careers and aims to promote citizen journalism. The trainings focus on photojournalism, journalist investigations, and provide access to equipment, including such novelties as quadcopters and drones for video recording. Donors tend to support projects that promote investigative journalism, but as noted by Tokoev, such trainings are more suitable for experienced journalists. While almost all panelists mentioned Kloop Media's school, there were a few training initiatives mentioned by a few panelists, including the Studio of

Practical Journalism that was started in 2014 and is oriented toward young print and online media journalists and offers training free of charge under the leadership of journalist Azamat Tynaev; and Media Center Demge dem operating in Osh city and also for young journalists. Other seminars and short-term trainings are offered for journalists with financial support from donor organizations, but according to panelists, they have become rarer in the last several years.

In Bishkek city, limitations of access to equipment and consumables are only of economic nature. Large printing houses remain in the hands of the state, but their equipment is outdated and does not allow full-color printing. There is no monopoly on printing services in Kyrgyzstan; sources of paper and consumables are regulated by the market principles. There are three main printing houses in Bishkek: Freedom house that prints only after prepayment, Rubikon that is cheaper than "Freedom House but more expensive than Uchkun a state-owned printing house. According to participants, access to full-color printing is challenging; in Batken, local newspapers print in neighboring Tajikistan.

When it comes to media distribution, all channels are monopolized by state agencies. Kyrgyztelecom is the monopolist communications operator and distributor of electronic signals and Kyrgyztelecom is the player that determines the price. Lastly, the national post service Kyrgyzpochtasy is monopolizing the delivery service. Over the course of the year there were no cases of website blocking for political reasons. Freedom House gave Kyrgyzstan a score of 35 in Internet freedom in 2015, down one point from last year.¹¹

Internet access differs significantly throughout the country. In Bishkek, Internet access is much better than in the rest of Kyrgyzstan, although Internet access still remains problematic in some micro-regions of Bishkek and on the outskirts of the city. For instance, because Internet cables are not yet in the inner suburbs Aknet company charges KGS 25,000 to connect a house to the Internet. The connection in more rural regions of Kyrgyzstan remains weak and expensive compared to the purchasing power of the population. These issues limit that population's access to mass media, and as panelists suggest, information and communication technologies do not satisfy the needs of the population and mass media.

¹¹ "Freedom on the Net 2015," Freedom House. <https://freedomhouse.org/report/freedom-net/freedom-net-2015>.

List of Panel Participants

Almaz Karimov, manager, South Television Network, Kyzyl Kiyya

Adel Laisheva, director, Center of Media Communications, KTRK, Bishkek

Almaz Ismanov, freelance journalist, Bishkek

Asker Sakybaeva, chief editor and owner, *Zhany Agym*, Bishkek

Altynai Isaeva, lawyer, Media Policy Institute, Bishkek

Akylbek Orozmatov, editor and journalist, Yntymak TV, Osh

Aizada Borubaeva, director, Communications and Information Department, Ministry of Communication & Transport, Bishkek

Hulkar Isamova, reporter, Reuters, Osh

Marat Tokoev, director, Journalists NGO, Bishkek

Malika Bayaz, reporter, Kloop Media, Bishkek

Tamara Valieva, editorial advisor, OTRK, Bishkek

Bubukan Dosalieva, member of Steering Committee, OTRK, Bishkek

Moderator & Author

Gulnara Ibraeva, media analyst, Bishkek

The panel discussion was convened on December 26, 2015.

New communications tools, while opening new opportunities for the free practice of journalism and open public discussion, also carry serious threats to security for Tajikistan's journalists and civil society activists.



TAJIKISTAN

Tajikistan's trajectory of political intrigue and turmoil continued in 2015. Independent media still feel squeezed after the ruling political parties consolidated their hold on power and dealt with the aftermath of that process, which included more border violence with Kyrgyzstan, an attempted *coup d'état*, and more. Critical voices received continued scrutiny as the government tried to clamp down those crises, which reveal significant insecurity in the country.

The March 2015 elections introduced a new requirement for candidates: an examination written in Tajik. Because many opposition candidates were unable to pass the language examination, for the first time in 15 years, representatives of the opposition Islamic Renaissance Party and Communist Party were shut out of the lower house of parliament. Of note, the first session of the lower house of the new parliament took place without the participation of representatives of the country's mass media.

With parliament secured, in December, the Law on the Founder of Peace and Harmony and Leader of the Nation transformed Acting President Emomali Rahmon into the Leader of the Nation. The law provides that the wishes of the Leader of the Nation in regard to domestic and foreign policy must be respected after completion of his presidential term; it also provides for immunity from prosecution.

Immediately after the elections, the head of the Islamic Renaissance Party went into exile, fearing for his life. Later, 23 leading members of the party were arrested and Tajikistan's Supreme Court designated the party as a terrorist organization; it has now been legally abolished. In May the commander of the Tajikistan Special Operations Militia, a career officer who had received training in Russia and attended U.S. Special Forces courses, joined the Islamic State, explaining his decision as a protest against, among other things, restrictions on prayer and the wearing of traditional Muslim dress. According to official data, at least 500 citizens, including whole families, are participating in Jihad in Iraq and Syria.

In early September, Deputy Minister of Defense General Abduhalim Nazarzoda—a former opposition fighter—and gunmen loyal to him allegedly attacked police and military facilities in Vahdat and Dushanbe. Nazarzoda was accused of attempting a *coup d'état*, and, after a manhunt and shootout, was killed by government forces. This incident sparked a broader crackdown on dissent, which had already seen the assassination of the leader of Group 24, which had called for anti-government rallies in the past couple of years, in Istanbul and the government designating Group 24 an extremist organization.

Fearing repetition of a Ukraine-style Maidan popular uprising, Tajikistan's security services maintain total surveillance over almost all personnel from private and opposition media, who are constantly summoned by officials and told what they can print. New communications tools, while opening new opportunities for the free practice of journalism and open public discussion, also carry serious threats to security for Tajikistan's journalists and civil society activists.

TAJIKISTAN at a glance

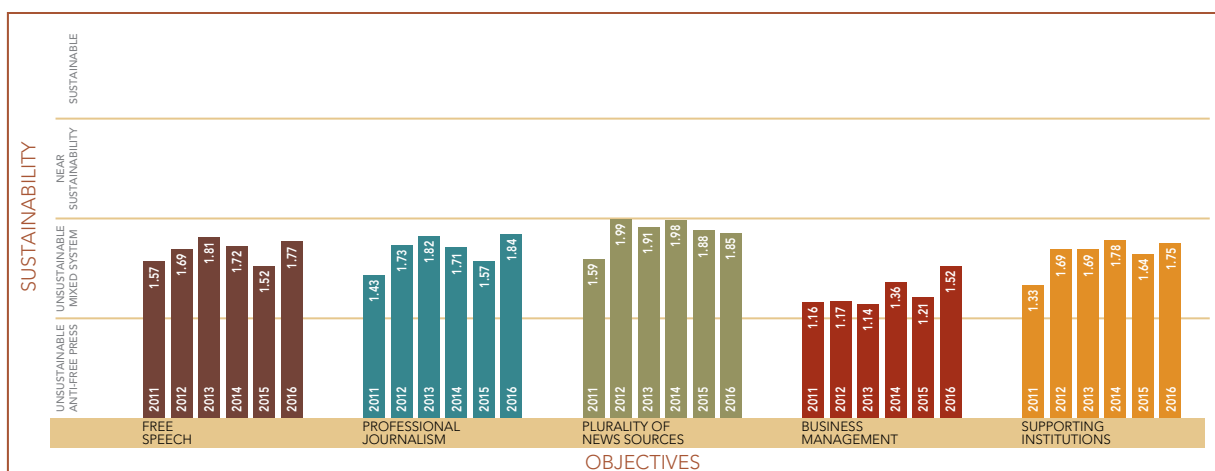
GENERAL

- > Population: 8,191,958 (July 2015 est., *CIA World Factbook*)
- > Capital: Dushanbe
- > Ethnic group (% of population): Tajik 84.3%, Uzbek 13.8% (includes Lakai, Kongrat, Katagan, Barlos, Yuz), other 2% (includes Kyrgyz, Russian, Turkmen, Tatar, Arab) (2010 est., *CIA World Factbook*)
- > Religion (% of population): Sunni Muslim 85%, Shia Muslim 5%, other 10% (2003 est., *CIA World Factbook*)
- > Language: Tajik (official), Russian widely used in government and business
- > GNI (2014-Atlas): \$8.948 Billion (World Bank Development Indicators 2016)
- > GNI per capita (2014-PPP): \$2,660 (World Bank Development Indicators 2016)
- > Literacy Rate: 99.8%; male 99.8%, female 99.7% (2015 est., *CIA World Factbook*)
- > President and Head of the Government: Emomali Rahmon (since November 6, 1994)

MEDIA-SPECIFIC

- > Number of active media outlets: Print: 355 newspapers (253 non-state) and 225 magazines (125 non-state) (Ministry of Culture); Television Stations: 35 (19 non-state); Radio Stations: 24 (16 non-state)
- > Newspaper circulation statistics: The largest (in terms of circulation) private newspapers are *Asia-Plus*, *Faraj*, and *Samaka*; the largest state-run are *Jumhuriyat*, *Sadoi Mardum*, and *Narodnaya Gazeta*
- > Broadcast ratings: Dushanbe's top radio stations are Radio Asia-Plus, Radio Khovar, and Radio Orieno; in Khujand: Tiroz, SM-1, and Diyer
- > News agencies: asiaplus.tj, avesta.tj, tojnew.tj, press.tj, ruzgor.tj, tajkta.tj, tajnews.ru, ozodagon.com, farajjt and the government news agency Khovar
- > Annual advertising revenue in media sector: N/A
- > Internet usage: 1.3 million (2014 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: TAJIKISTAN



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Tajikistan Objective Score: 1.77

Article 30 of the Constitution of the Republic of Tajikistan affirms the freedom of speech and prohibits censorship. In addition the information space is regulated by law, including the Law on the Press and Other Mass Media, the Television and Radio Broadcasting Law, the Information Law, the Law on the Right of Access to Information, the regulations on television and radio broadcasting licensing and numerous other articles from the various codes, including the Civil Code, the Administrative Code and the Criminal Code.

In practice, however, these do not fully support the freedom of speech: while all laws in the area of mass media meet international standards, in practice they are generally not observed and exist only on paper. Recent summonses by state authorities in the area of Tajikistan's media also show that the hacking of e-mail and social media accounts of journalists and civil society advocates, the monitoring of telephone conversations, and other forms of cybercrime are damaging freedom of speech. There is also a danger in the form of theft of personal data of users of digital technologies (personal data and documents) and the physical tracking of people through access to geolocation data, IP addresses, and other digital location technologies. According to the data of the National Association of

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

FREE-SPEECH INDICATORS:

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

"The President and the speakers of both houses of parliament constantly talk about development of the mass media, of their free development. However, all the media in Tajikistan, to various degrees, are not free from the government," said panelist Nuriddin Karshiboev, the chair of the National Association of Independent Media of Tajikistan.

Independent Media of Tajikistan over last year, the above violations of law in cyberspace were used against nine journalists and civil society activists.

"The President and the speakers of both houses of parliament constantly talk about development of the mass media, of their free development. However, all the media in Tajikistan, to various degrees, are not free from the government," said panelist Nuriddin Karshiboev, the chair of the National Association of Independent Media of Tajikistan. In his opinion, the authorities do not recognize that the independent media and journalists are a "fourth estate," but instead want to view them as scapegoats. More than 30 journalists are listed by law enforcement agencies as "unreliable."

"In Tajikistan, the regulations often have greater force than the laws themselves. The supremacy of the law is ignored with regard to the activities of the mass media. This protocol removed all of our achievements in the area of freedom of the press and access to information sources," Karshiboev noted. He concluded, "As to violations of the freedom of speech, the judicial authorities perceive journalists as people who always must and may be punished. The courts themselves do not adopt measures to achieve legal reconciliation of the parties." In the opinion of panelist Turko Dikaev, a correspondent for Asia-Plus, in 2015 journalists lost to the authorities in all areas, gradually yielding their positions on freedom of speech.

All the panelists consider, as they have for several years, that the enforcement of the laws is at a low level. "The laws regulating the activities of the media only work for the government media," Dikaev states. The panelists noted that, as to the question of the sustainability of the media in Tajikistan, there are some risks since the mechanism for implementing the law is constantly being interfered with by the law enforcement and judiciary, which only carry out the political desires of the authorities. Officials always treat laws

Ismoilov pointed out the bureaucratic nightmare of licensing: “In order to obtain a license, it is necessary to register with the Ministry of Justice as a corporation, but that ministry requires a written confirmation from the regulator that there is a license.”

from the viewpoint of their own interests, most often on the basis of intra-agency instructions that journalists do not have access to.

The criminal investigation surrounding the September coup attempt has resulted in persecution of dissident journalists. In September and October 2015, there were at least three instances of the violation of the rights of four journalists by law enforcement agencies (unlawful summonses and violations of procedural rules in the course of an investigation, attempts to unlawfully obtain evidence against suspects, persecution, and intimidation of journalists). Further, there have been instances in which journalists were called into the office of the state prosecutor, where pressure was applied on them regarding their reporting. Two journalists were prosecuted for their articles about those events. “Almost all foreign correspondents accredited by the Ministry of Internal Affairs, after the anti-terrorist information against the former Deputy Minister of Defense was completed, were called into the ministry for a ‘prophylactic conversation,’” panelist Nazarali Pirnazarov, correspondent for Radio Svoboda-Ozodi, observed.

Recent summonses of media professionals by state authorities imply that law enforcement is hacking e-mail and social media accounts of journalists and civil society advocates and monitoring telephone conversations. According to the data of the National Association of Independent Media of Tajikistan over the last year, nine journalists and civil society activists were victims of violations of laws regulating cyberspace.

In 2015, the so-called “answer factory” continued to operate. Here, government media use planted letters from supposed readers and independent observers to compromise opposition politicians, religious activists, and independent media. “This year it happened particularly to Mukhiddin Kabiri, the leader of the Islamic Renaissance Party of Tajikistan, which was banned and declared extremist,” said panelist Lola Khalikjanova, editor-in-chief of the local branch of Institute for War and Peace Reporting.

The Press Law, meant to protect sources of confidential information, contains an article on non-revelation of information, which includes the following standard: “If a source has given information on condition that their identity not be revealed, then a journalist may be required to reveal the source only by court order in a case pending before the court.” However, the Criminal Code contains an article that contradicts the Press Law, stating that, if a person is called as a witness, he or she is required to give testimony.

Panelists noted that the public is indifferent to violations of freedom of speech. Citizens do not care that the websites of local media are blocked or what lawsuits are brought against journalists. The panelists felt that the authorities are helped because public opinion has been split for several years: part of the public believes that a free media is very important for society, while another part believes that the media complicate the situation and libel the government. “Many newspapers and other media are afraid to stand up for their colleagues, preferring to pray and express their support only behind the scenes,” Zarina Ergasheva, a correspondent for Sputnik said.

Regulations governing broadcast licensing remain undemocratic. The licensing council is fully controlled by the government’s Television and Radio Broadcasting Committee. As was the case previously, the commission has blocked the licensing of a number of independent media. “The commission has also remained a closed body. True, the new chairman, Tojiddin Pirov, has promised to publish a list of the members and to include on it representatives of the media, but, as before, there is still not a single representative from the media and of civil society,” panelist Zinatullo Ismoilov, director of the Media Academy, said.

Ismoilov pointed out the bureaucratic nightmare of licensing: “In order to obtain a license, it is necessary to register with the Ministry of Justice as a corporation, but that ministry requires a written confirmation from the regulator that there is a license.” Panelist Kurbon Alamshoyev stated that his NGO, Pamir Media in Khorog, wanted to create a public radio station so that the residents of the city could listen to their own radio station and not to Afghan stations. Over the last ten years there have been four rejections. The panelists noted that private individuals from the southern region, the Khatlon Oblast, the Gorno-Badakhshan Autonomous Region, and the central regions of the country still cannot obtain licenses for radio and television broadcasting.

If someone obtains a license, the media community only finds out about it when the station begins to broadcast. “In Asht, located in the Sogdi Oblast in the northern part of the country, Asht TV and Sadoi Asht radio appeared in

2015, and we don't know how they were able to obtain a license," Karshiboev reported. Rano Babajanova, a professor of journalism at Russian-Tajik Slavonic University, added that in 2015, a radio station appeared in Shahrinav (a regional center 30 kilometers west of Dushanbe). "The regional radio stations are supported by the local government authorities," she added. Panelist Akram Urunov said that in Khujand in 2015, the TV stations Tanin and Dier began broadcasting, with an airtime of up to 18 hours.

"There is a Tajikistan government decree of October 31, 2015, which clearly states that at the end of 2015, the issues should be resolved of abolishing production licensing and creating an independent regulator, the feasibility study of which is to be carried out with help of the OSCE," Ismoilov said.

Anyone having sufficient monetary resources can enter Tajikistan's media market, as they can in any other kind of business. But the panelists noted that recently, because of political factors, the process of entering the print media market has become complicated. The registration of print media must now take place through a single "tax window," but on top of that, it is necessary to obtain a decision of the Ministry of Culture, which bases its decisions on political factors. "For example, when the social and political newspaper *Dune* hired the opposition journalist Abdukayum Kayuzod, it was closed down specifically because of him. The specialists in the Ministry of Culture were afraid that, when he arrived, the paper would become an opposition organ," reported Karshiboev. He noted that the Language and Terminology Committee also issues warnings to out-of-favor newspapers, pressuring them to use terminology in the state language.

With the adoption of the new Media Law, those media that have been unable to become registered can operate as a structural subdivision of another legal entity, such as, for example, the three newspapers that make up the NGO *Faraj* (the Center of Journalistic Investigations).

The panelists noted that previously there was tax relief and the media were freed from paying VAT. But it turned out the relief lasted only five years and was not extended. "An 18 percent value added tax and a 25 percent income tax is a heavy burden even for media holding companies. For this reason, it is necessary to seek various ways of getting around paying taxes. Otherwise, the profitability of the publishing houses will drop sharply," said Zebo Tajibayeva, editor-in-chief for *Asia-Plus*. However, panelists felt that taxes are equivalent to other commercial sectors.

The panelists noted that no instances of attacks on journalists were recorded in 2015, but new forms of persecution appeared, particularly online or with other

new technologies. "Here blackmail is carried out against opposition and disapproved journalists. This year, two journalists, Kharamgul Kodiri and Khumairo Bakhtier, were bullied through Facebook for writing courageous and true articles," she reported. "There were nine instances of psychological pressure on journalists—bugging of telephone conversations, hacking of e-mail and social media accounts, distribution of information of a personal nature in order to discredit journalists, and threats in private communications, including from ISIS militants," reported Karshiboev. He noted that many journalists are afraid of publicity, but their colleagues at media outlets and human rights defenders must be informed.

Much of the pressure and harassment of media professionals comes from the government. As noted above, officials threaten journalists to learn their sources of information. Ergasheva noted that when journalists sign critical articles, they frequently resort to anonymity or pseudonyms. "After critical articles come out, highly placed officials frequently call to warn that in the future I will not be receiving any information from them," she added.

There are cases where journalists seek refuge in other countries, saying that they are being persecuted in Tajikistan. "Sometimes we don't even know who they are, where they worked or what the facts are concerning their persecution" Karshiboev said.

As in past years, the state electronic media receive preferential treatment from the government in the form of pay increases, bonuses and the provision of official housing and building lots. There is no editorial independence at such media. "Up to now, we do not have public media that reflect the interests of all layers of society. Even though Tajikistan, as a member of the WTO, is required to have public media," Khalikjanova said.

Articles 135 and 136 of the Tajikistan Criminal Code (defamation and insult) were moved to the Civil Code at the initiative of President Emomali Rahmon, but article 137 (insult of the President of Tajikistan) and article 330 (insult of government officials) remained in the Criminal Code, i.e. they are punishable as crimes. Thus, the decriminalization of defamation is no panacea against the prosecution of journalists. Observers continue to stress that the concept of a "public person" must be introduced into the law in order give public officials a sense of responsibility to society and a tolerance for criticism.

The practice of government agencies bringing civil suits against the media continues and represents a serious danger to Tajikistan's journalistic community. In the years from 2013 to 2015 alone, according to the National Association of Independent Media of Tajikistan, the number of civil and

administrative cases involving media and journalists was 14, along with one criminal prosecution. In the first nine months of 2015, there were five suits related to the independent media and journalists. Regardless of the outcome of the cases against the media, they have a negative influence on the situation regarding the freedom of speech and expression. The exorbitant fines are a threat to the existence of independent media in the country.

Of the five lawsuits brought against journalists in 2015, two were lost. In the case of the financial pyramid Qwestnet, journalist Orzu Isoyev and radio Imru, were accused of spreading defamation and willfully false and insulting information with respect to the company. However, the company lost the case. A case was also brought against the newspaper *Samak*, in the Firdousi Regional Court in the city of Dushanbe, to protect the honor, dignity and business reputation of Inom Sadulloev, owner of a market in the Shaartuz Region of the Khatlon Oblast in the southern part of the country. The newspaper lost the case and paid the plaintiff TJS 15,000 (\$1,900). The writer Askar Khakim brought a lawsuit in the Firdousi Regional Court against the newspaper *Samak*, complaining that in an article they had placed the word "intelligentsia" in quotes. The newspaper lost the case and paid the plaintiff TJS 5,000 (\$630).

The director of a motor transport company in the city of Dushanbe brought suit against a journalist of the newspaper *Vecherniy Dushanbe*, Jamiliyu Khuseynova, for moral harm, due to an article she had written about deficiencies in the capital's passenger transport sector. The plaintiff later withdrew the complaint and apologized to Khuseynova. The company Vodokanal of the city of Dushanbe brought suit against the newspaper *Tajikistan*, accusing it of distorting the facts in an article. The parties reached an out-of-court settlement.

Panelist Karshiboev reported that many cases were settled administratively by the Press Council, and so the criminal cases were not revealed and did not go to trial.

The panelists noted that Tajikistan needs a law concerning public figures, since there is a problem with open-source photographs of well-known persons being used, who later complain about their publication by the media.

The State Secrets Law was also adopted in 2014, replacing the former State Secrecy Law and the Law on the List of Secrets Constituting State Secrets. Now the heads of ministries and agencies, by manipulating the new law, may classify information they do not wish to give to journalists as a state secret.

"Last year, we were all pleased that a new Law on the Periodical Press came out. Access to information was

simplified and we became the subjects of information exchange. This was special progress," Karshiboev said. He noted that all this was undone by the June protocol stipulating that all official information had to go through the government press agency Khovar, which thereby closed down access by independent media to information from official sources. In his opinion, this is a comfortable decision for the authorities, who, by referring to this protocol, may refuse to provide information and at the same time not be publicly accountable, even though the protocol is not considered to be a regulation.

According to panelist Nosirjon Mamurzoda, deputy editor-in-chief of *Novy Khatlon*, the authorities in the Khatlon Oblast provide information only if there is a written request. "They are all afraid to provide information without an agreement or OK of their superior," he said. Ergasheva told how the head of the Dushanbe Economic Court did not allow her into an open session of the Sozidaniye business center case without giving her a reason. She remarked that the state media always have priority in receiving information from the security and law enforcement agencies. Panelist Mahmudjon Dodobaev, who works as chief of the press service of the Sogdi Oblast, stated that he does not have priorities of that kind, and provides information to all the media that ask for it.

The panelists noted that the determining factor in obtaining information is the professionalism of the journalists and the existence of personal contacts in the government agencies. However, thanks to the Internet and the fact that all the ministries and agencies have their own web sites, access by journalists to information has recently improved.

Access by foreign journalists accredited in Tajikistan to the president has been tightened since 2012. Some of them are no longer invited to the president's meetings with foreign delegations and formal photographs are prohibited, except those taken by the state television channels and the personal photographers of the head of government.

Access to international news in Tajikistan is always open, although there are a number of inhibiting factors, in particular the daily limit on the distribution of electrical power throughout the regions of Tajikistan from mid-October to mid-March and the relatively high price, compared to the income of the population, for the services of Internet providers, which is about \$20 to \$60. The panelists noted that the local media are gradually using information from local press agencies and newspapers. Information from international press agencies is also being used, but rarely with reference to the source. In this connection, required hyperlinks are not being used, thus violating intellectual property rights.

As in past years, journalists are not subject to licensing and it is not required to have professional training in order to begin to work as a journalist. Who is a journalist is clearly defined in the new Media Law. "A journalist is a media employee who works on the staff or under contract of a media organization and is a member of the country's Union of Journalists," Karshiboev said. In this connection, however, the absence of accreditation to cover some events is a barrier to journalists performing their professional activities.

This year, without explaining its reasons, the Ministry of Internal Affairs refused to accredit two journalists of the Tajik service of Radio Liberty and the Tajikistan representative of IWPR. In addition, the Sputnik hub of the Russian agency Russia Today, has been unable to obtain accreditation in the Ministry of Internal Affairs and registration with the Ministry of Justice for a year and half, without explanation. "This infringement on the right to freedom of information and the fact that the office of a foreign media organization has not been opened in Tajikistan due to accreditation is not consistent with international standards. Accreditation is granted everywhere in the world in order to facilitate the working life of journalists," Karshiboev said.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Tajikistan Objective Score: 1.84

The panelists noted that the level of professionalism among the state media of Tajikistan is low, whereas the independent media have progressed much further in that regard. "It is not only the case that journalists of the independent media frequently take training courses that meet international standards, they also have a high level of competition and editorial requirements," panelist Dodobaev states. Up to now, in his opinion, journalists of the state media write in accordance with the outdated standards of the Soviet period, which uses the opinions of an author and where emotions are present.

In the opinion of Dikaev, the state media have nothing to do with newspapers and journalism in the classic sense. "These are organs of the government that provide propaganda for the authorities, and are not journalists in the professional sense of the word. This is even more the case since the selection of the subject matter is the prerogative of the editor-in-chief," he said. Panelist Mamurzoda reported that the oblast newspaper *Novy Khatlon*, actually works under the orders of the mayor's office of Kurgan-Tube, which determines the subjects of the articles. "If we publish critical material, this provokes a sharp reaction from the officials," he said.

A similar situation also exists in Khorog, where the oblast newspaper *Badakhshon* is published. "It does not have its own style. The articles concern the most important people in the country and the oblast. It is published once a week in Dushanbe and is available only by subscription," Alamshoyev reported.

The panelists noted that the popular newspapers, *SSSR* and *Ozodagon* and their websites, do not always provide balanced opinions, frequently violate ethical standards, and have become a "yellow" political press. Tajibayeva noted that almost all of the Tajik language media have a definite bias in presenting their material. "Because in the conditions we are now in, even a mere effort to produce objective material is considered a good result," she said. Karshiboev noted that some critical articles, particularly investigative journalism, are not always checked with a lawyer before publication and for these reasons, there are problems with various official personalities or with legal bodies. "There is a desire to report events objectively, but this is not always possible because of the absence of access to sources of current information and commentary from officials," he noted.

Babajanova reported that in Sogdi Oblast, three newspapers are published, including one in the Russian language, *Sogdiyskaya Pravda*, and one in the Uzbek language, *Sugd Khakikati*. "These newspapers criticize officials, address social problems and are popular with a positive image among their readers," she said. In her opinion, there is uniformity in coverage and the same subjects are addressed by almost all of the republic's newspapers. Concerning the problem of experts, she noted that Tajikistan has a limited pool of experts and analysts who comment on issues and situations. Frequently, as Karshiboev observed, the

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

“The newspaper people did not hesitate to photograph, without permission, the heartbroken young mother who was carrying the body of her only child back to Tajikistan,” Khalikjanova said.

journalists themselves have begun using comments by their colleagues, since almost all the experts require payment for their commentaries.

Concerning the social media, the panelists commented that interesting information can be obtained from them and there is an active discussion of political subjects that are not covered in the media. Since 2015, several newspapers—*Asia-Plus*, *SSSR*, *Faraj* and *Ozodagon*—have begun publishing articles based upon discussions in Facebook.

Questions of professional ethics connected with the principles of self-regulation are resolved in accordance with the Ethical Standards of Journalistic Activity in Tajikistan, adopted on October 30, 2009, by the journalistic community. The ethical standards were developed on the basis of the recognized norms developed by international professional journalism societies, taking into consideration the national characteristics of culture and morals.

The public organization Tajikistan Media Council, which includes 76 newspapers and media organizations, monitors the observance of ethical standards in the activities of journalists. It receives appeals from interested parties, discusses them at its meetings, makes decisions in the form of recommendations and then publishes the decisions in the media. Karshiboev reported that in 2015, the Media Council surveyed the observance of ethical standards and that there were fewer complaints about their non-observance than in 2014. During the current year, the Tajikistan Media Council considered eight cases, primarily concerning ethical issues, the objectivity of articles and respect for privacy. Not all complaints are considered by the Media Council. “Unfortunately, not everyone knows the correct methods for complaining to the council about the press. When you explain to them that it is necessary to officially write out the complaint, many of them decline to do so. Our job is to settle claims out of court,” Karshiboev explained.

The ethical code has not been adopted by the larger Tajik-language opposition papers, *Millat* and *SSSR*, or by the Oila media group.

With regard to ethical standards, the participants in the discussion noted that they are rarely observed. As an

example, the panelists referred to articles about the death of a five-month-old Tajik boy who died in St. Petersburg. He was taken from his mother and unexpectedly died in an orphanage. “The newspaper people did not hesitate to photograph, without permission, the heartbroken young mother who was carrying the body of her only child back to Tajikistan,” Khalikjanova said. In the opinion of Ergasheva, many media made their name, and their money, from this tragedy, violating all ethical and moral standards.

Panelist Babajanova considers that Tajik journalism is a commercial enterprise run for profit and frequently ignores the real facts. “The media in pursuit of profit have deceived and misled their readers, although it is obvious who is ordering the material. This relationship of journalists to their publications frequently leads to inaccuracies and later to the journalists and newspapers having problems with the authorities,” she said. In Babajanova’s opinion, if they stick to the facts, to ethical standards and to international standards, there will not be any problems with the authorities.

Up to now, there has been a trend for many journalists, both government and independent, to accept compensation or payment for their work. “Some journalists in Khujande, demand compensation from whomever they are writing about for taking their picture,” Rano Babajanova said. She reported that there are specific rates for pictures. In all the regions, journalists require fees from their customers in the form of money or food products for photographs or reporting.

“Many complaints about journalists who take bribes are brought to the Media Council,” Ismoilov said. But he noted in this connection, that there are journalists who do their business honestly. The panelists noted that this has become a means of enrichment for glossy magazines. Photos and material on the cover cost at least \$2,000.00, and everyone they write about has to pay for that.

The journalists of the state television channels frequently do private part-time photography, including photographing weddings, anniversaries, concerts and other events. “At SM-1 television, there are stories of a business nature that are written for a price paid at the cashier’s window,” Akram Urunov noted.

The panelists noted that in the print media, one seldom sees a clear distinction between informational material and advertising material. “Even if we write material that it is of an advertising nature, the tax inspectors themselves carefully read all our articles and then draw their own conclusions as to their orientation,” Tajibayeva observed.

Another problem associated with the development of professional journalism is connected with the level of pay. According to the panelists' data, the pay and fees in state and independent media have increased over the past year, but they do not keep up with the increase in the U.S. dollar and the decrease in the exchange rate of the domestic currency, the somoni, by more than 34 percent. "For this reason, almost all of our journalists work for more than one media organization and that is why there are usually similar subjects and authoring styles. For example, in Khatlon Oblast, there is a journalist who works as the special correspondent for six central newspapers," Karshiboev reported.

At the same time, the price of products is growing, as well as that of public services and electrical power. "The employees of the Committee on Television and Radio Broadcasting receive an average of \$120, whereas the employees of one state television channel receive more than \$250, plus up to 20 percent in bonuses for advertising. They are provided housing at government expense and are given building lots in the Dushanbe suburbs for free," reported Ismoilov. "In the state newspapers *Sadoi Mardum* and *Jumkhuriyat* and in the party newspaper *Minbari Khalk*, the minimum salary is more than \$150," Babajanova said.

The advertising managers in the regional media are in a better position, receiving bonuses of 15 percent on radio and 20 percent on television. "Each year we review salaries, taking into account inflation and expenses. Our average pay at SMT-1 TV is around \$140. For this reason, my coworkers work part time at other television stations and accept advertising," Akram Urunov reported.

The newspaper and press service *Asia-Plus* has gone into life-support mode, keeping only two employees, while six have left voluntarily. "We have optimized all our expenses and gone into life-support mode and abolished the fee system. The average pay is \$350 to \$450. For placing material on the site, the author receives bonuses from the sponsors and business partners—a selection of products, a gym subscription, a visit to a beauty parlor etc.," Tajibayeva reported.

In the government oblast newspaper *Novy Khatlon*, ten correspondents have been kept for the regions, Mamurzoda reported. "Our average pay is from \$50 to \$80," he said.

With reference to plagiarism in the media, the panelists noted that the situation is not changing. As before, plagiarism flourishes in all of the print and electronic media. "According to the Media Law, no informational material is subject to authorship and related rights, so this material is published in other media. But from an ethical viewpoint,

"Many complaints about journalists who take bribes are brought to the Media Council," Ismoilov said. But he noted in this connection, that there are journalists who do their business honestly.

reprinting another author's material, and signing another name to it, is amoral," Dodobaev noted.

Almost all non-state media reflect the opinion of their founders and owners and those who pay for various forms of publication. The state media are always a propaganda resource for the authorities, playing the role of a mouthpiece in their fights against political opponents.

Self-censorship increased in 2015 as never before. "The newspaper *Asia-Plus* now has an editorial board that discusses and decides on the subjects one may write about, and which ones are taboo. We have a list of persons who are untouchable no matter what the situation—the President and his family, the security forces," Tajibayeva said. She noted that now the authorities can complain about anyone they want and that person will then certainly be called into the prosecutor's office or the State Security Committee. A tax or fire or health inspector will be sent, who will find a reason to close down the media organization.

Akram Urunov in turn, considers that self-censorship arises from the fact that journalists do not know their rights and obligations and do not have sufficient professionalism. "We (the newspaper *Asia-Plus*), in order to avoid sharp edges, have begun writing more and more about social subjects and culture," Tajibayeva said.

Khalikjanova believes that important political events in the country have caused the authorities to put pressure on the independent media and individual journalists. The panelists added that Tajikistan's media are afraid to print critical articles about the President and his family, the institutions controlled by the head of state's circle and the State Security Committee. In addition, as a rule, the media do not criticize their advertisers and business partners or the tax authorities.

The social media Facebook, Odnoklassniki and Vkontakte, are actively used to publish the most pointed materials. "Instead of raising the level of professional journalism, many international donors have begun supporting bloggers, believing that it is citizens' journalism," Karshiboev said. He thinks that dilettantes frequently write in the social media about politics and security and other users are beginning to listen to them and believe them. But fake groups have

become active in the social media to discredit dissident journalists. "They spread personal data, correspondence and text messages on the social media and are a threat to private correspondence," Ergasheva said.

Concerning the problem of covering international security, Ismoilov noted that some media write more about the Islamic State and radicalism than they do about other problems. "An especially large amount of material on this subject has been put out by the state press service Khovar during the last six months," Pirnazarov said. Many journalists do not raise crucial issues because they simply cannot get the information, since they do not have confidential sources.

It is the nature of television and radio broadcasts that entertainment programs outnumber informational programs. The panelists noted that the boundary between types of content is blurred and that the viewers need a variety of information. The youth segment of the television audience (up to age 35) does not watch analytical or news broadcasts, preferring football, entertainment programs and talk shows. The share of entertainment programs on state television is 70-75 percent of air time, while it is 60 percent on state radio and more than 80 percent on private FM radio. On state television, news programs make up no more 39 percent of the broadcasting, versus 20 percent on private television and radio channels.

Concerning the technical facilities of the media, the panelists noted that the media are experiencing a shortfall in modern technology. The technological equipment base of the state media is much better than that of the independent media. State television and radio modernize their technical equipment every year from the government budget, yet it was noted that the quality and content of broadcasts on state television are behind those on satellite channels and television from neighboring countries, such as Uzbekistan, Afghanistan and Iran.

Tajibayeva noted that almost all of the new equipment in the media holding company *Asia-Plus* is obtained as a gift or with the aid of sponsors. But specialized licensed computer programs are not available to all the media. The representatives of foreign media accredited in Tajikistan have good facilities.

The regional television stations change their technical equipment only at their own expense. "When international organizations were helping, matters were better. At present, our equipment may be considered satisfactory," Akram Urunov said. However, the government continues to provide budgetary support and improve the material and technical

base of all four state television channels for their complete transition to digital transmission in 2016.

"In the newspaper *Novy Khatlon*, the computers are outdated ones that were issued by the Ministry of Culture five years ago. The editorial staff's photographic equipment is the same –of amateur quality. The correspondents have bought their own cell phones," Mamurzoda reported. Panelist Alamshoyev reported that not one radio or television station in Pamir has access to the Internet, there are no anti-virus programs and the computers are outdated.

In many editorial staffs of the capital's print media, the journalists buy their own computers, smart phones, photographic equipment and other technology they need for their work.

The panelists noted that this year there has been less investigative journalism in the local media, and to the extent there has been any, it has been about social issues. In 2015, a total of 15 investigations were published on social subjects, the history of independent Tajikistan and economics. "For the third year, the IWPR representative in Tajikistan has been developing the genre of journalism by training and bringing together a group of investigative journalists. This is very expensive and often dangerous," Khalikjanova said. The panelists noted that in the current year the most interesting articles on socially significant subjects appeared in the Tajik-language newspaper *Faraj* and the Russian-language newspaper *Asia-Plus*.

Currently, there are no high-quality specialized media in the country, despite the appearance in the last two years of three slick magazines in the areas of culture, advertising and business. "This situation is caused by the quite limited financial resources of the publishing houses, the lack of training of journalistic staffs and the fact that the readers are not prepared to absorb new content," Pirnazarov said. The panelists noted that there are no consumers for specialized journalism and that the lines between genres of journalism are often blurred. "There are few journalists who can write an article on economics clearly and that is understandable for the reader," Tajibayeva said.

The number of journalists in the Tajik media with versatile skills has increased somewhat during the past year. Many of them take their own pictures with smart phones and tablets at press conferences and try to record video content. "Many journalists are required to become all-purpose journalists. Journalists who write, have a broad understanding and specialize in a certain field are highly valued," Karshiboev said.

OBJECTIVE 3: PLURALITY OF NEWS

Tajikistan Objective Score: 1.85

According to official data, 580 media outlets were registered in Tajikistan as of May 1, 2015, including 378 non-state media (private, public, independent and those that do not receive subsidies from the government budget). Of this large number of independent media, 20 percent (70-75 media) publish regularly. Forty-four television and radio stations operate in Tajikistan, 28 of which are non-state. According to Ismoilov's data, there are now 31 active television channels in operation, of which nine are government channels, 18 are independent, and five are cable channels. Thirty audio and video production studios are also operating. Consumers have a wide range of choices for the information they receive.

According to estimates by the panelists, the numbers of the reading population in the capital and the large cities have begun to decrease because of the economic crisis. Tajikistan has only one newspaper that publishes daily, *Imruz-Nyus*. It has been experiencing financial difficulties and is on the brink of closing after it lost the sponsorship of the largest bank in the country, Orienbank, the head of which is the president's brother-in-law. Two state newspapers publish three times a week, one five times a week and the rest are weeklies that come out on Wednesdays or Thursdays. The Russian-language paper *Asia-Plus* publishes twice a week, on Mondays and Thursdays. Its circulation fell by 40 percent in 2015. The total circulation of all the newspapers published in the Republic of Tajikistan in 2015 did not exceed 145,000 to 150,000, which is 40,000 copies less than in the previous year.

According to the data of the Bureau of the Press of the Tajikistan Ministry of Culture, 65 state newspapers are regularly published in the regions, the circulation of which does not exceed 500 to 1,000 copies. The majority of them, because of technical and financial difficulties, appear irregularly, about once or twice a month, since they are completely dependent on the local government, which has been reduced due to the financial crisis.

The regional state newspapers that are profitable are *Dieri Tursunzoda* in the city of Tursunzade, which enjoys the financial support of the Talko factory and has a circulation of 3,500, and *Khakikati Sugd* in the Sogdi Oblast, with a circulation of 3,000.

"Almost all of the ministries and agencies are represented on Facebook and answer questions and comments by users," Khalikjanova reported.

To the extent that the media reflect various opinions and political viewpoints, this is done in a quite veiled way. It was the general opinion of all the panelists that the only channel that meets the needs of the authorities and the viewers, all at the same time, is TV Bakhoriston, where educational, informational and cultural programs for children aimed at family viewing predominate. Private publications are more varied than state publications.

More and more frequently print media compete with the social media in providing information. Internet users more and more frequently have also begun get their information from social media. This has served as an impetus for both government and independent media to publish their pages in the social media and distribute their material there. The newspaper and press service *Asia-Plus*, *Radio Liberty*, and the *Ozodagon* website have mobile apps. SMS and RT news are not developed, although some readers send newspapers and press service reports about interesting events in the city and emergency situations and share information about

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Satellite and cable television is widely used to obtain alternative information from abroad. "Now, even a family in the remote regions of the country, or with a low income, has a satellite antenna and watches whatever channels they want. Cable television is particularly popular," said panelist Akram Urunov, the director of SM-1 television.

electrical power outages, which go under the heading of "People's News."

"The president's press office has its own YouTube and Facebook channels and regularly updates the photographs and video content," Pirnazarov said. In addition, many officials are registered with Facebook, where they communicate with users. "Almost all of the ministries and agencies are represented on Facebook and answer questions and comments by users," Khalikjanova reported.

"Social media has become the most popular platform for the expression of alternative positions by journalists, opposition politicians and other members of civil society," Ergasheva said. "We take opinions from social media, but rumors are also spread there and a lot of time is spent on checking them. But we use the social media to promote our activities and our publications," Tajibayeva said. According to recent data, more than 85,000 users are registered on Facebook in Tajikistan, which goes up to 180,000 on certain days, and more than a million Tajiks use various worldwide social media.

Many imitations have appeared in the social media, by creating look-alike pages of political figures. Radical Islamists, members of the Islamic State, have also started posting their own web pages. "Our special services are to blame, since they themselves pushed normally thinking people, who have a certain viewpoint, out of the Tajik segment of Facebook, using unauthorized methods to do so, resulting in radically oriented fakes appearing to take their place. Let them fight with these radicals now," Karshiboev said. In his opinion, the Tajik security services are fully capable of blocking these fakes or punishing them, but if they do not do so, it is because they need the fakes.

With enough money, any citizen in the country can have access to the Internet. It is becoming more and more available in large cities, although in the regions the situation

is complicated because of the seasonal limit on electrical power which occurs from October to March. The monthly prices that various providers and mobile communications operators charge for access to the Internet, also remains high, varying from \$20 to \$120, which is prohibitively expensive for more than half of the country's population. The low standard of living of the population does not permit every family to have a personal computer, but many of them have cell phones or smart phones that perform the basic functions of a computer. The cost for Internet Service Providers and mobile communication operators has gone up since mid-2014, due to the introduction of a 3 percent value added tax paid for by the user.

According to the data of the Tajikistan Association of Internet Service Providers, there were about 3.7 million Internet users in the country as of December 1, 2015, which is 50,000 more than in the previous year. Last year the role of social media in Tajikistan increased to the extent that they became the principal space for virtual communication, the expression of the users' views as citizens, hotly contested disputes and discussions on critical political, social and economic subjects. Especially popular with the local population is the social site Odnoklassniki, which has a page in the Tajik language. There are at least ten Tajik-language groups on Facebook. Many users of the Tajik segment of Facebook use the Russian and English languages to communicate, instigating dissatisfaction and disputes with speakers of the official language.

The residents of the regions that are particularly remote cannot allow themselves to buy a newspaper because of the cost, which goes up several times a year, increasing by 17 percent in 2015. The average cost of a single issue is \$.40. Poorer residents, particularly in the remote regions, exchange newspapers, frequently reading issues that are already outdated.

There are only two independent television stations in the Khatlon Oblast in the south of Tajikistan, Mavchi Ozod and TV Kurgonteppa, while there is not a single private radio station. Panelist Mamurzoda reported that individuals wanted to form a radio and television station in Shaartuz and the Khamadoni Region, since there the Tajik speaking population watches and listens to Uzbek and Afghan television channels, but they were refused a license.

Satellite and cable television is widely used to obtain alternative information from abroad. "Now, even a family in the remote regions of the country, or with a low income, has a satellite antenna and watches whatever channels they want. Cable television is particularly popular," said panelist Akram Urunov, the director of SM-1 television. Regarding the process of television and radio stations transitioning to

digital transmission, the panelists noted that many efforts have been made for the transition to be less painful, and issues regarding citizen access to alternative sources of information have been considered, but consideration has not been given to the technical moment at which our television system will be broadcast from a second satellite, and many citizens in the country's regions have begun complaining that, even if they have satellite antennas, they do not have clear reception or cannot see Tajik TV at all.

New amendments to the Anti-Terrorism Law approved by the country's security agencies and adopted by parliament on November 16, 2015, give the State National Security Committee the right to limit access to electronic communication in areas where antiterrorist operations are being conducted. At any given moment, limitations on access to electronic communications—the Internet, mobile communications etc.—may be introduced not only in specific regions of the country, but throughout the whole country, as required.

By law, a site or social media can be blocked in Tajikistan only by court order. But beginning in 2012, blockage or limited access to several sites has been taking place regularly.

In 2015, the popular social media Facebook, Odnolassniki and Vkontakte and the video hosting site YouTube, were blocked four to six times. Also blocked, were the sites of several local opposition media, such as Asia-Plus, Ozodagon, Tojnews.tj and *Faraj*. According to SMS reports, the blockage was carried out by the government regulatory agency, the Communications Service. Internet providers that did not immediately observe the Communications Service orders to block the sites began to immediately experience technical problems. The Communications Service even blocked for a certain time the broadcasting of satellite channel K+. However, users learned how to get around the blockage of the sites by using proxy servers and anonymizers to gain access to them.

The panelists noted that in 2015, the trend of previous years continues, of not blocking a site completely. Instead, when the authorities want to block a site, the signal is reduced, for example, so that the site cannot be opened on a computer, although it can be found on a mobile phone. Or a denial of service of attack might occur to deny access to the site. Nevertheless, people have learned to get around such blocking actions. For several years, the Communications Bureau, without any explanations, has simply sent a text message to Internet providers to regularly block access to any unapproved sites," panelist Pirnazarov said. In doing this, they did not once acknowledge that they had given such an order, always stating that "these are technical problems of the providers themselves." "The latter, fearing

repression by the regulator, comment on the closing of the sites anonymously," said panelist Zerbo Tajibayeva.

The state media in Tajikistan do not meet international standards in providing citizens with access to objective and timely information. The panelists consider that not one of the state media reflects the entire spectrum of the country's political life. They are too biased and only serve the narrow circle of people in power. Representatives of opposition political parties are unable to have a voice in any of the state media.

State TV attempts not to show emergency events, armed clashes, acts of terrorism and natural disasters in the news. The panelists noted that the media seldom cover gender issues, HIV/AIDS, informal groups, sexual issues and religious and national minorities.

Ismoilov stated that, for journalists of the state television channels, there is no such idea as the balancing of opinions. Reporting is done in the first person and the main thing is the opinion of officials. During official addresses and visits by the President, the four state television channels shut down all programs and only show the Head of State. But the state media have a greater influence on the formation of public views because of the wider range of their television signal, and the greater circulation of print publications.

Fifteen press services are registered in Tajikistan, but only eight of them are actually operating at the present time—Asia-Plus, Avesta, TOJNEWS, pressa.tj, ozodagon.com, tojnews.tj, *faraj*.tj and the government agency Khovar. The leader among these is Asia-Plus. In the past two years, because of financial problems and the lack of grants and competent management, the regional press services Varorud, Khatlon-Press, Payem and Pamir-Media, have ceased to exist.

"We (Pamir-Media) attempted to survive by holding press conferences and seminars in our meeting room, but for some unknown reason, the authorities were afraid to work with us," Alamshoyev said.

All the press services are affiliated with media holding companies: *Asia-Plus* with the *Asia-Plus* media holding company, press.tj with the Oida holding company, Ozodagon with the newspaper of the same name and Avesta and tajikta.tj with the newspaper *Biznes i Politika*.

When broadcasting the news, all four state television channels, in addition to the Khovar state press service, have begun using news from the press services *Asia-Plus* and Avesta, while in preparing their foreign news segment, they use fragments from Russian television channels, Euronews, BBC, CNN and Al Jazeera.

According to Tajikistan law, foreign citizens are not permitted to establish or own media organizations. However, the panelists are certain that foreign capital, in an amount not exceeding 25 percent, is present in a number of media. "For example, we know that the newspapers Millat and Ozodagon are financed by the Iranian Imam Khomeini Fund," Ismoilov said. Officially, foreign capital is present in Tajikistan's media only in the form of grants and technical assistance from foreign donor organizations.

Despite the fact that the law prohibits media monopolies, more than 90 percent of the electronic media in Tajikistan are state media.

The number of national minority media did not increase in 2015. Twenty print media are published in the Uzbek and Kyrgyz languages. They include the state-owned newspaper *Khalk Ovozi*, *Zamondosh*, *Tstoz* and *Skandorlar*. Ten newspapers and magazines are printed in the capital and *Dustlik* is printed in the Khatlon Oblast, *Sugd Khakikati* in Uzbek, *Sogdiyskaya Pravda* in Russian and *Subkhidan* in Russian and Uzbek in the Sogdi Oblast, along with *Kadriyet*, the newspaper of the society of Uzbeks of Sogdi Oblast. There are also one or two pages in Uzbek in the newspapers of the Sogdi and Khatlon Oblasts. The newspapers *Kulyabskaya Pravda* in the city of *Kulyab* and *Novy Khatlon* in the city of Kurgan-Tube are published in Russian. One page in Uzbek appears in the regional newspaper *Khakikati Jilikul*, and the regional newspaper *Takhti Khubod* also has one page in Turkmen and *Subkhi Shakhrituz* has one page in Uzbek. In the Kyrgyz language, there is the regional newspaper of the Murgab Region, *Sarikol*, and a page and a half in the regional newspaper of the Jirgatal Region, *Payomi Jirgatal*.

"A page in Russian is no longer printed in the oblast newspaper Badakhshon, in the city of Khorog, even though the residents of Khorog and other regions of the oblast do not buy or read newspapers and magazines in Tajik, preferring publications in the Russian language," Alamshoyev reported. "We in Kulyab, wanted to open a newspaper in the Uzbek language, but we couldn't agree whether to publish in the Cyrillic or Latin alphabet, which is now used in Uzbekistan. We sent a letter to the Uzbekistan Ministry of Culture requesting help with the typographic typeface, but they answered that could only respond to an official request from the Tajikistan authorities. So the matter has stalled," Dikaev said.

Issues involving the problems of national minorities are covered little and seldom. Basically, there is coverage of the problems of the Middle Eastern Roma (the Luli) who live in the west and south of the country. Since the year 2000, the

interests of minorities have not been represented either in the country's parliament or government.

Channel One of state television, and Republican Radio, have a 15-minute news program in Uzbek five times a week, and there is a single program of analysis that is broadcast on Sundays. Channel One also broadcasts news in Arabic and English, and news also is broadcast in those languages daily on the official information channel, Jakhonnamo.

In the opinion of the panelists, the national minority media in Tajikistan are free and can develop without limitations, but a barrier does exist at the present time, which is the mandatory knowledge of the state language (Tajik) for all categories of officials and deputies, for both houses of the Tajikistan parliament and at all other levels.

The panelists also noted that, as in previous years, the extent of information exchange among the regions is low. "The cities and villages of central Tajikistan have no correspondents of any central newspapers or press services. For this reason, news from this area always arrives late. We know what is happening in neighboring countries, but we do not know what is happening in neighboring regions," Mamurzoda said.

Up to now, neither the state nor independent print and electronic media have correspondents abroad or in the central and eastern part of the country, except for Asia-Plus's correspondents in Washington and London. The state agency Khovar has a special correspondent in two cities, Moscow and Ankara.

OBJECTIVE 4: BUSINESS MANAGEMENT

Tajikistan Objective Score: 1.52

The successful development of the media as a business is hampered by numerous legal and bureaucratic obstacles, huge taxes and a high degree of scrutiny by tax authorities and other regulatory bodies that frequently carry out surprise audits. The panelists noted that these audits become more frequent after critical articles are published. After the fall of the somoni exchange rate in 2015, the price of newspapers rose by 32 percent and survival became even more difficult. Many media are not growing institutionally because of the financial crisis.

Because of the financial crisis, the oldest newspaper in the capital, *Vecherniy Dushanbe*, which has published since 1968, ceased to appear beginning in early November 2015. Because of their personal ambitions, some newspaper publishers do not want to close their publications and are

cutting staff and reducing wages, while some are simply holding back pay for two or three months.

The state media do not feel the crisis since they are financed from the government budget and all of the state organizations pay for subscriptions from government funds or make their employees do so by simply deducting the subscription from their pay.

Almost all non-government media in Tajikistan are managed without business plans, marketing knowledge or the planning of capital investments. A number of television and radio companies in the Sogdi Oblast draw up business plans, but in the conditions of the financial crisis and the sharp drop in the somoni exchange rate, they are not very effective. Only short-term business plans, of three to six months, are most appropriate in forecasting. The panelists noted that last year, the Internews Network project in Tajikistan offered several visiting residencies on the optimization of newspaper editorial expenses that were quite useful and effective.

The state media, which are fully financed from the government budget, have no special need for business plans, planning of capital expenditures, or marketing studies, since their editorial offices are part of the government structure. Moreover, they have constant sources for supplementing their budgets—the mandatory subscriptions of state enterprises, businesses, school and universities and the advertising and paid announcements of government agencies, banks and commercial organizations close to the authorities.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

“This year the media are either losing what they have accumulated or are trying to find additional resources by giving huge discounts on advertising,” Tajibayeva said. “We drew up a business plan for 2016, but it estimates zero revenue in view of the fact that the economic crisis in Tajikistan has just begun,” she added.

The panelists remarked that the media of Tajikistan in 2015, ceased being self-sustainable enterprises. “This year the media are either losing what they have accumulated or are trying to find additional resources by giving huge discounts on advertising,” Tajibayeva said. “We drew up a business plan for 2016, but it estimates zero revenue in view of the fact that the economic crisis in Tajikistan has just begun,” she added.

The panelists consider that there has been a drop of reader interest in newspapers because many print publications have opened Internet sites. “Considering the influence of the economic crisis and the social and political situation on the activities of the media, it is impossible to foresee their development. On the contrary, in order to stay afloat, they have gone into self-preservation mode. When media live with the danger that tomorrow they will be destroyed, we can hardly speak of the sustainability and effectiveness of the media,” Karshiboev said.

In Tajikistan, there is one large financial group that has its own media business. That is the media holding company Orient International (a subsidiary of Orientbank), which owns two radio stations, a daily newspaper, a monthly financial magazine and an advertising department. “Also, there is an obscure media magnate, Umed Sattorov, who owns eight newspapers and about whom little is known. He is the owner of two printing houses that print 28 newspapers, visitor invitation cards, greeting cards, business cards, the newspaper *Karavan-Megapolis*, crossword magazines in Tajik and Russian and the magazine *Dilkusho*, with a total circulation of more than 20,000 copies,” Ismoilov reported.

The panelists noted that the success of the independent media depends on their relationships with advertisers and the help of international donor organizations. Babajanova reported that the presidium of the National Democratic Party also considers the appeals of the media as a form of help. “In November last year, the editor of the slick

magazine *Elita*, appealed there and received a grant," she reported. The majority of the private (independent) media operate either on grants, the number of which has considerably declined due to the worldwide financial crisis, or on funding provided by their founders.

A number of independent media also receive income from production studios, selling shares, producing video clips and public relations advertising, congratulatory messages, and the sale of photo and video content.

Advertising is not an important source of revenue for the majority of the media in the more remote regions, since businesses prefer outdoor advertising in those areas. Regional media continues to be financed from local government budgets and also earns income from written-to-order articles and public relations publications. The highest level of income from advertising is received by the government media that have the highest circulation in the country, from 20,000 to 35,000 copies.

Akram Urunov reported that for purposes of survival, SM-1 TV has lowered its advertising prices by 30 percent, lowered salaries by 10-15 percent and placed several members of the technical staff on unpaid leave. "The competitors, including the independent television stations in Khujand, are carrying on unfair competition by dumping their prices. For that reason, there was no way we could obtain the revenues we aimed at," he said.

The Advertising Law, which regulates advertising in the media, has been in force in Tajikistan since 2003. The Advertising Law differentiates between the approach to state and non-state mass media. The advertising market in Tajikistan is very small and the media frequently carry on an unfair fight to get advertising, while the potential of advertising as a means of obtaining profits is used by only a small group of Tajikistan's media.

Advertising from state enterprises is placed only in state print media and radio and television channels. Tajikistan's media generally work directly with advertisers and do not use the capabilities of advertising agencies. When publishing advertising, most advertisers only work with the most well-known media that have the greatest circulation.

"In Khujand, the television stations try to prepare the advertising themselves and help each other and other television channels, which frequently exchange advertising. There are three advertising agencies in the city which work primarily with foreign advertising," Dodobaev reported. The agency *Asia-Plus* has its own advertising service that determines prices itself. "The biggest advertisers have been

mobile operators, but because of the fact that the tax service levied huge fines on them in 2015, they slashed their advertising expenditures and some of them even pulled back their advertisements and cancelled their agreements," Tajibayeva said. In distinction to the state media, the non-state media are more strongly oriented to advertising, announcements and public relations materials and also get a lot of attention from advertisers as to their popularity among readers.

The advertising agencies Tak, A-Media, Tamosho, O, Bale and Tayron, operate in Dushanbe and the same media get advertising through them. "There are no advertising agencies in the regions of Tajikistan, except in the Sogdi Oblast. The remaining regions have outdoor advertising on banners and billboards that is prepared by advertising agencies in Dushanbe," Dodobaev said.

A distinction of the advertising market in Tajikistan's independent media is the large share of advertising from international organizations and noncommercial bodies. The panelists consider that the advertising market has been divided. First place in the advertising market is occupied by medicinal preparations and private medical centers, followed by advertisements for Internet providers, banks, home appliances and cell phone operators. The only state enterprise that advertises is the Tajik Aluminum Company (Talko).

Advertising for medicines and banks is generally placed on television. Among the state television channels, the most advertising is on TV Safina, where the prevalent advertising is for pharmacies, medicines and household chemical products. For this reason, the people call Safina "our television pharmacy."

Advertising occupies an important place in the revenues of electronic media. "More than 60 percent of the revenue of television and radio companies in the Sogdi Oblast comes from advertising," Akram Urunov reported. At present, the *Asia-Plus* media holding company takes 60 percent of advertising and state television 80 percent. Of the 32 pages of the *Asia-Plus* advertising, 10-12 pages are taken up by advertising, and its cost is the highest in the country, more than \$450 per page. Internet advertising in the form of crawls on the sites of newspapers and press services is growing.

Advertising departments exist in all four state television channels, in the holding companies Oila, Charkhi Gardun and Orieno-Media and in the radio stations Imruz, Vatan, *Asia-Plus* and Khovar.

The independent and private print media do not receive any subsidies from the government, although the new Media Law speaks of their guaranteed support by the government. In this connection, the Law on the Press and Other Means of Mass Information, clearly provides that the government can provide financial support to any media organization, irrespective of its form of ownership. "But the initiative has to come from the government, which may announce a tender, for example to reimburse the expenses for preparing and publishing public interest materials," Karshiboev stated.

The panelists noted that employees of the state television channels are dumping their prices for advertising, and in this way depriving the independent television stations of a stable source of income. The panelists remarked that almost the entire advertising market has gone over to state television, where the system for distributing advertising revenues is not transparent. According to official data, the advertising market in 2015 totaled more than \$12 million.

For the state electronic media, the length of advertising material may not exceed 10 percent of the daily volume of broadcasting, while for the non-state electronic media the corresponding volume is no more than 30 percent. The law provides that for state periodical (print) publications, the volume of advertising may not exceed 25 percent by volume, and in non-state periodical publications, 35 percent by volume.

With regard to marketing research, the panelists noted that this is an expensive luxury and at present, none of the media can allow itself to order a marketing study so as to use its results. "We do not know who our readers are. We wanted to conduct a study, using our own resources, in order to present it to our advertisers, but we couldn't find the funds," Zero Tajibayeva reported.

The exception is that many Internet media constantly conduct reader surveys concerning various policies, economic and social subjects. Some sites do not count the number of visitors, but the number of hits, as there are counters of unique hits determined by the visitors IP address. Recently, a number of media have been using the public statistics available on Live Internet and Open Star. "We are still publishing guest access for our advertisers on the closed counters of Google Analytics and Yandex Metrica. We do not close our own counters," Zero Tajibayeva said.

"Research centers exist that determine media ratings and image. They operate on grants, and whoever orders them can always determine the results. The results are only those that the person paying wants," Ergasheva says.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Tajikistan Objective Score: 1.75

In 2012, an association of television broadcasters and producers of audiovisual programs was formed dedicated to protecting the interests of non-state electronic media and production studios. Currently, 19 television stations and production studios are members of the association. The panelists noted that a project to form an association of media owners and an editor-in-chiefs' club failed, because of differences between the owners of newspapers and other media.

In recent years, professional associations have begun promoting the protection of journalists' rights of journalists and ethical standards. The panelists consider that they play an important role in the development of the media, primarily in their ability to provide consultation and information, legal support, the protection necessary for the operation of independent media and in their educational capacity through conferences, seminars and trainings.

At present, 16 branches of local non-governmental organizations that address certain media issues operate in Tajikistan. Thirteen journalistic associations and funds and one creative alliance are also registered in the republic. The professional associations of journalists and the organizations defending freedom of speech play a very important role.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

“Unfortunately, the unexpected death of Akbarali Sattorov, head of the Tajikistan Union of Journalists, in August of 2005, interrupted many of his plans for joint projects,” Ismoilov said.

Concerning the professional association of journalists and the professional association of the media, Karshiboev reported that there is a professional association of journalists in the Khatlon Oblast that has 150 members. In the Sogdi Oblast and in Dushanbe, the initiative has stalled because no one is prepared to take on the leadership. “We are prepared to accept into our professional union not only the journalists of independent media, but also those of state media,” he said.

Among professional media associations, the National Association of Independent Media of Tajikistan does positive work, protecting the rights of journalists, responding in a timely way to any problem in the media, following the matter through to the end, and monitoring violations of journalists’ rights. “At present, the National Association of Independent Media of Tajikistan is the only organization in Tajikistan that actually protects journalists, standing up for their rights and providing legal aid,” Khalikjanova said. In issues related to the protection of journalists’ rights and freedom of speech, the National Association of Independent Media of Tajikistan works closely with Article 19, Reporters Without Borders, the Committee to Protect Journalists, Amnesty International, and the office of the OSCE representative on freedom of speech.

“The National Association of Independent Media of Tajikistan, in addition to provide legal counseling, also offered legal help this year to the journalists Orzu Isoyev and Karmari Akhroru and the editors of the newspapers *Samak* and *Ozvoza*,” Karshiboev reported. The organization also carried out daily monitoring of violations of journalists’ rights, freedom of speech and access to information.

At present, the National Association of Independent Media of Tajikistan is preparing an initiative to develop a law on the access to judicial information since there are many complaints from journalists that they are not given access to court sessions.

The Union of Journalists, which has more than 2,000 members, conducts itself more independently from the authorities than in previous years, although its head is named by the government. “Unfortunately, the unexpected

death of Akbarali Sattorov, head of the Tajikistan Union of Journalists, in August of 2005, interrupted many of his plans for joint projects,” Ismoilov said.

The panelists consider that no professional association of journalists can operate effectively only on the basis of membership dues. For an association to operate, it must write proposals and depend on partner organizations and branches.

Based on their articles of incorporation, all these media organizations protect the freedom of speech and the independence of the media. In reality, it is only the National Association of Independent Media of Tajikistan and in part, the Tajikistan Union of Journalists, that are concerned with these issues. In addition, the Press Council, the Center for Investigative Journalism and the Professional Journalists Club of the Sogdi Oblast are concerned with protecting the rights of journalists and supporting the development of the media.

The panelists felt that the organizations which are protecting the rights of journalists and the freedom of speech have quite strong positions, and they meet resistance from the authorities in the form of security and judicial bodies. In 2015, as in 2014, the National Association of Independent Media of Tajikistan underwent denial of service attacks several times, after which the site was unable to operate. “As a result of a DOS attack, a large part of our archived files were damaged and we were unable to restore them,” Karshiboev reported.

Concerning the support given to the media by NGO’s, it was noted that the Bureau of Human Rights, an independent center for the protection of human rights, attempts to provide help. There are human rights organizations in the country that protect the interests of the freedom of speech and of journalists, but there are not many. “This year, human right NGO’s did not react strongly to the violation of journalists’ rights. For them, the protection of human rights has turned into a business, a means of obtaining grants,” Khalikjanova said.

In the Khatlon Oblast, the Gorno-Badakhshan Autonomous Region and the eastern part of the country, the Garmsk region, there are no NGO’s or media associations that protect the rights of journalists and provide advisory support, apart from the National Association of Independent Media of Tajikistan and the Tajikistan Union of Journalists in Khatlon and the Gorno-Badakhshan Autonomous Region.

The panelists noted that all of the media organizations have declared solidarity, by means of severe pressure from the authorities, during the time of the pre-election campaign and the parliamentary elections and the blockage of Facebook and Odnoklassniki.

The panelists noted the poor quality of university education available for journalists. Not all graduates of the university journalism schools are prepared to work in their profession. The teachers in the schools of journalism complain that the academic programs are made more complicated by the Bologna rating system. Further, the panelists noted the fact that in the new testing program for university admission, if an applicant does not get the necessary number of points for a department where there is large competition, the suggestion is made that they enter the school of journalism.

Apart from the Russian-Tajik Slavonic University and Khujand State University, universities do not have specializations for the training of journalists. Perennial problems in the training of journalists are the lack of practicing teachers, outdated programs and the absence of teaching materials and technical equipment in the universities. The country has very good training programs for journalists conducted by several organizations with the support of international donor groups. But the university graduates who come to work for the publications are poorly trained and have to learn from the start because their level of training is unsatisfactory.

The teaching programs of the journalism schools and departments, which on the whole work on the basis of outdated programs, have few hours of practical training and a lack of technical resources.

At Khujand State University and the Tajik National University in Dushanbe, student radio and television studios operate, producing their own programs. "In Khujand, programs of the student TV are shown on the local state TV channels," Babajanova reported. The participants expressed the view that it is necessary to prepare graduates who, when they have finished university, can work for any publication. "Many graduates of the schools of journalism want to work in television, considering this work to be more prestigious than print publications," Mamurzoda said.

"Ten to fifteen interns come to *Asia-Plus* every year, but in the past three years, only two graduates have stayed on to work," Tajibayeva said.

People often enter journalism from other professions: historians, orientalist, lawyers and economists. "More than half of the journalists working in both the state and independent media do not have a degree from a school of journalism," Karshiboev reported.

The panelists noted that in 2015, there were many useful short-term training courses on security in journalistic work, research, the work of journalists in a state of emergency and coverage of border clashes that were conducted by the National Association of Independent Media of Tajikistan and IWPR. They consider that it is essential to form a center

for raising journalistic qualifications or an academy for the development of journalists with the job of systematically coordinating all the teaching and training programs of the local and international organizations.

In 2014-2015, the IWPR office focused on a target group of 20 journalists who went through a one-year multi-level training course on covering conflicts, gender issues, radicalization and elections. "We gave them smart phones and required them to write five articles each on subjects addressed in the training. We are now conducting an investigative journalism project and have trained human rights advocates and journalists in the regions. We have taught 60 persons, and ten journalists and three human rights advocates have stayed on in the project," Khalikjanova reported.

There are special internship and training programs available abroad for journalists, but very few journalists participate in them since a good knowledge of English or German is required to do so. "Short-term courses in the Deutsche Welle Academy are of particular interest to journalists," Dikaev said.

Mastery classes in Internet journalism and work in social media and webinars enjoy great popularity among journalists. All the courses and mastery classes are given at no cost and participation in them is unlimited. They are conducted by the National Association of Independent Media of Tajikistan, the Ebert Fund, the Internews Network and the 21st Century Independent School of Journalism. "Particular attention must be given at this time to training multimedia journalists, since this is a need of our time and there is a potential for working in prestigious media with good pay," Karshiboev noted.

The panelists noted the need to conduct long-term training courses and also training courses in investigative journalism, new writing skills, analytical economics and multimedia journalism.

The participants in the discussion noted that, as before, it is difficult to attract journalists from the state media to training seminars and courses, since up to now, the editors of those publications have not wanted to adopt innovations and international journalism standards. Only employees of the *Asia-Plus* media group (which operates its own 21st Century Independent School of Journalism) and the newspaper *Faraj* and *Ozodagon*, are permitted to have training and retraining in their workplace.

Concerning the quality of printing and access to equipment, the panelists noted that there is limited access to printing capabilities since this type of business is politicized and depends on the will of the authorities, even though there are a large number of private printing houses.

“There are 70 printing companies in Dushanbe, but not one of them will print a newspaper that in any way displeases the authorities,” Tajibayeva said. The panelists noted that an independent printing house is needed that is funded by donors, and does not accommodate the authorities. “Examples are the closed printing houses of the Islamic Renaissance Party and that party’s organ, the newspaper *Najot*, which is an indication that the issue is politicized. If any newspaper today does not please the authorities, there is not one printing house that will print it. For example, recently the newspaper *Nigokh* could not publish for three weeks,” Karshiboev said.

Karshiboev, referring to the quality of printing in Dushanbe’s private printing houses, highlighted Megatrend, Mushfinki and Intishor, which belongs to the director of the Sharki Ozod group and operates on the principle of high quality at an affordable price. The suppliers of papers and plates in Tajikistan are the government printing house Sharki Ozod and three or four businessmen who establish pricing policy. The prices for services in the private printing houses are usually 10 percent higher than in Sharki Ozod.

Currently, 75 printing houses are operating in Tajikistan, 60 of them in Dushanbe. Another 15 printing houses are in the regions—seven in Khujan, two in Istaravshan, one in Kurgan-Tube, one in Khorog, one in Yavan, one in Kulyab and two in Tursunzade. But the quality leaves something to be desired. All of the participants in the discussion noted that there is needed to create a printing capability in Dushanbe and the oblast centers—Khujand, Jrugan-Tube and Khorog—to serve the needs of the independent media.

The panelists consider that the absence of an effective operating system for distributing print publications inhibits access to information in the remote regions of the country. The association of news distributors formed in 2012, with the support of the OSCE, has not started operating as such since the leaders of the media have not been able to agree with each other, there were many founders and each one took the initiative on itself. Tajibayeva said that if a centralized delivery system were operating, the circulation of the newspaper *Asia-Plus* could be increased to include the Sogdi Oblast and the Gorno-Badakhshan Autonomous Region. “But up to now, there is no centralized delivery system and the independent media are sent out by private cars or by public distributors,” Mamurzoda said. In this connection, there still exists mandatory official subscriptions to state media, and for this purpose the editors themselves, or their deputies, go out into the regions.

The channels for distributing print media are politicized. The kiosks belonging to Tajikmatbuot (Tajik Press) frequently do not sell the copies of the independent opposition newspapers. “There have been cases where the entire issue of a newspaper has been seized due to critical articles,” Pirnazarov reported. The independent newspapers are generally sold only by public distributors, i.e. women and men of retirement age who supplement their small pensions in this way.

Not all independent television and radio stations have their own transmitters, and if they do, they are generally not new and are of low power—up to 1.5 kilowatts. All television and radio towers belong to the Communications Service and the Tajikistan Television and Radio Committee. Independent stations that have their own transmitters are nevertheless required to lease state towers.

All four state TV channels completely changed over to digital transmission in 2014, but to see them, viewers have to acquire a multiplex package costing more than \$150, which is not within the means of all the residents in the country. Moreover, for digital broadcasting, the state channels switched over to a second satellite, which made it impossible for more than 25 percent of the capital’s residents to view the state TV channels.

The Internet sphere is in practice controlled by the government, which attempts to limit access to alternative information by the population and the media. At present, more than 100 sites in Tajikistan remain blocked. There are cases of electronic tracking of IP addresses and billing and hacking of accounts on Facebook, Odnoklassniki, Twitter and V Kontakte, and eavesdropping of the cell phones, Skype and Viber of opposition politicians and journalists. The government has not blocked blog platforms, but they are kept under observation. Several bloggers have reported instances of difficulty entering their pages on WordPress.

“In some regions of the Khatlon Oblast, including the Kulyab region, the providers have introduced prepayment for Internet access, the speed of which has remained very low, and some sites are not available,” Dikaev said.

Ten mobile communications companies and ten Internet providers operate in the republic. There are 6.35 million mobile communications subscribers in the country and 25-30 percent of the population uses mobile Internet. Mobile communication are used not only as a means of communication, but also to access the Internet and receive SMS advertising and music. In this connection, when the electrical power is shut down, mobile Internet connections, stationary Internet and 3G and 4G transmitters are shut down as well.

List of Panel Participants

Kurbon Alamshoyev, independent journalist, Khorog

Mahmudjon Dodobaev, chief, Information and Analytical Department for the Sughd regional administration, Khujand

Turko Dikaev, special correspondent, Kulyab region, *Asia-Plus*, Kulyab

Zinatullo Ismoilov, director, Media Academy of Tajikistan, Dushanbe

Nuriddin Karshiboev, chair, National Association of Independent Media of Tajikistan; chief, Press Council, Dushanbe

Nosirjon Mamurzoda, deputy editor-in-chief, *Novy Khatlon*, Kurgan-Tube

Rano Babajanova, professor, school of journalism, Russian-Tajik Slavonic University; deputy chair, National Democratic Party, Dushanbe

Nazarali Pirnazarov, correspondent, Tajik service, Radio Svoboda-Ozodi, Dushanbe

Zebo Tajibayeva, editor-in-chief, *Asia-Plus*, Dushanbe

Akram Urunov, director, SM-1 television, Khujand

Lola Khalikjanova, editor-in-chief, Institute for War and Peace Reporting, Dushanbe

Zarina Ergasheva, correspondent, Sputnik, Dushanbe

Moderator & Author

Lidiya Isamova, correspondent, RIA Novosti, Tajikistan

The panel discussion was convened on November 28, 2015.

Also, media reports emerged suggesting that the Turkmen government has invested millions of dollars into purchasing sophisticated western technology to surveil its citizens inside and outside of the country.



TURKMENISTAN

Several major developments occurred in Turkmenistan in 2015. First, Turkmenistan has officially begun construction of the long-delayed Turkmenistan-Afghanistan-Pakistan-India natural gas pipeline on December 14, 2015, worth approximately \$10 billion, with the intention to deliver Turkmen gas to South Asian countries by 2019. Second, Turkmenistan launched its first telecommunications satellite into orbit on April 27, 2015, which is expected to be used for broadcasting national television and radio channels as well as broadband internet services. This is a milestone for the country as Turkmenistan is one of the least connected countries to the internet.

Third, Turkmen state media reports hinted that constitutional changes are in progress so President Gurbanguly Berdymukhammedov could stay in power longer. The new changes are expected to extend the presidential term from five years to seven years and remove the 70-year age limit at which a president can serve. These potential constitutional changes prompted international observers to speculate that Berdymukhammedov could potentially continue as president for his lifetime as the former President Saparmurad Niyazov did. Niyazov declared himself president for life and ruled Turkmenistan for more than 20 years, until 2006 when he passed away. Berdymukhammedov, currently 57-years-old, is serving his second five-year presidential term (he was last elected on February 12, 2012).

Berdymukhammedov introduced a series of reforms to modernize the country and improve the living standards for some Turkmens. However, the government continues to have near-absolute control over the mass media outlets in the country. In 2015, several journalists have reportedly been forced to resign. One, for example, had to seek political asylum in a foreign country and another was imprisoned for independent reporting about the sufferings of Turkmens. Also, media reports emerged suggesting that the Turkmen government has invested millions of dollars into purchasing sophisticated western technology to surveil its citizens inside and outside of the country. Social networking tools such as Facebook, YouTube, Twitter, and others have remained blocked throughout 2015, a practice used by Turkmen officials to prevent access to alternative information on websites that may present unfavorable information. Consistent reports exist that suggest the Turkmen government is monitoring internet activity of users in the country, including activities such as Skype conversations and chats.

In terms of MSI scores, it has become common to expect Turkmenistan to be at the bottom within Europe & Eurasia, particularly related to freedom of the press and freedom of speech. Turkmenistan is consistently ranked among the worst three countries in the world because mass media do not fulfill their watchdog role to serve Turkmen public. Four of the five objective scores do not exceed 0.30 on a scale of 0 to 4. The exception is Objective 2, Professional Journalism, which only reaches 0.49.

IREX did not conduct an in-country panel discussion because of Turkmenistan's repressive environment. This chapter represents desk research, interviews, and the result of questionnaires filled out by several people familiar with the state of media in the country.

TURKMENISTAN at a glance

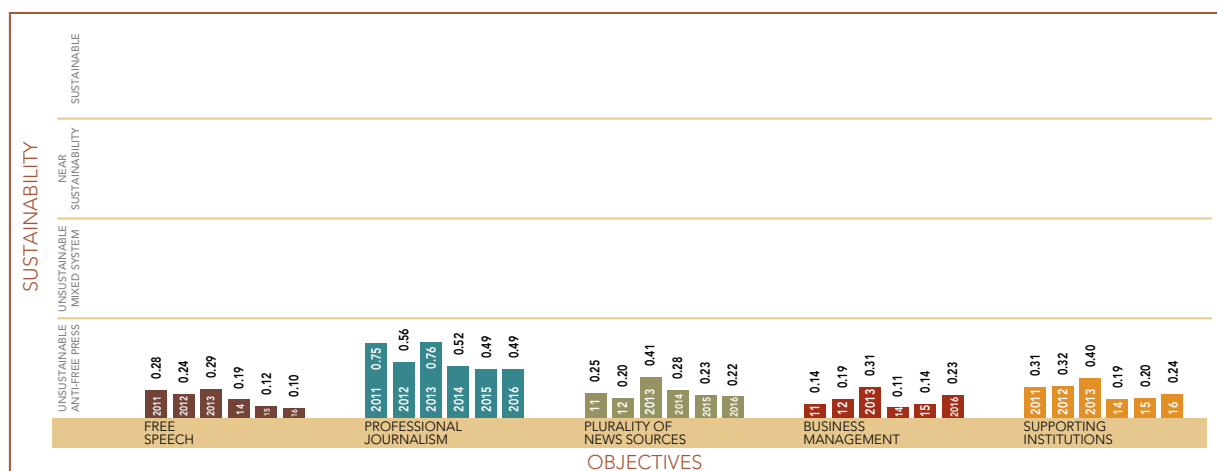
GENERAL

- > Population: 5,231,422 (July 2015 est., *CIA World Factbook*)
- > Capital City: Ashgabat
- > Ethnic groups: Turkmen 85%, Uzbek 5%, Russian 4%, other 6% (2003 est., *CIA World Factbook*)
- > Religions: Muslim 89%, Eastern Orthodox 9%, unknown 2% (*CIA World Factbook*)
- > Languages: Turkmen (official) 72%, Russian 12%, Uzbek 9%, other 7% (*CIA World Factbook*)
- > GNI (2014-Atlas): \$42.54 billion (World Bank Development Indicators, 2016)
- > GNI per capita (2014-PPP): \$14,520 (World Bank Development Indicators, 2016)
- > President or top authority: President Gurbanguly Berdimukhammedov (since February 14, 2007)

MEDIA-SPECIFIC

- > Number of active media outlets: Print: 26 national and local newspapers, 17 magazines, Radio Stations 5; Television Stations; 7
- > Newspaper circulation statistics: The top two newspapers by circulation are Neutral Turkmenistan (Russian, English language state owned daily), Turkmenistan (Turkmen language daily)
- > Broadcast ratings: N/A
- > News agencies: Turkmen Dowlet Habarlary (state owned)
- > Annual advertising revenue in media sector: N/A
- > Internet usage: 414,300 users (8% of population) (2014 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: TURKMENISTAN



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Turkmenistan Objective Score: 0.10

Turkmenistan's score for Objective 1 is the lowest one among all five objectives at 0.10 out of 4.00, suggesting that the Turkmen government has no interest in loosening its near-absolute control over the freedom of speech and press.

Turkmenistan's constitution, adopted on September 28, 2008, guarantees freedom of speech and freedom of expression. However, it is difficult to say that Turkmen society places a high value on freedom of speech and media freedom in practice. "Virtually every basic right—from freedom of expression to media to religion—is denied," the Washington Post wrote in September 2015.¹ The majority of Turkmen people are not aware of their own constitutional rights and those that know their rights tend to keep silent for their own safety. "The Turkmen government tolerates no criticism and harshly punishes people who try to question government policies," said Rachel Denber, Deputy Director of the Europe and Central Asia Division at Human Rights Watch. One of the panelists also said, "The right to access to free information does not exist, and those who make an effort to access such information and disseminate it are punished. To be precise, in 2015, six out of nine local

¹ Raghavan, Sudarsan. "Five human rights abusers backed by the U.S. whom you never heard of," The Washington Post. September 8, 2015.

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

FREE-SPEECH INDICATORS:

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

reporters for the Turkmenistan service of US international broadcaster, Radio Free Europe/Radio Liberty (RFE/RL), were forced to step down with numerous pressure tactics by the state agencies." Theoretically, some legal protection or assistance is available when the violations of freedom of speech occur. For example, the National Institute of Democracy and Human Rights under the President of Turkmenistan was established to promote human rights and democratic principles but it appears that its primary focus is outreach to pre-school children.

The media law that came into effect as of January 4, 2013, reiterated the constitutional rights by further supporting freedom of speech and freedom of expression and an ending to censorship. Specifically, the law states that all Turkmen citizens have the right to "use all forms of media to express their opinions and beliefs, and to seek, receive, and impart information." On December 29, 2014, a new Internet law also came into effect. This law makes it illegal for citizens to insult or slander the president. The law also restricts access to information containing material that rejects family values or foments disrespect for parents.

Mass media outlets are required by law to obtain a government license to function in Turkmenistan. The law allows any local authority, political party, public association, government association, or legal entity to establish an outlet in the country. Turkmen citizens have to be at least 18 years old to launch a media outlet. Licensing fees differ, depending on the applicant; government entities, for example, do not have to pay a licensing fee to launch a newspaper in Turkmenistan. Turkmen citizens and private corporations, on the other hand, must pay a calculated fee of 100 times their monthly salary. The State Publishing Association, Turkmenmetbugat, issues licenses approved by the Ministry of Internal Affairs and the Cabinet of Ministers. The licensing process is subjective and not transparent. No reports are available that document whether any news outlet has attempted to obtain a media outlet license from the Turkmen government in 2015.

Turkmen mass media outlets are registered as institutions rather than businesses for two reasons. First, they are fully funded by the state budget. Second, they are expected to serve government interests rather than public interests. In 2015, President Berdymukhammedov criticized media editors' work for "unsatisfactory performance." For example, he said that there are "insufficient publications" devoted to the great achievements of Turkmenistan. He also added that there are "many mistakes." Specifically, he spoke about Turkmenistan's preparation to host the Asian Indoor and Martial Arts Games scheduled for 2017, citing that there is "insufficient advertisement about this important event for the country or news stories/broadcast programs about

it." During a meeting on August 15, 2015, involving senior academics of the country, chief editors of mass media, ministers, and other high ranking government officials, President Berdymukhammedov reprimanded the chairman of the State Publishing Service, Akmurat Hudayberdiyev, for "weakening the control over the agency" and for "shortcomings in the work." Details regarding "weakening the control or shortcomings in the work" are unknown because the president regularly uses the same argument without providing further details.

Many international organizations frequently describe Turkmenistan as "the most secretive and isolated country on Earth."² Freedom House's Freedom in the World 2015 Report labels Turkmenistan among the "worst of the worst" in terms of democracy, human rights and other basic freedoms. Reporting in Turkmenistan is "guaranteed to bring trouble," says RFE/RL,³ and in 2015 the Turkmen government punished several independent journalists.

Indeed, RFE/RL reported that one of its Turkmen correspondents, Saparmamed Nepeskuliev was detained on July 7, 2015. He was then imprisoned for three years on a charge of narcotics possession, which, according to RFE/RL, was fabricated. Nepeskuliev reported on a variety of social issues including topics such as water shortages, luxury villas for judges and security officials, and delays in completing the construction of a hospital, according to the UK *Guardian* in a July 30, 2015 piece. Another RFE/RL correspondent, Umid Khallyev, sought political asylum in a foreign country in 2015 with his wife and two children. In his interview with Alternative Turkmenistan News after leaving the country, he said that he had been constantly harassed by government officials including suffering "many detentions and threats." His father, Osmankuly Khallyev, also a reporter for RFE/RL, was reportedly forced to resign from his position on June 8, 2015, because of constant intimidations and threats from the government for his independent reporting. Several other local reporters for RFE/RL have also resigned for similar reasons in 2015.

Otherwise, media professionals tend to be treated exceptionally well by all government sectors, knowing that no negative coverage is allowed and that all journalists will produce promotional news stories.

The Turkmen government funds and operates all mass media outlets except for *Rysgal* newspaper, identified as the official newspaper of the Union of Industrialists and Entrepreneurs. However, government officials instruct

Rysgal on what to cover and how to cover it. One panelist revealed that *Rysgal* is run by Aleksander Dadaev, a close associate and ally of the president. Editorial independence is unheard of for Turkmen journalists and editors. This is why the Organization for Security and Co-operation in Europe (OSCE) has organized special editorial independence training sessions in 2015 for Turkmen mass media employees.

Turkmen law states that libel and invasion of privacy are criminal offenses. The legislation on libel grants special protection to government officials, public figures, the state, and state symbols. The burden of proof is on the accused, and convictions can lead to as many as five years in prison and fines up to 30 months' pay. However, because controls on media are so strict, journalists have no chance to publish or air libelous or invasive content; therefore it is as if these laws are just in theory and are not applicable, given the other restrictions on journalists.

Government officials control the release of all information. There is only one government-owned state news agency, Turkmen Dowlet Habarlary (TDH). "It's almost impossible to gather information openly in Turkmenistan, anybody taking photos or video in public places or on the streets on a mobile phone can be stopped and prohibited to do this with no explanation. There is no practice of requesting public information, neither by media nor journalists nor by ordinary people. Thus governmental bodies are providing information only to governmental media and then it is distributed to the rest of outlets," said one panelist.

The government holds exclusive oversight on press accreditation and specially designated officials from the presidential administration must approve, in advance, all interviews scheduled with government officials. The government grants visas to foreign journalists to visit Turkmenistan only to cover specific events, such as international oil and gas conferences, and other summits where the officials could closely monitor foreign journalists' activities. For example, CNN's Amanda Davies was granted only 48-hour access to Turkmenistan in May to attend the international media forum held in Ashgabat in preparation for the upcoming Asian Indoor and Martial Arts Games scheduled for 2017. In November 2015, a delegation from the EuroNews, led by Kjell Stein, was specifically invited by the Turkmen government. Also, the Turkmen government allowed a *Financial Times* correspondent, Jack Farchy, a visa to report on the Turkmenistan–Afghanistan–Pakistan–India pipeline project.

Despite the fact that there are no legal restrictions on using international news and sources, Turkmen mass media rarely use them and tend to do so only when the coverage is about "great achievements" of Turkmenistan. They reprint

² Butterly, Amelia. "We need to talk about Turkmenistan," BBC newsbeat. July 30, 2015.

³ Pannier, Bruce. "Fated to go to a Turkmen prison," Radio Free Europe / Radio Liberty Qishloq Ovozi. September 10, 2015.

and rebroadcast general interest stories from internet sites and/or from foreign news channels. However, journalists themselves are restricted from using the internet. This can be explained by the Turkmen government's desire to prevent Turkmen journalists from reading "negative" press about Turkmenistan.

Turkmen government has never recognized independent journalists, bloggers, and citizen journalists as such because, for the government, one has to be officially employed by the state to be considered as a journalist. For safety reasons, such independent journalists, citizen reporters, and bloggers fulfill their journalistic tasks secretly and cooperate with foreign news outlets in clandestine ways. There is no official government regulation that would prevent the practice of journalism by those of certain gender, ethnic, religious, or other demographic groups. However, the Turkmen government does have control over the acceptance of students into national journalism programs. Only ethnic Turkmen are accepted into the journalism programs at Turkmen universities. On top of this ethnicity requirement, one panelist said "by the law, anybody can enter the Journalism Department of the university but, in reality, the system is corrupted and to become a journalism student enormous bribes should be paid."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Turkmenistan Objective Score: 0.49

Turkmenistan's score for Objective 2 is 0.49, unchanged from last year and indicating that there has been no progress in improving professional standards. Indicator 7 (modern facilities and equipment) received the highest score, about a point-and-a-half higher than the objective average; it also scored the highest among all indicators of all objectives. Indicator 5 (pay levels for journalists) also received a relatively high score, about half a point higher than the objective average. However, all other indicators scored lower than the objective average.

The Turkmen journalism profession is strictly controlled by the Turkmen government and for this reason all working journalists produce news stories that are favorable to the government. Therefore, they do not consult a wide variety of relevant sources for a story. Turkmen journalists avoid reporting about the reality of the situation in Turkmenistan, which the Turkmen government likes to hide. For example, on reporting about hardships of Turkmen citizens, one panelist who covers Turkmenistan regularly said, "There have been no reports inside the country on either the demolition of Turkmen homes, water shortages, or the

ongoing strife at the Turkmen-Afghan border." He added that many Turkmen journalists are ill equipped to deal with new technology and social media, and many do not even use email. Thus, searching sources and aggregating news is a difficult task for many of them.

The editor of a Central Asian news outlet said, "Journalism in Turkmenistan does not meet universally accepted norms etc.; all media platforms are owned by the state, and function as propaganda tools for the president and his policies." Another panelist who has direct knowledge noted, "All Turkmen journalists are consciously recognizing themselves as ideological workers serving the government but not the people or audience."

All panelists agreed that journalists are paid higher than average but this is just payment for loyalty toward the government. Reporters do not conduct the necessary background research for stories because it may reveal the context, which is perceived to be dangerous by the government.

Currently there is no journalistic organization or association in Turkmenistan that may develop a professional standard of ethics. "Despite being adopted several years ago, the Law on the freedom of media expects every newsroom to have an ethical code and none of the media have one. Moreover ethical standards is a foreign concept to journalists; they think that criticism toward the government and the national leader—or revealing facts of abuse of power without special permission of government—would be unethical journalist's behavior," said one Turkmen journalist on the panel.

Typically, Turkmen journalists have little or no knowledge of what plagiarism is. This can be noticed by the occasional

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

reprints of international non-political stories with their own bylines. This is especially applicable to print news media outlets. One panelist noted that plagiarism is institutionalized to a certain degree.

Turkmenistan's restrictive environment forces journalists to self-censor. Since President Berdymukhammedov himself assigns and dismisses chief editors of media outlets, these editors know well what topics might be perceived negatively by the government officials including the president. Editors advise newcomers about acceptable issues and how to frame and report on those issues. "There may be a new sliver of editorial space in which state journalists can do some degree of self-directed reporting, in the sense that they are sometimes writing their own content rather than just repeating and embellishing state-produced press releases," said one panelist. He added, "If in the past the amount of self-censorship was 100 percent, today it is 99 percent." The panelist added, "Of course, one must also wonder whether the category of 'self-censorship' is even applicable to a professional class whose identity is centered on defending rather than questioning authority."

President Berdymukhammedov has been regularly increasing salaries, pensions, and student stipends. Ria Novosti reported on January 1, 2016, that a 10 percent increase was applied to 2016, making it the fifth consecutive years to have such a significant salary increase. The pay level for Turkmen journalists is so high compared to other professions, such as teachers, to discourage them from accepting bribes. One panelist noted, "Objective reporting is virtually non-existent, with most journalists either directly coerced, or practicing self-censorship for the sake of retaining their state benefits." Freelance journalists writing for the state controlled news outlets receive small payments for each publication.

Turkmenistan residents are not in a position to access information when they want and need it. This is because information and news stories are so delayed that people still rely on a word-of-mouth culture. People typically get the daily news by watching the 15-20 minute *Watan* news program. The last *Watan* program airs each day at 9 PM with fresh news reports. This is the only time when current news reports are supplied to public. It is then repeated the following morning and afternoon. All other broadcast time is dominated by entertainment programs, talk shows, and traditional Turkmen music and dancing.

Turkmenistan has improved the state of media-related technology by purchasing advanced printing equipment and editing systems for radio and television studios. On April 29, 2015, President Berdymukhammedov opened the brand-new, modern Turkmen State Publishing House in Ashgabat. It is reported that this new printing facility will

lead the development of the printing industry, increase circulation of newspapers, magazines, and books, and also improve the quality of publications. One panelist said that Turkmenistan's "media production facilities that are top-notch by Central Asian standards and even reaching Western levels of sophistication." Specifically, another panelist noted, "The physical quality of newspapers and magazines, the audio quality of radio broadcasts, and the visual quality of television broadcasts are in fact incrementally improving."

Just as editorial independence is unheard of in Turkmenistan, so is investigative reporting. Turkmen journalists are not trained to cover niche issues such as economics, politics, business, etc. "Journalists rarely distinguish between reporting, and opinion pieces. This creates confusion among the population, who often fail to distinguish between the two," said one panelist. Journalists are simply assigned by their editors regardless of the journalists' background and qualifications because ultimately all news stories will be written in a positive light. RFE/RL's Turkmen service, locally known Azatlyk, is an exception and produces some investigative reporting about a variety of socially important issues such as about health care, education, water shortages, and other issues. However, they are under constant threats for their independent reporting.

OBJECTIVE 3: PLURALITY OF NEWS

Turkmenistan Objective Score: 0.22

Turkmenistan's score for Objective 3 is 0.22, nearly unchanged compared with last year. All indicators scored poorly; none more than 0.30 greater than the objective average.

Overall, Turkmenistan continues its absolute control over all the media outlets. *Rysgal* newspaper, established in 2010 by the president himself, identifies as an independent newspaper owned by the Union of Industrialists and Entrepreneurs, but it still strongly pursues pro-government messages. "All media platforms are owned by the state, all provide the same information: approved, sanctioned by government-paid employees; objectivity, reliability are highly questionable," said one panelist. There are seven state television channels, one national radio, 26 national and local newspapers, and 17 magazines, all owned by the state. Despite having different titles and platforms (such as newspaper, magazine, radio, or television), all media outlets are singular in their point of view because they all have the same owner, publisher, and distributor. "Many working in media are routinely fired by the President when he becomes displeased with their content," said one panelist.

Media outlets are not allowed to have multiple points of view and they absolutely disregard audience needs and wants. Therefore, Turkmen people are left with virtually no opportunity to check sources against each other. Russia's Perviy Kanal (Channel One) is rebroadcast by Turkmen television for two hours a day, though only recorded, often dated entertainment programs are shown.

"People have no choice of a source of information inside a country. A lot of independent sources of information online are banned," said one panelist. No SMS news alert or similar system has been introduced in the country either and it is too early for Turkmenistan people to rely on social networking tools (e.g., Twitter, YouTube, Facebook, etc.) for news because of the limited internet penetration.

There are several ways that the government restricts citizens' access to media, especially to international media via internet. First, it is required that people register with the government to have internet connections at home. Second, the cost is so high that most residents cannot afford to have an internet connection. Third, the government regularly blocks "unfriendly" websites including social networking sites such as Facebook, YouTube, Twitter, etc. In terms of traditional media, television still remains the most popular source of information for people in Turkmenistan. It is especially true for those who live in more remote villages because newspapers and magazines may not be delivered to those areas. Instead, these residents get their news through domestic and satellite television.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Satellite television is probably the main source from which residents can access independent channels in a country dominated by state-controlled media. Most households have satellite dishes, through which most homes can access Russian and Turkish television as well as foreign broadcasts including CNN, BBC, and Al Jazeera. However, the government has been forcefully removing such satellite dishes as part of a "beautification plan."

Media outlets are not free to express alternative viewpoints or comments by non-approved citizens or even government officials themselves who have not received prior approval. All media outlets spend a predominant amount of time reporting solely on President Berdymukhammedov and his policies. Official information is disseminated through the state's only news agency, TDH. "We cannot really speak of 'private' media in the traditional for-profit, entrepreneur-owned sense. Nonetheless, the entities that come the closest to this category, such as Ertir.com and SalamTurkmen, do produce their own news content; Ertir.com very limitedly, SalamTurkmen as its *raison d'être* and core product. Prior to 2012, Ertir.com was engaged in a greater degree of user-generated news, but ever since it seems to have actively restricted such content to decidedly de-politicized topics, such as fashion and commentaries on smartphone technology. SalamTurkmen has a lot of seemingly non-political content..." said one panelist.

The Turkmen government continues imposing a mandatory subscription policy. Those working in the state prosecutor's office, the Ministry of Internal Affairs, the Ministry of Defense, and others are required to subscribe to the newspapers *Adalat (Justice)* and *Esger (Military)*. Those working in the medical profession must subscribe to *Saglyk (Health)*. Those working for the Ministry of Culture must subscribe to the *Medeniyet (Culture)* magazine, printed in Turkmen, English, and Russian. The State Committee of Turkmenistan for Tourism and Sport is required to subscribe to the *Turkmen Sporty* newspaper, and *Siyahat (Tourism)*. If an individual is working for an industry for which the ministry does not have a magazine and/or newspaper, then the state employee still must subscribe to all other local and national newspaper and magazine titles.

Even though there is only one state news agency, all media outlets cite it as the source of all information presented. Turkmen media outlets do not use international news agencies such as Reuters, Associated Press, or Agence France-Presse. "There is nearly no translation and re-distribution of international or externally-based news. Outside Turkmenistan, to my knowledge only *Azatlyk Radiosy* and *SalamTurkmen* consistently attempt to translate and distribute news from the outside world, whether about Turkmenistan, the broader Central Asian

or post-Soviet region, or the world in general. However, I should note that they face an uphill battle, not just from citizens' limited means of access, but citizens' own fears of encountering such news. The citation phrase for 'foreign [news] source' in Türkmen, 'daşary çeşeme,' is treated as an evil incantation by the majority of ethnic Turkmen," said one panelist. Another panelist said, "Many opposition sites are technically available, but the repressive apparatus of the state, including the dreaded KGB style door knocks, as well as less obvious restrictions, continue to leave most of the population too afraid to read anti-government websites."

There are no private media outlets in the country to produce their own content. State-owned mass media outlets produce an estimated 90 percent of their own programs and news content because there does not seem to be a shortage of funding from the state budget. However, there is growing content across all television channels that comes from foreign sources. This includes non-political news, documentary programs, and cultural content from Chinese television as well as Turkish television and others. The major contribution for this is the Sport Channel that is often a re-broadcast of international sporting events.

However, there is little creativity from the television and radio stations. This is because most of the content on Turkmen channels appears to be the traditional Turkmen culture, music, dancing, art, etc. There is absolute disregard for what people might be interested in.

Everyone knows that the Turkmen government owns and controls all the media outlets; however, they do not know what it means to have independent media in the country. Turkmenistan never having independent media or mass media is instrumental for the Turkmen government to spread its propaganda. Therefore, it does not allow any foreign investment into media. According to a recent website report from the Organized Crime and Corruption Reporting Project on July 14, 2015, the Ministry of National Security purchased advanced spyware from a Milan-based company, Hacking Team. The company sells surveillance software to governments and corporations. It is not the first such report that has emerged of Turkmenistan's acquisition of surveillance technologies to spy over its citizens both inside and abroad. For example, in 2014, London-based Privacy International reported that the Turkmen government purchased sophisticated Western software to monitor the work of activists and journalists living both inside the country and abroad.

There is no variety in issues that Turkmen mass media report on, such as gender equality (or lack thereof), ethnicity, religion, or sexual orientation. The last has never been allowed in reporting or mass media and is also restricted

from being spoken about privately. This kind of severe restriction comes from the government, which is why issues of ethnic minorities are heavily silenced.

Turkmen citizens generally are able only to get news and information about their hometown and other regions of the country by way of what the official state news agency, TDH, releases. Oftentimes, mass media instead report on insignificant news, such as the best librarian competition in Mary region of Turkmenistan or the best decorated room in hospitals. "Most of the media cover official events, keeping silent about those that were not pitched by official mouthpieces of government. Journalists are afraid to run a story about some important topics, waiting until TDH or *Neutral Turkmenistan* will publish something official," said one of the panelists with direct knowledge about Turkmenistan mass media.

OBJECTIVE 4: BUSINESS MANAGEMENT

Turkmenistan Objective Score: 0.23

Turkmenistan's score for Objective 4 is 0.23, up marginally from last year's 0.14. Indicator 3 (advertising market) received the highest score among Objective 4 indicators because of an advertising market that is growing due to increased investment from international companies involved in construction, gas and oil, and other areas. Despite that, indicator 3 still scored within a half point of the objective average. All other indicators scored close to the objective score.

The government continues to tightly control funding for the mass media. For government media outlets, there are three sources of revenue, including mandatory subscriptions by state employees, limited advertisements, and guaranteed state funding. Generally, Turkmen mass media are not involved in commercial activities with the exception of some international organizations and a few domestic services that may advertise in key national newspapers and/or television channels. "The newly born advertising industry inside Turkmenistan does not really directly impact the funding of news agencies, as it is not actually connected to them," said one panelist.

Media outlets in Turkmenistan do not have business plans that help them secure funding, guide decisions on expenditures and personnel, or plan for capital expenditures. The budgets of those media outlets are not known publicly. The Turkmen government provides no transparency to mass media, so these media outlets determine their own personnel policies. "Corruption and lack of transparency remain serious and widespread

problems” says the report about Turkmenistan issued in 2015 by the United Kingdom’s Foreign and Commonwealth Office. Personnel policies are not in place to allocate the right people to perform tasks and determine the proper amount of human resources. It is widely known that individuals are appointed based on his or her loyalty rather than skills and experience. The United Kingdom’s Foreign and Commonwealth Office report notes that a presidential decree requires that at least 70 percent of personnel employed by an organization have to be ethnically Turkmen. In practice, it is interpreted as 100 percent, suggesting that ethnicity is more important than one’s qualification and/or professional skills.

Turkmenistan’s advertising industry has been developing slowly because more and more international oil and gas companies and construction firms are entering the Turkmen market. However, no data has been available regarding the advertising industry. One panelist noted, “The advertising market in the country is weak and controlled by the government. All traditional media are subsidized by the government, so there is no business model at all. Local sites of classified ads might generate some revenue but these numbers are too small to be counted as a source of financial independence.” There are neither local nor international advertising agencies functioning in the country.

Government agencies appear to be urged to advertise their products and services particularly on outdoor billboards in all towns. Those advertisements and outdoor posters and billboards are not used based on marketing principles that take into account demographic and psychographic information. Demographic and psychographic information

are not applicable in Turkmenistan because there is no market economy.

Media in Turkmenistan “appear to be either ignorant of, dismissive of, or unsure how to use market research, broadcast ratings, or online statistics,” said one panelist. Most outdoor billboards are produced with little or no professionalism, which is highlighted by the fact that almost all of those billboards and posters praise the president more than they inform the public about services and products. If a foreign organization wishes to place an advertisement, it needs government approval and it might take about a month. For example, an international organization implementing an educational exchange program would need approval of the Ministry of Education to place an announcement about an exchange program that would allow Turkmen citizens to study abroad. It is required that such organizations pay 50 percent of the fee in advance.

Media outlets do not restrict classified advertisements, holiday greetings, or congratulatory messages from state agencies or individual citizens but little attention is paid toward them due to low readership. Many people do not purchase newspapers and magazines because they are seen as dull and full of president praise. After all, media outlets such as newspapers, magazines, radio, and television all run the same state-approved content.

For the abovementioned reasons, media managers do not feel pressure to use more and more advertisements as a source of revenue because all expenses are covered by the state budget. Advertising departments of media outlets, which consist of one or two staff members, just wait passively for any potential advertisers to come and request advertising placements instead of seeking them out.

The government does not allow any market research. Therefore, market research or any type of research is not tolerated to formulate strategic plans or to tailor a product to the needs and interests of the audience. Turkmenistan’s higher educational institutions do not offer research skills or related degrees and therefore seriously lack specialists with the capacity to undertake market research. Any research is prohibited to avoid potentially revealing public opinions and needs.

The broadcast media sector has no audience rating system. Panelists argue that it is pointless to have a rating system solely because all media outlets run identical content and circulation statistics are reported by each print publication. Because of mandatory subscription and all outlets running identical content, including radio and television, it is difficult to say that a genuine audience exists in the Turkmenistan media market.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Turkmenistan Objective Score: 0.24

Turkmenistan's score for Objective 5 is 0.24, nearly the same as last year's 0.20. The fact that indicator 3 (NGOs support free speech and independent media) received the highest score among Objective 5 indicators—though only a bit more than twice the objective average—is due to OSCE's regular trainings to educate Turkmen journalists. The rest of the indicators scored even more poorly.

Turkmenistan currently has no trade or professionals that could represent the interests of the media, provide member services, or protect journalists' rights. The government-run Institute for Democracy and Human Rights, which reports to the president of Turkmenistan, plays its ombudsman role on paper only. However, this institute is presented to the international community as though it deals with human rights issues in the country. For example, in April 2015 Amandurdy Arabov, the Director of the Turkmen National Institute of Democracy and Human Rights met with Thierry Mariani, OSCE Parliamentary Assembly's Special Representative for Central Asia, to discuss the institute's work, specifically with citizens' complaints about human rights abuses. However, no report could be found to document the accomplishments of the Institute, which is the partner for many donor-financed projects, including the OSCE.

In Turkmenistan, there is no need for an association of media owners because the government is the only owner. Two unions for journalists used to operate in Turkmenistan, but they are no longer functioning. The last activity of these unions was thought to be in 2002 when several union members attended a Central Asian journalism training in Dushanbe. The Union of Journalists of Turkmenistan was initially established in 1958 to unite professional journalists and to provide various social, professional, and educational benefits, including internships for younger journalists. The union had several sections, including a section for translators, photographers, etc., as well as several branches in major cities. This union was re-registered in 1992 with a charter that included "protection of journalists' interests against state and public organizations, owners, and publishers of the media." The other union was the Shamshyrag Association of Journalists of Turkmenistan, which appeared to have its last activity in 2001. According to USAID,⁴ the union conducted its final seminars for local Turkmen journalists under funding from the U.S. Embassy

⁴ Counterpart International, Inc. "Program of Civil Society and NGO Development for the Central Asia Region," USAID/CAR. April 1 – June 30, 2001.

in Ashgabat. No exact date is available about the closure of either of the two unions. Even if they existed today, these unions would be unable to offer any real protection to independent journalists.

The Turkmen constitution and laws provide the freedom to form associations, but the government heavily restricts this right in practice. The law requires that all NGOs register with the Ministry of Justice and the Ministry of Economics and Development, coordinated through the Ministry of Foreign Affairs. "The registration process for NGOs is complex, bureaucratic, and subject to arbitrary state assessment," said the Human Rights and Democracy of Turkmenistan report issued in 2015 by the United Kingdom's Foreign and Commonwealth Office. The report also added that human rights defenders are unable to operate in Turkmenistan. Unregistered NGO activity is punishable by fines, short-term detentions, and confiscation of property. There are only international NGOs functioning in the country that attempt to support freedom of speech and media independence, but they do not have a permanent presence. Turkmen law requires that founders of associations be citizens of Turkmenistan, and that associations operating domestically have at least 500 members to be registered. Other barriers include regulations that permit the Ministry of Justice to send representatives to association events and meetings and requirements that associations notify the government about any planned activities. Many Turkmen citizens working for international NGOs feel that they are being closely monitored by government.

The previous president, Saparmurat Niyazov, closed all academic journalism programs in the country. No reports were

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

found about specifics of the journalism program closure but Niyazov argued that there was no need to train journalists. The current president reintroduced journalism programs in 2008, first at the Institute of International Relations of Turkmenistan. The Ministry of Foreign Affairs oversees this institute, which is designed to accommodate approximately 300 first-year students in four broad areas of discipline such as international relations and diplomacy, international law, international economics relations, and international journalism. According to the website of the Ministry of Foreign Affairs, there are currently 73 students majoring in international journalism. This particular ministry has overall control of who gets selected for its journalism program.

In 2014, President Berdymukhammedov opened a new International University of the Humanities and Development in Ashgabat intended for about 2,000 students. English is the language of instruction at this new university, which offers degrees in journalism and information and communication technologies. It is unclear how many of those 300 first-year students will be journalism graduates. These institutions do not have student-run media but the Institute of International Relations of Turkmenistan reportedly opened a new television studio for students of journalism to practice. It appears that this student television studio was funded by a Turkish Cooperation and Coordination Agency grant. These journalism programs do not teach students to become journalists that serve public interests, rather they consist of ideological training.

There are no legal restrictions preventing students from getting journalism degrees abroad. Those who study journalism abroad typically work in other areas when and if they return to Turkmenistan. Such students feel that they will be rejected for opportunities in journalism because they lack Turkmen-ideological training.

Short-term training opportunities exist, but they are only possible with the support of international organizations. In 2015, OSCE's foreign embassies organized numerous trainings for editors, reporters, camera crew members, and others. For example, OSCE supported the training on accreditation of journalists in April 2015, in which two international experts lectured on mechanisms for accrediting local and foreign journalists. Parliament members and officials from the Ministry of Foreign Affairs, National Institute of Democracy and Human Rights, the Ministry of Communications, and the Ministry of Justice attended the training. Online journalism skills were the focus of the training conducted by OSCE in June. Turkmen journalists participated in this three-day training where they practiced searching for information online, writing for online media platforms, and verifying information. In July of 2015, OSCE organized a roundtable to discuss rights and duties of editorial offices and

journalists. Participants included members of parliament, representatives of educational institutions, and journalists from national print and broadcast news outlets. Led by experts from Lithuania and Russia, the discussions focused on best practices in the area of advancing journalists' rights and freedoms, editorial independence, and protection of journalists' sources of information. On September 17, 2015, OSCE conducted a four-day training of television news production skills with an emphasis on interviewing skills as well as filming and editing techniques. Zakhar Vinnikov, an international trainer from Russia, taught Turkmen specialists on television reporting, interview techniques, script writing, and editing television stories. Government officials decide who can attend the trainings organized and funded by international organizations.

The Turkmen government owns all printing facilities, print distribution facilities, and media distribution channels. Only some small kiosks are in private hands and they are typically outside of Ashgabat.

"Access to outside information is primarily through two routes: mobile and satellite services. Neither routes are free of problems," said one panelist. There has been constant uncertainty around the numbers; in 2014, it was reported that 82 percent (4.3 million subscribers) of the population have mobile phones. The main provider is MTS, which reports that by the end of its second quarter in 2015, mobile penetration in Turkmenistan reached 100 percent or 5.4 million subscribers. According to the company's estimates, as of June 30th, 2015, MTS was servicing 1.6 million customers, representing 30 percent of the market.

On April 28, 2015, Turkmenistan launched its first telecommunication satellite, Turkmen Alem520, into an orbital slot controlled by the government of Morocco. President Berdymukhammedov reportedly instructed his government to prepare and launch a second telecommunication satellite, which the Kyrgyz Republic is also invited to use for its communication needs. The government is reportedly considering using Chinese companies for its second satellite, which may improve the speed and accessibility of internet connections as well as the quality of telephone communication. However, the satellite may allow the government to monitor and access citizens' internet activity, increasing their capability for indiscriminate surveillance.

List of Panel Participants

IREX did not conduct an in-country panel discussion because of Turkmenistan's repressive environment. This chapter represents desk research, interviews, and the result of questionnaires filled out by several people familiar with the state of media in the country.

Although the Internet remains the least-controlled medium, in the past year authorities reportedly started employing sophisticated technologies for online surveillance.



UZBEKISTAN

In 2015, Uzbekistan held its fourth presidential election since the collapse of the Soviet Union. The election was won by 77-year-old iron-fist President Islam Karimov, by overwhelming margins—as high as 90 percent of the popular vote. This election process yet again showed the extent to which freedom of speech is repressed and media organizations are censored in Uzbekistan. The government continues to suppress voices of independent journalists and exiled opposition groups.

Authorities keep denying constant criticism by international human rights organizations and media watchdogs, which were forced to leave Uzbekistan following the Andijan massacre in 2005. Yet local rights activists and independent journalists, facing systematic persecution, bravely report about gross rights violations, including the government’s forced labor policies and ongoing attack on all kinds of dissent.

Media laws are vague and have loopholes used against journalists—any reporter or editor can be held accountable for something that is not legally banned or restricted. Therefore, Uzbek media continue to avoid investigating the international large-scale corruption scandals involving president Karimov’s family.

More independent journalists and rights activists are leaving Uzbekistan for political reasons and finding asylum in Western countries. One of those journalists is Dmitriy Tikhonov, who was persecuted by the government for reporting on forced labor in state cotton plantations. In 2015, the Uzbek government released famous sports journalist Khairullo Khamidov, who was imprisoned for six years on religious extremism charges. Khamidov is attempting to return to sports journalism, but is no longer practicing the religious poetry that made him popular.

The government blocks many news websites. Although the Internet remains the least-controlled medium, in the past year authorities reportedly started employing sophisticated technologies for online surveillance.

Social media keep changing the way people access and discuss information. Independent media organizations, such as RFE/RL and BBC, continue using new Internet technologies, such as social networks and mobile messaging apps, to disseminate news to Uzbek audiences and crowdsource information.

IREX did not conduct an in-country panel discussion because of Uzbekistan’s repressive environment. This chapter represents desk research, interviews, and the results from questionnaires filled out by several people familiar with the state of media in the country.

UZBEKISTAN at a glance

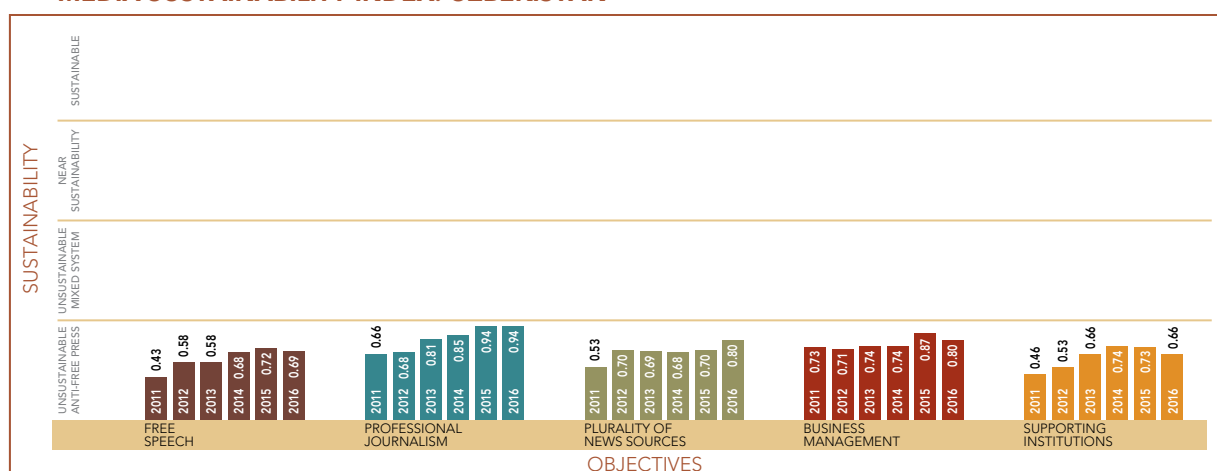
GENERAL

- > Population: 29,199,942 (July 2015 est., *CIA World Factbook*)
- > Capital city: Tashkent
- > Ethnic groups (% of population): Uzbek 80%, Russian 5.5%, Tajik 5%, Kazakh 3%, Karakalpak 2.5%, Tatar 1.5%, other 2.5% (1996 est., *CIA World Factbook*)
- > Religions (% of population): Muslim 88% (mostly Sunni), Eastern Orthodox 9%, other 3% (*CIA World Factbook*)
- > Languages: Uzbek (official) 74.3%, Russian 14.2%, Tajik 4.4%, other 7.1% (*CIA World Factbook*)
- > GNI (2014-Atlas): \$64.27 billion (World Bank Development Indicators, 2016)
- > GNI per capita (2014-PPP): \$5,830 (World Bank Development Indicators, 2016)
- > Literacy rate: 99.8%; male 99.8%, female 99.7% (2015 est., *CIA World Factbook*)
- > President or top authority: President Islam Karimov (since March 24, 1990)

MEDIA-SPECIFIC

- > Number of active media outlets: Print media: 1,015; Radio Stations: 35; Television Stations: 66; Internet: 300 websites registered as media (Uzbek government)
- > Newspaper circulation statistics: Total newspaper readership is estimated at 500,000; top publications include *Khalk Sozi* (state-run daily, reached 130,000 circulation in 2013), *Narodnye Slovo* (state-run, Russian-language version of *Khalk Sozi*), *O'zbekistan Ozovi* (published by ruling party) (Library of Congress, Federal Research Division)
- > Broadcast ratings: N/A
- > News agencies: Uzbekistan National News Agency (state-owned), Jahon, Turkiston Press
- > Annual advertising revenue in media sector: N/A
- > Internet usage: 11.8 million users (2014 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: UZBEKISTAN



MEDIA SUSTAINABILITY INDEX 2016: OVERALL AVERAGE SCORES



CHANGE SINCE 2015

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

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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Uzbekistan Objective Score: 0.69

President Karimov's policy against freedom of speech and pluralism has remained unchanged for the past several years, including 2015. The country still has a wide range of legal and social protections of free speech, but they are rarely or selectively enforced. Speaking at the annual media day on June 27, Karimov once again boasted about improving the legal system and adopting more laws that support freedom of expression in recent years. In practice, usually these norms are ignored.

Two articles in the Constitution of Uzbekistan protect freedom of speech. Article 67 is about inadmissibility of censorship, which was officially banned in 2002. Article 29 is about freedom of expression and information, and clearly states, "Everyone has the right to seek, receive, and disseminate any information." Freedom of media and expression are also guaranteed by laws "on mass media," "on principles and guarantees of freedom of information," and "on protection of professional activity of journalists."

Despite an abundance of laws governing media or ensuring its freedom, the legal system has loopholes that the regime uses often to suppress free speech. For instance, Article

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

FREE-SPEECH INDICATORS:

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

According to an Uzbek online security expert, who talked anonymously to currenttime.tv in January 2016, Uzbek security services started employing Italian-made spy software in June 2015.

29 of the constitution imposes restrictions on freedom of information. In accordance with this article, freedom of research and dissemination of information may be limited, if it is "directed against the existing constitutional system" and "in some other instances specified by law." The same article also states that "freedom of opinion and expression may be restricted by law on grounds of state or other secret," not explaining what is meant by "other secret." Thus, the main law of the country gives the authorities legal power to restrict or even prohibit expressing opinions and retrieving or disseminating information.

Freedom of information is also limited in Article 6 of the Law "on Mass Media." Using vague terms that could be interpreted broadly, the article allows for prosecution of media organizations for publishing and dissemination of materials that appeal to "violent change of the existing constitutional order" and "disclosure of state or other secrets protected by law." Article 6 also prohibits publishing information "assaulting honor and dignity of individuals," despite international organizations' assertion that such a clause has no place in a law specifically regulating the mass media.

The law "on Principles and Guarantees of Freedom of Information" repeats the provisions of the constitution and Law on Mass Media, but also introduces new restrictions. Article 4 allows freedom to information to be limited on the grounds of "protecting human rights and freedoms, the constitutional order, the moral values of society, spiritual, cultural, and scientific potential, the country's security." No other legal act specifies the criteria for determining when information is detrimental to these values.

Article 10 of the Law "on Mass Media" protects journalists' sources of information. It states explicitly that the media "have no right to disclose the name of the source who provided information, data, facts or evidence, as well as the author's name is signed under a pseudonym, without their written consent." In reality, this article only applies to the media as legal entities that are registered in Uzbekistan, not to individual journalists. There have been instances in which independent Uzbek journalists have been called to criminal cases as witnesses, and, under the threat of prosecution for

refusing to testify, were forced to disclose their sources of information.

All media in Uzbekistan, which includes those described by the vague term “electronic information communication,” must register with the government. The Uzbek Agency for Press and Information manages licensing for print media and news agencies. Television and radio entities, including cable television, are required to register with the Ministry for the Development of Information Technologies and Communications, which transitioned from a state committee into a separate ministry in February 2015.

Legal provisions guarantee fairness and transparency of the licensing process, but reality contradicts the law. Registration may be rejected for numerous reasons, including political. Licensing can also be denied if the founder or one of the founders of the outlet is a foreign resident. Rejection causes are not made public and no data is released on the number of rejections.

Usually, authorities will explain a media organization closure by stating economic or administrative reasons. For instance, in late 2013, the Uzbek government terminated popular analytical website mezon.uz, due to allegations of tax fraud. A year before the closure, the website was named the “Best Media Website of the Year,” an honor given at the annual state-funded .Uz Domain Internet Festival.

According to local journalists, corruption is a constituent factor in registration and licensing of media in Uzbekistan. Bribes vary depending on the type of media. Television or radio registration might “cost” from \$5,000 to \$10,000, while a license for socio-political or economic print media ranges from \$500 to \$5,000. The costs are the same for advertisement or entertainment media.

All Uzbek media organizations are still subject to tight government control and can lose their licenses if their content “conflicts” with legislation. Media are monitored by the Expert Commission of the Center for Monitoring Mass Communications (CMMC), created under the Ministry of Development of Information Technologies and Communications. CMMC submits quarterly reports to the Cabinet of Ministers of Uzbekistan. The media registration authority is legally obliged to take into account CMMC recommendations when making a decision on the state registration and re-registration of mass media. Monitoring experts’ findings are also submitted to the Communications and Information Agency of Uzbekistan (UzACI), which is authorized to block the IP addresses of sites or individual pages.

International media watchdogs continued to criticize Uzbekistan in 2015 for its large-scale online censorship and tight control over the Internet. In January 2011, four months after its creation, CMMC took down the popular Internet forum arbuz.com, the only place where mostly western educated Uzbek youth could have actual debate on political matters. Active for more than 10 years, arbuz.com attracted the government’s attention first in 2005, when forum users discussed the government atrocities during the Andijan massacre. Five years later, several arbuz.com users in the capital, Tashkent, were arrested after using the site to organize internationally funded humanitarian aid to refugees in eastern Uzbekistan, who fled from neighboring Kyrgyzstan amid inter-ethnic clashes. They were accused of “extremism.” Following this incident, the forum’s U.S.-based administrator and owner warned users not to post on political or religious topics “for their own security.” Several months later, the administrator took down the forum for the same reason.

Due to extensive government control, all media types operating within Uzbekistan tend to self-censor. Among taboo topics is coverage of the president’s family. Uzbek media have never reported about the international corruption case involving the president’s estranged daughter Gulnara. She is under house arrest in Tashkent after being accused of accepting about \$1 billion as a bribe from Scandinavian and Russian telecommunications companies operating in Uzbekistan. Uzbek media are also silent about the multi-million-dollar assets in the U.S. allegedly belonging to Lola Karimova-Tillayeva, the president’s younger daughter and Uzbekistan’s Permanent Delegate to UNESCO. These and other controversial topics are usually covered by the Uzbek services of BBC and Radio Free Europe/Radio Liberty, and other independent Uzbek websites that operate from abroad.

One of the bodies that oversees the Internet is the Ministry for the Development of Information Technologies and Communications. Established in February 2015, the ministry’s mandate is “to counteract the negative influence of Internet to worldview and of the population, especially young people.”

Rumors that Karimov’s regime is employing advanced technologies for monitoring and surveillance of Internet proved true in 2015. In early July, the Milan-based Hacking Team (HT), a company that sells online spying tools to governments worldwide, confirmed that Uzbekistan spent more than half a million euro over recent years to buy its remote control software (RCS). According to findings of Kaspersky Lab, RCS allows government security agencies to

secretly capture data stored on computers and smartphones even if it has never been digitally communicated. Moreover, the system can record Skype calls and intercept audio/video streams, emails, instant messages, and passwords typed into a web browser.

Furthermore, HT's 400GB internal data leaked online shows that in 2014, Uzbek security services trained its four IT officers in HT's Milan headquarters. Hackers published their names and email exchanges with HT and even passport details.

According to an Uzbek online security expert, who talked anonymously to currenttime.tv in January 2016, Uzbek security services started employing Italian-made spy software in June 2015. Suddenly at that time, the quality of Skype-calls, file exchanges in messengers Viber and Telegram, and other Internet services deteriorated in the country. This was discussed widely in public group chats on WhatsApp, Telegram, and all social networks popular in Uzbekistan. The government-run company Uztelecom, which has a monopoly in providing digital connection, stated its first response two months later. It explained that the slow Internet was due to "maintenance works on some channels of communication" and promised to fix the issue in one month. Since then Uztelecom has made three such promises, the last being in early January 2016, when it informed Uzbek Internet users that the connection would remain weak for another two months. Uztelecom never explained what type of maintenance is being carried out.

The tax structure for media companies is quite fair. In 2012, media in general, and print media in particular, received rather significant tax benefits. Their single tax rate was reduced from 6 to 5 percent. Media organizations were exempted from income tax and several other mandatory payments for the following five years. Distributors of other media products, such as books, are exempt from VAT and social taxes.

In addition, in November 2012, the government reduced by half the registration fee for all media outlets. The highest registration fee is \$700, for television, radio, and news agencies. Registration for print media is about \$575; for print media intended mainly for children, adolescents, persons with disabilities, or educational, cultural and educational purposes, the fee is \$115. The fee is \$25 for informational websites.

Independent journalists are always leaving Uzbekistan to find asylum in Western countries, and 2015 was not an exception. With few independent reporters left and many of their foreign colleagues not allowed to enter the country, media workers in Uzbekistan are commonly victims of crimes. Authorities usually suppress them with threats of criminal prosecution for libel. If crimes against journalists

happen, law enforcement agencies do not investigate them. Local independent journalists expressed the belief that crimes against them are likely organized by the state.

As noted previously, Dmitriy Tikhonov is one of the journalists and rights activists that recently had to leave Uzbekistan due to pressures. In April 2015, he was beaten by unknown attackers in Angren city, not far from Tashkent. Tikhonov immediately reported the incident to local police officers, but assailants were not found. He later insisted that it was not a robbery; attackers did not take his two smartphones or his money.

In September, police detained Tikhonov for several hours for documenting teachers and other state employees in Angren being sent to the cotton fields. In October, police opened a criminal case against him, accusing him of "hooliganism." Several days later, while he was away, his house burned down. After the fire was extinguished, he could not find his computer hard drives—not even their remains. In February 2016, he contacted his colleagues in Europe to inform them that he left Uzbekistan.

International media watchdogs, such as the Committee to Protect Journalists and Reporters without Borders (RSF), include Uzbekistan on their lists of the world's worst jailers of journalists. RSF reported in 2014 that at least 10 journalists are kept in prisons of Uzbekistan. One of them, described above, is famous Uzbek sports journalist Khairullo Khamidov, who was freed in February 2015. He was jailed in 2010 on religious extremism charges. He is well known across Uzbekistan for his religious poems and extremely popular Islamic radio program *Kholislik Sari (Voice of Impartiality)*, aired on the semi-privately owned Radio Navruz, in addition to his work as a sports commentator.

Media legislation does not give specific preferences to public media. Private media *de jure* have the same rights and opportunities to cover the work of government agencies as state or government media. However, in practice, private media have difficulty obtaining accreditation with government bodies, especially parliament.

Chief editors of state print media, such as newspapers *Pravda Vostoka* and *Khalk Suzi*, and the state news agency Uza are appointed through the approval of the National Security Council under the president. The same council performs the functions of a censor for these media.

Media that carry out the government's information campaigns enjoy state subsidies more than other media. Moreover, state media receive additional support in distribution of advertising. Authorities encourage major advertisers to place advertisements in state media.

The existing criminal responsibility for libel and insult remains a potential threat to journalists. The CMMC Expert Commission, the authority on mass communication, enlists Criminal Code Article 139 on libel to charge independent journalists that report on taboo social issues or criticize the government. The article defines libel as “dissemination of false, defamatory fabrications against another person,” which means that libel is only possible against a specific individual, rather than a group. Despite this, CMMC often accuses Uzbek journalists of defaming the people of Uzbekistan. In such cases, it does not name victims, but vaguely explains that the nation suffers. Over the past few years, CMMC has charged several journalists, including prominent photojournalist Umida Akhmedova and independent reporters Vladimir Berezovsky and Abdumalk Boboev.

Although Uzbek legislation declares the freedom and accessibility of information and legally bounds state agencies to be transparent, authorities strictly limit access to information of public importance. Journalists cannot access information on state budget development, government spending, or other taboo subjects.

State agencies’ refusal to provide information is often based on the grounds of “protecting human rights and freedoms, the constitutional order, moral values of society, spiritual, cultural and scientific potential, [and] ensuring security of the country,” as provided in Article 4 of the law “on Principles and Freedom of Information.” According to local independent journalists, access is also difficult because officials usually fear issuing information to media without the permission of their superiors, even if the requested information is not above their levels of responsibility.

Uzbek journalists are also restricted from obtaining and disseminating information via international sources. The country has blocked a number of foreign news websites, which has earned Uzbekistan the label of “Enemy of the Internet” by RSF. The government also applies restrictions to some Russian state television channels. Their retransmission is prohibited in Uzbekistan, and some experts see this as a counteraction to Russian propaganda.

Journalists have to be very careful when getting information from even available foreign sources. At the same time, state television channels, when using foreign media footage, often do not comply with copyright and fail to mention the source of the information.

No license is required to practice journalism. Laws do not stipulate that a journalist has an appropriate professional education. Restrictions apply solely to the positions of chief

editors —only a person with higher journalistic education can be appointed to these positions. However, in practice, this rule is often disregarded.

In 2014, the government amended the Law on Information, and officially equated bloggers with journalists and categorized blogs as media outlets. Now Uzbek bloggers bear the same responsibility for accuracy of information as professional journalists. However, they do not enjoy the same media rights, such as the accreditation with state authorities that is required in order to cover government events.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Uzbekistan Objective Score: 0.94

Amid the government’s total control over media, the practice of professional journalism remains poor in Uzbekistan. The majority of skilled and independent journalists have left the country. Those who have replaced them have little to no real knowledge of reporting. In recent years, the Tashkent government has closed western-funded NGOs that offered professional training programs on international standards to local reporters. Together with declining quality of state-funded journalism schools, these changes have worsened reporting in Uzbekistan.

Some local journalists had another viewpoint on this. They said that the journalistic community in Uzbekistan still has many well-trained journalists, especially at the state-run television channels. However, due to censorship 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 and retain qualified personnel within the media profession.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

pressure from chief editors, they are not allowed to display their skills.

The most notable difference between Uzbek journalists at public and private media and their colleagues that write for Western and independent media is the variety and type of sources they use in reporting. Journalists at state media have better access to government sources than journalists of private or Western outlets. However, the editorial style of state media, mostly resembling Soviet-era reporting, does not allow them to use multiple or opposing sources. Reporters for private media have less access to official information, but they are not so constrained in the choice of sources. Still, though, they cannot give voice to civil society, opposition groups, or human rights defenders.

Independent and Western media reporters, accredited by the Foreign Ministry in Uzbekistan, also have limited access to the government, but enjoy the most freedom in choice of information sources and have more opportunities to strike a balance. However, they also tend to be careful when reporting on pressing topics in order not to lose their accreditation.

The Union of Journalists of Uzbekistan and the National Association of Electronic Media (NAESMI) have their own codes of ethics that reflect international standards. However, they exist only formally and do not have much effect on the work of Uzbek mass media.

Journalists eagerly accept bribes (cash and gifts) in exchange for favorable coverage, but only when reporting on individuals, smaller government agencies, private businesses, or farms. Bribes are not the reason for the positive stories of the government or the lack of coverage of controversial issues.

Plagiarism is very common in Uzbekistan media. The vast majority of local media do not refer to original sources, especially if they are located outside the country. Many popular Uzbek-language news websites, such as Kun.uz and Daryo.uz, rarely create their own material when reporting about world news. They translate text from Russian websites and publish it as their own.

Self-censorship has become rampant since 2007, when the government revised the Mass Media Law. The new regulations make owners, editors, and journalists from both state-supported and private media responsible for the content of what is printed and broadcast. Media members self-censor out of fear of pressure, persecution, or losing a job. Accredited reporters of foreign media also have to censor themselves, although to a much lesser degree,

In July 2015, Olim Toshboyev, director of the television channel Uzbekistan, was reportedly fired for not covering the president's visits to regions on time.

because of the threat of losing accreditation. Thus, Uzbek media keep silent on many socially significant events.

A striking example of this in 2015 was the media reaction to the demolition of the monument in Angren city commemorating soldiers that died in World War II. The act caused fierce debate in social networks, but only a few independent media, such as the Uzbek service of RFE/RL, fergananeews.com, and asiaterre.info (all blocked in Uzbekistan), reported the incident.

Local media also did not report on demonstrations against the electricity and gas outages in several parts of the country. And no outlets reported on the court trial of an Uzbek national in Sweden, who was sentenced to 18 years and later to life in prison for the assassination attempt of an Uzbek *imam* living as a political refugee in Scandinavia. Uzbek opposition groups, whose members now reside in different parts of the Western world, recently attempted to organize their own "alternative" presidential elections on the Internet—but this story also went unnoticed by the media in country.

Journalist wages remain low, which forces most journalists to work for several media outlets at the same time, and accept gifts from individuals and organizations interested in buying coverage. Employees of the main state television channel Uzbekistan have slightly higher wages than average, but still not enough to prevent corruption.

At Tashkent media, salaries average \$200-\$300 per month, which is barely enough to make ends meet. Journalists get paid bonuses if they also work as advertising agents. Entry-level salaries are even lower, so young promising journalists do not stay long in the profession and seek other sources of income.

The state-owned daily *Khalk Suzi/Narodnoe Slovo* also offers above-average wages to its employees. The staff of its Russian-language edition receive even higher salaries, given its higher circulation and expensive advertising. The magazine *Economic Review*, which sheds light on economic issues under less censorship, is published with support from the UN Development Program in Uzbekistan and pays higher-than-average wages to its staff.

State media cannot always report quickly on government activities. State agencies, including the Security Council, require following a long process of agreeing with the supplied information. In July 2015, Olim Toshboyev, director of the television channel Uzbekistan, was reportedly fired for not covering the president's visits to regions on time.

Private media respond quicker, but to events of national importance. Events such as elections (at any level); large-scale natural disasters, especially those with the loss of life; and negotiations between country leaders and foreign partners are covered in private media only after the main state mass media publish or broadcast the official position of authorities.

Entertainment content continues to dominate news and information programming on public and private television channels. Although there is a visible downward trend in entertainment programs, information content is not increasing; propagandistic programs are replacing the entertainment shows.

The state print media usually do not publish entertainment content. They mostly cover similar official information: stories about successful farmers and private entrepreneurs, and discussions on morality and love of country. Private print media, in contrast, focus more on entertainment topics.

Most public and private media in Uzbekistan have outdated equipment, but that does not significantly affect the quality of their productions. For example, most photographers use their own professional cameras since their organizations cannot afford to buy high-quality equipment.

Local journalists note that the main obstacle to the qualitative development of mass media is not technical equipment, but political conditions.

The Uzbek media sphere has only a few examples of niche journalism. They include *Economic Review*; the magazine UzInfoCOM, published by the Ministry for the Development of Information and Communication Technologies; and the environmental blog *sreda.uz*, which publishes investigative reports on ecological issues.

The genre of investigative journalism has practically ceased to exist in Uzbekistan, due to the media's inability to publish investigation results under the current political regime. Only foreign and independent media report their investigations on topics such as institutional corruption or persecution of devout Muslims and representatives of opposition movements. What state television channels try to portray as investigative reporting on those topics is just propaganda prepared with the help of government security agencies.

Some local journalists noted that development of investigative journalism in Uzbekistan is hindered not only by the political regime, but by journalists' lack of professionalism and by the excessive time and resources it requires.

OBJECTIVE 3: PLURALITY OF NEWS

Uzbekistan Objective Score: 0.80

Uzbekistan has a variety of public sources of information—a fact that authorities like to push when speaking about media diversity in the country. According to President Karimov, in 2015 Uzbekistan had more than 1400 media outlets—3.6 times more than when the Soviet Union collapsed in 1991. Among them are 66 television channels and 34 radio stations, and more than 1,000 print and 300 online media, which the government claims are mostly privately owned.

Official figures indicate that currently 54 percent of the population of Uzbekistan has access to digital television. Last year the government announced its plans to install 84 new high-power transmitters to increase the digital television signal across the country.

NAESMI unites 24 private television and radio channels and regulates free exchange of content between them. Most stations offer entertainment programming, with their

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

geographical coverage limited to one region. The members' audiences usually do not overlap.

Despite the increasing number of public information sources, plurality of news in the country remains poor. Almost all news outlets express the official view and never challenge the government's actions. The presidential elections of 2015 showed that even print media published by political parties do not represent different, conflicting standpoints. During the entire campaign, they all promoted views very similar to the president's Liberal Democratic Party. The Organization for Security and Co-operation in Europe's post-election report confirmed this and stated that the Uzbek poll lacked genuine opposition.

Last year saw a big increase in the use of mobile technologies, by both active and blocked websites, in disseminating information. Since many Uzbek netizens are using the messaging app Telegram, popular information websites have created Telegram bots and channels to spread their information among mobile users.

In his February 2016 speech on Uzbek youth, aired on prime-time news in all state television channels, President Karimov again argued about the uselessness of blocking the Internet. However, websites offering content critical of the government, such as People's Movement of Uzbekistan, Voice of America, Eurasianet, Ferghana News, Centrasia, AsiaTerra, and the Uzbek language services of RFE/RL and BBC continue to be blocked in the country.

To make online censorship easier, the government banned independent sources of Internet traffic coming to the country, including satellite in 2011. The ban made Uztelecom into a monopoly in Internet service provision. Yet, the Internet remains the only place where information consumers in Uzbekistan can enjoy variety of content. This is largely because news websites blocked in Uzbekistan continue using online technologies to curb censorship and reach their target audience. Uzbek services of RFE/RL (known locally as Ozodlik) and BBC are active on all popular social networks, including Facebook, Twitter and Odnoklassniki. For instance, Ozodlik has more than 200,000 "likes" on its Facebook page, and more than 400,000 members in its Odnoklassniki group—record numbers for Uzbek media. Ozodlik also uses the mobile messaging apps Telegram and WhatsApp for crowdsourcing and feedback.

Continuous blocking of websites has made many Uzbek Internet users knowledgeable in configuring VPN channels and suing proxy-servers and anonymizers that help bypass censorship. Uzbek media experts say there is an unofficial ban on retransmission of a number of foreign television

There were reports in 2015 that local authorities in Tashkent forced residents to dismantle satellite dishes from walls and roofs of apartment blocks. This move was explained as returning a cleaner aesthetic view to the buildings in the capital city.

channels, including BBC, CNN, Deutsche Welle, Al Jazeera, Russia's NTV, Ren, and others. Their websites are also inaccessible in Uzbekistan.

To access foreign (especially Russian) television channels, many people in Uzbekistan use satellite dishes. There were reports in 2015 that local authorities in Tashkent forced residents to dismantle satellite dishes from walls and roofs of apartment blocks. This move was explained as returning a cleaner aesthetic view to the buildings in the capital city.

The quality of Skype calls in Uzbekistan remains very low since June 2015, which is widely believed to be caused by government efforts to control the Internet. However, some media experts suggest that Uztelecom does this intentionally to boost its declining revenue from international calls.

Power outages are very frequent outside Tashkent, even in regional centers. The situation gets even worse in rural areas, where electricity is available only for few hours a day. With no cable Internet and low-quality mobile networks, people in rural areas receive information mostly from government-controlled radio and television channels.

Regarding programming by state media, the authorities determine the editorial policy of state media, including those founded by the Parliament. Despite legal guarantees that mass media have editorial independence, state media cannot express a real independent opinion. Therefore, their materials on socially important topics are always biased, presenting no alternative viewpoints. By their nature, these materials are state-funded propaganda and cannot be called journalism. This can also be applied to private media. The only difference—independent media sometimes offer materials that raise particular problems at the level of city or region.

The political regime is hostile to any opposition, and actively fights any attempts by opposition groups that fled the country to reach an Uzbek audience. Currently, four political parties have representatives in the Parliament, but this

does not equal a pluralism of political views. The role of parliamentary opposition is given to the People's Democratic Party, which does not challenge positions of the ruling party of liberal democrats.

Uzbekistan has three news agencies: The National News Agency (UzA), under the Cabinet of Ministers; Jahon, under the Ministry of Foreign Affairs; and the private information agency Turkistan Press. None of them have an independent information policy. UzA and Turkistan Press offer paid services that are used mostly by foreign diplomatic services. When covering government-related issues, private media (especially news websites) rely almost entirely on information provided by the public media and state press agencies.

Consumers are poorly informed about media ownership. There is a stereotype in Uzbekistan that all non-entertainment media are state-owned, primarily due to the identical information that most media outlets present.

Uzbekistan is the only country in the post-Soviet region that has kept criminal prosecution for homosexuality. This topic is considered taboo, and media avoid covering issues of sexual minorities. For instance, Uzbek media did not report on a transvestite being beaten by police in Tashkent, a video of which was widely spread on the Internet in December 2015.

Uzbekistan has several print media in languages of ethnic minorities, but their numbers have been decreasing steadily, mostly due to funding difficulties. One of the most popular is *Ovozi Tojik (Voice of Tajiks)*, founded in 1924 and supported by the Parliament and the Cabinet of Ministers. The paper is also subject to tight control and never covers the problems ethnic groups face, such as closure of schools and under-representation both at local and central authorities.

Overall, mass media in Uzbekistan have a very selective approach in covering events of domestic or international significance. For example, national media outlets barely covered the unrest in Ukraine, the Arab Spring, or the ethnic conflict in Kyrgyzstan in 2010.

OBJECTIVE 4: BUSINESS MANAGEMENT

Uzbekistan Objective Score: 0.80

All kinds of media in Uzbekistan are in constant search for cost-effectiveness and greater profits. However, given the wide-scale corruption, outdated management styles, economic crisis, and political situation, only a few media organizations manage to be self-sustainable. Most media depend completely on subsidies from either the government or private owners, which renders media editorially dependent on the interests of their sponsors.

Financial problems are also causing private socio-political outlets (like the weekly *Novosti Uzbekistana* or *News of Uzbekistan*) to leave print and go online, as it requires fewer expenses. Nevertheless, this is not a viable solution yet, since the online advertising market in Uzbekistan is just emerging. The majority of advertisers still prefer television, radio, and print media. Therefore, even the most popular news websites in Uzbekistan are not fully self-sustainable and survive on government funding, grants from international organizations, or direct subsidies from their owners.

Blogging in Uzbekistan is not so much of a commercial venture as a voluntary activity. The Uzbek blogosphere has several interesting blogs, but they have very narrow followings. Some Uzbek bloggers receive small grants from local funds or foreign embassies in the country. Bloggers are careful when choosing topics.

The advertising market in a country of 30 million enjoys diversity of clients. The largest advertisers are gas and oil production companies, GM-Uzbekistan motor company, mobile communication companies, and Uzbek airlines and banks. They often buy advertising in state-owned newspapers and television channels, which is not always prudent in terms of marketing, but shows their loyalty to the government.

Most of the media in Uzbekistan have more than one advertiser, and none of them can influence editorial policy as strongly or effectively as the state. Even the primary state newspapers *Narodnoe Slovo/Khalk Suzi* and *Pravda Vostoka*, which are financially self-sustainable, are not editorially independent from the government.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

Local media are in a much worse situation, because they rarely receive funding from the central government, and the financial capacities of local authorities are severely limited. The advertising market is booming in Tashkent; in the regions it is developed to a lesser degree.

State-owned regional media largely survive due to forced subscriptions by employees of subsidized organizations, such as government agencies and educational institutions. As one independent Uzbek media outlet reported in 2015, schoolchildren and especially pensioners are required to subscribe to local newspapers.

The law regulating advertising puts clear limits on the print space and airtime allocated to advertising: not more than 10 percent of broadcast time, and not more than 40 percent of column space. Media are also obliged to allocate 5 percent of advertising space or airtime for public service announcements.

Currently the most expensive advertising is on state television channels Uzbekistan and Yoshlar, which have the highest geographical coverage in the country. For example, one minute of primetime on Yoshlar can cost \$4,400. However, as local journalists have indicated, it is impossible to trace where this money is going, as these media are not financially transparent.

In 2014, authorities launched an investigation into allegations of corruption at the National Television and Radio Company of Uzbekistan. As reported by broadcaster Ozodlik, several company employees, including top management, were involved in cases of bribery when accepting advertising. According to the report, the state received only half of the revenue from advertisements, with the other half going into the pockets of company officials.

Authorities do not need to use any financial means of pressure on media, as administrative resources are usually enough. Private media can be easily closed for criticizing the government, which has already happened several times in the past. In case of state media, authorities change management teams.

In the past, international organizations, such as Internews, offered business management training for Uzbek media and supported market research studies. However, NGOs were forced to leave the country after criticizing the government's actions during the Andijan events of 2005, when state forces gunned down hundreds of unarmed demonstrators.

Media market research on audience demographics and preferences is rarely conducted in Uzbekistan, and media organizations usually do not finance the research. The only local, non-governmental professional research company

is Ijtimoiy Fikr (Social Opinion), which did no public media analysis in 2015. With regard to metrics, popular local online media refer to Google Analytics and Yandex Metrika. They often showcase their statistics to attract advertisers.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Uzbekistan Objective Score: 0.66

Uzbekistan does not have many institutions that support professional interests of media or journalists. All journalists working in Uzbek media organizations are members of the Union of Journalists, and pay monthly contributions automatically deducted from their salaries. However, the union does not offer its members any form of protection or support, besides organizing an annual professional competition called *Oltin Qalam* (Golden Pen) to award the most loyal journalists.

Moreover, union members are often part of expert groups that are formed to consider court charges against journalists. In the past few years, these groups' decisions led to the conviction of journalists Umida Akhmedova, Vladimir Berezovsky, Elena Bondar, Victor Krymzalov, and others.

In 2005, following the Andijan events, the government cracked down on all organizations that support independent journalism. The country is now left with no NGOs that truly represent interest of media and journalists or defend freedom of speech.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Journalism school programs in Uzbekistan are outdated and do not teach students how to write unbiased reports. Moreover, they do not offer sufficient practical journalistic experience. Even leading journalism schools do not have their own student newspapers, mostly due to financial issues. Part of the problem is solved by the enthusiasm of some teachers, who organize extracurricular workshops to give students more information about modern journalism.

Several groups offer short-term professional journalism training programs that are more technical in character. The groups include the National Television and Radio Company, NAESMI, Union of Journalists, and Public Fund for Support and Development of Print Media and News Agencies.

Independent journalists are invited to attend training courses on international standards that media development NGOs organize in neighboring countries such as Kazakhstan and Kyrgyzstan. The U.S. Department of State, the Open Society Foundations, Internews, and the OSCE Academy in Bishkek usually sponsor the classes. However, participating journalists are often subject to harassment and are closely watched by the government. As a result, Uzbek journalists working for media registered in Uzbekistan, fearing persecution and problems at work, usually do not attend such courses.

There are no administrative restrictions on the import of equipment for printing and media. But several companies have monopolized the newsprint market, leading to high prices for paper. According to local journalists, the cost of paper rose after the state publishing and printing company stopped supplying paper.

Print media are distributed via subscriptions or kiosks and through companies such as Matbuot Tarqatuvchi that are loyal to the government. That company has branches in all regions of Uzbekistan and recently started offering online subscriptions to nearly 250 print media.

The government or members of circles close to President Karimov own all means of electronic media distribution—Internet, radio and television networks, transmitters, and cellular phone frequencies. In early 2016, Dutch mobile

communication company VimpelCom, which works under the brand Beeline in Uzbekistan, confirmed its involvement in large-scale corruption in the country. The world's sixth largest telecommunications company, VimpelCom is believed to have transferred millions of dollars to an offshore company belonging to president Karimov's daughter. The company had to pay a \$835 million settlement to U.S. and Dutch authorities.

Official statistics indicate that the number of Internet users in Uzbekistan passed 12 million in 2015, while 22 million people (out of a population of 30 million) use mobile phones. In the past year, the monopoly Uztelecom dropped prices for international bandwidth for Internet service providers. The new rate is \$157 per Mbps, compared to \$276 in 2014.

Broadband Internet plans with unlimited service are still expensive for the majority of Uzbeks. On the other hand, TAS-IX peering center that interconnects networks of private ISPs allows many Uzbek netizens cheap and fast access to locally hosted online resources. The National Television and Radio Company actively uses this peering network to deliver its content to online consumers.

Smartphones are now widespread. The number of mobile Internet users is also rising from year to year. Mobile communication companies operating in Uzbekistan have started offering 4G Internet connections, but only in big cities and for expensive prices. Most rural areas still do not have access to 3G networks.

Most of the traffic coming to online media in Uzbekistan is via mobile. Therefore, some market-oriented private news websites, such as gazeta.uz and kun.uz, have mobile-friendly designs and even mobile apps.

List of Panel Participants

IREX did not conduct an in-country panel discussion because of Uzbekistan's repressive environment. This chapter represents desk research, interviews, and the results from questionnaires filled out by several people familiar with the state of media in the country.

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